

A FILM BY CHRISTI COOPER

YOUTH V GOV

BARRELMARKER PRODUCTIONS & VULCAN PRODUCTIONS PRESENT "YOUTH V. GOV" WRITTEN BY JOHN JENNINGS BOYD PRODUCED BY LYMAN SMITH & TONY HALE
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JOURNEYS IN FILM™
educating for global understanding



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About Journeys in Film

Journeys in Film is a 501(c)(3) nonprofit organization that amplifies the storytelling power of film to educate the most visually literate generation in history. We believe that teaching with film has the power to help educate our next generation with a richer understanding of the diverse and complex world in which we live.

We transform entertainment media into educational media by designing and publishing cost-free, educational resources for teachers to accompany carefully chosen feature films and documentaries while meeting mandated standards in all core subjects. Selected films are used as springboards for lesson plans in subjects like math, science, language arts, social studies, and more. Our resources support various learning styles, promote literacy, transport students around the globe, and foster learning that meets core academic objectives.

In addition to general subject areas, Journeys in Film's programs engage students in meaningful examinations of human rights, poverty and hunger, stereotyping and racism, environmental issues, global health, immigration, and gender roles. Our teaching methods are successful in broadening perspectives, teaching for global competency, encouraging empathy, and building new paradigms for best practices in education. We seek to inspire educators, school administrators, community members, and home-schooling parents to capture the imagination and curiosity of their students by using our innovative curriculum.

We also develop discussion guides for films that don't necessarily lend themselves to academic standards but cover topics and themes that are valuable for classroom discussions and in other settings, such as after-school clubs, community screenings, and college classes.

Why use this program?

In an age when literacy means familiarity with images as much as text and a screen has become a new kind of page, 21st-century students are more connected to media than any previous generation. This offers educators unprecedented opportunities to engage students in learning about a variety of subjects and issues of global significance.

Films, television, documentaries, and other media platforms can provide an immediate, immersive window to a better understanding of the world and matters affecting all of us.

We teach our students literature that originated from all around the world, but we tend to forget that what often spurs the imagination is both visual and auditory. Films evoke emotion and can liven up the classroom, bringing energy to a course. We believe in the power of films to open our minds, inspire us to learn more, provide a bridge to better understanding the key issues of 21st-century concern, and compel us to make a difference.

When properly used, films can be a powerful educational tool in developing critical thinking skills and exposure to different perspectives. Students travel through these characters and their stories: They drink tea with an Iranian family in *Children of Heaven*, play soccer in a Tibetan monastery in *The Cup*, find themselves in the conflict between urban grandson and rural grandmother in South Korea in *The Way Home*, and watch the ways modernity challenges Maori traditions in New Zealand in *Whale Rider*. Journeys in Film brings outstanding and socially relevant documentaries to the classroom that teach about a broad range of social issues in real-life settings, such as famine-stricken and war-torn Somalia, a maximum-security prison in Alabama, and a World War II concentration camp near Prague.

They explore complex and important topics like race and gender. Students tour an African school with a Nobel Prize-winning teenager in *He Named Me Malala* and experience the transformative power of music in *The Music of Strangers: Yo-Yo Ma & the Silk Road Ensemble* and *Landfill Harmonic*.

Our hope is that this generation of youth will contribute to the betterment of humankind through kindness and understanding, together with scientific knowledge, to help solve some of the world's most pressing issues.

Our goal is to create relevant and engaging curricula and programming around media that encourages cross-cultural understanding, empathy, and knowledge of the people and environments around the world. We aim to prepare today's youth to live and work as globally informed, media-literate, and competent citizens.

A Letter from Levi

I'm excited to see that you are engaging with *YOUTH v. GOV* and hope that using this guide will help you better understand climate change and why it matters so much to young people like me. Maybe this will inspire you to take action on things that are important to you.

Many people think that climate change is an adult problem that kids and youth either don't understand or can't affect, but that is not true at all. While climate change is a complex issue, it affects everyone on the planet, so it is very important to learn about. Throughout the course of history, youth have fought for what is important to them by coming together, taking action, and getting adults to lend their support. Climate change disproportionately affects young people because we will see more negative effects throughout our lifetimes than previous generations. That means it is even more important that we connect with one another to fight for our future and for future generations.

For over 50 years, the government has known about climate change. Their actions have violated our constitutional rights to life, liberty, and property, as well as failed to protect essential public trust resources. Scientists agree that climate change is catastrophic and will eventually get to the point of no return. It affects everyone in so many ways, including droughts, fires, hurricanes and other extreme weather; flooding and sea level rise; negative effects on health; and social and cultural impacts. You'll see these in the film and learn more about them.

