The University of Mississippi Common Reading Experience Resource Guide

Integrating *Just Mercy* into the Classroom

Written by Faculty and Staff of EDHE, Library, School of Law, and Writing and Rhetoric 2017-2018
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Using <em>Just Mercy</em> in the Classroom</td>
<td>2</td>
</tr>
<tr>
<td>- Why does UM have a Common Reading Experience program?</td>
<td></td>
</tr>
<tr>
<td>- Why was <em>Just Mercy</em> selected?</td>
<td></td>
</tr>
<tr>
<td>- Who is Bryan Stevenson?</td>
<td></td>
</tr>
<tr>
<td>- How do I teach a memoir?</td>
<td></td>
</tr>
<tr>
<td>- How do I encourage students to read?</td>
<td></td>
</tr>
<tr>
<td>- How do I lead a class discussion?</td>
<td></td>
</tr>
<tr>
<td>- How do I deal with controversial topics?</td>
<td></td>
</tr>
<tr>
<td>- How do I build instruction around the book’s themes?</td>
<td></td>
</tr>
<tr>
<td>- What library resources are available?</td>
<td></td>
</tr>
<tr>
<td>- What events or speakers are being planned for the fall semester?</td>
<td></td>
</tr>
<tr>
<td>- What if one of my students has a disability and needs the book in a different format?</td>
<td></td>
</tr>
<tr>
<td>2. Cases, Concepts, and UM School of Law Initiatives</td>
<td>7</td>
</tr>
<tr>
<td>3. Integrating <em>Just Mercy</em> into Residential Learning</td>
<td>12</td>
</tr>
<tr>
<td>4. Integrating <em>Just Mercy</em> into EDHE 105/305</td>
<td>15</td>
</tr>
<tr>
<td>5. Integrating <em>Just Mercy</em> into WRIT 100/101</td>
<td>22</td>
</tr>
<tr>
<td>6. Appendix</td>
<td>29</td>
</tr>
<tr>
<td>- Chapter-specific discussion questions</td>
<td></td>
</tr>
<tr>
<td>- Sample rubrics</td>
<td></td>
</tr>
</tbody>
</table>

*An electronic version of this Guide is available in the EDHE_105-305_Instructors_2017-2018_Fall Blackboard course and on the Department of Writing and Rhetoric website at https://library.cwr.olemiss.edu/guides/cre/*.
Chapter 1: Using *Just Mercy* in the Classroom

**Why does UM have a Common Reading Experience?**

The Common Reading Experience provides a shared intellectual experience for new members of the UM community. Through reading and considering a common book, new students engage with each other and with UM faculty in exploring issues relevant to today’s global community. The Common Reading Experience helps students understand the expectations of college-level academic work, the nature of scholarly inquiry, and the values of an academic community. The program also enriches new students’ campus experiences through co-curricular programs and events related to the book. The Common Reading Text is used in EDHE classes, Writing 100/101 classes, and other classes on campus. For more information about the Common Reading Experience visit [http://umreads.olemiss.edu/](http://umreads.olemiss.edu/).

**Why was *Just Mercy* selected?**

The Common Reading Text is chosen by a committee made up of UM faculty, staff, and students. This year’s selection was chosen after careful consideration of dozens of potential options. *Just Mercy* tells the true story of a young lawyer who finds his passion defending impoverished people. Through the course of the memoir, readers come to know not only the author but also the clients he defends and the complex intricacies of the U.S. justice system. The book has won numerous awards, including the Carnegie Medal for Excellence in Nonfiction, the Dayton Literary Peace Prize, and the NAACP Image Award for Nonfiction.

**Who is Bryan Stevenson?**

Bryan Stevenson is a Harvard-educated lawyer who is the founder and executive director of the Equal Justice Initiative in Montgomery, Alabama, and a professor of law at New York University School of Law. Stevenson has won numerous awards including the MacArthur Foundation Genius Grant, the Four Freedoms Award, and the Gruber Prize for Justice.

**How do I teach a memoir?**

The Common Reading Experience provides students and teachers in all disciplines a chance to interact with a shared text. Critical analysis of texts may feel like foreign territory to some teachers; however, analysis is a skill that is useful in all areas of education and beyond and can be approached in ways with which teachers are comfortable. Writing classes use the common reading text as the basis of a major project, but work with the book in other classes does not need to be so in-depth or take up entire class periods. Try to implement short in-class discussions, homework assignments, response papers, or journal writings using the themes and prompts listed in this guide. An alternative to covering the entire book is to concentrate on a few chapters that relate specifically to the themes of your course. This resource guide should provide starting points for discussions, homework, and/or writing assignments that will challenge students.
How do I encourage students to read?

Before assigning reading:

- Preview *Just Mercy* with students. Introduce the book during class. Explain how the book will be used in the course and how it will help students meet learning outcomes. Share your own excitement about the book, perhaps describing some favorite passages, events, or people.
- Help students understand the depth of reading required. Display a passage, and model critical reading strategies such as text annotation and marginalia.

As students read:

- Provide focused questions for students to consider while they are reading. Ask them to respond to those questions in writing before the next class.
- Have students identify and submit a discussion topic or question via email or Blackboard after they have read an assignment but before the next class meeting. Use their topics and questions as the basis for class activities.
- Require students to keep a reading response journal in which they comment on or question the reading assignment.
- Ask students to underline/highlight several passages from a reading assignment. In class, ask students to discuss one of their underlined/highlighted passages.

After students have read:

- Use class time and activities to build on, rather than summarize, the reading assignment.
- At the start of class, assign a one-minute paper in which students identify both the most crucial part of the reading assignment and an unanswered question they have about the reading assignment.
- During the first few minutes of class, ask students to write about links between the reading assignment and the topic being discussed in class.
- Distribute one or two questions that build on the reading assignment. Use the think-pair-share protocol. Students first consider the question(s) on their own. Then they discuss the question(s) with a partner. Finally, they share their results with the class.

How do I lead a class discussion?

A good class discussion, like any part of teaching, should be structured yet open to improvisation. Following are some pointers for leading a discussion based on what students have read (or even their attendance at an event).

Preparation before the class meeting:

Though you may have already read the book, be sure to review what the students are reading for your class meeting. Make a list of what you would like your students to learn from this exercise in order of importance.
• For instance, you might make priority one that students understand what they read.
• Then you might select a couple of scenes or events in the book that seem important or interesting (or even puzzling – just because you are leading class discussion does not mean you need to have all the possible answers).
• Perhaps you have selected several themes in the book as your focus. You might choose scenes that relate to professional integrity, stereotypes, or the power of community.
• You might also ask students to respond to a specific quote or passage.
• Jot down a few notes so you can access them easily during your class discussion. Annotate your own text.

Class time:
• Establish respect. Class discussion is a time for exploration, and the classroom is a safe environment for students to say what they are thinking. Remind students of the first rule of the University creed: “I believe in respect for the dignity of each person.” Be sure students are listening carefully to each speaker and taking his or her ideas seriously.
• Before discussion, ask students to reflect on a directed, yet open, question in a five- to ten-minute writing. Encourage students to keep writing throughout the allotted time even if they run out of things to say. They will surprise themselves with this unstructured writing. This writing is not a quiz with one correct answer. Ask them questions such as “What do you think is the significance of X?”; “How has X changed over time?”; “Why did X do what he or she did?” You could also ask them to do a close reading of a particular passage, perhaps even comparing it to another passage.
• Avoid general questions such as “What did you think of the reading for today?” or “What did you find interesting?” These are dead-end questions and will lead to short discussions.
• To mix things up, you may also have them work together in small groups to find discussion starters or answers to your questions.

Other ideas and approaches:
• Different classes have different personalities. Just make sure the environment in which students speak is a safe one, and continue to encourage discussion in different ways if something is not working.
• Some students will direct their comments just to you. Encourage them to talk to each other.
• If you had them write a response, invite students to share what they wrote.
• If you had them work in groups, invite representatives from each group to share what they found.
• Encourage students to point to specifics in the text. Ask them where they see what they see.
• Invite students to read sections out loud.
• Be open to where the conversation takes you. Sometimes students will pick up on details that you didn’t see.
• Try not to let the class discussion go over fifteen to twenty minutes. Students are most productive in that time frame.
• At the end of the discussion, recap the major points made or ask students to do so.
• Course-specific discussion prompts are included in the course-specific sections of this guide.
How do I deal with controversial topics?

Some issues in *Just Mercy* may spark controversy in the classroom. Topics that may generate controversy include but are not limited to crime, incarceration, police actions, sexism, and racism. The Yale Center for Teaching and Learning’s [Teaching Controversial Topics](https://teaching.yale.edu/teaching-controversial-topics) can help you consider different approaches to discussing these issues.

