

TEACHING ENGLISH FOR LAW STUDENTS

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Abstract. The paper will focus on a U.S. Supreme Court case based on the violation of the Constitutional rights, namely *Miranda v. Arizona* (1966), and the methods and strategies used to teach it to the law students of English. The double purpose of the paper is: 1. to introduce our students into the American constitutional law and, 2. to stimulate their desire to read more and go deeply into it by using new teaching-learning techniques.

Keywords: *Miranda Warnings/Rights, Fifth and Sixth Amendments, constitutional rights*

The following is a sample lesson plan, based on *Miranda v. Arizona* (1966) trial, trying to offer a mere suggestion of how we can teach such an important legal text to our law students of English, by using various methods, thus supporting pleasant student learning and creating student interest in the story.

Seminar 1 (2 Classes)

1. Sample Lesson Plan

Level: intermediate

Subject: The U.S. Supreme Court Cases Based on Violation of the Constitutional Rights; The Trial of Ernesto Arturo Miranda, A Landmark in American law.

Purpose: to develop the students' knowledge about American legal system; to create students' interest in the trial by using new, interesting methods.

Teaching Objectives:

O1: to help students to understand the cultural background;

O2: to create student interest in the text;

O3: to pre-teach vocabulary;

O4: to help students understand the plot;

O5: to help students to understand the characters;

O6: to help students with difficult vocabulary;

O7: to help students with language and style;

O8: to help students to interpret the main themes of the legal text.

2. List of Suggested Tasks and Activities Using Methods and Strategies Offered by Virtual Reality.

Pre-reading Activities

1.a. Warm-up activity: helping students with cultural background by playing a 5 minute

video/DVD scene from an American documentary on trials.

b. Creating interest in the text. The instructor should forward to the students some quotations about law and justice/injustice. The students are supposed to look at them and decide which ones they agree or disagree with, which are positive and which are negative. (E.g.: The good of people is the first law. (Cicero) However harmless a thing is, if the law forbids it most people will think it wrong. (W. Somerset Maugham) Being a thief is a terrific life, but the trouble is they put you in the nick for it. (John McVicar, former convict)). The students are invited to compare their written opinions with others, in their group, by forwarding them to their fellows, and think of other examples of justice and injustice, in real life, books and movies. **c. Cultural context.** The students are asked to answer the following questions, before they read the text about Miranda. 1. What do you think “Miranda” is? A company name, a person's name? 2. What nationality do you think he/she/it is? 3. What is the meaning of “v.”? What is the long form of it? Where does the word come from? What is its etymology? 4. What is Arizona? Where is it? Locate it on the map of the U.S.A. 5. Name some towns/cities you know in Arizona. 6. Name one or two famous people born in Arizona.

d. Costume design. Students should use computer simulations which are computer-generated versions of the real-world objects, in our approach, costume designs. The instructor asks the students to think about and decide on how people should have been dressed in the 1960s, including

personal suggestions; or how a dress/suit for both rich and poor people should be designed for a particular event (e.g.: an interview at the police station) in the e-text. Then designs are discussed, illustrated, made or written as notes and put in an e-iconic folder which can be accessed by the students and any interested readers. Here the instructor dwells on aspects of descriptive imagery. Making people and places more concrete and immediate, drawing attention to detail and contextual clues, you can help students to establish a cultural context. [1]

2. The instructor suggests that the students should do a mini-project on the historical background to the trial that is life in the States in the 1960s and the students should present their projects as posters on computer. [2]

3.a. General prediction: The students make very general predictions about the e-text by using illustrations/pictures/photos from books, films, posted on the net. **b. Prediction.** The students are given a fragment of the transcript of the trial and they should predict, in one sentence, what follows. The activity encourages close reading and awareness of contextual clues. The students are asked to read silently the following text, then, to translate it into Romanian by making use of a dictionary of legal terms. The Reading Fragment: **Miranda v. Arizona (1966) A Short Account**

Ernesto Miranda was a poor Mexican immigrant who was living in Phoenix, Arizona, in 1963. Miranda was arrested after a crime victim (had) identified him in a police lineup. He was charged with rape and kidnapping and was interrogated for two hours while in police custody. The police officers who were questioning him did not inform him of his Fifth Amendment right against self-incrimination, or of his Sixth Amendment right to the assistance of an attorney.