The U.S. government has a long history of supporting the fossil fuel industry. We have developed a reliance on fossil fuels, even though they cause great damage to our planet. Moving away from that reliance is the only way to make lasting change. This is one of the reasons why we chose to go through the court system to ask the courts to recognize and protect our constitutional rights and tell the government to end the reliance on fossil fuels and move to clean energy instead. This is both technically and economically feasible. Despite having the best scientists and legal team on our side, navigating the court system is both time consuming and challenging, with lots of ups and downs along the way.

In my lifetime, I have seen the effects of climate change, such as sea level rise, flooding, and damage to my local beaches. I've had to evacuate my home due to hurricanes. We even chose to move off the island I grew up on to try and escape some of these impacts. My friends in the film have also experienced different effects of climate change as have so many people around the world. Maybe climate change has even affected your own life and the lives of people in your community.

Adults don't always listen to kids, but being involved in this case helped me see the importance of speaking up and using my voice. Being educated on what you care about will help you convince others to support you and help build connections. It is important to use your voice to fight for what matters to you. I hope this film and guide help empower you to take action.



Levi
@connectwithlevi

Introducing *YOUTH v. GOV*

Any student who has taken a course on United States history has heard Thomas Jefferson's words about our inalienable rights to life, liberty, and the pursuit of happiness. What makes them inalienable? Jefferson believed they are part of our very nature as human beings. Today, we are facing a climate crisis that scientists and government leaders have known was coming for a long time; it is only now, in an age of growing and more frequent wildfires, droughts, stronger hurricanes, and rising sea level, that many Americans and others have become aware of the dangers. Some are still in denial, but their numbers are inevitably shrinking as conditions worsen.

The Constitution of the United States includes the Bill of Rights and other amendments that delineate and protect the rights of citizens. If citizens perceive that their rights are being violated by the government, they have the ability to bring a constitutional case to the courts to protect those rights, suing local, state, or even the federal government if necessary, alleging that their constitutionally protected rights are threatened or abridged. (The well-known case of *Brown v. Board of Education* is an example.) *Juliana v. United States* is the first constitutional case pertaining to climate change to win a favorable ruling, and it was brought by a group of youths who contend that the Constitution guarantees an unenumerated fundamental right to a "stable climate system."

Young people are particularly aware of this accelerating emergency, both because they are disproportionately harmed by the climate crisis and because the changes in climate will become ever more pronounced in their lifetimes. Young people around the world have stepped forward to demand that adults — from government leaders to oil and gas company executives — stop their actions

that make the climate crisis worse. We see images of Greta Thunberg and others of her generation leading protests and speaking out. And even before this youth climate movement began, a group of 21 youths decided to use the law to protect their constitutional rights, in essence challenging the ways that the U.S. federal government has supported policies that, while perhaps useful to certain industries like fossil fuels in the short term, spell climate disaster for all. Coming from ten different states around the country and representing different ethnicities, geographical diversity, and social groups, these young people initiated a lawsuit with the help of the nonprofit legal organization Our Children's Trust. *Juliana v. United States* was filed in 2015, and in the year 2023, it is still making its way through the court system. Today Our Children's Trust continues to assist young people in U.S. states and in countries around the world who are also trying to stop actions taken by their governments that actively make the climate crisis worse and lead to even further climate degradation.

In the documentary *YOUTH v. GOV*, your students will learn how young people like themselves have taken a stand against climate change and persisted in the fight to protect their legal right to a safe climate for years. They will meet the individual students involved and get to know their stories. They will learn more about their constitutional rights and the American judicial system. They will also discover more about the alarming changes in the environment that are already causing significant harm to young people across the United States and around the world, affecting all our lives until both legal and scientific recourses are finally implemented.

“Climate anxiety” is very real, and, combined with the COVID-19 pandemic, young people are suffering from depression, anxiety, and, for some, even suicidal ideation at an alarming rate. Sharing this documentary with your students will help them understand that there are known solutions to address the climate crisis — and ways that they as young people can fight the sense of helplessness and engage in collective action to make a better world. Our Children’s Trust and their young clients in *YOUTH v. GOV* show there is active hope for a better world.

Film Credits

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An Introduction to Court Procedures

- There are three major types of cases that are tried in the U.S. federal judicial system: civil, criminal, and constitutional. Constitutional cases are meant to force an interpretation and protection of rights according to the U.S. Constitution.
- Judicial language is unique. It is necessary to understand it in order to understand court processes.
- Different kinds of cases follow different paths through the judicial system. Constitutional cases can occur within the federal court system or the state court system and can end up in the U.S. Supreme Court. Some cases are brought to protect rights under the U.S. Constitution, like the *Juliana v. United States* case. Other cases are brought in state courts to protect rights under state constitutions.

