

**Lessons in Legal Ethics: Crime and the Media**  
**by John Belpedio**

Ethical issues in the legal profession are not isolated to lawyer-client relationships, but have been known to extend to law enforcement, government officials, and the media. This exercise examines a variety of ethical issues that arise in a typical criminal case today.

**Students will:**

1. Learn to identify ethical conflicts that occur in the context of a case study.
2. Develop and express opinions concerning ethical issues.
3. Identify appropriate decisions based on ethical choices.

**Materials needed:** Copies of: **Student Handout: CRIME AND THE MEDIA**

**Time needed:** Two class periods

**Grade level:** 9th - 12th grades

**Procedure:**

1. Select a newspaper article involving a criminal sexual assault that has been widely publicized by the media. The William Kennedy Smith case is a high-profile instance that students may have read about. Explain that in cases such as this, victims' rights have become a large topic of discussion. Ask students if they feel that the media should publish information regarding victims of alleged sexual assaults - or should their rights to privacy outweigh the right to publish names, addresses, and other personal information?
2. Explain to students that the case they are going to read is hypothetical, but involves decisions that legal professionals encounter with regularity. Distribute **Student Handout: CRIME AND THE MEDIA** and have them read with the intent of identifying ethical decisions that the characters are forced to make. They may want to underline or highlight conflict of ethics when they come across them in the reading.
3. Upon completion of the reading, in large group, ask students to list the ethical conflicts that arise in the story. The teacher or a student may want to list them on the blackboard or overhead.

**Procedure cont.**

**RIGHTS OF THE ACCUSED**  
**LESSONS IN LEGAL ETHICS: CRIME AND THE MEDIA**

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- 4.** Divide the students into five groups. Assign a character to each group. Have the groups divide into two parts: one part will defend the actions of the character; the other half will develop an argument against the actions of the character. The five characters to be analyzed are: Jeremy Simms; Joyce Johnsen; Terry Evans; Ken Davis; and Charles Guild.
- 5.** Upon completion of the student arguments, have student groups discuss the issues with each other. (i.e., Jeremy Simms defenders will discuss with Jeremy Simms opponents, etc.)
- 6.** A formal role play of the characters may be done with the students acting out the five characters based on the descriptions given in the story. They should be reminded to justify their ethical decisions with legal reasoning.
- 7.** In large group, have students discuss why incidents like "*date rape*" have become such hot issues. Which constitutional rights are in conflict? Why haven't laws been able to control the increase in sexual assault crimes in recent years? What can they suggest to stem the increase in this type of crime?

## **Student Handout: CRIME AND THE MEDIA**

Jeremy John Simms has been arrested and charged with criminal sexual assault in connection with the rape of an 18 year-old woman at her home. Mr. Simms has sought the legal counsel of Joyce Johnsen, a criminal defense attorney working in private practice. Ms. Johnsen agrees to take the case and arranges a meeting with Mr. Simms.

In their first private meeting while being held in county jail, Simms explains the incident as *"perhaps a little forceful"* and *"even though the victim said 'no' several times during the encounter, she really meant 'yes'."* He went on to tell Ms. Johnsen that *"he felt he deserved a little more than a goodnight kiss, after all, this was their third date."* Mr. Simms indicated that the police may have obtained some evidence illegally, since they did not have a search warrant when they seized some articles of clothing.

During further informal conversations with Mr. Simms, Joyce Johnsen discovers information implicating him to three other sexual assaults in the neighborhood where he lives.

Joyce Johnsen enters a plea of not guilty with the court on Jeremy Simms's behalf. She also enters a motion to suppress evidence obtained during an illegal search of the defendant's residence. The motion is a request to disallow the evidence under the ***Exclusionary Rule*** which prevents illegally obtained evidence from being used in court.

Terry Evans, the prosecutor assigned to the Simms case, is seeking charges of first-degree criminal sexual assault. He maintains that the clothing obtained is valuable physical evidence that is necessary to convict a dangerous criminal. Mr. Evans advises the court not to allow Jeremy Simms out on bail because of the rash of violent assaults that have been occurring in the city recently.

The chief of police, Ken Davis, who ordered the search of Mr. Simms's home, has been quoted as saying *"Our criminal justice system simply operates too slowly. How can the police be expected to fill out mounds of paperwork needed to satisfy a judge who issues the search warrants, while criminals like Simms are free to do whatever they want without regard for the law."*

The editor of the local newspaper, Charles Guild, has obtained information regarding this incident. Mr. Guild has stated in a fiery editorial on the increase in crime in the city that *"the public has little ammunition in the fight against crime. It is the duty of the media to uphold the First Amendment and provide the public with the information it needs to combat crime."* A front-page article detailing the incident also includes information about the victim: *"18-year-old Jennifer Billig, dancer at a local bar\restaurant who was wearing a provocative mini-skirt and strapless top on the night of the alleged assault, stated that 'Simms raped me, pure and simple!'"*

**Student Handout: CRIME AND THE MEDIA cont.**

1. List the ethical conflicts listed in this story. Using your best ethical judgment, rank the conflicts in order of most serious to least serious.
  
2. Develop an argument in defense of police actions in obtaining evidence. Which constitutional amendment is in question?
  
3. Do you agree\disagree with the editor's decision to print the news article? Give reasons.
  
4. As Mr. Simms's attorney, what would you do with the information regarding his prior criminal involvement?
  
5. Choose one of the persons in the story and develop a character-sketch that you could use in a role-play activity in which you defend your actions in the above incident.