

Judges: Playing Fair

Time Needed: One class period

Materials Needed:

Student worksheets

Access to the internet for video and state research activity

AV to view video with class (or individual computers for viewing)

Copy Instructions:

Reading (1 page; class set)

Review Worksheet (1 page; class set)

Learning Objectives. Students will be able to:

- Explain how the judicial branch is different from the executive and legislative branches
- Describe how federal and state judges are selected and held accountable
- Determine how their state selects judges
- Describe the challenge of remaining fair and impartial as a judge

STEP BY STEP

- ANTICIPATE** by asking students how they would describe fairness. You may want to write down their ideas somewhere visible in the classroom. [You will return to this list later in the lesson.] Then ask for examples of jobs that require a person to be fair. See if judges pop up in that list
- SHOW** the *Free and Fair* video (00:4:28) that can be found at <http://vimeo.com/84244168> and on the Informed Voters Project homepage (<http://ivp.nawj.org/>)
- DISCUSS** how the video discusses the idea of fairness. Which branch of government is responsible for deciding what is fair? How is a referee like a judge?
- DISTRIBUTE** the reading page to the class.
- READ** through the page with the class, pausing to discuss as appropriate.
- REVISIT** the descriptions of fairness collected as a class. As the students to point out which ideas or terms were used in the video and reading, then discuss how they were used.
- DISTRIBUTE** the worksheet to the students and work through as a class, addressing student concerns as they pop up.
- VISIT** the Informed Voters Project website to find your state's judicial selection system at <http://ivp.nawj.org/how-states-select-fair-judges> You may chose to do this as a class, or with students at their own computers. Additional state resources can be added to the search as well.
- CLOSE** by asking students to think of one way the judicial branch is different from the other two branches of government, and share with a partner.



For more helpful information on judicial selection, accountability and the role of the courts– check out the *Informed Voters Project* at www.ivp.nawj.org.

The Third Branch

The Founding Fathers created the three branches of government to uphold the Constitution and provide balance. The legislative branch makes the laws, the executive branch enforces the laws, and the judicial branch applies and interprets the laws. The judicial branch also resolves disputes that occur under these laws in the court system. We depend on the courts to rule fairly and **impartially** in every case, based on the evidence and by applying the law to everyone in the same way.

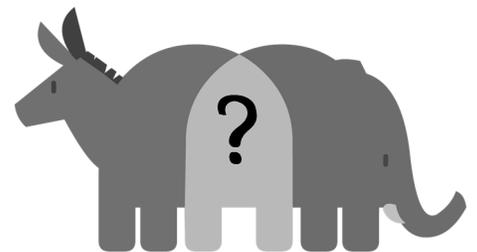


It's got to be fair!

If you want to right a wrong or address an injustice, the courtroom is the place to go. The peaceful resolution of differences depends on fair judges. When we are involved in a lawsuit, we need to trust that judges will decide our case on the basis of the law and the evidence presented. We want judges' decisions to be fair and impartial, so that those who win and those who lose know they received a fair hearing and can trust the process.

Politics as Usual?

Wrong! Judges are quite different from officials in the other two branches. Members of the executive and legislative branches must answer to the voters who elected them. They also act as members of their political party. **Political parties** are groups of people who share similar views about government and work to influence the government in support of those beliefs. The work of the courts is not influenced by political parties. To stay impartial, courts must be independent from political influence.



Here Comes the Judge

So, how do you become a judge? Judges in the federal courts are **appointed**, or selected, for life. Methods of selecting state and local judges vary based on where you live, but they all share one common goal — to make sure that judges hand out fair and equal justice under the law.

In some states, judges are chosen by voters during an election. In others, judges are appointed and voters decide whether the judges keep their jobs. In order to evaluate judges, voters must understand the role of the courts and the qualities a judge should have. Understanding how the system works lets voters make informed decisions before an election.



Accountability is Key

If some judges are appointed for life, how can citizens hold them accountable? There are several methods, which vary from state to state. One way is by having elections to choose or approve judges. If judges are charged with bad behavior, they are investigated and can be removed from office. When someone involved in a court case thinks the judge made a mistake, they can appeal to a higher court to decide whether the judge correctly applied the law. If the law that the judge applied is seen as unfair, citizens can even call for a change of the law itself.



Judges: Playing Fair

Name: _____

Keeping it Fair. Imagine walking into the courtroom and facing the judge. Place an X next to the factors that SHOULD impact how the judge makes his or her decision in your case.

- ___ 1. What political party you support.
- ___ 2. The evidence used in the case.
- ___ 3. How the news channels are covering your case.
- ___ 4. How much money you earn at your job.
- ___ 5. The law or laws involved with your case.
- ___ 6. How much money your lawyer donated to the judge's re-election campaign.
- ___ 7. What the mayor thinks about your case.
- ___ 8. How other judges have decided similar cases in the past. (This is called *precedent*.)
- ___ 9. The fact that you and the judge both love the same video game.
- ___ 10. Your ability to pay for your own lawyer.

Hey Ref! The Free and Fair video said that judges are a lot like referees in a game. Based on what you have learned about the role of judges, explain why this analogy (or comparison) makes sense.



Becoming a Judge. Judges selected through appointments or elections. Think of one pro and one con for each approach.

1. Judicial Appointment: A person is nominated, reviewed by a committee, then appointed by the state governor.

PRO:



CON:



2. Judicial Elections: Someone runs for the position, and is elected by the people they serve.

PRO:



CON:



3. Which method does your state use to select judges? _____

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****TEACHER GUIDE****

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Answers will vary, but may include:

Both referees and judges...

- *have to make difficult calls/decisions.*
- *are asked to pick sides.*
- *but have very important jobs.*

Neither referees nor judges...

- *get a great deal of attention.*
- *are always popular based on their decisions or rulings*



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PRO: *Answers will vary.*

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3. Which method does your state use to select judges? _____