- In what ways is a constitutional case different from a civil or criminal case?
- What are the essential factors needed to file a constitutional suit against the U.S. government?
- How does a plaintiff prove standing?
- How does a case with a constitutional question reach the Supreme Court?

Notes to the Teacher

This pre-viewing lesson will prepare students to understand who the parties in a court case are and how a typical case proceeds so that they can better understand *YOUTH v. GOV* when they view the film. Beginning with an explanation of the kinds of cases that can come to court, students will learn vocabulary needed to help them understand the judicial proceedings in the film. Students will also follow the path a case takes from preliminary hearings to a trial in the trial court (called a U.S. district court in the federal system), and then subsequent appeals. An extension activity encourages students to visit a local court to view a trial or a hearing.

This lesson introduces students to a number of concepts related to the federal court system. It is helpful to remind students that the U.S. system of government creates two court systems (state courts and federal courts), both of which can ultimately result in a case being heard by the Supreme Court. Where the case originates has to do with which court has jurisdiction — that is, which court has been given the power to hear and decide a case that comes before it. After a trial court decides a case, the losing side can appeal to the appellate courts.

This lesson focuses on the judicial vocabulary that students will encounter in *YOUTH v. GOV* and the path that *Juliana v. United States*, the case featured in the movie, has followed and might still follow. The case has not yet made it to trial due to various delay tactics by the government that have impeded the normal process of a case. (It is important for students to understand that cases that deal with constitutional issues can be quite lengthy, sometimes taking years.) After completing this lesson, and before viewing the film, note that students should pay attention to the timeline of the case in the documentary to understand the time commitment that has been required by the young people and their families,

as well as Our Children's Trust, the organization that represents them. The case began in 2015 and is ongoing as of this publication (2023). (A detailed timeline can be found at <https://www.ourchildrenstrust.org/juliana-v-us>.)

The goal of Part 1 of the lesson is to familiarize students with judicial vocabulary and the kinds of cases that occur in the judicial system. Before the lesson, copy **Teacher Resource 1: Glossary Cards** on cardstock paper so that one side is printed and one side is blank. Make a set for each student group you plan to have. Cut the cards out so that there is one complete set of terms and definitions for each small group. After students have had a chance to become familiar with court terms using **Handout 1**, they will play the card game, similar to a Pelmanism, to reinforce their memory of the terms. Once they understand these terms, they will use **Handout 2** to identify civil, criminal, and constitutional cases.

The definition of "standing to sue" is critically important to this case and it is worthwhile to spend time discussing it with students. The following paragraphs will give you some background information on the issue of standing as it was applied in this case in order to help you answer students' questions as they arise during the lesson and film viewing.

"Standing" is the legal term for saying that someone can bring their case to court. It doesn't mean they will win, but they have shown they are harmed by someone and should be heard. When a person sues the federal government in federal court, including suits alleging a violation of that person's rights under the U.S. Constitution, that person must also establish *standing to sue*. The U.S. Supreme Court over time has developed rules for standing under Article III of the U.S. Constitution. A majority opinion issued by the Ninth Circuit Court in the *Juliana* case in 2020 summarized the Article III standing rules for constitutional claims as follows: "the plaintiff must have (1) a concrete and particularized injury that (2) is caused by the challenged conduct and (3) is likely redressable by a favorable judicial decision."

In the Ninth Circuit Court ruling, the plaintiffs in *Juliana* were found to have alleged sufficient facts to satisfy the first prong of the standing rule. For example, the fact that one of the plaintiffs had been forced to evacuate from his home multiple times because of flooding resulting from climate change was deemed by the court to be a "concrete and particularized injury." The plaintiffs also satisfied the second prong of the standing rule by alleging not that the federal government had failed to act to address climate change, but that the federal government had actively contributed to greenhouse gas emissions through things like subsidies and federal land leases promoting fossil fuel production, extraction, and transportation. (You can only have a constitutional claim against the government if it is actively harming someone, not purely because of inaction. Some claim the U.S. government has "not acted on climate," but this is not the claim of the *Juliana* plaintiffs. Instead, they hold that the government is *actively* engaging in actions that are creating harm.)