Remember that the common read discussion should always serve your course outcomes. If a student raises an issue in which you have no expertise or are uncomfortable tackling, you might respond by explaining the topic is more suited for discussion in a different course (such as criminal justice, sociology, or political science). For example, you might say, “[Controversy X] is an important issue, and it’s one that you can study in depth in [Course Y]. [Course Y] is taught by an expert in that field. For the purposes of this course, let’s keep the focus on [your course outcome Z].” Additional guidelines are below.

If a student raises a controversial issue unexpectedly, you may want to:

1. Acknowledge the student’s remark.
2. Acknowledge that other students may hold different views or positions.
3. Assess your willingness to continue the discussion further.
4. Assess other students’ willingness to continue the discussion further.

The following guidelines may be helpful for facilitating planned discussions of controversial issues:

1. Articulate a clear purpose for the discussion (for example, how the discussion is related to course objectives).
2. Establish ground rules, such as listening without interrupting the speaker, questioning ideas rather than criticizing individuals, offering at least one piece of evidence to support each point made, and/or using “I” statements rather than “you” statements.
3. Be an active facilitator by redirecting students who are off topic or participating too actively, ensuring students are not put on the spot as spokespersons for certain groups, providing opportunities for all students to participate (orally or through writing), and being attuned to students’ emotions.
4. Summarize the discussion at the end of class, and obtain student feedback.

How do I build instruction around the book’s themes?

1. The book weaves many themes, including, but not limited to, justice, mercy, redemption, family ties, stereotypes, humane treatment, poverty, racial inequity, incarceration, punishment, treatment of juveniles, and corruption.
2. A class focusing on the theme of redemption might look like this:
   - Individually, students identify and write about a passage that illustrates the theme of redemption. (five to seven minutes)
   - As a class, students discuss the passages they have chosen. (ten to fifteen minutes)
• With partners, students brainstorm ways in which people are offered redemption outside of the justice system, perhaps using examples from their own experience. (five to ten minutes)
• Student pairs report their findings to the entire class and compose a list of the different types of redemption offered in our society. (ten to fifteen minutes)
• Homework: Students use the Internet or other resources to identify and analyze an article about redemption outside of the justice system. Here are some questions for them to consider: Which (if any) of the types of redemption we discussed in class is exemplified in the article? What was something new about redemption you learned from the article? In what ways is the redemption in the article similar to/different from redemption in the justice system? How does the article resonate with Stevenson’s notion that we all need mitigation and redemption?

What library resources are available?

Visit the UM Libraries Common Reading Research Guide. Explore this website about Just Mercy featuring full text articles, videos, suggested readings, upcoming events, and more.

Extra copies of the book

Two paperback copies of the book are on reserve at the J.D. Williams Library at the first-floor West circulation desk for three-day checkout. Two additional copies are located in the main library stacks for regular checkout. You can also access a copy as an EBook!

What events or speakers are being planned for the fall semester?

Thought-provoking events are an excellent way to get students involved with the book outside of the classroom. Please consider encouraging your students to attend an event and reflect on the overall message being delivered. For the most up-to-date list, visit the UM Libraries Common Reading Research Guide.

What if one of my students has a disability and needs a copy of the book in a different format?

Students with disabilities should visit Student Disability Services in 234 Martindale as soon as possible at the beginning of the semester. SDS provides classroom accommodations to all students on campus who disclose a disability, request accommodations, and meet eligibility requirements. SDS will be able to help your student acquire a copy of the CRE book in an appropriate format. The SDS website, http://www.olemiss.edu/depts/sds/SDSFaculty.htm, has some helpful resources for instructors.
Chapter 2: Cases, Concepts, and UM School of Law Initiatives

Prepared by Tucker Carrington
Director of George C. Cochran Innocence Project
University of Mississippi School of Law

This section offers explanations of cases, concepts, and other information referenced in Just Mercy, as well as an overview of the work being done by the UM School of Law clinical programs.

Attica Prison Riots: The Attica riot occurred at a prison in Attica, New York, in 1971, when several hundred inmates rose up in protest over their treatment. In the process, they held 42 people hostage. After New York State law enforcement seized back control of the prison, 43 people were killed—ten guards and civilian employees, as well as 33 inmates.

Batson v. Kentucky (1986): When selecting a jury, both the prosecution and the defense—as well as the court—may remove potential jurors for cause because they know someone involved in the case, they are biased for some reason, too ill, prevented by work obligations, etc. Lawyers may also exercise a finite number of peremptory challenges—for which a juror may be struck/removed for no stated reason.

At the Kentucky trial of James Batson for burglary and receipt of stolen goods, the prosecutor used his peremptory challenges to remove all four African Americans from the jury. Batson challenged the removal of these jurors as violating his Sixth Amendment right to an impartial jury and the Equal Protection Clause of the Fourteenth Amendment.

The U.S. Supreme Court agreed with Batson, ruling that the prosecution is prohibited from using peremptory strikes against a juror because of his or her race: "The harm from discriminatory jury selection extends beyond that inflicted on the defendant and the excluded juror to touch the entire community. Selection procedures that purposefully exclude black persons from juries undermine public confidence in the fairness of our system of justice."

Equal Justice Initiative (EJI): The Equal Justice Initiative is committed to ending mass incarceration and excessive punishment in the United States, to challenging racial and economic injustice, and to protecting basic human rights for the most vulnerable people in American society.

Fourth Amendment—Search and Seizure: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

The Fourth Amendment protects individuals from arbitrary law enforcement/state actor arrests. It also implicates the propriety of search warrants, stop-and-frisk actions, and other right-to-privacy issues.
Legal Clerkship/Internship:  Often law students will use the summers between their second and third years in law school (generally a three-year course of study) to work in a law office in their area of interest, like Stevenson’s Equal Justice Initiative (EJI) in Montgomery, Alabama.

**Loving v. Virginia** (1967): The U.S. Supreme Court invalidated (state) laws that prohibited interracial marriages. Mildred (black) and Richard (white) Loving had been sentenced to jail in Virginia as a result of their interracial marriage.

**McCleskey v. Kemp** (1987): The U.S. Supreme Court held that even though there was substantial data to show the "racially disproportionate impact" in Georgia’s application of the death penalty, the comprehensive scientific study was not enough to overturn the guilty verdict without showing a "racially discriminatory purpose."

**Miller v. Alabama** (2012): The U.S. Supreme Court held that mandatory sentences of life without the possibility of parole are unconstitutional for juvenile offenders.

**Relevant United States Incarceration Rates:**

- From the mid 1970s to 2014, the U.S. prison population increased from 300,000 to 2,300,000.
- One in three black males born in this century is predicted to be incarcerated and/or involved with the criminal justice system (probation or parole) in some regard.
- The U.S. has sent a quarter of a million children to adult prisons and jails.
- The number of women in prison has increased 640 percent in the last 30 years.
- Spending on jails and prisons by state and federal governments has risen from $6.9 billion in 1980 to nearly $80 billion in 2014.

**Southern Center for Human Rights (formerly Southern Prisoners’ Defense Committee):** Stevenson began his legal career at this office in Atlanta. The Center focuses on death penalty defense work in the Deep South, as well as prison condition litigation.

**UM School of Law: George C. Cochran Innocence Project and Legal Clinics**

The George C. Cochran Innocence Project is committed to providing the highest quality legal representation to its clients: Mississippi state prisoners serving significant periods of incarceration who have cognizable claims of wrongful conviction. In addition, the Project seeks to identify and address systemic problems in the criminal justice system and to develop initiatives designed to raise public and political awareness of the prevalence, causes, and societal costs of wrongful convictions. Alongside its litigation efforts, the Project has continued its Legislative and Public Policy Program, the goal of which is to institute meaningful criminal justice reforms in Mississippi. The Project also offers a clinical opportunity for second- and third-year students at the University of Mississippi School of Law. Participating students routinely cite it as one of, if not the most, meaningful and valuable experiences that they had in law school. Many have gone on to make a difference in the criminal justice system itself – some as defense attorneys and others as prosecutors.

The Cochran Innocence Project and clinic is only one of several clinical programs and offerings at the law school. Generally speaking, legal clinics offer second- and third-year law students the opportunity to represent live clients who could not otherwise afford legal services. Like the Innocence Project Clinic,
several of the clinics engage in representation that affects broader public policy issues in the state. Among them are the Low-Income Housing Clinic and the MacArthur Civil Rights Clinic. Aside from representing individuals in their cases, many of the clinics also work to improve the overall state of the law and community in Mississippi.

