
Learning Activities – Teacher Copy – Preliminary Legal Studies

Possible impact of media and social media on the achievement of the effectiveness criteria

Learning Intention: to analyse how the use of media and social media can impact on the achievement of the effectiveness criteria (MR J PEARR)

Success Criteria: Students can discuss the impact of media and social media commentary on the achievement of several effectiveness criteria (MR J PEARR)

Pre-learning Activities:

1. Teachers can use either the media or social media activity separately, or both at once.
2. Class can be split into groups, pairs or can be facilitated as a whole class.
3. Teacher could print tables, cut statements into strips from student sheet to distribute randomly or show statements on a screen, not letting the students know that these are actual tweets/ FB comments/ Instagram posts or headlines that have appeared publicly.
4. Students to discuss and share their thoughts on the impact of these commentaries on the different effectiveness criteria (see next page).
5. Teachers can then move into using the Media and Social Media documents to look at the issues in depth.

Media Headlines

Teacher to ask students how the following statements would impact upon public perception of the accused and the victim, and then consider the further impact of how such headlines could affect the achievement each of the effectiveness criteria. These are headlines that have appeared in relation to cases, some with findings of not guilty.

Headline	Potential impact
'Extent of mums horror injuries revealed after death'	More emotional language leads to public sympathy for victim, may impact on fairness in trial, especially if juror exposed. Delays in justice could result or judge only trial to ensure fairness.
'Killer Eastern Freeway truckie appeals 'too harsh' sentence'	Public perception of offender and his right to appeal may be negative, despite public not understanding the sentencing principles applied by judiciary. May undermine public confidence.
'Man's 'prerogative to hit wife' jury told'	Could influence public perception of accused, impacting on future outcomes and perception of justice in outcome reached. (Accused was acquitted)
'Baby killer inquiry told of new evidence'	Use of the word killer implies guilt, could impact on presumption of innocence and fairness of trial if potential jury members exposed. Delay in trial or judge only trial may result to ensure fairness. Either option costly.

Social Media Commentary

Teacher to ask students how the following statements would impact upon public perception of the accused and the victim, and then consider the further impact of how such headlines could affect jurors who might view these.

Students are then asked to consider the impact on the effectiveness criteria – Rule of Law (all are treated equally and fairly before the law), Justice (in particular fairness/ just outcomes) and Protection of Rights (specifically individual rights – presumption of innocence, right to a fair trial).

Comment	SM platform	Juror?	Impact
“This has to be the most boring day of my life”	Twitter, 2022	Potential	Could influence others willingness of others to participate as giving a perception of the process not being of value. Impacts on meeting society’s needs as jurors reflect societal values.
‘No, Al, Guilty as HELL’	Facebook messenger in a conversation about a case between a non-juror and a juror. Message was from a non-juror to a juror	No	Could be influenced by friend’s opinion even though direction to focus on evidence. Could cause a mistrial as no way to understand whether juror’s decision was influenced by this exchange
‘Waiting to be selected for jury duty. I don’t feel impartial’	Facebook post. Replies by others to post: Just send her to [jail] quickly so you can be out for dinner’ and ‘tell them you asked all of your FB friends and they all said Guilty’	Potential	Juror seems to not want to be there and could base decision making on support of his network rather evidence and than jury direction
‘Hoping this will be the last week of court’	Facebook. Comment in responses to post: ‘fry him’	Yes	Could influence juror in decision making as they appear weary in post, impacting on just outcome for accused or victim
“Murdering Scum”	Twitter – Baden-Clay Murder trial (Queensland)	No	Could influence jurors if exposed to comments, and public perception of accused and outcome. Impacts on presumption of innocence and fairness of trial.

Post learning activities:

1 Written response or debate questions – effectiveness criteria:

- This activity is designed to be completed individually as writing practice or in a debate style class.
- Teacher can direct students to write one (or more) PEEL style practice paragraphs using any of the points presented in response to either of the following questions:

Analyse the impact of a non-legal responses on the achievement of just outcomes for individuals.

“The media is effective in assisting the justice system to uphold collective and individual rights.” Discuss.

2 Law Reform Research Activity and Presentation

- This activity can be completed in groups, pairs or individually and used as a presentation or submission to teachers.

Student instructions:

Using the media and/or social media resource and your own research, create a presentation that demonstrates how media and/or social media has assisted in achieving law reform in any Australian jurisdiction in the past 8 years.

