

Understanding the Minnesota Judiciary: Impartiality and Elections

Lesson Plan

Abstract: Students will learn about judicial elections and impartiality through case studies on the exercise of First Amendment rights in judicial elections, limitations on corporate contributions, and procedures to protect impartiality. Strategies used include jigsaw of case studies and deliberation on proposed change to the Minnesota Constitution regarding judicial elections.

Objectives:

1. Students will understand the concept of an impartial judiciary
2. Students will explore the connection between an impartial judiciary and the rule of law.
3. Students will understand the challenges of regulating campaign speech
4. Students will understand recent and proposed changes in judicial selection in the state of Minnesota
5. Students will explore their views on the proposed Constitutional Amendment

Grade Level: 9-12

Time to complete: Three class periods.

Materials needed: Minnesota State Bar Association Civic Education Committee *Selecting Judges Rule of Law and Independent Judiciary*; Student Handouts: *Minnesota Republican Party v. White*, *Caperton v. A.T. Massey Coal Co.*, and *Citizens United v. Federal Elections Commission*, Supreme Court Case Study Guide; Deliberating in a Democracy Instructions; Student Handout: Judicial Elections; Minnesota Constitution

Procedure:

Class Period One

1. Introduce impartiality.
 - a. Minnesota State Bar Association lesson on rule of law and independent judiciary
 - b. Tryjudging site. Although this is a Canadian site, it features short videos that introduce impartiality concerns in an engaging way. Use will require identifying the Canadian information such as Canadian flag, judicial dress, Canadian Constitution, reference to the “crown”. In addition, the video Case Two “Why must judges be Fair and Impartial” says that

prejudging issues by stating opinions is not allowed. Under recent US Supreme Court decisions, judges in the United States are allowed to state opinions. Case Five engages students in helpful conversation about judicial independence. Extension activity: Have students research recent Supreme Court elections in Iowa.

Link: <http://www.tryjudging.ca/>

Class Period Two

2. Conduct Supreme Court Cases Jigsaw. This strategy will help students learn about three US Supreme Court cases.
 - a. Introduce activity by discussing the role of the US Supreme Court in interpreting the US Constitution and how the court writes opinions that explain its reasoning.
 - b. Organize students into three groups (or six if class size demands).
 - c. Assign one case (from the three provided cases studies) to each group. Have the students read the case study. They may do this individually or as a group. Using the “Supreme Court Case Study Guide”, ask the students to answer the questions about their case as a group. Each student should complete the “Supreme Court Case Study Guide” (for use in the second group). Students should discuss the questions and decide how best to present the important information to the other students.
 - d. Re-group by having at least one person from each case study group join a new group.
 - e. Within each new group, representatives from each case study group will present the important information about their cases to their new groups and will learn about the other cases. Compare cases and draw some conclusions.
3. Review the impartiality challenges presented by judicial campaigns:
 - a. How do judges raise money?
 - b. What is the impact of judges presenting viewpoints during campaigns?
 - c. Can judges who accept money and state viewpoints be fair, impartial, and open-minded?

Class Period Three

4. Introduce Minnesota’s judicial elections by examining Article VI of the Minnesota Constitution.

- a. What are the qualifications for becoming a judge? (Learned in the law and in good standing: added by statute).
 - b. What are the two ways in which a lawyer becomes a judge (run for election or by governor appointment)?
 - c. What are the strengths and weaknesses of each method?
 - d. What additional qualifications would be important?
 - e. How would you evaluate judicial candidates?
5. Explain the initiative to amend the Minnesota Constitution using the “Judicial Elections” Deliberating in a Democracy strategy. Ask students to read the first page.
 6. Conduct the Deliberation according to directions in strategy.

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