To that end, the Cochran Innocence Project, like other innocence projects throughout the country, understands that wrongful convictions occur for a number of reasons – shoddy law enforcement investigation, prosecutorial misconduct, false confessions, faulty eyewitness identification, bogus forensic science, and ineffective assistance of defense counsel. To date, over 350 persons in the United States have been freed through post-conviction DNA testing. Many hundreds more have been proven innocent through other means. In this way, we consider the innocence movement’s nearly singular ability to expose definitively the pervasive systemic injustice that infects the criminal justice system as its most important contribution. Unlike a “not guilty” trial verdict, which allows space for disagreement about the delivery of justice, exonerations, especially those that result from post-conviction DNA testing, provide irrefutable proof of institutionally-condoned injustice. Exonerations, of course, are only the tip of the iceberg. For every mistaken eyewitness identification that can be verified and developed into an innocence case, there are numerous others that suffer from the same faulty evidence but which – because there is no DNA, or it has been lost or degraded, or witnesses have died or gone missing – cannot be similarly developed.1

Equally compelling is the fact that innocence cases expose appellate courts’ inability – even sometimes seeming unwillingness – to identify colorable [plausible] claims of actual innocence or seriously address their root causes. As early as 1993 in Herrera v. Collins2 the Supreme Court rejected an opportunity to find unconstitutional the execution of an innocent person who had received a full and fair trial.3 In fact, in her concurrence, Justice O’Connor wrote that “[o]ur society has a high degree of confidence in its criminal trials.”4 A substantial amount of time has passed since Herrera was decided and Justice O’Connor wrote those words. What seemed then, at any rate, a defensible interpretation of the Constitution paired with an unscientific but nevertheless popular conception of public sentiment, now seems quaint, at best, and if placed against empirical evidence of innocence work, more like a ham-handed effort at creating plausible deniability.

Based on an exhaustive study of the first two hundred reported cases of post-conviction DNA exonerations, University of Virginia Law Professor Brandon Garrett found that although the petitioners were innocent, few actually presented the claim as one of actual innocence because that claim is, according to Herrera, not cognizable.5 As a result, according to Garrett’s data, appellate claims do not

3 Id. (noting, too, that even if such a claim were to exist, the threshold would be “extraordinarily high”).
4 Id. at 421 (1993) (O’Connor, J., concurring).
5 Professor Garrett notes that there are avenues of relief based on “collateral” claims of innocence or on certain states’ constitutional protections. See Brandon L. Garrett, Judging Innocence, 108 COLUM. L. REV., 55, 110 n. 200-01 (2008), citing Kyles v. Whitley, 514 U.S. 419, 435 (1995), (determining that a Brady violation is premised upon a factual proffer showing that the exculpatory evidence “could
privilege factual claims or their development. Of the two hundred innocence cases examined, not a single case granted relief based on a challenge to eyewitness identification error or a constitutional claim of forensic evidence problems. Of those who falsely confessed, only half raised claims about the issue, and none received relief.

Nevertheless, and in spite of all this, the late Justice Antonin Scalia wrote, “This Court has never held that the Constitution forbids the execution of a convicted defendant who has had a full and fair trial but is later able to convince a habeas court that he is ‘actually’ innocent. Quite to the contrary, we have repeatedly left that question unresolved, while expressing considerable doubt that any claim based on alleged ‘actual innocence’ is constitutionally cognizable.” Were that not enough, he pointed out in a subsequent opinion that “[o]ne cannot have a system of criminal punishment without accepting the possibility that someone will be punished mistakenly. . . . But with regard to the punishment of death in the current American system, that possibility has been reduced to an insignificant minimum.”

As a matter of law Scalia and the Court may be correct, inasmuch as one is attracted to that particular philosophical view of the Constitution and its role in our society. As a matter of objective fact, however, that position flies in the face of what we know about the number of innocence cases, as well as their root causes. Where we as a society ultimately land on these issues – whether, in short, we view the Constitution as a restrictive document or as an aspirational articulation of our better selves – will continue to play out over time. But the work of innocence projects and the powerful narratives they uncover, combined with the broader work of places like Bryan Stevenson’s Equal Justice Initiative and its legal and policy advancements, should add to – maybe even compel – a correct and certain outcome.

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6 For a more in-depth discussion of the valuing of procedural claims over factual claims as it applies to innocence cases, see Garrett, supra note 66 at 126. For a more general discussion of the trend, see William J. Stuntz, The Uneasy Relationship Between Criminal Procedure and Criminal Justice, 107 YALE L.J. 1, 37-45 (1997) (discussing “defense attorneys' incentive to skew their investment in the direction of more constitutional litigation and less litigation about the facts”).
7 Garrett, at 60-61.
UM School of Law: Roderick and Solange MacArthur Justice Center
(adapted from the UM Law MacArthur Justice Center website and used with permission)

The Roderick and Solange MacArthur Justice Center is a public interest law firm advocating for human rights and social justice through litigation. The MacArthur Justice Center focuses on issues such as police misconduct, wrongful search and seizure, conditions of confinement, juvenile justice, inmate access to health care and mental health treatment, access to parole, prosecutorial misconduct, discrimination in the criminal justice system, and indigent rights. The Center’s goal is to bring about meaningful and positive change in Mississippi through litigation of cases addressing weaknesses in the State’s criminal justice and legal systems. The UM School of Law MacArthur Justice Center works collaboratively with MacArthur Justice Center offices in New Orleans and at the Northwestern University School of Law in Chicago.

MacArthur Justice Clinic
The MacArthur Justice Clinic at the University of Mississippi School of Law provides law students with opportunities to participate in all aspects of the Center’s litigation, including case selection, witness interviews, research, discovery, draft pleadings, motions arguments before federal judges, and, when possible, participation at trial. Through this student involvement, the MacArthur Justice Clinic seeks to develop lawyers sensitive to the need for advocacy in the areas of human rights and social justice.

The MacArthur Justice Clinic is the newest of the 11 clinical programs at the University of Mississippi School of Law:

- Child Advocacy
- Conflict Management Practicum I & II
- Criminal Appeals
- Elder Law
- George C. Cochran Innocence Project
- Housing Clinic
- Legislation and Policy
- MacArthur Justice Clinic
- Street Law
- Tax Practicum
- Transactional Law
Chapter 3: Integrating *Just Mercy* into Residential Learning

The Common Reading Experience provides a shared intellectual venture for new members of the UM community. Through reading and considering a common book, new students engage with others in exploring issues relevant to today’s global community and their own lives. This section of the guide details the themes that are resonant with living on campus and the beginning of college. Relevant characters and passages from the book as well as sample activities are listed below each theme.

LIVING AND WORKING WITH PEOPLE DIFFERENT FROM YOU

Walter McMillian and Sam Crook, pp. 102-3

*Sample activity:* After discussing Walter’s method of redefining odd people as “interesting,” make a list of terms we use to describe people we don’t quite get (i.e., kooky, wacky, weird etc.). Then make a list of new words redefining those terms in a positive way (i.e., unique, creative, adventurous, etc.).

HELP ALONG THE WAY

Charlie, pp. 115-126
Marsha Colbey, pp. 227-241
The Stonecatcher, pp. 306-310

*Sample activity:* After discussing the ways in which these characters seek, find, and offer help, send pairs of residents on a help-finding scavenger hunt. Prepare a list of common problems that first-year students face. Pair residents, and give each pair a different problem. Have the residents do a virtual or real-life search of campus to find people/offices that could help with that problem.

FINDING YOUR PASSION

Bryan Stevenson, pp. 3-14

*Sample activity:* After reading and discussing how Stevenson struggles to decide if he wants to be a lawyer, ask residents to write down what they think they will be majoring in and why they have made those choices. Then, introduce them to the “Choosing My Major” page of the College of Liberal Arts website at [http://libarts.olemiss.edu/choosing-my-major/](http://libarts.olemiss.edu/choosing-my-major/). Ask them to choose one of the majors there they have never heard of or considered and read about the possibilities for jobs listed for that major. Make a list of what the students discover.
LISTENING, LEARNING, AND CHANGING

The correctional officer, pp. 191-202

*Sample activity:* After reading about how the correctional officer was changed by listening to Stevenson and the expert witness in court, pass out slips of paper and ask residents to write down something they wish they knew more about or understood better. Collect the slips, read each out loud, and discuss courses or activities they could get involved in that would increase their understanding.

MISTAKES, RESPONSIBILITIES, AND FORGIVENESS

Ian Manuel and Debbie Baigre, pp. 151-153

*Sample activity:* This passage illustrates the power of taking responsibility for mistakes and the healing nature of forgiveness. After discussing the relationship that developed between Ian and Debbie after Ian’s apology, ask residents to brainstorm “mistakes” that roommates might make as they live together throughout the year. Then role play some scenarios for asking and offering forgiveness for those mistakes.

THE POWER OF COMMUNITY

The McMillian family and the death row inmates, pp. 225-226

*Sample activity:* In this scene when Walter is finally released from prison, the family he was born into and the community of death row inmates he was placed into surround him with support and encouragement. The moment is emblematic of the support they have provided throughout Walter’s ordeal. Discuss the ways in which community membership (such as living in a residence hall) can provide support and encouragement. Brainstorm ways for residential community members to offer that support.

