

# ANZAC Legend in the Dock – Role Play

## Preparing the Case

**The caste:** 3 or 5 Judges (One Chief Justice); 7-9 member jury (with a Foreperson); Two Prosecution Counsel and 4 expert witnesses; Two Defence Counsel and 4 expert witnesses. Numbers may vary depending on the number of student participants.

## Judges and Jury

1. The judges (Minimum of three, maximum of 5) and the jury should take responsibility for reading the articles and viewing the television footage. They should then analyse the articles and footage in much the same way as in the previous activity, preparing questions they would have asked the authors of the articles. These questions can be directed to the expert witnesses, but only by the judges during the court hearing.
2. The judges, along with the members of the jury, should construct a rubric (a matrix) with assessment criteria along the vertical axis and a rating scale along the horizontal axis. Each member of the jury should use this rubric to mark the expert witnesses (for both the defence and the prosecution) for their testimony on their respective article. The judges and the jury should settle on the criteria and the scale, and make as many copies of the rubric as there are witnesses, times by the number of members of the jury plus the judges.

## The Prosecution

1. The Prosecution counsel (maximum of two) and their expert witnesses should take responsibility for reading the articles and viewing the television footage. They should then analyse the articles and footage in much the same way as in the previous activity, preparing questions they would have asked the authors of the articles, but from the point of view of making the case against the ANZAC legend.
2. The expert witnesses should take responsibility for one article each, but they must prepare to use the articles as evidence against the ANZAC legend. They should also prepare, with the help of the prosecution counsel, to defend their position under cross-examination.

## The Defence

1. The Defence counsel (maximum of two) and their expert witnesses should take responsibility for reading the articles and viewing the television footage. They should then analyse the articles and footage in much the same way as in the previous activity, preparing questions they would have asked the authors of the articles, but from the point of view of making the case for the ANZAC legend in contemporary Australian society.
2. The expert witnesses should take responsibility for one article each, but they must prepare to use the articles as evidence in favour of the ANZAC legend. In some cases they will have to counter the arguments in the articles. They should also prepare, with the help of the prosecution counsel, to defend their position under cross-examination.

## **Hearing the Case**

1. The Chief Justice (elected by the fellow judges) should convene the hearing, calling the Prosecution counsel to outline the case against the ANZAC legend. The judges should use the assessment rubric to record their impressions of the evidence, and should make brief notes for their summation and direction at the end of the hearing.
2. The Chief Justice then invites the Defence counsel to outline the case in favour of the ANZAC Legend.
3. The Prosecution then calls its first expert witness, and asks them to justify the claims in their article. The Defence then has an opportunity to cross-examine the witness.
4. Once all the Prosecution witnesses have been heard, the Defence calls its witnesses, with the Prosecution taking its turn at cross-examination
5. After all the defence witnesses have been heard, the Prosecution and then the Defence Counsel deliver their closing addresses, which outline their respective positions, summarises their counter argument, and reminds the court of the evidence.

## **Deciding the Case**

1. Once all the witnesses have been heard and cross-examined, and closing argument has been delivered by both counsel, the judges are then required, in a short statement, to each direct the jury towards a finding of 'sustained' or 'not sustained', citing the reliability and convictions of the arguments heard.
3. The jury foreperson, elected by the members of the jury, keeps a record of the judges' directions, as each finding is worth one point to the overall score of the side a judge supports.
2. After receiving these directions, the jury then retires to 'consider its verdict', by tallying the ratings it gave each witness, and adding any points from the findings of the judges.
3. The foreperson then delivers the final score for each side and the verdict of the court, on the request of the Chief Justice.