

Understanding the Minnesota Judiciary: Legislators and Judges are Different

Lesson Plan

Abstract: Students will learn that judges and legislators have different roles to play in our system of government by analyzing a case study that describes the development and application of the Minnesota Move Over traffic law, which requires that drivers move over a lane when approaching a squad car involved in a traffic stop. Students will storyboard the steps taken as the law moves from the legislature through the three levels of the court system and then back to the legislature. Lesson includes a student reading and comparison chart.

Objectives:

1. The students will describe the differences between judges and legislators and the functions each performs.
2. The students will understand how laws are developed by the legislature and applied and interpreted by the courts.
3. The students will understand the difficulty of writing laws that are clearly understood.
4. The students will understand the difficulty of interpreting laws that can be given different interpretations.

Grade Level: High School

Time to Complete: One to two class periods

Materials Needed: Student Handouts: Legislators and Judges are Different and the Traffic Law Case Study; Construction paper, colored pencils, markers, Minnesota Constitution, Minnesota Legislative Manual

Procedure:

1. Introduce the topic by discussing how citizens go to different branches of government with concerns. How are the branches different in the way they do their work? How are the legislators and judges different? Have students review powers delegated in the Minnesota and US Constitutions.

Suggested lesson talking points:

- Legislators look forward and judges look back: limited to using a record developed by parties, applying precedents, looking for legislative intent.
- Legislators can pursue policy interests and agendas; judges take cases brought to them.
- Judges apply the law written by legislators, even when they might personally dislike the law. Legislators change the law when they don't like it.

- Legislators represent constituent interests; judges apply the law to the facts of a case. They do not represent constituent interests and sometimes decide cases against the will of the majority of citizens.
 - There are no education requirements to be a legislator and the legislature includes people from all backgrounds and walks of life. Judges have the same educational background: they must be learned in the law and have a license to practice law.
2. Have students complete to the best of their ability the “Legislators and Judges are Different” chart. They will return to this at the end of the lesson.
 3. **Optional Warm Up Activity** (ideas adapted from <http://breakingnewsenglish.com>)
 1. Misunderstandings: Walk around the class and talk to other students about a time when you or someone you know misunderstood the meaning of something. Change partners often.
 2. Chat: In pairs / groups, decide which of these topics or words that will be in the reading are most interesting and which are most boring. Have a chat about the topics you like.

*Prosecutor/alcohol concentration level/ exclusionary rule/ reasonable interpretation/
DWI*

4. **Storyboard Activity.** Divide students into groups of six for the “Traffic Law Case Study” storyboarding activity. A storyboard is a visual representation that depicts (explains) what is sequentially happening in a written story.
5. In each group of six, assign one student to each of the first six chapters of the “Traffic Law Case Study”. The case study includes six chapters plus a final seventh chapter that will be considered at the end of the storyboarding activity.

Plot lines of case study

Chapter 1 – The law is developed

Chapter 2 – The story of the case

Chapter 3 – The case goes before the District Court

Chapter 4 – The Court of Appeals hears the appeal

Chapter 5 –The case is appealed again to the Minnesota Supreme Court

Chapter 6 – The Fix by the Legislature

Chapter 7 – Students predict future situations

6. Provide instructions for storyboarding.
 - a. When creating a storyboard using a non-media source, students should be provided with at least a 12 x18 sheet of construction paper. Have students fold their paper in half lengthwise. Next, have students fold their paper into thirds. Have students unfold their paper. The student's paper will now be divided into six equal squares.
 - b. Have students read their assigned chapter of the story. Using a storyboard visually show what is happening in the chapter. Make sure to use all six squares of the storyboard. Pictures should be neat, clear, and be able to help explain what is going on in the chapter.

Storyboard options: Pictures from magazines, books, internet, and/or other published materials may be used. A storyboard can also be created using a powerpoint.

7. Have students share their storyboards with other members of their group. In their groups, have students predict what might happen next. Ask students to represent their predictions in a picture with a short description. They may each do their own prediction or produce one prediction for the group.
8. Have students share their storyboards with the large group. Present first six chapters first. After the whole class has shared, have them present their Chapter Seven predictions.
9. Review the roles played by the legislative and judicial branches in the case study. Have students review their "Legislators and Judges are Different" chart, making corrections and additions.
10. Optional Activity: Discuss qualifications/personality traits that would be desirable for legislators and judges. How are they the same, different? Describe perfect candidates for each.

This lesson plan was developed as part of a curriculum-development workshop that was sponsored by the Minnesota Supreme Court Historical Society, with the assistance of the Minnesota Supreme Court, the Minnesota State Bar Association Civic Education Committee, and the Learning Law and Democracy Foundation. Lesson development was supported in part with funds from the Arts and Cultural Heritage Fund of the Clean Water, Land, and Legacy Amendment to the Minnesota Constitution, which Minnesotans passed into law via the 2008 general election ballot.