## Rules of Discovery and Privileged Communications

**Course**
Court Systems and Practices

**Unit X**
Pre-trial

### Essential Question
What must each side of the justice system let the other side know before trial?

### TEKS
§130.296(c) (4)(B)

### Prior Student Learning
Search and Seizure, Motions

### Estimated Time
6 hours

### Rationale
A person is innocent until proven guilty in our justice system. This implies that defendants should have access to everything the government will use against them at trial so that they can adequately prepare. The defendant must also know what kind of relationships the government should not pry into when it comes to their alleged crime.

### Objectives
The student will be able to:

1. Explain and identify the purposes and types of discovery and privileged communications
2. Demonstrate a scenario that allows for identification of multiple opportunities for discovery and privileged communication exceptions
3. Analyze other students’ scenarios and critique where an attorney would request or challenge a discovery or privileged communication concept
4. Judge the strength and number of challenges other students have concerning the rules of discovery and privileged communications in the scenario

### Engage
Use the following scenarios and questions for a class discussion. The Discussion Rubric may be used for assessment.

**You are unfairly charged with a crime. You believe the police discovered evidence in their investigation that will prove this. What types of things does the prosecutor have to let you see concerning the police investigation of you?**

**You are a prosecutor. You know that the defendant has probably told certain people he knows the intimate details about a crime that will without a doubt show him guilty in the eyes of the jury at trial. What relationships of the defendant can you not pry into? What relationships do you personally think the government has no right prying into?**

### Key Points

**I. Discovery**

A. The process of exchanging information between the prosecution and defense
B. This allows the defendant to know exactly what will be used against him or her, and prevents surprises to the government at the trial
C. The following will be the federal rules and constitutional requirements for discovery
II. Bill of Particulars
   A. A detailed, formal, written statement of charges or claims by a plaintiff or the prosecutor given upon the defendant’s formal request to the court for more detailed information
   B. This is intended to provide a defendant with details about the charges that are necessary for preparation for trial

III. Statements of the Defendant
   A. Upon request, the government must allow the defendant to inspect, copy, or photograph all prior relevant written and recorded statements made by the defendant
   B. This includes
      1. Statements the defendant made to the grand jury
      2. Oral evidence that the police may testify about concerning what the defendant said
   C. Only statements that the prosecution intends to use at trial are discoverable

IV. Defendant’s Criminal Record
   A. Prosecutors must furnish a copy of the defendant’s criminal record

V. Documents and Tangible Objects
   A. Defendants are entitled to inspect and copy photographs, books, objects, papers, buildings, and places of the government if
      1. The item is material to preparation of the defendant’s defense
      2. The item is going to be used by the government at the trial
      3. The item was obtained from, or belongs to, the defendant
      4. The defendant must allow the government to inspect their belongings only if used at trial

VI. Scientific Reports and Tests
   A. All scientific reports and tests in the possession of the government must be turned over to the defendant if requested
   B. This includes
      1. Conclusions of mental examinations of the defendant
      2. Autopsy reports
      3. Drug tests
      4. Fingerprint analyses
      5. Blood tests
      6. DNA tests
      7. Ballistic tests
      8. Other related examinations
VII. Statements of the Witnesses/Jencks Act
   A. A defendant can review a prior written or recorded statement after the witness has testified
   B. This allows the defendant to see if the witnesses’ testimonies are inconsistent with what they told police before trial

VIII. Deposition
   A. A deposition is oral testimony given under oath, not in court
   B. Depositions are frequently given in civil cases
   C. What was said in the deposition can be used in court when there are “exceptional circumstances”
   D. An example would be if the person who gave the deposition was unable to testify at the trial

IX. Brady Doctrine
   A. Exculpatory evidence of the defendant must be provided by the prosecution
   B. Exculpatory evidence tends to prove a defendant’s innocence
   C. This could be in the form of information that comes up in another trial where someone admits they committed the crime the defendant is charged with

X. Alibis
   A. An alibi is a defendant’s account of what they were doing when the crime they are charged with occurred—this to show that they did not commit the crime
   B. The defense has to give prior notice of the defendant’s alibi so the prosecution can investigate its legitimacy and any witnesses related to it

XI. Fingerprints, Handwriting, Photographs, Etc.
   A. Fingerprinting and photographing the defendant can be constitutionally required in all felony cases
   B. The defendant can be ordered to give examples of handwriting, blood samples, etc.

