**Name: Date:**

**Directions: Read each scenario and decide how you would rule on the situation.**

**Scenario One:**

A high schooler is at a friend’s house, and it’s nearing midnight. He knows he needs to leave soon to make his curfew, but none of his other friends are leaving. He finally decides to go, not wanting to risk being grounded. He speeds to get home by his curfew, and is stopped for speeding and given a $75 ticket. He feels this is unfair, since he was only leaving the party to obey his parents’ rules. If he had stayed at the party, he wouldn’t have been pulled over at that time, and he would have saved his driving record and wallet. Was it unfair of the police officer to give him a ticket?

1. **How would you rule? Explain.**

**Scenario Two:**

A new girl is trying out for the soccer team. At her former high school, she was the captain of

the team and excelled at the sport. During her tryout, she trips three times, doesn’t kick a single

ball into an empty goal, and allows fifteen goals to be scored. She doesn’t make the team.

She knows she was having a bad day and believes she is better than most of the girls who made

the team. Was it unfair of the soccer coach not to give her another chance or grant her a spot on

the team based on reputation?

1. **How would you rule? Explain.**

**Scenario Three:**

A boy is finishing his homework during study hall. A classmate comes up to him, explains that she didn’t have time to do the assignment, and asks to copy his answers. He reluctantly agrees. A few days later, the teacher calls both of them into the classroom and comments on the similarity of their answers. In fact, she says, their responses are identical. She asks for an explanation. Both students remain silent. The teacher says she has no choice but to give them both failing grades. Was it unfair of the teacher to give the boy who did his own homework the same punishment as the girl who copied?

1. **How would you rule? Explain.**
2. **In your decision about how you would rule in each scenario, did you weigh factors of what is fair and unfair?**

**ob·jec·tive:**  *adj*. Uninfluenced by emotions or personal prejudices: *an objective critic*; based on observable phenomena; presented factually: *an objective appraisal.*

Source: *The American Heritage® Dictionary of the English Language, Fourth Edition.*

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1. **Using the definition above, explain how making an “objective” decision is different than making an opinionated decision.**

**Message from Colorado Supreme Court Justice Nancy Rice:**

**How to Analyze a Case Objectively**

The legitimacy of trials depends on the notion that trials represent a “search for the truth.” In addition, in our system of justice, juries are supposed to base their verdicts on “what really happened.” We are all, to some extent, captives of our own backgrounds. Nevertheless, as lawyers and judges, we have to put aside our biases and prejudices, and think objectively about

the cases presented to us.

The first step in analyzing a case is to analyze the witness statements. Not all witness statements need to be given the same weight, as some witness statements may be misleading as a result of misperception, forgetfulness, mistake, wishful thinking, reticence, embarrassment, or ignorance. Often, opposing witnesses will tell completely different versions of what they perceive as the truth. Thus, we sometimes have to decide which witness is telling the truth. To make this decision, ask yourself whether the witness experienced the events herself, or whether someone else told her about them and she is just speculating about what happened. In addition, ask yourself whether the witness has a good reason to lie — for example, she might get money or

stay out of jail if her version is believed. Remembering that there are two sides to every story,

objectively ask yourself, “What makes sense here? Which story is the most logical?”

Next, it’s important to match the witness statements to the “real” evidence in the case —pictures, documents, weapons, blood tests, contracts, and other evidence of that sort. If a witness’s testimony is completely contradicted by the “hard, cold facts,” then it’s unlikely to be objectively true.

Finally, remember that a case is decided on more than just its facts. An objective assessment of the applicable statutes and controlling case law is always necessary.