Unfortunately for the plaintiffs in *Juliana*, in a 2–1 decision, the Ninth Circuit's majority opinion in 2020 determined that the plaintiffs lacked standing because it was beyond the power of the federal courts to redress their injuries. The core reason the Ninth Circuit Court of Appeals reversed the district court and ordered the district court to dismiss the case was because it was "beyond the power of an Article III court to order, design, supervise, or implement the plaintiffs' requested remedial plan." The two-judge majority was concerned that the district court would become involved in complex policymaking better left to the executive and legislative branches of government and would have to supervise the federal government's compliance with any remedial climate plan for decades without any constitutional directive or legal standards to guide the court's exercise of equitable power.

There was a vigorous dissent from the majority opinion of the Ninth Circuit in *Juliana*. The dissenting judge, Josephine L. Staton, took particular issue with the majority shying away from involving the federal courts in complex structural reform or programmatic changes in federal government activities alleged to violate a person's constitutional rights. For support, she discussed the school desegregation cases following *Brown v. Board of Education* as an example of how the federal courts were able to craft effective remedies, no matter the complexity, over many years to vindicate constitutional interests while not invading the political realm.

In response to the Ninth Circuit majority opinion concerns about standing, the *Juliana* youth filed to amend their complaint in the district court, changing the requested remedy in their lawsuit to seek declaratory judgment from the court (and dropping a secondary remedy that had requested for the court to order the government to create a climate recovery plan.) This change addresses the standing concerns cited by the Ninth Circuit Court majority opinion and would thus allow the case to proceed to trial. It is important to note that declaratory judgment is a substantial and lasting remedy to resolve the claims in their lawsuit. (For comparison, the plaintiffs in *Brown v. Board of Education* also received a declaratory judgment that segregated schools were unconstitutional, and that set the stage for integration across the United States.) The *Juliana* youth are now awaiting a ruling from the district court on this motion to amend their complaint. If they receive a favorable ruling from the judge, they will be back on the path to trial!

The goal of Part 2 is for students to move a constitutional case through the court system. Before class, decide the best way to share **Handout 3** with your students. You may simply wish to show it directly using your computer and a projector, or you may wish to copy it onto transparencies and show them on an overhead projector. If the latter, you should use wet-erase markers. If needed, more information about the Federal court system can be found here:

<https://www.uscourts.gov/about-federal-courts/court-role-and-structure>.

It is important to note, and this might be rather confusing for students, that the *Juliana* case has NOT taken the normal path through the court system. This is because the Trump administration took extraordinary legal measures to try to delay and get the case dismissed. For example, they filed an extreme legal tool called a "Petition for Writ of Mandamus" against the district court judge six times in this case, more than have been filed in any other case in U.S. history. The use of this legal tool is extremely rare, and they used it to bump the case up to the Supreme Court (through what is called the "shadow docket") in the hopes that it would be dismissed before evidence was heard at trial. Each of the times the case went up to the Supreme Court, an unusual measure was taken to get it there. It is important for the students to understand that a case does not necessarily have to go to trial and then to appeal in order to go up to the Supreme Court. The *Juliana* case has been all over the district, appellate, and Supreme Court systems throughout the seven years of this case....and not once has it gone to trial. This would be interesting for students to analyze.

Additional Resources

An explanation of the federal court system of district, appeals, and Supreme Court

<https://www.uscourts.gov/about-federal-courts/court-role-and-structure>

A comparison of the federal and state court systems

<https://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>

The geographic boundaries of the U.S. courts of appeals and U.S. district courts

https://www.uscourts.gov/sites/default/files/u.s._federal_courts_circuit_map_1.pdf

A helpful map of the dual court system

<https://pressbooks.online.ucf.edu/american-government2e/chapter/the-dual-court-system/>

Common Core Standards addressed by this lesson

CCSS.ELA-LITERACY.RH.9-10.4

Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science.

CCSS.ELA-LITERACY.RH.11-12.7

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.



Duration of Lesson

This lesson has two parts: group work and full-class instruction. The lesson is designed to require two hours of class time.

Assessments

Completion of **Handout 2**
Matching game
Small-group discussions
Class discussion

Materials

Teacher Resource 1: Glossary Cards

Handout 1: Judicial System Glossary

Cardstock copies of terms and definitions — one set per small group

Handout 2: What Kind of Case Is It?

Handout 3: The Path of a Constitutional Case

Teacher Resource 2: The Path of a Constitutional Case (Answer Key)

Computer and projector for teacher, OR **Handout 3** copied on transparencies with wet-erase marker and means of projection

Procedure

Part 1: Mastering the Lingo

1. Tell your students that they are going to watch a documentary about a real court case brought by real students who are today in the process of suing the federal government over climate change. Explain that real court cases, unlike on television and in the movies, often are not presented and decided in the space of an hour or two. Rather, many cases, particularly ones involving the Constitution, may take years to decide. Tell them that they are now going to learn some vocabulary about the judicial system and study how a case moves through the court in order to help them understand the documentary.