In your research, you will need to examine the following aspects of law reform:

- Conditions
- Agencies
- Mechanisms

Criteria to evaluate or assess the effectiveness of the legal
system
‘MR J PEARR’

<u>M</u>	<p style="text-align: center;">Meets the needs of community standards</p> <p>Is the law serving the current and ongoing needs of the community in its current format? Does it need to change in order to meet the needs of the community? If the law needs to change to meet needs, unjust outcomes may occur while the process is undertaken.</p>
<u>R</u>	<p style="text-align: center;">Resource Efficiency</p> <p>Is the legal system wasting time or money in this area? Justice delayed is justice denied and the justice process can be costly so any delays, unnecessary matters or mistrials requiring retrial put an additional financial strain on the system and the taxpayer.</p>
<u>J</u>	<p style="text-align: center;">Justice (Fairness, Equality, Access) and opportunities for appeals and reviews (miscarriage of justice, mistakes)</p> <p>Is there fairness in the administration of the law? Are people treated equally by the legal system? Are laws and their requirements easy to understand and comply with? Is there community awareness of the existence of the law? Is the language simple? Is it clear? Is it expensive to access the remedies offered by the law? Is the process simple?)</p>
<u>P</u>	<p style="text-align: center;">Protection of individual and community rights (balancing act)</p> <p>Does the law infringe upon human rights or protect them? Is this at the cost of the rights of the community overall? This includes the right to the presumption of innocence and right to a fair trial for accused persons, no matter how severe the crime.</p>
<u>E</u>	<p style="text-align: center;">Enforceability</p> <p>Is it possible to enforce the law? Is the law able to be monitored and enforced easily by authorities?</p>
<u>A</u>	<p style="text-align: center;">Accessibility</p> <p>Do all community members have access to the law and legal remedies? Is it expensive to comply with or access remedies? Is it difficult to understand what is required by the law (complex)? Is it time consuming to comply? Is it stressful (leading to avoidance)?</p>
<u>R</u>	<p style="text-align: center;">Rule of law (see the Rule of Law Wheel)</p> <p>Are all members of the community treated equally and fairly before the law? Are outcomes fair and reasonable? Have they been decided by an impartial and unbiased decision maker? Are all persons being punished in accordance with the law? Do the people have the right to be critical of the law without fear?</p>
<u>R</u>	<p style="text-align: center;">Responsiveness</p> <p>Is the law responding in a timely manner to the need for legislative change? Is it fast or slow to respond? What prevents it from changing to adapt to society's needs?</p>

Learning Activities – Student Copy – Preliminary Legal Studies

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Success Criteria: Students can discuss the impact of media and social media commentary on the achievement of several effectiveness criteria (MR J PEARR)

Pre-learning Activities:

1. Read through the statements your teacher has given you.
2. Consider how seeing these statements may impact on aspects or participants of the justice system, for example jury members, victims families, trial processes, public perception of trial outcomes.

Key questions to consider:

- *How do the following statements impact upon public perception of the accused and the victim?*
 - *What effectiveness criteria could be affected by members of the public viewing these headlines or public comments?*
 - *How could reading these headlines affect the achievement of the effectiveness criteria you have identified as relevant?*
3. Discuss and share your thoughts on the impact of these commentaries on the different effectiveness criteria (see next page).

Media Headlines

Headline/ Statement
'Extent of mums horror injuries revealed after death'
'Killer Eastern Freeway truckie appeals 'too harsh' sentence'
'Man's 'prerogative to hit wife' jury told'
'Baby killer inquiry told of new evidence'

Social Media Commentary

Teacher to ask students how the following statements would impact upon public perception of the accused and the victim, and then consider the further impact of how such headlines could affect jurors who might view these. Students are then asked to consider the impact on the effectiveness criteria – Justice (in particular fairness) and Protection of Rights (specifically individual rights – presumption of innocence, right to a fair trial).

Comment
"This has to be the most boring day of my life"
'No, Al, Guilty as HELL'
'Waiting to be selected for jury duty. I don't feel impartial'
'hoping this will be the last week of court'
"Murdering Scum"

Post learning activities:

After reading the media and social media resources, complete the following activities.

1 Written responses – effectiveness criteria:

As directed by your teacher, write one (or more) practice paragraphs using any of the points presented in response to the following questions:

Analyse the impact of non-legal responses on the achievement of just outcomes for individuals.

"The media and use of social media effectively assists the justice system to uphold collective and individual rights." Discuss.

2 Law Reform Research Activity and Presentation

- This activity can be completed in groups, pairs or individually and used as a presentation or submission to teachers.

Student instructions:

Using the media and/or social media resource and your own research, create a presentation that demonstrates how media and/or social media has assisted in achieving law reform in any Australian jurisdiction in the past 8 years.

In your research, you will need to examine the following aspects of law reform:

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<u>R</u>	<p style="text-align: center;">Resource Efficiency</p> <p>Is the legal system wasting time or money in this area? Justice delayed is justice denied and the justice process can be costly so any delays, unnecessary matters or mistrials requiring retrial put an additional financial strain on the system and the taxpayer.</p>
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