STEREOTYPES AND IMPLICIT BIAS

Bryan Stevenson, pp. 38-42

*Sample activity:* In this scene, Stevenson relates an incident in which he was falsely suspected of criminal activity because of his age and race. Unfortunately, college students are often the subjects of unfair stereotypes or implicit biases, too. Ask residents to take the implicit attitude toward age test, “Project Implicit, Age IAT,” at [https://implicit.harvard.edu/implicit/](https://implicit.harvard.edu/implicit/). Discuss the results. Then list situations in which residents might be judged unfairly based on their age/appearance, and brainstorm effective responses.

FOSTERING PRODUCTIVE CONVERSATIONS

Bryan Stevenson and Tom Chapman, pp. 108-113

*Sample activity:* In this scene, Stevenson recounts a frustrating conversation with a district attorney whom Stevenson characterizes as “dismissive.” Learning to listen and respond effectively is a vital skill for college students in their residential and academic lives. After discussing the passage, have residents practice some active listening strategies, such as the following paraphrasing strategy: Tell residents that
the three steps of active listening are 1.) looking at the speaker, 2.) waiting for the speaker to finish, and 3.) responding with words or phrases that paraphrase what the speaker has said. Pair students. Give the first speaker a topic, such as, “A strong emotion I have been experiencing lately is.” Ask the speaker’s partner to practice the steps of active listening. Then switch roles, giving the second speaker a different topic.

**MATURATION**

Bryan Stevenson, pp. 266-269

*Sample activity:* Stevenson writes about how many of the juvenile offenders he has worked with “matured into adults who were much more thoughtful and reflective” (266) but made terrible choices when they were younger and less thoughtful. Have students write down and share strategies they have for making mature, responsible decisions now that they are “on their own” and in college yet their brains are still developing.

**DISCOMFORT**

Darnell Houston, pp. 113-114

*Sample activity:* After discussing Darnell’s spurious arrest, talk about how systemic racism (as well as other social problems) can perpetuate comfort and discomfort among people and communities. Then have students write down ways they can step out of their own comfort zones and challenge systems that unfairly perpetuate inequalities.

Community assistants may also be interested in forming book discussion groups for their residence halls, using *Just Mercy* as the first book. For help forming a book discussion group, please contact Melissa Dennis, Head of Research & Instruction Services & Associate Professor, at mdennis@olemiss.edu or 662-915-5861.
Chapter 4: Integrating *Just Mercy* into EDHE 105/305

The common reading book selection is used each year in EDHE 105/305 courses primarily as a framework for class discussions, projects, and writing assignments that explore social themes and/or issues from the book. EDHE 105/305 instructors use the text (with a focus on those themes and issues) to teach students how to explore their personal reactions, to understand and appreciate both the things that make them different from their peers and the things that they have in common, and to effectively and respectfully voice their own opinions and viewpoints.

**CLASS DISCUSSIONS**

EDHE 105/305 classrooms provide excellent opportunities for students to practice classroom discussion. Instructors are encouraged to read pages 3–6 of this guide to prepare for these opportunities. Here are several suggestions for discussion prompts:

- Early in the book, Stevenson describes an incident when he was racially profiled and police searched his car. He wonders, if there had been drugs in his car and he was arrested, would he have been able to convince his attorney that his car was searched illegally? Stevenson says, “Would a judge believe that I’d done nothing wrong? Would they believe someone who was just like me but happened not to be a lawyer? Someone like me who was unemployed and had a criminal record?” (44). How does Stevenson’s work shape his understanding of the justice system? Do his experiences make him more or less empathetic to those in the justice system? Is it surprising that someone whose 86-year-old grandfather was murdered would work so tirelessly against the death penalty?

- Stevenson was interviewed by Terry Gross on the National Public Radio show *Fresh Air*. When asked about the McMillian case, he says, “…it was challenging because even when we presented all of that evidence – and we presented Mr. McMillian’s strong alibi, the first couple of judges said, ‘No, we’re not going to grant relief.’ It took us six years to get a court to ultimately overturn the conviction. And I think it speaks to this resistance we have in this country to confronting our errors, to confronting our mistakes.” Is there a lack of humility in our justice system? In America? Why does it take so much time, effort, and perseverance to get the legal system to confront its mistakes? Can this be changed?

- Many United States citizens will find this book painful to read, demoralizing, and even shameful. What kind(s) of emotion(s) did the book bring up in you? Is this a book about combating racism? What is this book about?
• The *New York Times* says *Just Mercy* “reads like a call to action.” Stevenson calls for increasing the salaries of teachers, law enforcement, and social workers in an interview with National Public Radio. Are you compelled to take action after reading the book? If so, what would that action look like? Are there local or national groups that you would work with to make your action more powerful?

• One of the most powerful moments in the book is when Stevenson experiences a mental and emotional breakdown. But this breakdown becomes a pivotal moment in his work for he recognizes his and society’s collective brokenness and their response to weakness: “We’ve become so fearful and vengeful that we’ve thrown away children, discarded the disabled, and sanctioned the imprisonment of the sick and the weak—not because they are a threat to public safety or beyond rehabilitation but because we think it makes us seem tough, less broken” (290). How did this realization ultimately aid Stevenson? Do you agree with this realization? Does society need to somehow find its way to that point in order to move forward and heal?

• The purpose of the UM Creed is “to outline certain established values that each member of the University community should strive to possess” (UM Policy 10000781). Discuss how certain characters or events in *Just Mercy* reflect or do not reflect one of the following aspects of the Creed:
  - I believe in respect for the dignity of each person.
  - I believe in fairness and civility.
  - I believe in personal and professional integrity.
  - I believe in good stewardship of our resources.

• In the chapter “Mitigation,” Stevenson describes his interactions with a prison guard who is deeply affected by listening to his arguments in court regarding the background and past experiences of his client. During their conversation at the end of the chapter Stevenson states, “Sometimes I forget how we all need mitigation at some point” (201). Mitigation is defined as “to cause to be less harsh or hostile; to make less severe or painful” (Merriam-Webster). What do you think Stevenson means by this statement?

*Some of these questions are adapted from common reading guides at the University of Wisconsin-Madison and the University of Iowa.*
IN-CLASS ACTIVITIES

1. Character Investigation (individual or group activity)

Choose an individual from Walter McMillian’s story in the book. Suggestions:
- Walter McMillian
- Minnie Belle McMillian
- Robert E. Lee King
- Ralph Myers
- Karen Kelly
- Ernest Welch

Investigate this individual using these questions:
- What is this person’s story?
- Describe his or her character traits. Do you admire these traits? Why or why not?
- List a memorable quote from this person. Why did you choose this particular quote?
- How does he/she interact with Stevenson?
- Does this individual evolve and develop throughout the book? If so, how?

2. Interview Analysis

Choose one of the Stevenson interviews listed below:
- Bryan Stevenson—Charlie Rose (https://charlierose.com/guests/5864)
- Bryan Stevenson—The Daily Show with Jon Stewart | Comedy Central (www.cc.com/video-clips/d9wrvk/the-daily-show-with-jon-stewart-bryan-stevenson)
- Public Interest Lawyer Bryan Stevenson | Interviews | Tavis Smiley | PBS (http://www.pbs.org/wnet/tavissmiley/interviews/public-interest-lawyer-bryan-stevenson/)

Analyze the interview using these questions:
- Basics: Who interviewed him? Where was the interview? When was the interview?
- How did the interviewer treat Stevenson?
- Discuss Stevenson’s manner, personality, character as exemplified in this interview.
- What was the main point that Stevenson tried to convey in this interview?
- What did you learn from this interview?
- Who might be the intended audience for this interview?
- What additional questions would you ask?
3. **Problem-Solving Brainstorming Session**

Divide the class into 4–5 groups, providing each group with 5-6 index cards and an envelope.

1. Instruct each group to select a social problem or issue that was brought up in the book and then write this on the envelope. Alternatively, you may start with a brainstorming session, list problems, and have each group select one. Suggestions for issues: racial profiling, abuse of power, legal representation for indigent individuals, mental illness in prison populations, juvenile incarceration, etc.

2. Each group then passes their envelope to the next group.

3. As each group receives an envelope, they have a set amount of time to discuss the problem and possible solutions. They write their best solution on an index card, place it in the envelope, and then pass it to the next group. Groups may not look at other solutions from other groups that are in the envelope!

4. Continue until each group’s envelope comes back around to the starting point. Have each group read all of the solution suggestions and decide/explain to the class which one they think is the best and why.

4. **In-Class Debate**

Choose one of the controversial issues or themes described in this guide and write a proposition statement. For example:

- Example #1 – Resolved: The death penalty is an important deterrent to criminal activity.
- Example #2 – Resolved: The death penalty should be outlawed in the United States.