As a result of the interrogation, he confessed in writing, to the crimes with which he was charged. His written statement also included an acknowledgement that he was aware of his right against self-incrimination. During his trial, the prosecution used his confession to obtain a conviction, and he was sentenced from 20 to 30 years in prison on each count.

Miranda's defense attorney appealed to the Arizona Supreme Court. His attorney argued that his confession should have been excluded from trial because he had not been informed of his rights, nor had an attorney been present during his interrogation. The police officers involved admitted that they had not given Miranda any explanation of his rights. They argued, however, that because Miranda had been convicted of a crime in the past, he must have been aware of his rights. The Arizona Supreme Court denied his appeal and upheld his conviction.

The case comes down to this fundamental question: What is the role of the police in protecting the rights of the accused, as guaranteed by the Fifth and Sixth Amendments of the Constitution?

The Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself....”. The Sixth Amendment states that, “In all criminal prosecutions, the accused shall enjoy the right... to have the assistance of counsel for his defense.”

The Supreme Court of the United States had made previous attempts to deal with these issues. In *Brown v. Mississippi* (1936), the Court had ruled that the Fifth Amendment protected individuals from being forced to confess. In *Gideon v. Wainwright* (1936), the Court held that persons accused of felonies have a fundamental right to an attorney, even if they cannot afford one. In 1964, after Miranda's arrest, the Court ruled that when an accused person is denied the right to consult with his attorney, his or hers Sixth Amendment right to counsel is violated (*Escobedo v. Illinois*). But do the police have an obligation to ensure that the accused person is aware of these rights? If so, at what point in the criminal justice process must the defendant learn of these rights?

In 1965, the Supreme Court of the United States agreed to hear Miranda's case. At the same time, the Court agreed to hear three similar cases, *Vignera v. New York*, *Westover v. United States*, and *California v. Stewart*. The Court combined the four cases. Since Miranda was listed first among the four cases considered by the Court, the decision came to be known by that name. The decision in *Miranda v. Arizona* was handed down in 1966.

c. Prediction about the genre of the story. What would the students expect of a story entitled, *Miranda v. Arizona*? The reading fragment is broken in order to invite speculation on where the narrative is going. The activity encourages close reading and awareness of contextual clues. It provides evidence from the text. **d. Close reading.** The words are deleted from the reading e-fragment at regular intervals, and the students read the fragment and fill in the gaps. The students should be given a score according to how well the words guessed match the exact words deleted from the original text or whether there are acceptable alternatives. [3]

4. Group discussion. The instructor helps the students to understand and talk about what the title of the story suggests: a quarrel, a fight, a trial, two important names, treason, etc. The instructor asks the students questions about some of the themes and motifs which occur in the e-fragment: violation, adultery, rape, kidnapping, fatal and lucky chances, hope and doom, death, prison.

Pre-teaching vocabulary

1. Students brainstorm a lexical set which is important in the story, for example words used in courts of trial. [4]

2. The instructor asks the students to match the important words in the e-text with their online dictionary definitions.

WHILE-READING ACTIVITIES

Helping students to understand the plot. Computer simulations can be used to increase plot knowledge and also to develop skills.

1. The instructor provides students with two or three overall questions to check whether they have understood the gist of the e-account. The questions should be forwarded to the students on their computers and, in their turn, they should forward their answers to the instructor or/and the other students. Computer simulations are available on the web, as well as in software form. E.g.: Is Miranda a permanent resident of the U.S.A.? Is Miranda a crime victim? Why did the decision come from the Supreme Court arrived to be known as Miranda?

2. Students are given three slightly different e-summaries of the e-fragment. They are asked to decide which is the best one. Then, following the model summary, the instructor asks the students to write a brief e-summary of the plot in 50 words. They then are asked to write another summary in 100 words and see what they have added.