XII. Privileged Communications
   A. Some communications between certain types of people are confidential and cannot be revealed in any court proceedings
   B. This includes the following relationships:
      1. Marital Privilege
         a) Communication between husband and wife is confidential
         b) The marriage must be valid
         c) There is an exception to this privilege if one commits a crime against his or her spouse
2. Medical Privilege
   a) Communication between a doctor and patient is confidential
   b) This generally applies to all matters within the hospital
   c) Only the patient can break confidentiality
   d) The patient can lose this privilege if they “open the door” by introducing evidence concerning a physical or mental condition

3. Legal Privilege
   a) Whenever legal advice is sought from a lawyer, the communication is considered confidential and permanently protected from disclosure, unless the client consents to its disclosure
   b) Confidential communication includes words, conversations, or letters
   c) An exception to the legal privilege exists if the lawyer is a party to a crime or a participant in a conspiracy, or if the communication itself is criminal

4. Divinity Privilege – communication between a clergyman and an individual is protected if consulting the clergyman professionally

5. Official Privilege
   a) The government has a privilege not to disclose confidential matters of state, particularly military secrets
   b) This privilege also applies to continuing investigations of a criminal nature

XIII. Exemptions to Freedom of Information Laws
   A. Freedom of information laws allow the public access to government records
   B. There are nine exemptions to the federal Freedom of Information Act
   C. If a request for information falls into one of the nine exemptions, the government may withhold disclosure
   D. One of the exemptions provides that law enforcement records may be withheld if disclosure will
      1. Interfere with enforcement proceedings
      2. Deprive a person of a fair trial or an impartial adjudication
      3. Constitute an unwarranted invasion of personal privacy
      4. Disclose the identity of a confidential source
      5. Disclose investigative techniques and procedures
      6. Endanger the life or physical safety of law enforcement personnel

Activities
1. Completion of the Rules of Discovery (open-note) Quiz
2. Divide the class into three groups.
   - Group One is the defense
   - Group Two is the prosecution
   - Group Three will brainstorm a scenario involving a defendant charged with a crime

The story will need to include the defendant having something to do with topics covered in this lesson such as making statements, having medical issues with tests done, different types of evidence, confiding in specific types of relationships, an alibi, and issues involving exemptions to freedom of information laws.

Group Three can safely act the scenario out or just inform the other two groups of the defendant’s story. The scenario needs to be at least a page long to ensure that there are plenty of things for the other two groups to consider in regard to what they will be doing as described below. Group Three will be graded by the other groups with the Group Evaluation Rubric. Members of this group will also grade each other using the Peer Evaluation Rubric.

Group One (the defense) and Group Two (the prosecution) will then prepare for pre-trial hearings and examine the kinds of evidence they can use or keep out of the trial. Each group may designate a spokesperson.

Group Three (creators of the scenario) will play the judge in a pre-trial hearing. They will use the Debate Rubric to assess the quality of each group’s arguments for challenges or requests to keep evidence in or out of a future trial. Group One and Two will also use the Peer Evaluation Rubric to assess each other.

Whichever group comes up with the most successful challenges or requests may be rewarded extra credit.

For a large class, have more than one scenario with three groups participating as described above or allow each group to participate in the different roles by having more than one scenario and then rotating the groups’ positions. Adapt the assessments as needed.

Those in Group One and Two can be working on the Rules of Discovery Quiz while Group Three is creating a scenario; and Group Three can be working on the quiz while the other groups are planning.

The evaluations may be combined to give each student an individual grade. The successful student groups will realize the types of evidence
they can or cannot get access to because of the rules of discovery and privileged communications.

Assessments
Rules of Discovery Exam and Key
Rules of Discovery Quiz and Key
Group Evaluation Rubric
Peer Evaluation Rubric
Debate Rubric
Discussion Rubric
Individual Work Rubric
Research Rubric

Materials
Rules of Discovery computer-based presentation

Resources

Accommodations for Learning Differences
For reinforcement, students will take each rule of discovery and each privileged communication and describe how it would hurt the defendant's chance for a fair trial if it did not exist. Use the Individual Work Rubric for assessment.

For enrichment, students will research and list specific cases when one of the rules of discovery or privileged communication exceptions have been used and present what they find to the class. Use the Research Rubric for assessment.