2. Distribute copies of **Handout 1: Judicial System Glossary**. Using the handout, go over the terms with students. Students may be familiar with some terms from watching television, but you will have to explain other terms carefully. Pay particular attention to be sure that they understand the concept of standing to sue and the requirements it imposes on plaintiffs. Be sure to allow time for questions.

3. Put students in small groups to learn the terms through a memory game. Each group of students should be provided with one stack of cardstock squares. Have students shuffle the cards to mix them up and then turn them face down. Tell students to take turns turning over two cards at a time, attempting to match the term and the definition. When they find a match, they should leave the two matching cards facing up. Give the small groups time to play through the vocabulary matching game several times so that they are familiar with the terms.

4. Next, distribute **Handout 2: What Kind of Case Is It?** to students. Review the three kinds of cases on the handout and discuss what makes each kind of case unique and what characteristics the cases share. Finally ask students to read the description of the three cases on the handout and decide together which kind of case each is. Discuss this aloud after students have completed the exercise and share the correct response. (Answers: 1. Constitutional. 2. Criminal. 3. Civil.) Ask each group to raise their hands if they got the correct answer and assist others who did not get the correct answer to understand why their answer was not correct. Be sure students understand the difference between the kinds of cases before proceeding.

Part 2: Understanding How Cases Move Through the Judicial System

1. Give the class access to **Handout 3: The Path of a Constitutional Case** by opening to the correct page on a computer hooked to a projector or by using transparencies and wet-erase markers. Provide each student with an individual copy.
2. Explain to students that you are going to talk through the process that a case will undergo on its way through the court system and that they should copy the path on their own copy of **Handout 3**.
3. Using **Teacher Resource 2** as a guide, route the students through the path of a case from filing to the Supreme Court.
4. Note that there are a few times where processes can repeat. The process of stay–hearing–opinion can repeat any number of times at each step. This is the reason the *Juliana* case has not made it to trial yet.
5. When you reach the end, explain to the class that the Supreme Court doesn't have to hear a case on appeal. It can just decide to let the lower court decision stand. Once the Supreme Court has issued a decision, there are no further options for appeal in that case.

6. Once the handout has been completed, encourage students to keep it handy to help track the progress of the case during the movie. After the film viewing, ask students to decide if *Juliana v. United States* has followed the usual course of a case moving through the system. (It has not. See more information under Notes to the Teacher.)

Extension Activity

Arrange a field trip to bring your students to your local courthouse to attend a trial or a hearing. In a class discussion the following day, give students the opportunity to ask questions and discuss what they learned by going to the courthouse. Then have students identify as many of the judicial terms used in the courtroom as they can; use the information they learned about the case to decide what kind of case it is. Then, determine where the case would travel in the judicial system after it is decided in your local court. If it is appealed, where would it go? Could it get to the Supreme Court? Why or why not? You may choose to use the questions about appeals as a basis for an additional assignment that traces the path the case would take if it were appealed after each decision.

NOTE: Carefully consider the nature of any trial you attend and avoid trials involving traumatic crimes. Also consider that students who have been victims of a crime may find a visit to a courtroom to be triggering in itself. It is advisable to make your school's counseling office part of your decision process, and to make students aware of the supports that office offers before and after the field trip. Students who would be overwhelmed by the field trip should be given the chance to opt out without academic or disciplinary repercussions.



Handout 1

Judicial System Glossary

The following terms will be used in the film and throughout this lesson. Use these terms and definitions in the course of your work in this lesson.

Claim: The arguments made by the plaintiff(s). In the *Juliana* case, the claim is that the United States government has caused the climate crisis and is actively making the climate crisis worse, violating the plaintiffs' right to life, liberty, and property, and failing to protect essential public trust resources like air and water, by promoting, permitting, and subsidizing the development and use of climate chaos-causing fossil fuels.

Declaratory judgment: A ruling by the courts that says who is right, who is wrong, and what the law requires. In *Juliana*, it would declare the rights of the plaintiffs and the defendant's violation of those rights, and set a constitutional standard to protect the plaintiffs. (An example of declaratory judgment would be the case of *Brown v. Board of Education*. In 1954, the Supreme Court first declared that segregation in schools was inherently unequal and therefore unconstitutional; a year later the Court ordered through injunctive relief for the schools to desegregate. Another example is *Loving v. Virginia*, in which the Supreme Court ruled that state laws against interracial marriage violated the Fourteenth Amendment to the Constitution.)

Defendant: The person(s) and/or entity(-ies) being sued in court.

