



Maggie's Civics Corner

Lesson #37 – Judges

Maggie Says...

Today's lesson is about the role of judges: when puppies in the community have a disagreement, I tell them to take the disagreement to an independent, impartial judge like my Mom. My Mom is a judge on the Third Circuit of Appeals After seeing her and her colleagues in action. I have full faith and confidence in the impartiality and competence of judges, and I know that they will do their best to render a final judgement where the law is faithfully applied.

Judges play the central role in interpreting the nation's laws and ensuring fair and impartial resolution of disputes between individuals, corporations and state entities.. In criminal cases, if the defendant(s) cannot afford a lawyer, the judge appoints a lawyer for them. Judges are also responsible for signing warrants for arrests and searches. According to Article III of the Constitution, judges who sit on the federal courts are appointed by the President of the United States and approved by the Senate. Federal judges have life tenure and salary protection, a structure designed to safeguard the independence of the federal judiciary. On the other hand, state court judges are selected differently across states, with some using direct elections and others having gubernatorial appointment and retention elections. Judges are like umpires in baseball or referees in football or basketball. Their role is to ensure that the procedural rules of the courts are followed by both sides. In the adversarial process of litigation, judges preside over the proceedings and maintain order. During a trial, the judge rules on whether the evidence the parties want to use is illegal or improper. If the trial is before a jury, the judge gives instructions about relevant law to be applied to the case. Like the umpire, judges decide cases before them on the basis of relevant facts and law—without regard to which side is more popular, who is more “favored” or whether the judges themselves agree with the law. Take a look at the scenarios below and decide if the Judge acted in an independent manor.

Scenarios

Once upon a time there was a wonderful village in a beautiful green valley. The community was ruled by a wise queen and her husband, the king. Because of the Queen's wisdom, disputes were fairly resolved and everyone quickly returned to their everyday lives. One spring the Queen decides to go and visit her sister in a faraway town and leaves the village for several months

Very quickly there is a dispute between Farmer Taki and Farmer Snuggly over who owns the strawberry patch that runs along the border of their property. Without the Queen to resolve the dispute the two former friends become angrier and angrier at each other and their anger grows and grows. The poor King just doesn't know what to do and frets and frets. After many days of thinking hard, the King appoints Tam to be the judge of the village and give him the authority to make final decisions in all disputes.

Tam sets up a courtroom and on the first day of court Farmer Taki and Farmer Snuggly walk in to resolve their disputes. Tam looks up from his bench and sees that Farmer Taki is wearing a shirt that features the Grasshopper Baseball Team, Tam's favorite sports team of all time. Farmer Snuggly just has on his farmer overalls. Judge Tam decrees immediately that the strawberry patch belongs to Farmer Taki and says, “Farmer Taki you have great taste in sports teams so I think that you must be telling the truth about the strawberry patch. I rule that the strawberry patch belongs to you forever and ever.” Farmer Snuggly starts to say, “But you didn't even listen to my side,” but Judge Tam cuts him over saying, “My decision is final.” Farmer Snuggly is very upset. Farmer Taki is happy he won but somehow, he doesn't feel like his story was heard.

Do you think this is a good way to make decisions? Why or why not?

The next day, Marri accuses Jam of stealing her chicken. Jam says that Marri is confused and that chicken belongs to him. Marri and Jam go to Judge Tam's court to resolve their dispute. They enter the Courtroom and Judge Tam is very happy to see Marri because he has a crush on her. Before the case can begin, he asks Marri to go to dinner with him later that night and she accepts. Judge Tam then tries to listens to all of the evidence, but he can't help but sneak looks at Marri and smiles at her at every chance. In his ruling he says, "I know Marri is a wonderful person and we have spent many wonderful times together. I don't really know Jam, but I know Marri would never lie so I rule that the chicken belongs to Marri." Marri beams with happiness, but Jam is very distraught. The chicken doesn't react at all to the news.

Do you think this is a good way to make decisions? Why or why not?

On the third day of court a very complicated case comes before Judge Tam involving a 300-page contract between Purple Dragon and Bingo. This time, Judge Tam listens to witness after witness and looks at many pages of documents. At the end of the day, he still can't make up his mind and he tells Purple Dragon and Bingo that he is going to think about the case overnight. That night while Judge Tam is reading the contract again, the King calls him and says, "Judge Tam, Purple Dragon is pretty scary and if he loses the case, he'll breathe purple goo all over the village and purple goo is very hard to clean up - and it smells really, really awful. I think that you should rule in Purple Dragon's favor." Judge Tam says, "Well that's a relief because this case is really hard. I'll just rule in Purple Dragon's favor tomorrow and now I can go to bed instead of staying up reading all this stuff!" The next day, Judge Tam goes to court and says, "I rule in Purple Dragon's favor." When Bingo asks why, Judge Tam says, "That's my final decision. Court is adjourned. Go away!"

Do you think this is a good way to make decisions? Why or why not?

Civic Resources: Check out the link below to learn about the role of judges:

<http://www.flnd.uscourts.gov/role-judge-and-other-courtroom-participants>