State Education Standards
Texas Essential Knowledge and Skills for Career and Technical Education
§130.296. Court Systems and Practices (One to Two Credits).
(4) The student examines the steps by which a criminal charge is processed through pretrial, trial, adjudication, and the appellate stages. The student is expected to:
(B) explain pretrial court proceedings such as rules of discovery, challenges to evidence, and the bail process;

College and Career Readiness Standards
English Language Arts
III. Speaking
B. Develop effective speaking styles for both group and one-on-one situations.
2. Participate actively and effectively in group discussions.
3. Plan and deliver focused and coherent presentations that convey clear and distinct perspectives and demonstrate solid reasoning.
### Rules of Discovery and Privileged Communication Exam

**Matching:**

*Use the following scenario to answer questions 1 to 6.*

You are a defense attorney and you have a new client who walks into your office and wants you to represent him in court. His case is complicated and other lawyers have turned him down. But he believes you will do a great job in defending him. You agree to represent him.

- a. Jencks Act
- b. Alibi
- c. Bill of particulars
- d. Deposition
- e. Defendant’s criminal record
- f. Brady Doctrine

_____ 1. You find out that the case your client is involved in has also become part of a lawsuit, and that one of your client’s friends testified in an earlier preliminary hearing for the lawsuit that showed the innocence of your client. This friend has since passed away. What is the type of testimony called that you will ask the judge to allow in the trial?

_____ 2. You believe your client may be innocent based on exculpatory evidence. What applies to getting this evidence admitted into the trial?

_____ 3. Your client doesn’t know all of the details of his charges. What applies to what you are going to need in order to find out this information?

_____ 4. You are examining the government’s case against your client and the witnesses they have. You want to see if the government’s witnesses’ testimonies are consistent with what they told police during the investigation before the trial. What are you going to rely on to find this information out?

_____ 5. There is also something that the prosecutors must furnish you about the defendant that will help you tell what kind of person you are representing. What is it?

_____ 6. Your client says he was at home playing cards when the crime he is charged with occurred and he has witnesses who can back this story up. He also says he ordered a boxing match on cable television for his friends to watch. You must give the prosecution prior notice of this story so they can investigate its legitimacy. What is this?
Multiple Choice:

_____ 7. What is a defendant’s account of what they were doing when the crime they are charged with occurred to show that they did not commit the crime?
   a. Jencks Act
   b. Freedom of Information Laws
   c. Alibi
   d. Privileged Communications

_____ 8. What is a detailed, formal, written statement of charges or claims by a plaintiff or the prosecutor, given upon the defendant’s formal request to the court for more detailed information?
   a. Discovery
   b. Bill of Particulars
   c. Deposition
   d. Exculpatory

_____ 9. What kind of evidence tends to prove a defendant’s innocence?
   a. Discovery
   b. Bill of Particulars
   c. Deposition
   d. Exculpatory

_____ 10. What allows the defendant to see if the witness’ testimony is inconsistent with what they told police before trial?
   a. Jencks Act
   b. Freedom of Information Laws
   c. Alibi
   d. Privileged Communications

_____ 11. What is the process of exchanging information between the prosecution and defense?
   a. Discovery
   b. Bill of Particulars
   c. Deposition
   d. Exculpatory

_____ 12. What sometimes occurs between certain types of people that are confidential and cannot be revealed in court proceedings?
   a. Jencks Act
   b. Freedom of Information Laws
   c. Alibi
   d. Privileged Communications

_____ 13. What allows the public access to government records?
   a. Jencks Act
   b. Freedom of Information Laws
   c. Alibi
   d. Privileged Communications
14. What is oral testimony given under oath, not in court, and done frequently in civil cases?
   a. Discovery
   b. Bill of Particulars
   c. Deposition
   d. Exculpatory

15. When concerning statements of the defendant, the government must allow the defendant to inspect, copy, or photograph which of the following?
   I. All prior relevant and recorded statements made by the defendant
   II. Statements the defendant made to the grand jury
   III. Statements made by the defendant whether or not they are used in trial
   IV. Oral evidence that the police may testify about concerning what the defendant said
   a. I
   b. I, II
   c. I, III
   d. I, II, IV
   e. II, III, IV
   f. I, II, III
   g. II, III, IV
   h. I, II, III, IV