Divide the class into two or more groups with one or more sides taking the affirmative position and the other side(s) the negative. Allow 10 to 15 minutes for research and drafting arguments. Each side then presents its case in the following format:

1. Affirmative constructive speech
2. Negative constructive speech
3. 5-minute work period
4. Negative rebuttal speech
5. Affirmative rebuttal
6. 5-minute work period
7. Negative rebuttal
8. Affirmative rebuttal
9. Decision

Variation: Require research and preparation outside of class. Make teams of two to three and use the debate as the group project assignment.
GROUP/INDIVIDUAL PROJECT ASSIGNMENTS

1. **Just the Facts!**

   Early in the semester, groups can give short presentations on the facts related to various topics in the book.
   - The status of the death penalty in the U.S.
   - Mandatory drug sentences
   - Incarceration in other countries
   - Juvenile sentencing in the U.S.
   - Prison system in Mississippi

2. **Identity Project (adapted from NC State’s “Creative Project)***

   Create two representations of your identities: how you think others view you, and how you view yourself. You can use any medium you want. Some potential options include:
   - Video
   - Song or other audio art
   - Poem or other written art
   - Painting, drawing, photography, or other two-dimensional art
   - Sculpture, model, diorama, or other three-dimensional art
   - Other creative representation of your identities

   For your first meeting with your instructor, bring your representations and be prepared to discuss them.

3. **Written Identity Reflection (adapted from NC State’s “Creative Project)***

   Please address the following questions. Your response to each question should be thorough but limited to one or two paragraphs per question. Overall your written reflection should be no more than three pages.

   1. Define what identity means to you, and describe the identities you feel apply to you as an individual.

   2. Select one person from the book whom you found interesting (you may select the author). Briefly describe the person and his/her experience. How are that person’s identities different from yours? In what ways are his/her identities similar to yours? How might you and this person experience life differently?
Additional assignment for the end of the semester:

Throughout *Just Mercy*, it was clear to see that Bryan Stevenson had a great impact on the world around him. At New Student Orientation, you were challenged to think about who you will be and how you will exist in this community that is new to you. Now that you have had time to reflect, who will you be? How will you be that person? What specific impact do you intend to make on your community?

4. Research Project/Presentation

*Note to instructor: Consider encouraging your students to utilize the library resources found at the UM Libraries Common Reading Research Guide and other resources listed on pages 7-11 of this guide.*

Divide the class into small groups, assigning one of the non-profit organizations listed. Each group member will be assigned a particular role: researcher, illustrator, writer, etc. Have students use the suggested resources plus any others they find in order to prepare a 10- to 15-minute presentation to the class on their project. Instruct students to address the organization’s mission, activities, impact, etc.

Organizations seeking justice:
- Equal Justice Initiative
- Mississippi Innocence Project – Innocence Network
- Southern Center for Human Rights (formerly Southern Prisoners Defense Committee)
- Roderick & Solange MacArthur Justice Center

Organizations with a religious emphasis:
- Prison Fellowship
- Kairos Prison Ministry
- Dismas Ministry

Organizations that encourage productive citizens:
- Prison Lives
- P.A.T.H. – Prison Arts Touching Hearts
- Freebird Publishers
5. **Teach the Class**

*Note to instructor: Encourage students to use library resources found at the [UM Libraries Common Reading Research Guide](https://libraries.universityofmississippi.edu).*

Your assignment is to teach your classmates about a chapter in the book. Each group will engage the other classmates in discussions or activities built around the themes, characters, and issues presented in your group’s assigned chapter.

Each presentation must be 10-15 minutes long. On the day of the presentation, each group must submit a brief outline or study guide which provides the main points of your presentation. The only rule is that you are not allowed to simply recite what you believe to be the main points. Develop a class activity, make a video, use visual aids, etc. Be creative! Using PowerPoint, Prezi, or other presentation software is welcome but will NOT count as a visual aid or activity on its own. Students can reserve [STUDIOone](https://library.universityofmississippi.edu/studioone) in the library to record and edit videos.

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<td>“The Old Rugged Cross”</td>
<td>Incarceration of veterans</td>
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<td>6</td>
<td>“Surely Doomed”</td>
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<td>8</td>
<td>“All God’s Children”</td>
<td>Prosecution of children as adults</td>
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<td>Death in prison for juveniles</td>
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<td>10</td>
<td>“Mitigation”</td>
<td>Incarceration of the mentally ill</td>
<td>Avery Jenkins</td>
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<td>12</td>
<td>“Mother, Mother”</td>
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<td>15</td>
<td>“Broken”</td>
<td>Incarceration of intellectually disabled</td>
<td>Jimmy Dill</td>
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Chapter 5: Integrating *Just Mercy* into WRIT 100/101

The first-semester, first-year writing courses—WRIT 100 and WRIT 101—use the Common Reading Text as the basis for the first major writing project. This project emphasizes the critical reading, critical thinking, analysis, research, and synthesis skills that are vital to college writing. In this assignment, students are given a prompt pertaining to the Common Reading Text and asked to compose an essay that integrates the Common Reading Text with outside sources and the student’s own ideas. First-year writing courses use the Common Reading Text as a basis for student reading and writing rather than as a literary study.

**Discussion Starters** *

1. As you read the book, what were your reactions to descriptions of the criminal justice system? Why does the author compare his own brokenness to the brokenness of the system? Do you believe that broken people can be healed? What does it mean to show mercy within a broken system?

2. Were you surprised by the prevalence of improper legal representation in the cases profiled in *Just Mercy*? What examples of discriminatory jury selection does Stevenson share? What factors do you believe should influence jury selection? Explain your reasoning. Numerous examples of judicial misconduct are also cited in *Just Mercy*, from destruction of evidence to prosecutorial misconduct. Why do you think sheriffs, lawyers, and other government officials proven guilty of misconduct are still on active duty? What reforms, if any, do you believe should be made to the legal system?

3. There are countless examples within the text of courts refusing to review new evidence or grant new trials, stating that it is too late for new information. We also hear about the media experiencing “innocence fatigue.” What do you believe contributes to indifference towards claims of innocence? Should people with claims of innocence have their cases reviewed in a timelier manner? Should victims’ family members be involved in the review of innocence cases? Do you believe our legal system operates under the principle of innocent until proven guilty?

4. Many prisoners who have spent years on death row or in solitary confinement describe their experience as being buried alive. Prisoners are often subjected to rape, assault, and violence and have an increased risk of suicide. What protections should exist for incarcerated people? Do you believe that putting someone in uninterrupted solitary confinement for 18 years, as we read in the case of Ian Manuel, is ever warranted? Do you believe additional protections should exist for juveniles? What kind of punishment, if any, should exist in prisons?

5. Fifty percent of the people in jail and prison today have a diagnosed mental illness, with one in five having a serious mental illness. Why is severe mental illness often ignored at trial? Do you believe mentally ill people convicted of crimes should receive different treatment? In 2002, the Supreme Court ruled in *Atkins v. Virginia* that executing individuals deemed to be “mentally retarded” is cruel and
unusual punishment. What other protections should be considered for prisoners with proven mental illness, including those who have committed violent offenses?

6. Rena Mae Collins’ aunt approaches Stevenson after Herbert Richardson’s hearing and tells him, “We can’t cheer for that man you trying to help but don’t want to have to grieve for him, too. There shouldn’t be no more killing behind this” (81). How do you believe victims’ family members should be involved in legal cases? How do you see the government acting on behalf of victims in the book? McMillian’s sister tells Stevenson, “I feel like I’ve been convicted too” (93). How do you think family members of people convicted of crimes should be treated?

7. What factors prevent mitigating evidence (information about a person’s background and upbringing that may reduce punishment for an offense) from being presented at trial? Why would a judge or a jury lack interest in significant, compelling mitigating evidence? Do you believe Herbert Richardson’s sentence would have been different if evidence was presented on his history of abuse, mental illness, PTSD, and military service? What does Stevenson mean when he writes, “. . . we all need mitigation at some point” (201)?

8. Before Richardson’s execution, correctional officers at Holman Prison were helpful and attentive to his requests. Stevenson asks, “Where were these people when he really needed them?” (89). What support do you believe Richardson should have received while he was struggling with childhood sexual abuse, PTSD, and disability? What does this say about the function of prisons today? What do you think the role of prisons should be?

9. In 1996, people with drug convictions were banned from receiving public benefits including housing, welfare, and student loans. Two-thirds of women in prison are incarcerated for nonviolent crimes, many for writing bad checks or committing minor property crimes. Stevenson charges that these policy changes have “created a new class of ‘untouchables’” (237). What are some of the consequences of this class division? What factors lead to an increase in felony charges for nonviolent offenses? Do you think race and class affect sentencing for nonviolent offenses?

10. In the epilogue, Stevenson writes, “The real question of capital punishment in this country is, Do we deserve to kill?” (313). What was your opinion about capital punishment prior to reading this book? Did reading Just Mercy change your opinion about whether or not the United States has the right to execute its citizens? What other questions did this book raise about capital punishment?

11. Readers from varied backgrounds will approach this book with different knowledge and experiences. Did Stevenson’s examples resonate with you, or were you shocked? Is the book an eye-opener for you or validation of what you already knew? Consider how your reaction would differ if you were of a different race or class, were the victim of a serious crime, or had personal experience with the justice system.

