

Maggie's Civics Corner

Lesson #19 - Judges



Maggie says ...

In these difficult times, as our nation and the world pull together, it is more important than ever to understand our role as a citizen.

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 - The Honorable Marjorie O. Rendell - is a Senior Judge on the U.S. Court of Appeals for the Third Circuit. After seeing her and her colleagues in action, I have full faith and confidence in the impartiality and competence of judges. I know that they will do their best to render a final judgment where the law is faithfully applied.

This lesson is about JUDGES. Judges play a **central role in interpreting our 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 a 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 the relevant law to be applied to the case. Like the umpire, **judges decide cases before them based on 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.** Read each of the scenarios below and decide if the Judge acted independently in each case.

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 resolved fairly, 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.

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Very quickly there is a dispute between Farmer Taki and Farmer Snuggy over who owns the strawberry patch that runs along the border of their properties. Without the Queen to resolve the dispute the two former friends grow angrier and angrier at one another. 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 gives him the authority to make final decisions in all disputes.

Tam establishes a courtroom and sets it up. On the first day of court, Farmer Taki and Farmer Snuggy enter to resolve their dispute. Judge Tam looks up from his bench to see Farmer Taki wearing a shirt that features the Grasshopper Baseball Team. (That's Judge Tam's favorite sports team of all time.) Farmer Snuggy 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 Snuggy begins speaking, "But, judge, you didn't even listen to my side." Judge Tam cuts off Farmer Snuggy and scolds him, "My decision is final!" Farmer Snuggy is very upset. Farmer Taki is happy about his win but somehow doesn't feel like he won because **his** story was heard.

Do you think this was the correct way for Judge Tam to decide this case? Why or why not? Be prepared to support your answer.

The next day, Marri accuses Jam of stealing her chicken. Jam says that Marri is confused and the chicken belongs to him. Marri and Jam go to Judge Tam's court to resolve their dispute. When they enter the courtroom, Judge Tam is very happy to see Marri because he has a crush on her. Before the case begins, Judge Tam speaks with Marri and asks her to go to dinner with him later that night; she accepts. Judge Tam then tries to listen to all the evidence, but he can't help to sneak looks at Marri, and he smiles at her every chance he gets. In his ruling, Judge Tam says, "I know Marri is a wonderful person and we have spent many special 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; Jam is very distraught. The chicken doesn't react at all to the news.

Do you think this was the correct way for Judge Tam to decide this case? Why or why not? Be prepared to support your answer.

On the third day of court, a very complicated case comes before Judge Tam. The case involves 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, so Judge Tam 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 bad. 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!"

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Do you think this was the correct way for Judge Tam to decide this case? Why or why not? Be prepared to support your answer.

Civics Resources: Visit the American Bar Association website to learn more about [How Courts Work and the Role of Judges](#)

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