16. Defendants are entitled to inspect and copy photographs, books, tangible objects, papers, buildings, and places of the government if
   I. The item is material to preparation of the defendant’s defense
   II. The item is going to be used by the government at the trial
   III. The item was obtained from, or belongs to, the defendant
   IV. The item is not crucial to the case and will not be used at trial
   a. I
   b. I, II
   c. I, III
   d. I, II, IV
   e. I, III, IV
   f. I, II, III
   g. II, III, IV
   h. I, II, III, IV

17. The prosecution may inspect the belongings of the defendant only if they are going to be used at trial.
   a. True
   b. False

18. In your client’s case, he went to the hospital where numerous tests were done. Which of the following does the prosecutor not have to turn over to you?
I. Conclusions of mental examinations of defendant

II. Autopsy reports

III. Drug tests

IV. Fingerprint analyses

V. Blood tests

VI. DNA tests

VII. Ballistic tests

VIII. Other related examinations

IX. It all has to be turned over

a. I – VIII
b. I, II, III
c. I, III, V
d. I – V
e. I, III, IV
f. I, II, VIII
g. II, III, IV
h. I, IV, VII
i. I – VI, VII, VIII
j. V
k. VI, VII, VIII
l. IX

19. Fingerprinting and photographing of the defendant can be constitutionally required in all crimes.
   a. True
   b. False

20. What can your client be ordered to give?
   a. Handwriting samples
   b. Blood samples
   c. Both a and b
   d. None of the above

21. How many exemptions are there to the Freedom of Information Act?
   a. 1
   b. 3
   c. 5
   d. 7
   e. 9
22. A defendant tells his lawyer about his involvement in a crime he is charged with. The lawyer later finds out about some evidence that the police missed at the crime scene that would prove his client guilty. The lawyer obtains the evidence and disposes of it. This information is discovered by the prosecutor. The prosecutor wants the defendant’s lawyer to testify about this. What will the judge rule?
   a. The lawyer must testify
   b. The lawyer does not have to testify

23. A man commits a crime and tells his wife the details about it. The prosecution wants this information to be revealed at trial. What will the judge rule on this?
   a. It must be revealed
   b. It does not have to be revealed

24. A defendant’s lawyer wants a detective to testify at trial about information that would show his client is innocent. In a preliminary hearing the detective shows that revealing this information will comprise a current case he is working on including undercover officers’ identities and investigative techniques. What will the judge rule on this?
   a. The detective must testify about the information
   b. The detective does not have to testify about the information

25. A defendant has a medical checkup around the time he commits a crime. The prosecutor believes information that was discovered about the defendant at the checkup will show the defendant’s guilt. The prosecutor wants the doctor and the nurse who attended to the defendant at the checkup to testify about the defendant’s health at the checkup. What will the judge rule on this?
   a. They can testify
   b. They cannot testify

26. A man commits a crime and tells his girlfriend whom he is close to about it. The prosecution wants this information to be revealed at trial. What will the judge rule on this?
   a. It must be revealed
   b. It does not have to be revealed

27. A defendant has a medical checkup around the time he is charged with a crime. The defendant believes the information discovered in the checkup will help show that he did not commit the crime. The defendant wants the doctor and nurse who attended to the defendant at the checkup to testify. What will the judge rule on this?
   a. They can testify
   b. They cannot testify
28. Let's say the defendant can allow the doctor and the nurse to testify but he doesn't want the prosecutor to ask them questions. What will the judge rule on this?
   a. They must answer questions from the prosecutor
   b. The prosecutor is not allowed to ask them questions

29. A defendant tells his lawyer the truth about his involvement in a crime. The prosecutor wants this information revealed at trial. What will the judge rule on this?
   a. It must be revealed
   b. It does not have to be revealed

30. A wife commits a crime against her husband. The prosecution wants the husband to testify against the wife at trial. What will the judge rule on this?
   a. The husband must testify
   b. The husband does not have to testify

31. A defendant is charged with a crime. During this time he is meeting with his priest regularly for counseling and confession. The prosecutor wants the priest to testify about what the defendant has confessed to. What will the judge rule?
   a. The priest must testify
   b. The priest does not have to testify

32. A defendant emails a lawyer about his criminal charges and admits his involvement in the case. The prosecutor wants the email to be revealed at trial. What will the judge rule on this?
   a. It must be revealed
   b. It does not have to be revealed