Deposition: The official sworn testimony of a witness taken by an attorney live in front of a court reporter that can be used both in discovery and in court. This is not the same as testifying in a courtroom, but is rather the process by which both parties can prepare for trial.

Discovery: The pre-trial gathering and exchange of information from both parties in a lawsuit, which produces documents, photographs, and other types of information, such as expert reports, to develop the evidence in support of the facts of the case.

Expert witness: A person who has certain qualifications and specific knowledge and who can testify about their expert opinions in court to assist the court in understanding the facts of a case.

Hearing: A formal proceeding before a court, which is meant to answer a specific question regarding a case before a trial begins. There may be many hearings about different questions at different times prior to the beginning of a trial. Waiting for the outcome of hearings may delay the start of a trial significantly. In the *Juliana* case, all the court scenes that you saw from the film were hearings based on specific motions. The plaintiffs have fully prepared for trial but have not yet had their trial.

Intervenor: A third party who joins a lawsuit because the outcome has the potential to impact them. They are not parties who were originally named in the case, but who have chosen to “intervene.” In the *Juliana* case, trade associations representing the entire fossil fuel industry and the National Association for Manufacturing intervened in the case shortly after it was filed. When the courts ordered them to present discovery prior to the scheduled trial in 2018 (which was then cancelled), the intervenors filed a motion with the courts to exit the case.

Mandamus: An extreme judicial solution that can be used by a higher court to force a lower court to rule differently. This is issued when a lower court has vastly exceeded its authority and the higher court has to step in early to reverse course to stop a harmful ruling, rather than waiting for the normal process of appeals to correct an incorrect ruling.

Plaintiff: The person or persons who bring a case to court.

Standing to sue: In order to sue, the plaintiff must have an injury in fact (to have suffered harm), causation (to show that the harm was caused by the defendant), and redressability (to have a remedy available via the courts).

Writ: A written command that forces a court to act.



Teacher Resource 1

Glossary Cards

Claim	The arguments made by the plaintiff(s). In the <i>Juliana</i> case, the claim is that the United States government has caused the climate crisis and is actively making the climate crisis worse, violating the plaintiffs' right to life, liberty, and property.
Declaratory judgment	A ruling by the courts that says who is right, who is wrong, and what the law requires. In <i>Juliana</i> , it would declare the rights of the plaintiffs and the defendant's violation of those rights, and set a constitutional standard to protect the plaintiffs.
Defendant	The person(s) and/or entity(-ies) being sued in court.
Deposition	The official sworn testimony of a witness taken by an attorney live in front of a court reporter that can be used both in discovery and in court. This is not the same as testifying in a courtroom, but is rather the process by which both parties can prepare for trial.
Discovery	The pre-trial gathering and exchange of information from both parties in a lawsuit, which produces documents, photographs, and other types of information, such as expert reports, to develop the evidence in support of the facts of the case.
Expert witness	A person who has certain qualifications and specific knowledge and who can testify about their expert opinions in court to assist the court in understanding the facts of a case.



Hearing	A formal proceeding before a court which is meant to answer a specific question regarding a case before a trial begins. There may be many hearings about different questions at different times prior to the beginning of a trial. Waiting for the outcome of hearings may delay the start of a trial significantly.
Intervenor	A third party who joins a lawsuit because the outcome has the potential to impact them. They are not parties who were originally named in the case, but who have chosen to “intervene.”
Mandamus	An extreme judicial solution that can be used by a higher court to force a lower court to rule differently. This is issued when a lower court has vastly exceeded its authority and the higher court has to step in early to reverse course to stop a harmful ruling, rather than waiting for the normal process of appeals to correct an incorrect ruling.
Plaintiff	The person or persons who bring a case to court.
Standing to sue	In order to sue, the plaintiff must have an injury in fact (to have suffered harm), causation (to show that the harm was caused by the defendant), and redressability (to have a remedy available via the courts).
Writ	A written command that forces a court to act.



Handout 2

What Kind of Case Is It?

Civil Case	A legal dispute between two or more parties where a complaint alleges that the plaintiff has been harmed by the defendant and asks the court to order some kind of remedy, redress, or assistance.
Constitutional Case	A civil case in which the plaintiff claims laws, procedures, or acts by government or persons affiliated with governments directly violate their constitutional right(s).
Criminal Case	The government initiates a criminal case in coordination with a law enforcement agency. The defendant in a criminal case is accused of a crime and is innocent until proven guilty.

Using the information above, determine what kind of case each of the following is — civil, constitutional, or criminal — and write it in the blank provided. The U.S. government is a party in each case.

