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## ***Learning Activities – Teacher Copy– HSC Legal Studies***

### ***Possible impact of media and social media on justice process, Rule of Law principles and compliance***

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**Learning Intention:** To analyse how the use of media and social media can impact on the justice process, the achievement of the Rule of Law Principles and compliance with the law

**Success Criteria:** Students can discuss the impact of media and social media commentary on aspects of the justice process and key Rule of Law principles, particularly with regard to compliance and non-compliance

## **Pre-learning activity**

### **‘You be the judge’**

#### **Teacher instructions:**

1. This activity could be completed in pairs, groups or as a class.
2. Teacher to give students a copy of the following scenario and they are to review and act as a judge, deciding on whether the juror has acted in a way that may impact on the achievement of a just outcome for individuals (accused, victim, witnesses, families) or society. They must give reasons relating to the effectiveness criteria that support their decision.

Students may consider:

- the impacts on individuals when a jury is dismissed, and a retrial is needed
- the costs associated with trials being recurrent when retrials happen
- issues of fairness and the impact of a lack of resolution for all parties
- the impact delays have on the reliability of witness testimony
- the impact on the need for prompt trials
- the presumption of innocence
- the seriousness of the impact of the decision juries will make with respect to the lives of parties to a crime

Each scenario is from a case that contained in the Social Media resource :

Scenario	Case
1	A-G v Frail & Stewart (UK) – p. 8
2	R v Tostee (Qld) – p. 7

## Scenario 1

You are appointed as a judge on a case about drug trafficking and sale with multiple defendants, meaning it will be a long trial with a lot of evidence to hear. It comes to your attention that one of the jurors may know one of the defendants but failed to report it. You are also told that they may have been communicating during the case using an app and that the juror has been looking up other defendants on social media.

## Scenario 2

You are the judge sitting on a manslaughter trial that has received vast amounts of media attention since the death of the young person. The jury has retired to deliberate on their judgement of guilty or not guilty. It has come to your attention via another juror that one of the jury members has been posting a picture each morning of their walk to jury duty, with a comment about being on jury duty and alluding to their involvement in a high-profile case, attracting much commentary from her followers.

## Post-learning Activity – Written response development

After students have reviewed the Media and Social Media resources, they could complete the following activities.

### Activity 1 - Review questions:

1. Create a table that shows the negative and positive impacts that media and social media can have upon the justice process.
2. How do media and social media create compliance and non-compliance simultaneously?
3. How do both create accountability in the different arms of government?
4. What is transparency and why is it important in upholding the Rule of Law?
5. Why is it important for the people to be able to be critical of the decisions being made in the justice system?

### Activity 2 – Writing practice

Students should use their answers to the review questions to write a paragraphed response to the following question:

*“Analyse the effectiveness of non-legal responses in achieving just outcomes for victims, offenders and society.”*

Responses could refer to:

<b>Media</b>	<b>Social Media</b>
<p>Positive</p> <ul style="list-style-type: none"> <li>• Promote issues in need of legislative creation or reform</li> <li>• Give voice to minority causes unable to promote themselves</li> <li>• Create awareness, knowledge and access</li> <li>• Create transparency and accountability by publicising decisions</li> <li>• Create knowledge and access by informing the public</li> <li>• Create a forum for feedback to arms of government to ensure law makers understand society's moral position and wants</li> <li>• Reliable source of information gives credibility to causes</li> </ul>	<p>Positive</p> <ul style="list-style-type: none"> <li>• Promote issues in need of legislative creation or reform</li> <li>• Create awareness/ knowledge of issues</li> <li>• Creates a forum for discussion</li> <li>• Quickly shows public sentiment or wants</li> <li>• Can give direct feedback to organisations through official pages</li> <li>• Can create public support for victims and families</li> <li>• Can facilitate access to the law through knowledge</li> <li>• Can create a response by arms of government where needs are identified and receive attention</li> <li>• May expedite police investigations by raising awareness</li> <li>• Creates accountability to the public</li> </ul>
<p>Negative</p> <ul style="list-style-type: none"> <li>• Trial by media – may impact on fairness of trial, jury impartiality and public perception of justice</li> <li>• Can create bias – positive or negative</li> <li>• Uses emotional language</li> <li>• Limits to coverage created by newsworthiness and choosing 'ideal victims'</li> <li>• May erode public confidence in the justice system unnecessarily</li> </ul>	<p>Negative</p> <ul style="list-style-type: none"> <li>• Trial by social media – may impact on jury impartiality, fairness in trial and public perception of justice</li> <li>• Reliability of information sources</li> <li>• May delay outcomes</li> <li>• May erode public confidence</li> <li>• Untruths spread quickly and may lead to misunderstandings of legal rights and responsibilities or the outcomes of a case</li> </ul>

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## **Learning Activities – Student Copy– HSC Legal Studies**

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**Learning Intention:** To analyse how the use of media and social media can impact on the justice process, the achievement of the Rule of Law Principles and compliance with the law

**Success Criteria:** Students can discuss the impact of media and social media commentary on aspects of the justice process and key Rule of Law principles, particularly regarding compliance and non-compliance

### **Pre-learning activity**

#### **‘You be the judge’**

##### **Instructions:**

Review each of the following scenarios and, acting as a judge, decide on whether the juror has acted in a way that may impact on the achievement of a just outcome for individuals (accused, victim, witnesses, families) or society. You must give reasons relating to the effectiveness criteria (MR J PEARR) to support your decision.

##### **Scenario 1**

You are appointed as a judge on a case about drug trafficking and sale with multiple defendants, meaning it will be a long trial with a lot of evidence to hear. It comes to your attention that one of the jurors may know one of the defendants but failed to report it. You are also told that they may have been communicating during the case using an app and that the juror has been looking up other defendants on social media.

##### **Scenario 2**

You are the judge sitting on a manslaughter trial that has received vast amounts of media attention since the death of the young person. The jury has retired to deliberate on their judgement of guilty or not guilty. It has come to your attention via another juror that one of the jury members has been posting a picture each morning of their walk to jury duty, with a comment about being on jury duty and alluding to their involvement in a high-profile case, attracting much commentary from her followers.

## Post-learning Activity – Written response development

After you have reviewed the Media and Social Media resources, complete the following activities.

### Activity 1 - Review questions:

1. Create a table that shows the negative and positive impacts that media and social media can have upon the justice process.
2. How do media and social media create compliance and non-compliance simultaneously?
3. How do both create accountability in the different arms of government?
4. What is transparency and why is it important in upholding the Rule of Law?
5. Why is it important for the people to be able to be critical of the decisions being made in the justice system?

### Activity 2 – Writing practice

Use your answers to the review questions to write a paragraphed response to the following question:

*“Analyse the effectiveness of non-legal responses in achieving just outcomes for victims, offenders and society.”*