33. A military serviceman is charged with a crime. It involves the death of his friend. The defense claims that the friend kept a journal that would have documentation proving how the serviceman would never have had involvement in his death. The journal also contains sensitive national security information that would be revealed in the process and the government does not want this journal to be allowed in the trial. What will the judge rule on this?
   a. The journal must not be allowed in the trial
   b. The journal can be allowed in the trial
Rules of Discovery and Privileged Communication Exam Key

1. D
2. F
3. C
4. A
5. E
6. B
7. C
8. B
9. D
10. A
11. A
12. D
13. B
14. C
15. D
16. F
17. A
18. L
19. B
20. C
21. E
22. A
23. B
24. B
25. B
26. A
27. A
28. A
29. B
30. A
31. B
32. B
33. A
Rules of Discovery and Privileged Communication Quiz

1. What is something that the prosecutors must furnish about the defendant?
   ____________________________________________

2. What says exculpatory evidence of the defendant must be provided by the prosecution at trial?
   ____________________________________________

3. What is the process of exchanging information between the prosecution and defense?
   ____________________________________________

4. What is a detailed, formal, written statement of charges or claims by a plaintiff or the prosecutor, given upon the defendant’s formal request to the court for more detailed information?
   ____________________________________________

5. What is an oral testimony given under oath and not in court, and given often in civil cases?
   ____________________________________________

6. What kind of evidence tends to prove a defendant’s innocence and is something that may not have occurred in the defendant’s trial?
   ____________________________________________

7. What allows the defendant to see if the witness’ testimony is inconsistent with what they told police before the trial?
   ____________________________________________

8. What allows the public access to government records?
   ____________________________________________
9. What are defendants’ accounts of what they were doing when the crime they are charged with occurred to show that they did not commit the crime?

__________________________________________

10. What sometimes occurs between certain types of people that are confidential and cannot be revealed in court proceedings?

__________________________________________

11. What kinds of statements of the defendant are not discoverable?

__________________________________________

12. When are defendants entitled to inspect and copy photographs, books, tangible objects, papers, buildings, and places of the government?

a) _________________________________________________________________

b) _________________________________________________________________

c) _________________________________________________________________

13. When is the government allowed to inspect the belongings of the defendant?

___________________________________________________________________

14. List at least five types of tests that the prosecutor must let the defendant know about.

a) _________________________________________

b) _________________________________________

c) _________________________________________

d) _________________________________________

e) _________________________________________

15. In what types of cases can fingerprinting and photographing be constitutionally required?

__________________________________________

16. List two types of samples that a defendant must give to a prosecutor.

a) __________________________________________

b) __________________________________________
17. Who does not have to reveal what a defendant reveals to them about a crime? The defendant’s
   a) _______________________________________
   b) _______________________________________
   c) _______________________________________
   d) _______________________________________

18. Who only has privileged communication if they are being consulted professionally? The defendant’s
   __________________________________________

19. What type of person has to testify against the defendant if the defendant committed the crime against them? The defendant’s
   __________________________________________

20. What is it called when a defendant introduces the evidence concerning his or her physical or mental condition at trial?
   __________________________________________

21. Who does not have privilege communication if they participate in a conspiracy or if the form of communication they have used with the defendant is criminal? The defendant’s
   __________________________________________

22. What kind of privilege says the government does not have to disclose information concerning confidential matters of the state or continuing investigations of a criminal nature?
   __________________________________________

23. How many exemptions are there to the Freedom of Information Act?
   __________________________________________
Discovery and Privileged Communication Quiz Key

1. Defendant's criminal record
2. Brady Doctrine
3. Discovery
4. Bill of Particulars
5. Deposition
6. Exculpatory Evidence
7. Jencks Act
8. Freedom of Information Laws
9. Alibis
10. Privileged Communications
11. Statements that are not intended to be used at trial
12 a) When the item is material to preparation of the defendant’s defense
    b) When the item is going to be used by the government at the trial
    c) When the item was obtained from, or belongs to, the defendant
13. When they are to be used at trial
14 a) Conclusions of mental examinations of the defendant
    b) Autopsy reports
    c) Drug tests
    d) Fingerprint analysis
    e) Blood tests
    f) DNA tests
    g) Ballistic tests
    h) Other related examinations
15. Felony cases
16 a) Handwriting samples
    b) Blood samples
17 a) Spouse
    b) Doctor
    c) Lawyer
    d) Clergyman
18. Clergyman
19. Spouse
20. Open the door
21. Lawyer
22. Official Privilege
23. Nine
Name_______________________________  Date________________

**Group Evaluation**

**Group 1**

Did the group take the assignment seriously?