*These questions are adapted from common reading guides at The University of Wisconsin-Madison and Washington State University.
Project Prompts *

1. During Stevenson’s first year in law school he is unsure of his focus and future plans. When he starts working with people on death row he finds his calling. He remembers his grandmother telling him, “You can’t understand most of the important things from a distance, Bryan. You have to get close” (14). These words of advice help shape Stevenson’s career. Make some notes about how Stevenson’s work is affected by his “getting close” to his subject. How do we see the author “getting close” to issues of punishment and mass incarceration throughout the book? What are some examples of Stevenson “getting close” to the incarcerated people he works with? How does “getting close” to Walter McMillian affect his life? Then, think about your own educational pursuits up to this point. Where have you “gotten close” to your academic work? Why? What does this tell you about who you are as a learner and thinker? What might it mean in the future for you as an academic and beyond? How does your experience compare to Stevenson’s journey? Finally, compose an essay in which you examine a focused area where you have “gotten close” to your studies by getting personally involved and in which you compare and contrast your experiences with Stevenson’s.

1. (NYT) During Stevenson’s first year in law school he is unsure of his focus and future plans. In fact, he notes, “I studied philosophy in college and didn’t realize until my senior year that no one would pay me to philosophize when I graduated” (4). Keeping this in mind, read “Will you Sprint, Stroll, or Stumble into a Career,” The New York Times, April 5, 2016, which characterizes emerging adults as sprinters, wanderers, or stragglers. After reading the article, consider which category Stevenson belongs in. Then think about your own plans for college and beyond, identifying which category best fits you. Finally, compose an essay in which you compare and contrast your own category and experiences with Stevenson’s.

2. Titles can be easily overlooked or forgotten once readers have become immersed in a book. Now that you have finished the book, consider the role that titles play. Start with the book’s title, Just Mercy. What are some of the different meanings of the word “just” used throughout the book? Has reading about Stevenson’s experiences influenced your own definition of justice? Then examine the chapter titles. What is their relationship to justice? Do you see patterns or motifs emerging? Are there chapter titles that are particularly significant? Does Stevenson engage in deliberate wordplay in his use of titles? Write a thesis-driven essay examining the ways in which Stevenson’s book and chapter titles affect how we read and think about the book.

2. (NYT) Titles can be easily overlooked or forgotten once readers have become immersed in a book or an article, but titles influence readers in many ways. Read Bryan Stevenson’s October 24, 2014, New York Times essay, “The Man on Death Row Who Changed Me,” which is adapted from the “Higher Ground” introductory chapter of Just Mercy. Then reread “Higher Ground.” Write an essay comparing and contrasting the two titles and the ways in which the titles affect both the readers and the selections. Take into consideration the audience, purpose, medium, and exigence for each piece. Consider why each title was chosen and how effective it is.
3. After working with low-income and incarcerated people for many years, Stevenson came to believe that “the opposite of poverty is not wealth; the opposite of poverty is justice” (18). How does poverty affect justice in *Just Mercy*? Are there any examples of poverty and justice existing at the same time? Write an essay supporting or opposing Stevenson’s quotation, citing examples from the book as evidence.

3. (NYT) After working with low-income and incarcerated people for many years, Stevenson came to believe that “the opposite of poverty is not wealth; the opposite of poverty is justice” (18). Read the October 23, 2015, *New York Times* article, “Court by Court, Lawyers Fight Policies that Fall Heavily on the Poor,” and watch the embedded video. Then write an essay on how poverty does or does not affect justice, citing examples from the book, the article, and the video. How does poverty affect justice? Are there any examples of poverty and justice existing at the same time?

4. Media outlets play an interesting role in *Just Mercy*. Stevenson is reluctant to bring media attention to some cases, but it is clear that the 60 Minutes coverage played at least some role in helping to free Walter McMillian. If the justice system in America is based on facts, evidence, and a presumption of innocence until proven guilty, why do media outlets play such a powerful role in our thoughts on crime? Think about your own understanding of justice and crime in America and what role media play in it. Consider another case or two in which you think media attention played a role in public opinion. Ask yourself how confident you are in media portraying you fairly if you were accused of a serious crime. Then compose a thesis-driven argument essay in which you examine the role of media in America’s justice system. Point to examples from *Just Mercy* in your essay.

4. (NYT) Media outlets play an interesting role in *Just Mercy*. Stevenson is reluctant to bring media attention to some cases, but it is clear that the 60 Minutes coverage played at least some role in helping to free Walter McMillian. If the justice system in America is based on facts, evidence, and a presumption of innocence until proven guilty, why do media outlets play such a powerful role in our thoughts on crime? Read the October 4, 1995, *New York Times* article, “*Not Guilty: The Moment; A Day (10 Minutes of It) the Country Stood Still*,” about the media coverage of the O.J. Simpson verdict. Think about your own understanding of justice and crime in America and what role media play in it. Ask yourself how confident you are in media portraying you fairly if you were accused of a serious crime. Then compose a thesis-driven argument essay in which you examine the role of media in America’s justice system. Point to examples from *Just Mercy* and the NYT article in your essay.

5. Stevenson discusses juveniles in depth in *Just Mercy*, both tacitly and explicitly arguing that a just and merciful country would not sentence children to death or to life in prison. He asserts, “[y]oung teens lack the maturity, independence, and future orientation that adults have acquired” (268) in explaining his argument to the Supreme Court on sentence relief for juveniles. Stevenson further claims that many of the juveniles with life sentences whom he has worked with have become far more reflective and mature adults. Think about your own decisions as you end your teenage years. In what ways have you matured and become more reflective and forward-thinking?
Why? Do your actions as an early teen define you in any ways? How so? Consider how the American justice system handles juvenile crime. Is it appropriate? Why, or why not? Are there certain crimes where defendants should be tried as adults? Is there a particular age when children should be held to different expectations? Is it the same for everybody? How does incarceration affect children differently from adults? Do you agree with Stevenson that punishments for children are often “intense and reactionary” (268)? Compose a thesis-driven essay in which you analyze and make a claim about the juvenile justice system using your own growth and maturation as well as examples from Just Mercy to support your points.

5. (NYT) Stevenson discusses juveniles in depth in Just Mercy, tacitly and explicitly arguing that a just and merciful country would not sentence children to death or to life in prison. He asserts, “[y]oung teens lack the maturity, independence, and future orientation that adults have acquired” (268) in explaining his argument to the Supreme Court on sentence relief for juveniles. Stevenson further claims that many of the juveniles with life sentences whom he has worked with have become far more reflective and mature adults. Read the November 10, 2015, New York Times article, “What Mass Incarceration Looks Like for Juveniles.” Think about your own decisions as you end your teenage years. In what ways have you matured and become more reflective and forward-thinking? Why? Do your actions as an early teen define you in any ways? How so? Consider how the American justice system handles juvenile crime. Is it appropriate? Why, or why not? Are there certain crimes where defendants should be tried as adults? Is there a particular age when children should be held to different expectations? Is it the same for everybody? How does incarceration affect children differently from adults? Do you agree with Stevenson that punishments for children are often “intense and reactionary” (268)? Compose a thesis-driven essay in which you analyze and make a claim about the juvenile justice system using your own growth and maturation as well as examples from Just Mercy and the NYT article to support your points.

6. Stevenson notes several books that informed his own opinions about justice, including The Souls of Black Folk by W. E. B. Du Bois and Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II by Douglas A. Blackmon. How did these books affect him? What authors or books have informed your own opinions about justice? Compose an essay in which you analyze how books can shape readers’ perceptions of justice using your own experiences and Stevenson’s to support your points.

6. (NYT) Stevenson notes several books that informed his own opinions about justice, including The Souls of Black Folk by W. E. B. Du Bois and Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II by Douglas A. Blackmon. Read W.E. B. Du Bois’ December 12, 1909, New York Times article, “Fifty Years Among Black Folks: Prof. Dubois Tells of Evolution of Negro,” and Janet Maslin’s April 10, 2008, New York Times review, “What Emancipation Didn’t Stop After All,” of Douglas Blackmon’s volume to get a better understanding of these books. Then consider how and why these books affected Stevenson’s opinions about justice. What authors or books have informed your own opinions about justice? Compose an essay in which you analyze how books can shape readers’ perceptions of justice
using your own experiences and Stevenson’s to support your points. Use the NYT articles to inform your discussion of the books that influenced Stevenson.

7. Walter McMillian was the 50th person exonerated from death row in the United States. As of 2015, 156 people have been exonerated, many after serving decades in prison. What challenges do you think formerly incarcerated people, whether deemed innocent or not, face when they re-enter their community? What support, if any, do you believe the government and/or community should grant former prisoners? Once proven innocent, do you believe an exoneree should receive compensation for his or her wrongful incarceration? Craft a thesis-driven argument about how we as a country should address the problems of wrongful convictions and the support that is owed to exonerees.

