

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.

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.

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Student Handout (COMPLETED)

LEVEL OF COURT	WHO?	HOW DO THEY DECIDE?
District Court	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
MN Court of Appeals	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.
MN Supreme Court	7 justices	Supreme court not required to take every case on appeal except must take 1 st 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.

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Talking Points

1. Judges are responsible for making sure that trials are fair and disputes are resolved according to the law.
2. To make sure that trials are fair and impartial, judges remain independent from outside influences. This independence does not mean they can do whatever they want. They must follow the law.
3. Judges decide cases based on precedent, a previously decided case that furnishes a basis for deciding new cases involving similar facts or issues. Deciding cases in this way helps create a uniform and predictable legal system.
4. The decision making process of judges depends on whether the case is before a district court (also known as a trial court) or before an appellate court.
 - a. Cases before the trial court include testimony of witnesses, introduction of evidence, juries, and sentencing. Trial court judges pay close attention to credibility of witnesses and quality of evidence. They also manage the jury. When there is no jury, the judge decides the outcome of the trial.
 - b. Cases before the Minnesota's appellate courts (Minnesota Court of Appeals and Minnesota Supreme Court) evaluate the trial court's actions. Was the appropriate law applied correctly? Did the judge abuse his or her discretion? Judges in all courts consider the constitutionality of the law being applied.
5. Appellate courts engage in group decision-making requiring each member of the court to express and listen to the opinions of each colleague. A judge votes for his/her sincere and impartial belief as to the correct result based on the law and previous cases, but also tries to keep an open mind and reach consensus.
6. Appellate court decisions are delivered in an opinion, a written document that explains the decision and the reasons for the decision. The opinion is authored by one of the judges but it is "the opinion of the court" so the entire court must agree with the wording of the written opinion. If consensus cannot be reached, a judge may file a dissenting opinion (disagreeing with the result) or a concurring opinion (agreeing with the result but disagreeing on the legal reasoning.)
7. Appellate courts function well because the judges are collegial- they work in close relationship with each other and respect each others' differences. Judges are on equal status with each other and each judge has one vote.
8. Appellate court decisions are often "close calls" with the "one correct answer" not usually apparent. Therefore, good judges may have legitimate and principled reasons for disagreeing with the result in a case.
9. Appellate judges do not discuss how to decide a case with anyone outside of the court or the court's staff. The deliberations are confidential.

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Student Handout

LEVEL OF COURT	WHO?	HOW DO THEY DECIDE?
District Court		
MN Court of Appeals		
MN Supreme Court		

HYPOTHETICAL CASE: STATE V. MRS. AVERAGE

Mrs. Average is arrested for violating the Minnesota Adultery statute with her neighbor. Minnesota Statutes, §609.36 defines adultery as sexual intercourse between a married woman and a man not her husband. The charge is a gross misdemeanor. If convicted, both parties involved are subject to a sentence of not more than one year in jail or a fine of not more than \$3,000 or both. Mrs. Average both denies the affair and challenges the validity of the statute and waives her right to a jury trial. In exchange for a lighter sentence, her neighbor testifies under oath that the affair did indeed occur.

QUESTION #1

You are the trial judge, what do you do?

QUESTION #2

Assume Mrs. Average is found guilty and appeals the guilty verdict, challenging the facts presented and the validity of the law. You are now a member of the Court of Appeals. With the people seated next to you, discuss the appeal and decide whether to affirm or overturn the lower court's decision. Explain your reasoning here.

QUESTION #3

You are now on the Supreme Court. Assume the Court of Appeals rejects her earlier appeal, affirming the district court's decision. Mrs. Average files a further appeal with the MN Supreme Court claiming that the Minnesota's Adultery statute is invalid and unconstitutional because gender discrimination is a violation of equal protection of the laws. Discuss with a small group of people (uneven up to 7) whether you think her argument is valid and reach a majority decision. After your discussion, write your majority or dissenting opinion as to her legal argument and what the final decision in her case should be. Find arguments that support your decision in the legal memorandum prepared by your law clerk. Include a reflection upon the differences between individual and group decision-making processes.

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Legal Memorandum: Minnesota's Adultery Statutes, Minn.Stat. §609.30

In Minnesota, there is a very old, and constitutionally questionable, law that prohibits a married woman from having sexual intercourse with a man not her husband. Under this adultery statute both the woman and the man can be criminally punished if they engage in such conduct. Significantly, it is not a crime for a married man to have intercourse with an unmarried woman.

The adultery statute is vulnerable to a constitutional challenge on equal protection grounds. The 14th Amendment to the US Constitution says that no person shall be denied equal protection of the laws by any state. Although the Minnesota Constitution does not expressly provide for equal protection of the laws for its citizens, the Minnesota courts have ruled that "Equal protection is an inherent but unenumerated right found and confirmed in Minnesota's state constitution." *Hawes v. 1997 Jeep Wrangler*, 602 N.W.2d 874, 880 (Minn. App. 1999). Like the federal constitution's Equal Protection Clause, Minnesota's constitution requires that the law treat people in similar circumstances similarly. *Murphy v. Commissioner of Human Services*, 765 N.W.2d 100, 106 (Minn. App. 2009)

The 14th Amendment guarantees that all individuals are given fair treatment in their exercise of fundamental rights and requires that distinctions based on impermissible criteria be eliminated. The 14th Amendment also requires that similar individuals be treated in a similar manner. Courts apply this amendment to control acts of the legislative branch. Whenever fundamental rights are restricted, courts require that the law must promote an overriding or "compelling interest" to be valid.

The starting point for analyzing a law under the equal protection clause is for the court to determine if the persons being treated differently are in fact "dissimilar." Although men and women are biologically different, that difference does not mean that sex-based classifications in the law are always valid. To be valid, there must be a legitimate governmental purpose for treating men and women differently.

When the law creates differing consequences based on one's sex, courts require the law to have a "substantial relationship" to an "important government interest." If this interest is established, the courts will further decide whether the difference is necessary, or "narrowly tailored" to meet the government's interest.

For many decades after the passage of the 14th Amendment, states continued to pass, and courts upheld, legislation that reflected traditional beliefs about sex-defined roles and provided distinct differences for men and women. As a practical matter, men and women were not viewed as being equals under the law. In the 1970s, the US Supreme Court began to

look closely at suits challenging differences in rights and benefits based on one's sex. In *Craig v. Boren* (1976) the Court reviewed an Oklahoma law that allowed women to buy beer at 18 but restricted men until age 21. The state argued that concerns about traffic safety justified the difference based on an assumption about the relative levels of responsible driving by men and women. The statistical evidence did not support that conclusion. The court found the relationship between traffic safety and the gender classification too tenuous. There was no evidence supporting a belief that a person's sex made the person more likely to become a drunken driver. The classification was based on a stereotypical perception of teenage males and females. The court concluded that the law was not "substantially" related to an important state interest.

Other reasons that Minnesota's adultery statute may be vulnerable to challenge include the fact that there have been no reported decisions involving prosecutions under that law for over eighty years. A defendant could be expected to argue that the long-standing failure to enforce the law should ban prosecution. The theory is one of reliance on government inaction. Another possible rationale for attack would be on selective-prosecution grounds in that the conduct is rarely prosecuted and it would be unjust to prosecute one woman when others are not prosecuted for the same conduct.