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Could you tell what the group was trying to portray?

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Was the group portrayal creative?

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Did the group include the correct elements?

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Would you like to see this group demonstrate their talent for you in the future?

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**Total Score_______**

**Group 2**

Did the group take the assignment seriously?

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**Total Score_______**
Group 3

Did the group take the assignment seriously? Yes
No
1 2 3 4 5 6 7 8 9 10

Could you tell what the group was trying to portray? Yes
No
1 2 3 4 5 6 7 8 9 10

Was the group portrayal creative? Yes
No
1 2 3 4 5 6 7 8 9 10

Did the group include the correct elements? Yes
No
1 2 3 4 5 6 7 8 9 10

Would you like to see this group demonstrate their talent for you in the future? Yes
No
1 2 3 4 5 6 7 8 9 10

Total Score_______

Group 4

Did the group take the assignment seriously? Yes
No
1 2 3 4 5 6 7 8 9 10

Could you tell what the group was trying to portray? Yes
No
1 2 3 4 5 6 7 8 9 10

Was the group portrayal creative? Yes
No
1 2 3 4 5 6 7 8 9 10

Did the group include the correct elements? Yes
No
1 2 3 4 5 6 7 8 9 10

Would you like to see this group demonstrate their talent for you in the future? Yes
No
1 2 3 4 5 6 7 8 9 10

Total Score_______

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Group 5

Did the group take the assignment seriously?
No 1 2 3 4 5 6 7 8 9 10
Yes

Could you tell what the group was trying to portray?
No 1 2 3 4 5 6 7 8 9 10
Yes

Was the group portrayal creative?
No 1 2 3 4 5 6 7 8 9 10
Yes

Did the group include the correct elements?
No 1 2 3 4 5 6 7 8 9 10
Yes

Would you like to see this group demonstrate their talent for you in the future?
No 1 2 3 4 5 6 7 8 9 10
Yes

Total Score_______

Group 6

Did the group take the assignment seriously?
No 1 2 3 4 5 6 7 8 9 10
Yes

Could you tell what the group was trying to portray?
No 1 2 3 4 5 6 7 8 9 10
Yes

Was the group portrayal creative?
No 1 2 3 4 5 6 7 8 9 10
Yes

Did the group include the correct elements?
No 1 2 3 4 5 6 7 8 9 10
Yes

Would you like to see this group demonstrate their talent for you in the future?
No 1 2 3 4 5 6 7 8 9 10
Yes

Total Score_______
Peer Evaluation

1) Name of Student

At what level of seriousness did they take this activity?
Not Very Serious  Very Serious
0 1 2 3 4

Did they make a significant contribution to the brainstorming process?
No 1 2 3 4
Yes

Did they make a significant contribution to preparing for the skit?
No 1 2 3 4
Yes

What was the level of their participation in the skit(s)?
None 1 2 3 4
A Lot

Would you want to work with this person in a group again based on their level of productivity?
No 1 2 3 4
Yes

Total Score_______

2) Name of Student

At what level of seriousness did they take this activity?
Not Very Serious  Very Serious
0 1 2 3 4

Did they make a significant contribution to the brainstorming process?
No 1 2 3 4
Yes

Did they make a significant contribution to preparing for the skit?
No 1 2 3 4
Yes

What was the level of their participation in the skit(s)?
None 1 2 3 4
A Lot

Would you want to work with this person in a group again based on their level of productivity?
No 1 2 3 4
Yes

Total Score_______
3) Name of Student
At what level of seriousness did they take this activity?
Not Very Serious 0 1 2 3 4
Very Serious

Did they make a significant contribution to the brainstorming process?
No 0 1 2 3 4
Yes

Did they make a significant contribution to preparing for the skit?
No 0 1 2 3 4
Yes

What was the level of their participation in the skit(s)?
None 0 1 2 3 4
A Lot

Would you want to work with this person in a group again based on their level of productivity?
No 0 1 2 3 4
Yes

Total Score_______

4) Name of Student
At what level of seriousness did they take this activity?
Not Very Serious 0 1 2 3 4
Very Serious

Did they make a significant contribution to the brainstorming process?
No 0 1 2 3 4
Yes

Did they make a significant contribution to preparing for the skit?
No 0 1 2 3 4
Yes

What was the level of their participation in the skit(s)?
None 0 1 2 3 4
A Lot

Would you want to work with this person in a group again based on their level of productivity?
No 0 1 2 3 4
Yes

Total Score_______
5) **Name of Student**
At what level of seriousness did they take this activity?