1. *New York Times v. U.S.* – Freedom of the Press

The U.S. government, on behalf of President Nixon, attempted to prevent the publication of information by the *New York Times* which was termed “classified” in relation to the history of U.S. actions in Vietnam. In its decision, the Court said that the government did not make a convincing argument that the information the *Times* sought to publish would endanger the U.S. or its armed forces, and therefore, the Supreme Court would not retract the right to freedom of the press as it is represented in the First Amendment in this case.

What kind of case is it? _____

2. *U.S. v. Aaron Burr* – Treason

In 1805, former Vice President Aaron Burr attempted to raise a volunteer army in the then-western territories of the United States. In the process, Burr encountered a general who believed that this army’s goal was to separate the western territories from the U.S. This resulted in Burr being arrested for treason, a charge for which he was found not guilty.

What kind of case is it? _____

3. *U.S. v. Facebook, Inc.* – Violation of Agreement Regarding User Privacy

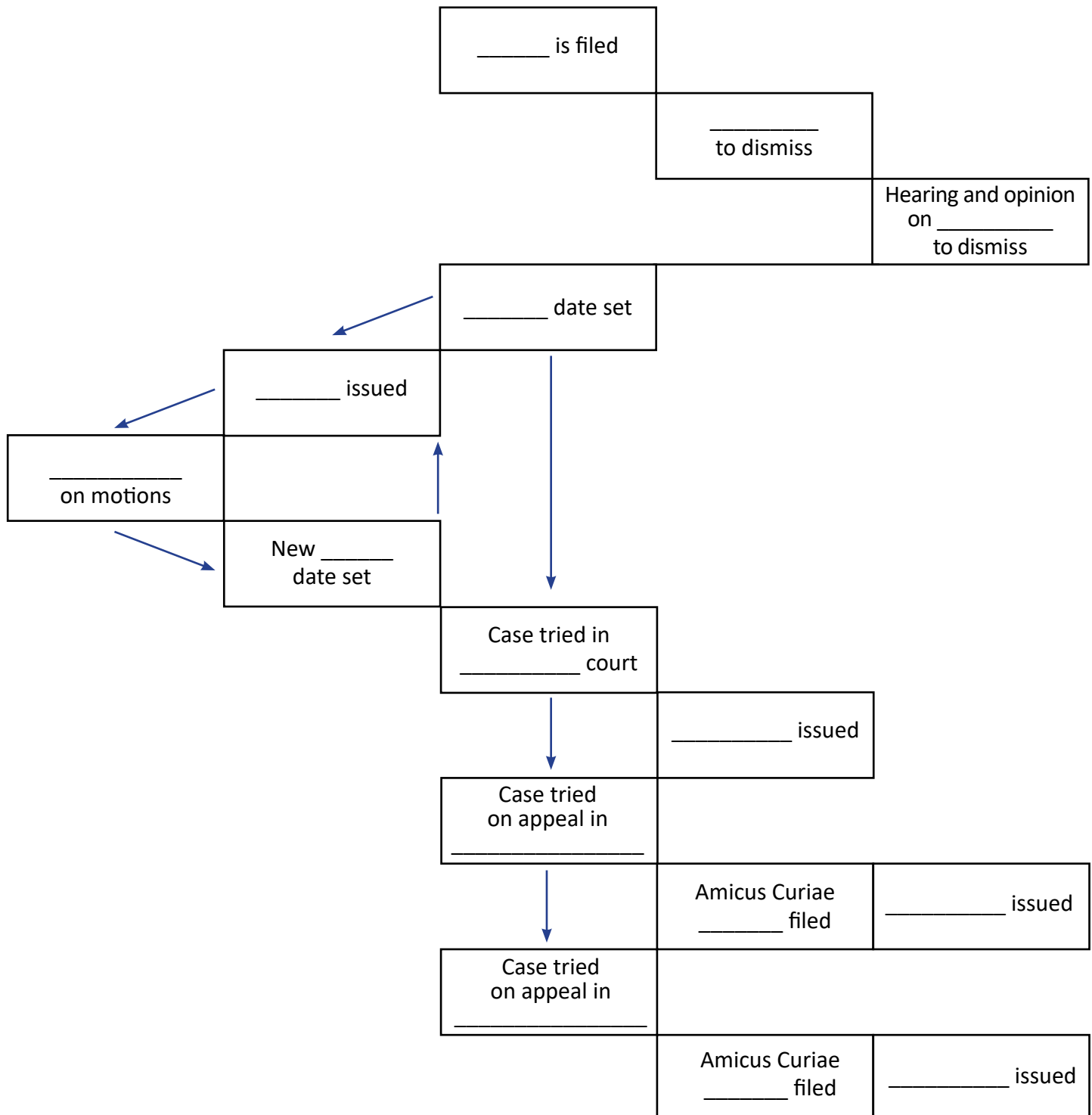
Previously, Facebook agreed to maintain a privacy program and to represent that program and its protections clearly to Facebook users. This case was brought because Facebook did not do so, and in fact, privacy-related violations persisted. As a result of this case, Facebook was required to pay a large monetary penalty and to take additional measures to protect the personal information of its users.

