

Right to Effective Counsel Lesson Narrative

Introduce the Central Question and Persistent Issue:

PI: What should society do to promote fairness and justice for people who live within its jurisdiction?

CQ: Who is entitled to effective counsel?

Grabber (School Graffiti Fiasco)

Hook Question: “What if you got in trouble and no one would listen to your side of the story?”

Task: Students will participate in a role-playing exercise, a fictional story where a student is accused of something serious (e.g., school vandalism) and they receive bad advice from a teacher.

Discussion Prompt: How would that feel? Is that fair? Should everyone receive help if they're accused of something?

Lesson

The teacher will begin telling their students that you are going to be wrestling with four court cases (*Gideon v. Wainwright* (1963), *Strickland v. Washington* (1984), *Padilla v. Kentucky* (2010), and *Missouri v. Frye* (2012)) which all involve the right to counsel and the issues that arise with effective versus ineffective counsel. What is in the 6th and 14th Amendments? What is fair?

The teacher will have a PowerPoint presentation titled *Right to Effective Counsel* to guide the lesson. After doing the grabber role-play, the teacher will the concepts of effective and ineffective counsel. The teacher will also explain the role of the 6th Amendment and the Due Process Clause. Each student will receive a scaffolded handout for organizing note taking, this is titled *PIH Graphic Organizer 2025-2026*. As a class, the teacher will show a video clip linked in PowerPoint on the case. The teacher will discuss the merits of the case and explain the two-prong test, this means that 1) a defendant received a deficient performance from their lawyer and 2) it caused prejudice. For students who are English Language Learners, a modified graphic organizer is titled *PIH Graphic Organizer 2026 (ENL)*

After explaining the Stickland test, the teacher will break the students into three different case study groups where they will analyze a Supreme Court case and determine whether a defendant received effective counsel. They will continue to use their graphic organizer to fill in their case notes. Each group will receive a short summary of their Supreme Court case. After having time to analyze their case, students will be jig sawed so that they can learn about the other two group's cases and discuss their own.

Group 1) Missouri v. Frye (2012) Expert Group

Group 2) Padilla v. Kentucky (2010) Expert Group

Group 3) Gideon v. Wainwright (1963) Expert Group

Additionally, there are 4 PDF's in the folder, titled *Missouri v. Frye*, *Strickland v. Washington*, *Padilla v. Kentucky*, *Gideon v. Wainwright* that are the actual court decisions that teachers can use at their discretion.

Post Test Persuasive Letter

After the Jig Saw, teachers will assign a culminating writing activity to students in the form of a persuasive essay. Scaffolds for this are labeled *Persuasive Letter and Modified Persuasive Letter* for English Language Learners. There is also a rubric for scoring the letters titled *Persuasive Letter Rubric*. The students will take on the role of a concerned citizen writing a letter to a politician on the issue of effective counsel and who it applies to. The students will be asked to support their writing with evidence and to include 4 paragraphs that answer the question: **Who is entitled to effective counsel?** Students will be able to reference your handouts and worksheets from the lesson. Students' requirements for the culminating activity will be the following:

Requirements:

1. Your letter must include **4 paragraphs** as described below.
2. Your letter should use persuasive language.
3. Your letter should be written in the first person. - **"I"**
4. Your letter should be **persuasive** by building arguments supported by evidence.

Format:

Paragraph 1: Describe the history of the right to counsel, drawing from what you know from prior knowledge. Use key evidence and concepts such as the 6th and 14th amendments, the difference between effective versus ineffective counsel, and the history of the right to effective counsel. Provide examples. Was there fairness and justice?

Paragraph 2: Consider court cases, including but not limited to *Gideon v. Wainwright*, *Strickland v. Washington*, *Padilla v. Kentucky*, and *Missouri v. Frye*. What were some key issues being addressed, and how did the court rule on those issues? Label points where the courts made proper or poor rulings and describe why these points are so important.

Paragraph 3: With those points you made in paragraph 2, argue the other side of why certain points may have been controversial. For example, if a case was made that counsel wasn't provided for a certain reason, discuss why that viewpoint may exist.

Paragraph 4: In this section, the student will take a stance on the issue. Respond to the central question: Who is entitled to effective counsel? Include evidence and key vocabulary in your claim.

Lesson Debrief

Remind students of the Persistent Issue: What should society do to promote fairness and justice for people who live within its jurisdiction? And Central Question: Who is entitled to effective counsel?

Ask students about the cases, where was ineffective counsel present? Were these people fairly represented? What were some of the opinions of the court? How did the cases you examined build off the findings of the cases we unpacked together? Did the Supreme Court get these cases right? Why/Why not?