3. The instructor gives examples of titles for each paragraph; each title can be accompanied by a picture illustrating its meaning; then the students are asked to think of some other titles for each paragraph. E.g.: 1. The pending trial of *Miranda v. Arizona*. 2. The violation of the constitutional rights as they appear in the fifth and sixth amendments to the U.S. Constitution.

4. Students are given a series of jumbled sentences which summarize the plot. They have to re-order them, which is very easy as they can use the copy and paste devices. The computer can do this work of reordering any fragment that has been typed in and stored in a standard word-processing format.

Helping students to understand the characters. Using the computer as a tool which can take us into the area simulation, it can help us to draw portraits of the characters, like photofits accompanied by short descriptions. This can be fun while it is also instructive.

1. Students are asked to choose from a list of adjectives, the ones [5] which are the most appropriate for describing a particular main character they like most (e.g.: Miranda, a policeman, the defense lawyer, the victim, etc.): brave, good, bad, right, wrong, aggressive, gentle, stupid, violent [6].

Helping students with difficult vocabulary. Digital texts can be enriched with a range of instrumental supports such as: vocabulary definitions, glossaries, translations, explanatory notes. Each of these supports can take the form of varied media. For example, vocabulary definitions might be presented as e-text, pictures, animated graphics.

1. The instructor gives the text to a group of students, in advance. They will look up for any difficult words in an online dictionary and prepare an online glossary for the others. E.g.:

a. police lineup = a procedure in which police ask suspects to submit to being viewed by witnesses to a crime together with others who resemble their personal characteristics. Identification in a lineup can later be used as evidence in court.

b. charge = a formal allegation filed against some defendant in which one or more crimes are alleged.

c. custody = restraint of a person held on suspicion of committing or charged with criminal offense; may include the use of handcuffs or leg irons or simple placement in a cell or locked room.

d. attorney, lawyer, counsel = anyone trained in the law who has received a law degree from an university and who is authorized to practice law in a given jurisdiction.

e. conviction = state of being judged guilty of a crime in a court, either by the judge or jury.

f. count = the general name given to each separate offense of which a person is accused in an indictment or an information.

2. Multiple choice exercise. The instructor asks the students to point out the correct explanation of some new words by clicking on the word considered correct. The computer will ask the students to try again till they click on the write word.

3. a. The students are asked to fill in the blanks by choosing between A, B, C, D. Then, they are asked to translate the text into Romanian.

Miranda was (1...) on suspicion of (2...) and (3...). He was not (4...) to talk to a(n) (5...), nor was he advised of his (6...) to one. He was interrogated by (7...) for several hours, eventually confessing and signing a (8...) confession. He was convicted. Miranda appealed, contending that his right to due process had been (9...) because he had not first (10...) advised of his right to (11...) (12...) and to (13...) an attorney (14...) during his custodial interrogation.

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|----------------|--------------|-----------------|----------------|
| 1.A. arrested | B. dismissed | C. allowed | D. assessed |
| 2.A. audience | B. rape | C. autopsy | D. award |
| 3.A. damage | B. attorney | C. kidnapping | D. bailiff |
| 4.A. called | B. addressed | C. permitted | D. acquitted |
| 5.A. appeal | B. bar | C. bail | D. attorney |
| 6.A. right | B. assent | C. case | D. congress |
| 7.A. contempt | B. police | C. contract | D. claimant |
| 8.A. infringed | B. summed up | C. written | D. enforced |
| 9.A. dissented | B. suspended | C. deferred | D. violated |
| 10.A. appealed | B. been | C. investigated | D. disapproved |
| 11.A. remain | B. prosecute | C. punish | D. blackmail |
| 12.A. reckless | B. silent | C. drunk | D. suspected |
| 13.A. find | B. charge | C. deny | D. have |
| 14.A. hold | B. search | C. try | D. present |

3.b.The students are asked to fill in the blanks by using the appropriate words: prepositions and/or particles.