What kind of case is it? _____

Lesson (U.S. Government)

Handout 3

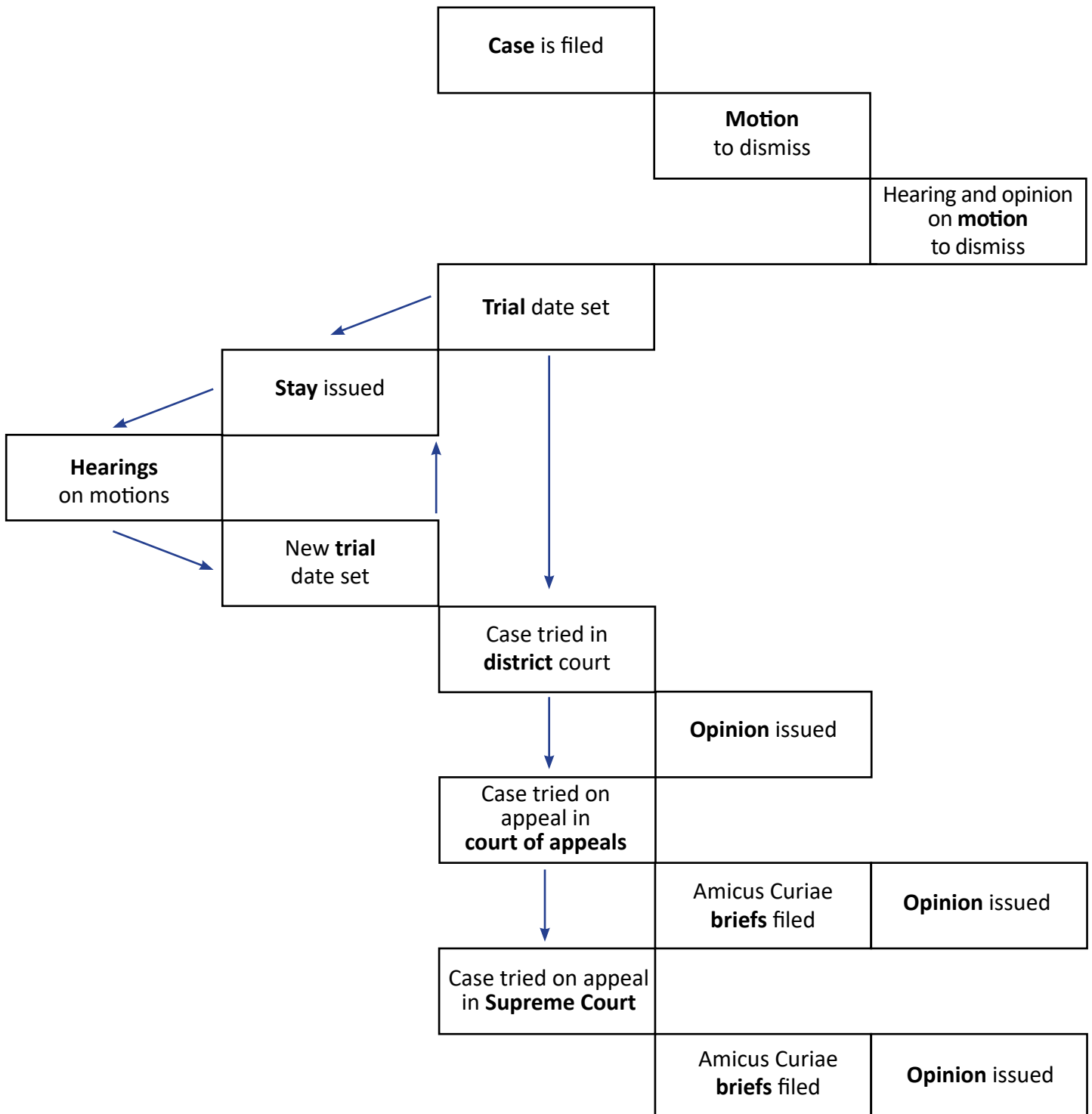
One Path a Constitutional Case Might Take



Lesson (U.S. Government)

Teacher Resource 2

One Path a Constitutional Case Might Take (Answer Key)



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