

# Understanding the Minnesota Judiciary: Judicial Decision Making

## Lesson Plan

**Abstract:** This lesson describes Minnesota's different levels of courts differentiating them by structure, function, and decision making processes. The lesson includes a brief lecture/direct instruction component as well as a guided discussion activity. The direct instruction component is appropriate for any Civics course with a Judicial Branch unit focus. Due to its content, the lesson activity as written is most suitable for older high school students in Government or Civics classes.

### Objectives:

1. The students will be able to describe the three levels courts in Minnesota's Judicial Branch.
2. The students will be able to accurately apply the different decision-making processes employed by each level of the MN courts.
3. The students will write a Supreme-Court-style opinion encompassing an analysis of legal arguments and interpretations beyond their own opinions.

**Grade Level:** Most appropriate for Seniors/Juniors

**Time to Complete:** Approximately 50-60 minutes

**Materials Needed:** Student worksheet (chart and scenario); completed teacher-copy of chart for reference/projection; Judicial Decision Making Talking Points, and Minnesota Courts Student Reading.

### Procedure:

1. Distribute blank worksheets with the chart on top and activity below and the student readings.
2. Using the Minnesota Courts Student Reading, have students complete the chart individually or in small groups to the best of their ability.
3. In large group, review the details that complete the chart, go through with class and ensure each completes the chart on their sheet. (approximately 15 minutes)
  - a. Explain that when judges make decisions, they have rules to follow and the rules are sometimes different depending on what court is hearing the case. When a case is appealed to a higher court (in most cases the Minnesota Court of Appeals), "standards of review" provide the rules for reviewing the district court's actions.

Describe the “standards of review” used by the appellate courts (this step will provide a more complete picture of the decision making process at each level of court):

Standards of Review:

1. Questions of law. Appellate judges determine for themselves what law to apply, what the statute means, what the constitution requires. They do not have to give the district court any deference on questions of law.
2. Clearly erroneous. District court’s determination of what happened (factual findings) is given deference by the appellate courts. If there is no reasonable evidence to support the findings, the appellate courts will set it aside. District courts’ decisions regarding the facts are given deference because the district court judge observes the testimony and can best decide if witnesses are credible and telling the truth.
3. Abuse of discretion. District court judges manage trials the best they can. They have some discretion in many of the decisions they make such as what instructions to provide the jury, what evidence to allow, etc. The appellate judges can order a new trial if during an appeal it is shown that the district court abused its discretion and its decisions may have changed the outcome of the trial.

Abuse of Discretion Examples

- Student example: your school does not require school uniforms and your parents let you decide what to wear. You get to exercise your “discretion.” But if you were to decide to wear your pajamas to school, your parents would see that as an abuse of your discretion.
- Student example: your parents let you drive the car back and forth to school and to activities with your friends. Choosing to drive 50 miles to a pizza place would probably be seen as an abuse of your discretion.
- Judicial example: A judge in a divorce case determines how much one party will be required to pay to the other party for “maintenance” (living expenses). If most judges would order between \$800 and \$1,200 a month in similar cases, it would be an abuse of discretion to award maintenance of \$4,000.

4. Read scenario to the students and read Question 1. Give the students several minutes to write their responses to Question 1. Discuss several of their responses. (approx. 5-10 minutes)
5. Read Question 2 and allow time to respond and for students to discuss their responses with small group of neighbors. Discuss together as a class several of the student responses, looking specifically for justification of their answers relating back to the third column on the chart. (approximately 10 minutes)
6. Read Question 3 and allow time for response and small group discussion. Solicit several responses from the class as to the general result of the appeal. (approx. 5-10 minutes)
7. Allow remaining time for the students to craft their MN Supreme Court Opinions. Remind the students to pay attention to the way in which a Supreme Court makes its decisions based on precedent and Constitutional interpretation, generally with an application beyond the individual case, focusing on the overall legal impact of the decision.

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## Student Handout (COMPLETED)

LEVEL OF COURT	WHO?	HOW DO THEY DECIDE?
<b>District Court</b>	1 judge and jury unless party waives right to a jury trial  (289 district court judges in Minnesota)	Judge/jury decides the facts of the case and apply the law. Law can come from a statute or previous cases Judges manage the trial; decide what instructions to provide the jury, what evidence to allow
<b>MN Court of Appeals</b>	Case is considered by a 3-judge panel  (19 judges in state)	Everyone has the right to one appeal. Judges must take the case. Judges consider briefs and oral arguments (no witnesses). Judges apply precedents. (decisions of earlier cases) Judges determine the standard of review and decide if errors occurred during the trial. Judges accept facts found by lower court unless there is no reasonable evidence to support the district court's findings of fact. Appellate judges determine for themselves what law to apply, what the statute means, what the constitution requires.
<b>MN Supreme Court</b>	7 justices	Supreme court not required to take every case on appeal except must take 1 <sup>st</sup> degree murder and elections cases. Justices consider briefs and oral arguments. Court not absolutely bound by precedents (can decide they made a mistake in an earlier case, times have changed, precedent is too old, this case needs to be distinguished or clarified, etc.) Justices decide if law is constitutional.