Miranda was arrested (1)... suspicion (2)... rape and kidnapping. He was not permitted (3)... to talk (4)... an attorney, nor was he advised (5)... his right (6)... one. He was interrogated (7)... the police for several hours, eventually confessing and signing a written confession. He was convicted. Miranda appealed, contending that his right (8)... due process have been violated because he had not first been advised (9)... his right (10)... remain silent and (11)... have an attorney present during his custodial interrogation.

Helping the students with the tense revision: Past Tense and Past Perfect.

1.The students are asked to read the text again and then underline and write down all the past and past perfect forms of the verbs. Put a number to each sentence like in the following model.

Sentence 1. was; was living.

Sentence 2. was arrested; identified.

Sentence 3. was charged with; was interrogated.

2. The students are asked to give the 3 forms of all irregular verbs found in the text.

3. The students are asked to read the following sentences. Some sentences are correct some are not. The students are invited to correct the incorrect sentences.

1. This barrister arrived in Austin this week.

2. That solicitor has arrived in Houston last week.

3. While she was trying to escape, they caught her.

4. When they took him in custody, he had already

knew all his rights.

5. He is known to has stolen Henry’s money.

6. What killed whom and when?

7. What is the name of the police officer you have

just spoken to?

8. If you were arrested, what would you do?

9. If you had been arrested, what would you do?

4. The students are asked to put the verbs in brackets in the correct tenses and aspects and to use only Past and Past Perfect forms.

1. The police (find) her address after they (be informed) by Annette.

2. The thief (walk) in the streets for two hours when they (catch) her.

3. They (be charged) with train robbery while they (be) in the police custody.

4. It (be) Chief Inspector Henry O’Donnovan who (question) him of his rights last month.

POST-READING ACTIVITIES

Interpretation of the theme of the text.

1.General questions. The instructor forwards general questions to debate, focusing on any contentious points in the story. E.g.: a. Who was Miranda? Where did he live? b. Where

was he living when arrested? c. What was he charged with? d. How many years was he sentenced to?

Writing activities.

1.The instructor asks the students to write essays on: a.The Chronology of the Time Events; b.The Key Trial Participants; c.The History and Importance of Miranda Warnings/Rights.

Comprehension Check: Discussion

The students are invited to consider the following specific questions and discuss the answers they provide. a.What rights of the accused does the Fifth Amendment protect? The Sixth Amendment? b. How might knowledge of these rights have changed what Ernesto Miranda did when the police questioned him? c.Individual rights must be balanced against the values of society at large. For instance, the right to free speech must be balanced against the American desire for an orderly society. This is why demonstrations, while protected by the First Amendment, can have certain restrictions placed on them. In Miranda, what values must be balanced against the right against self-incrimination and the right to counsel? d.You are probably learning about the rights of the accused in a government or history class. Some would argue that it is the individual’s responsibility to know what his or her rights are under the Constitution, and the government can assume that accused persons know their rights without informing them. Do you think the government should have to inform each individual who is arrested of his or her rights? Why or Why not?

Final activity: The instructor and the students have a critical discussion on the importance of Miranda Warnings in American law and legal system, of its values, moral or otherwise, as depicted in the e-text.

CONCLUSIONS

The central issue had actually already come to rest on two questions: 1). When could a suspect assert his constitutional rights under the Fifth and Sixth Amendments and, 2). Must he be appraised of those rights by the police before anything he said could be used against him?

Thus, it is not surprising that Miranda’s handwritten confession, while it had not helped him at all in Judge McFate’s courtroom, or on appeal in the Arizona Supreme Court, nevertheless caught the attention of the U.S. Supreme Court as well as most law-review writers in the country. Four similar cases involving the coerced-confession issue were subjected to the judicial scrutiny of the U.S. Supreme Court.The Miranda Warning protects an individual’s rights by explaining their options clearly and upholds police authority when they properly read the Miranda Warning and get a clear, intelligent answer that the suspect understands his or her rights as they have been explained.

The Miranda Warning is a legal necessity throughout the United States, and varies only slightly in its wording in different states.

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