7. (NYT) Walter McMillian was the 50th person exonerated from death row in the United States. As of 2015, 156 people have been exonerated, many after serving decades in prison. Read and listen to several interviews in the November 25, 2007, New York Times multimedia presentation, “Exonerated, Freed, and What Happened Then.” After reviewing Walter McMillian’s story in Just Mercy and listening to the NYT interviews, what challenges do you think formerly incarcerated people, whether deemed innocent or not, face when they re-enter their community? What support, if any, do you believe the government and/or community should grant former prisoners? Once proven innocent, do you believe an exoneree should receive compensation for his or her wrongful incarceration? Craft a thesis-driven argument about how we as a country should address the problems of wrongful convictions and the support that is owed to exonerees, citing examples from the book and the interviews as evidence.

8. Shame and repentance are recurring themes in Just Mercy. In an interview with Ezra Klein, Stevenson remarks,

   I think we have to increase our shame — and I don't think shame is a bad thing. I worked with people in jails and prisons, and most parole boards will make my clients say, ‘I am sorry,’ before they can get parole. It's a requirement in many states that you have to show remorse, even if you have a perfect prison record, before they will let you out. We require that because our sense of comfort, our sense of safety, is compromised if we don’t think you appreciate the wrongfulness of your criminal act. In faith perspectives, to get to salvation — at least in the Christian tradition — you have to repent. There is no redemption without acknowledgement of sin. It’s not bad to repent. It's cleansing. It's necessary. It's ultimately liberating to acknowledge where we were and where we want to go. We haven't done that collectively.

   Do you agree with Stevenson’s remarks? Why, or why not? Craft a thesis-driven argument in which you defend your stance including evidence from the book.
8. *(NYT)* Shame and repentance are recurring themes in *Just Mercy*. In an interview with Ezra Klein, Stevenson remarks,

> I think we have to increase our shame — and I don't think shame is a bad thing. I worked with people in jails and prisons, and most parole boards will make my clients say, ‘I am sorry,’ before they can get parole. It's a requirement in many states that you have to show remorse, even if you have a perfect prison record, before they will let you out. We require that because our sense of comfort, our sense of safety, is compromized if we don't think you appreciate the wrongfulness of your criminal act. In faith perspectives, to get to salvation — at least in the Christian tradition — you have to repent. There is no redemption without acknowledgement of sin. It’s not bad to repent. It's cleansing. It's necessary. It's ultimately liberating to acknowledge where we were and where we want to go. We haven't done that collectively.

St. Olaf College Professor of Philosophy Gordon Marino also discusses shame and repentance in his November 12, 2016, *New York Times* column, “What’s the Use of Regret?” After reading Marino’s column and reviewing Stevenson’s book, consider the following questions. Do you agree with Stevenson’s remarks and/or Marino’s article? Why, or why not? Craft a thesis-driven argument in which you defend your stance including evidence from the book and the column.

9. Medium—the tool or technology through which information is conveyed—can have a significant impact on audience response. In *Just Mercy*, Walter McMillian’s story is conveyed through alphabetic text. The StoryCorps Justice Project relates the stories of individuals affected by mass incarceration through audio. Listen to one or more of the stories on the StoryCorps Justice Project website. Then compose an essay in which you analyze the effect of medium on audience response. In what ways does the medium have an effect on audience response? In what ways does the medium seem to have no effect? What is the larger significance of your analysis for the rhetorical situation? Craft a thesis-driven argument to defend your analysis.

9. *(NYT)* Medium—the tool or technology through which information is conveyed—can have a significant impact on audience response. The chapters “I’ll Fly Away,” “Recovery,” and “Cruel and Unusual” convey the story of Walter McMillian’s prison release and life thereafter through alphabetic text. The StoryCorps Justice Project relates the story of Jamal Faison’s prison release through audio. *The New York Times* Op-Doc, “A Ride Home from Prison,” relates the story of Stanley Bailey’s release through video. Reread, listen to, and watch each of these texts. Then compose an essay in which you analyze the effect of medium on audience response. In what ways does the medium have an effect on audience response? In what ways does the medium seem to have no effect? What is the larger significance of your analysis for the rhetorical situation? Craft a thesis-driven argument to defend your analysis.

*Many of these prompts are adapted from common reading guides at the University of Wisconsin-Madison and Washington State University.*
Appendix

Chapter-specific discussion questions*

Chapter 1
1. How did Stevenson’s background prepare him for law school?
2. What famous novel was written in Monroe County, Alabama, and how is it relevant to *Just Mercy*?
3. In what ways did the Alabama government contribute to the economic difficulties of the state’s African American population?
4. Why was Ralph Myers considered to be so trustworthy by the Monroe County police department?

Chapter 2
1. What two cases involving the Gadsden police does Stevenson detail? What do the two cases have in common?
2. Which recent news stories parallel the cases in Gadsden?
3. Describe Stevenson’s own interaction with the police in Atlanta and how that affects him (personally and professionally).
4. What other issues within the law enforcement infrastructure and society in general do the three episodes with the police reveal?
5. How did the senior citizen attending Stevenson’s church lecture earn his “medals of honor”?

Chapter 3
1. What happened to Walter McMillian that landed him on death row before his conviction? How and why did this happen?
2. What is the importance of the 1986 Batson v. Kentucky ruling?
3. Why was the trial moved?
4. Who were some of Walter McMillian’s most important allies? What evidence was there in support of McMillian’s innocence?
5. In your opinion, who or what is to blame for Walter’s conviction? (Hint: it may be more than one person/force/reality). Who or what is most to blame?
6. Why does Stevenson spend so long telling McMillian’s story? What effect does the story have on Stevenson?

Chapter 4
1. Who was Herbert Duncan, and what did he experience prior to his arrest, trial, and sentencing?
2. What was the 1989 Supreme Court ruling related to death penalty appeals? What impact did that have across the country?
3. When do judge overrides increase and for what reason?
4. What were the details of the 2002 Supreme Court case of Atkins v. Virginia?
5. Alabama’s capital statute requires that murder be intentional in order for a defendant to be eligible for the death penalty. Why is this relevant in Duncan’s case?
6. Duncan was a U.S. war veteran who suffered tremendous mental trauma while serving our nation. How should that be factored into his defense? Why didn’t it factor in at the time?
7. What does Stevenson report and reveal about the lives of the prison staff and how they treated Duncan?
8. How did Duncan’s execution affect Stevenson and the others at the clinic?
9. What does Stevenson note about the statistics of veterans in prison?
10. What flaws in both the justice system and the veterans’ services system does this chapter highlight? Be able to reference specifics from Duncan’s story.

Chapter 5
1. What is the origin of this chapter’s name?
2. Why is Walter’s family convinced he will be exonerated? How do they treat Stevenson? While Stevenson is meeting Walter’s family, is he confident Walter will be exonerated?
3. How is the relationship between Stevenson and Walter changing? What does the author cite as an important activity for lawyers to do when defending death row prisoners? Why?
4. What evidence does Darnell Houston provide, and how does trying to help Walter McMillian put him in a quandary?
5. Even with the new evidence, what happens at the appeal for a new trial? Why does this occur?
6. Why does it annoy Stevenson that To Kill a Mockingbird is a point of pride in Monroeville?
7. How would you characterize Stevenson’s mood at the end of this chapter?

Chapter 6
1. Why is Charlie in jail in the first place?
2. What is happening to Charlie while he is in jail? Why is he not in a juvenile detention center?
3. In what ways has the system failed to protect Charlie, both before and after his incarceration?
4. What special circumstances of the murder victim lead to greater struggles for Charlie? Does this seem fair?
5. How does Stevenson finally convince Charlie to speak with him?
6. Who are Mr. and Mrs. Jennings, and what do they do for Charlie?
7. What are the death penalty laws for juveniles? What does Stevenson think about these laws?

Chapter 7
1. What evidence and arguments does Stevenson present on appeal for Walter McMillian?
2. What evidence do Stevenson and O’Connor discover as they prepare the appeal of the appeal? Be able to list at least five discoveries.
3. Why does Myers have a change of heart? What new information does he want to offer, and why does Stevenson not trust him?
4. Why does Stevenson investigate both the Morrison and Pittman murders, and what does he discover? Why do you think the victims’ families were treated differently?
5. What does Payne vs. Tennessee allow for?
6. What does McKlesky vs. Kemp reveal? How does the race of the victim come into decisions about sentencing?
7. Why did Stevenson not have access to police files and records in Walter’s case? How does he get them (with Rule 32)? How are he and O’Connor treated once they pursue a new case and receive access to the files and official documents?
Chapter 8
1. What are the backgrounds, cases, and sentences for Trina, Ian, and Antonio?
2. Once sentenced to life as minors, how do each of the three endure abuse (or the risk thereof) within the prison system?
3. How is it that Antonio was sentenced to life in prison despite being a minor in California?
4. What correlation does Stevenson reveal between incarcerated youth (or even youth with criminal records) and race?
5. What do you think is the best way to treat minors and youths caught up in the justice system? Should home life be taken into account? Previous abuse? The degree of violence in the crime or if anyone was injured? Is life in prison ever a just punishment for minors?
6. How does poverty reinforce the prejudice built into these systems, according to Stevenson?