<table>
<thead>
<tr>
<th>Not Very Serious</th>
<th>Very Serious</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Did they make a significant contribution to the brainstorming process?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
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</tr>
<tr>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Did they make a significant contribution to preparing for the skit?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

What was the level of their participation in the skit(s)?

<table>
<thead>
<tr>
<th>A Lot</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Would you want to work with this person in a group again based on their level of productivity?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
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<tr>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Total Score_______

6) **Name of Student**
At what level of seriousness did they take this activity?

<table>
<thead>
<tr>
<th>Not Very Serious</th>
<th>Very Serious</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Did they make a significant contribution to the brainstorming process?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
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<tr>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Did they make a significant contribution to preparing for the skit?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

What was the level of their participation in the skit(s)?

<table>
<thead>
<tr>
<th>A Lot</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Would you want to work with this person in a group again based on their level of productivity?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
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<tr>
<td>2</td>
<td>0</td>
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<tr>
<td>1</td>
<td>0</td>
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</tbody>
</table>

Total Score_______
Debate Rubric

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Information</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clear, accurate and thorough</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Facts, statistics and/or examples used to support major points.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Communication</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respectful body language</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respectful responses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Focused/On-topic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sarcasm avoided</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Participation</strong></td>
<td></td>
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</tr>
<tr>
<td>Full participation</td>
<td></td>
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<tr>
<td>Attentive listening</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Total Points (32 pts.)</strong></td>
<td></td>
<td></td>
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</tbody>
</table>

Comments:
## Discussion Rubric

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Participates in group discussion</td>
<td></td>
<td></td>
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<tr>
<td>Encourages others to join the conversation</td>
<td></td>
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<tr>
<td>Keeps the discussion progressing to achieve goals</td>
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<tr>
<td>Shares thoughts actively while offering helpful recommendations to others</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Gives credit to others for their ideas</td>
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<tr>
<td>Respects the opinions of others</td>
<td></td>
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<tr>
<td>Involves others by asking questions or requesting input</td>
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<tr>
<td>Expresses thoughts and ideas clearly and effectively</td>
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</tr>
</tbody>
</table>

### Total Points (32 pts.)

Comments:
## Individual Work Rubric

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Follows directions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Student completed the work as directed, following the directions given, in order and to the level of quality indicated</td>
<td></td>
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<tr>
<td><strong>Time management</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Student used time wisely and remained on task 100% of the time</td>
<td></td>
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</tr>
<tr>
<td><strong>Organization</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Student kept notes and materials in a neat, legible, and organized manner. Information was readily retrieved</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Evidence of learning</strong></td>
<td></td>
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</tr>
<tr>
<td>Student documented information in his or her own words and can accurately answer questions related to the information retrieved</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Research/Gathering information (if relevant)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Student used a variety of methods and sources to gather information. Student took notes while gathering information</td>
<td></td>
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<tr>
<td><strong>Total Points (20 pts.)</strong></td>
<td></td>
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</tbody>
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Comments:
## Research Rubric

<table>
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<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Question/goal</strong>&lt;br&gt;Student identified and communicated a question or goal of the research</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Research/Gathering information (if relevant)</strong>&lt;br&gt;Student used a variety of methods and sources to gather information. Student took notes while gathering information</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Conclusion/Summary</strong>&lt;br&gt;Student drew insightful conclusions and observations from the information gathered. Information is organized in a logical manner</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Communication</strong>&lt;br&gt;Student communicated the information gathered and summary or conclusions persuasively. Student demonstrated skill in the use of media used to communicate the results of research</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Reflection</strong>&lt;br&gt;Student reflected on the importance of the research and its potential application</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

## Total Points (20 pts.)

**Comments:**

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