



## Reading and Writing Law and Legal History: Privacy and Reproductive Rights

### Lesson Plans (50 minute class periods)

#### Lesson 4: Legal Decision Reading and Case Brief – (2 classes)

##### Class 1:

20 minutes: Group Activity – Collaborative Learning and Case Brief review

With their homework assignment in-hand, students work with a partner or in a small group to collaboratively write a case brief on *Roe v. Wade*, 410 U.S. 113 (1973)

<https://supreme.justia.com/cases/federal/us/410/113/#tab-opinion-1950137>. They each receive a blank case brief outline worksheet (i.e., citation, facts, prior history, question presented, holding, analysis of majority and concurring opinions, dissenting opinions, your opinion of case) and will work together to identify the components in the decision and fill-in this worksheet.

30 minutes: In-Class Discussion – Review Case Brief – Answer Questions

Together as a class (and with pocket Constitutions) review the case brief and each component, answering questions and clarifying portions of the decision or legal terms and information. The discussion will focus on Justice Harry Blackmun’s majority opinion and the concurring opinions. The discussion will highlight how justices can come to the same conclusion but based on different reasoning and sections of the law. It will also include discussion of Justice White’s and Justice Rehnquist’s dissenting opinions, and emphasizing how justices can disagree on the same issue, based on interpretation, understanding, and application of the same facts and law.

Homework Assignment: Students will review the in-class exercise and a sample student case brief. They will prepare and hand-in a typed brief for *Roe v. Wade*, and include a final section, writing about their thoughts and opinions of the case and if they agree with Blackmun’s opinion, the concurring opinions, or the dissenting opinions, and why.

##### Class 2:

15 minutes: Students will listen to selections from oral arguments in *Roe v. Wade* <https://www.oyez.org/cases/1971/70-18> for 10 minutes and write a 5-minute response reacting to the recording and to the arguments and questions by the justices.

15 minutes: In-class discussion or debate on the Court’s opinion, whether privacy is located within the US Constitution or not, and if so, where. Explore arguments in majority and dissent.



## HISTORICAL SOCIETY *of the* NEW YORK COURTS

20 minutes: Aftermath of *Roe v. Wade*: the discussion focuses on the role of legal precedent and its application, as well as subsequent legal challenges including the overturning of *Roe* in *Dobbs v. Jackson Women's Health Organization* (2022).

<https://supreme.justia.com/cases/federal/us/597/19-1392/#tab-opinion-4600822>

Homework Assignment: Students should watch or read one source listed on the C-SPAN Landmark Case site for *Roe v. Wade* (including interviews, panel discussions, and expert analyses), and write a 1-2 page written response paper reacting to the source and placing the source in conversation or context with the *Roe* decision and the Vullo article.

<http://landmarkcases.c-span.org/Case/12/Roe-V-Wade>