Chapter 9
1. What happens in court on the first day of the Rule 32 trial? Does it sound like the jury buys Mr. Myers’ new version of events?
2. What happens to the court gallery on the second day?
3. Why does Mrs. Williams not show up on the second day? How is she finally able to support Walter? Why do you think Stevenson includes the story and background of Mrs. Williams?
4. What evidence presented at the trial is most powerful to you?
5. What is the State’s response to Stevenson’s case, and what effect does that have on everyone present?

Chapter 10
1. What are some of the statistics Stevenson presents about mental illness and incarceration in the United States? Which statistic resonates most with you? Can you think of any ways to address the statistical realities Stevenson highlights?
2. What happened with Avery Jenkins? What evidence did doctors present at his trial, and how was this evidence treated the first time? How did Stevenson help him?
3. What does Stevenson say about the difference between our treatment (both as individuals and as reflected in the legal system) of those suffering from physical versus mental disabilities?
4. Who is Dorothea Dix, and why is she important to this chapter?
5. What does “mitigation” mean in the legal context?

Chapter 11
1. What is the court’s ruling in the Rule 32 trial? Why?
2. Even despite the ruling, why was Stevenson hopeful for relief? What does “exculpatory evidence” mean?
3. What role does the 60 Minutes episode on Walter have on the reinvestigation of the case?
4. Be able to articulate the findings of the ABI in the new investigation. What is the result of these findings?
5. What is the importance of hope, according to Stevenson?
6. What toll does Walter’s case take on his family? Despite his release, what effects linger from his interaction with the justice system?
7. Was justice finally served to Walter? Or was his case an example of a miscarriage of justice that was righted only years later? In other words, do you find this case as a whole to represent the best or the worst—or something else—of our justice system?
Chapter 12
1. Describe Marsha and what her life was like before she gave birth to her child. Why was she arrested, and for what?
2. Who is the guiltiest of wrongdoing in Marsha’s case?
3. Do you think the verdict would have been different if the accused was the father of the infant? What if Marsha were wealthy?
4. What Alabama law, passed in 2006, put so many poor women at risk of prosecution? What did the Alabama Supreme Court add to the law with respect to the word “environment”? What do you think is the purpose of this law? What is Stevenson’s opinion of this law and others like it?
5. In what ways are female inmates more at risk than male inmates?
6. What does Stevenson reveal about the Julia Tutwiler Prison for Women? Does Tutwiler seem better or worse than some of the other prisons Stevenson has described?
7. What are some of the secondary (or collateral) consequences of the imprisonment of poor women?
8. How is Stevenson able to help Marsha, and over what time period?
9. How are women like Marsha, even if freed or released from prison after time served, affected by other laws that seem to keep them in cycles of poverty?
10. Based on the way he tells this story, what does Stevenson think about mandatory minimum laws or other laws that seem to criminalize poverty?

Chapter 13
1. Why does Stevenson want to encourage news stories about Walter being released as a free man?
2. Why is Stevenson concerned about Walter returning to his life in his hometown? What obstacles does he face, even though he is freed and exonerated?
3. Should wrongfully imprisoned people receive financial restitution from the state? If so, how should the amount be determined? How would Stevenson answer that question?
4. Why does Stevenson travel to Sweden? What does he witness at the ceremony that disturbs him, and why does he react in this manner?

Chapter 14
1. Who is Joe Sullivan, and what happened to him?
2. What is the “prison industrial complex”?
3. How and why has incarceration been expanded to handle other issues, such as mental illness, addiction, and behavior disorders?
4. What is the eighth amendment to the U.S. Constitution? How does Stevenson plan to use the eighth amendment in defending Joe Sullivan?
5. What decisions did the U.S. Supreme Court make in 2002 with regard to the capital punishment of those with mental disabilities? In 2005 with regard to minors?
6. How many other countries in the world sentence minors to life in prison?
7. In this chapter, Stevenson focuses on two subsets of children serving life sentences—which two, and why do you think he chose them?
8. One prominent person gave Stevenson’s U.S. Supreme Court case public support. Who was that, and why is it significant?
Chapter 15 & Epilogue
1. Why is Stevenson starting to feel overwhelmed by 2009?
2. What happens to Walter?
3. What trend is the United States experiencing in the rate of capital punishment sentencings and executions? What does Stevenson give as a reason for this trend in the last decade or so?
4. What does Stevenson argue before the Supreme Court in 2005 with regard to certain methods of execution?
5. What is the irony in states breaking laws to access the drugs used for lethal injection?
6. What is Stevenson’s conclusion about justice and mercy and how they must work together?
7. One way of defining justice is that it is punishment for the wrong-doers; what would Stevenson say in response to that kind of definition, particularly in light of this chapter?
8. At Walter’s funeral, what does Stevenson say is the real question about capital punishment?
9. What does he say makes mercy just and powerful?

*Adapted from the Gonzaga common read guide and the Random House reading guide.*


**Sample Rubrics**

**Sample Group Presentation Rubric**

1. Was the content of the presentation well organized and presented with compelling evidence?

   1  2  3  4  5

   Comments:________________________________________________________________________

2. Did the visual component enhance the presentation?

   1  2  3  4  5

   Comments:________________________________________________________________________

3. Was the verbal presentation clear and engaging?

   1  2  3  4  5

   Comments:________________________________________________________________________

4. Did the group engage the class in a discussion?

   1  2  3  4  5

   Comments:________________________________________________________________________

5. Did the group follow the time limits?

   1  2  3  4  5

   Comments:________________________________________________________________________
Sample Group Presentation Peer Evaluation

Your name: ________________________________

1) Team member name: ________________________________

This team member contributed fairly to the creation of the outline.  Yes  No
If no, please explain:
__________________________________________

This team member contributed fairly to the creation of the presentation.  Yes  No
If no, please explain:
__________________________________________

2) Team member name: ________________________________

This team member contributed fairly to the creation of the outline.  Yes  No
If no, please explain:
__________________________________________

This team member contributed fairly to the creation of the presentation.  Yes  No
If no, please explain:
__________________________________________

3) Team member name: ________________________________

This team member contributed fairly to the creation of the outline.  Yes  No
If no, please explain:
__________________________________________

This team member contributed fairly to the creation of the presentation.  Yes  No
If no, please explain:
__________________________________________

4) Team member name: ________________________________

This team member contributed fairly to the creation of the outline.  Yes  No
If no, please explain:
__________________________________________

This team member contributed fairly to the creation of the presentation.  Yes  No
If no, please explain:
__________________________________________

Other comments or concerns about your group and how you worked together? (use back)
**ASSESSMENT RUBRIC FOR RESPONSE PAPERS**

**STUDENT’S NAME:** ______________________

**ASSIGNMENT TITLE:** ________________________

**SCORE:** ____________

### CONVENTIONS/MECHANICS

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<th>Partially-effective</th>
<th>Effective</th>
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<tr>
<td>Multiple errors in writing hamper communication, and text does not demonstrate standard English grammar, punctuation, and/or usage, and/or does not meet the requirements for length and format.</td>
<td>Minimal errors in standard English, grammar, punctuation, and/or usage are present in some of the writing, and/or the text does not meet requirements for assignment length and/or format.</td>
<td>The writing meets guidelines for standard English grammar, punctuation, and usage, with very few minor errors present. Meets requirements for assignment length and format.</td>
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### INFORMATION PRESENTED

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<td>Does not introduce or integrate information relevant to the topic/event, or includes inappropriate use of sources. In the case of an event paper, it is unclear that the event was attended.</td>
<td>Demonstrates only minimal or ineffective use of integrating information relevant to the topic/event. Writing only barely addresses details of event or class materials.</td>
<td>Introduces and integrates information relevant to the topic/event. Writing addresses details of event or class materials and places information within a larger context.</td>
<td>Demonstrates exceptionally strong, integrated information that enhances credibility of writing. Writing includes skillfully represented details about event or class materials.</td>
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### REFLECTION/RESPONSE

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<td>Fails to explore new ideas and/or works without making any connection between event or class materials and a personal context.</td>
<td>Begins exploration of new ideas but could push further. Experience of event or class materials is put in a personal context but lacks development of ideas.</td>
<td>Explores ideas unfamiliar to the reader, and questions different thinking. Puts experience of event or class materials in a personal context, is well-developed, and includes self-evaluation.</td>
<td>Exhibits a significant investigation of new ideas by way of exploring an event or class materials. Shows signs of personal growth and/or considerable self-evaluation.</td>
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*Write additional comments on the back of the rubric.*