

# Choosing a Judge



MINNESOTA  
JUDICIAL  
BRANCH

## A Lesson Plan

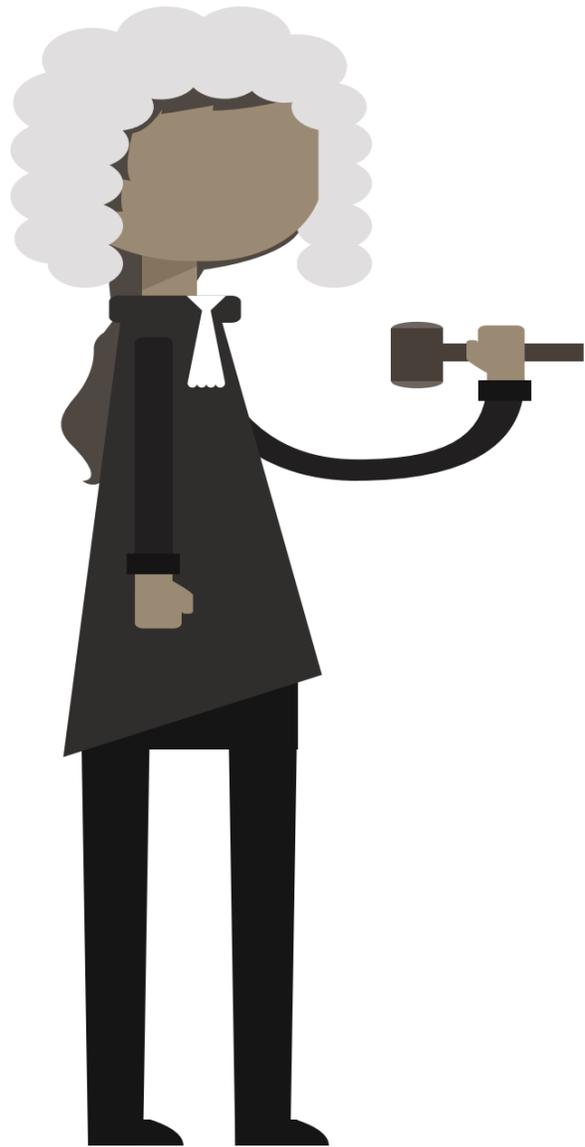
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# Objectives of the Lesson:

- To explain and evaluate the procedures used to select judges.
- To understand the governor's constitutional power to appoint judges.
- To identify factors that are considered in judicial appointments.

In-Person Activity Format: Small group work, classroom discussion

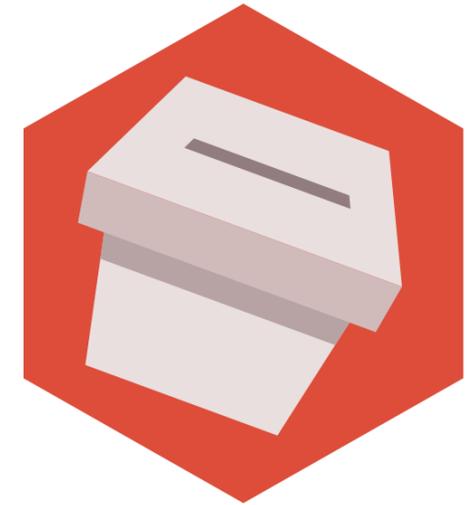
Virtual Activity Format: Online dialogue



## WHAT IS THIS ALL ABOUT?

- ✓ The judiciary is one-third of our government and is responsible for assuring justice in our society by resolving disputes peacefully. The judicial branch balances the other two branches of government and protect people's rights and liberties under the Constitution and the law.
- ✓ That's why it is so important that we all participate in appointing and electing judges who are qualified, ethical and will do a good job.
- ✓ Today we're going to talk about how our Minnesota judges are appointed and elected.

# About Judicial Selection in Minnesota



- ✓ There are two types of judges in Minnesota: district court judges and appellate court judges. District courts are where trials happen with witnesses and evidence are presented, and a judge or jury decides the facts. An appellate court (Court of Appeals or Supreme Court) decides whether the district court followed the law or if the law is constitutional.
- ✓ According to the Minnesota Constitution, all of these positions are to be filled by election and the term of office is six years (Article VI, section 7).
- ✓ The Constitution also allows the governor to appoint a judge when a vacancy occurs and that a judge's term of office is six years (Article VI, section 8)
- ✓ Once appointed, a judge must run for election in the next general election at least one year from appointment, and then every six years. Someone can challenge a judge in an election. Citizens vote for judges.

# SOME THINGS TO THINK ABOUT



If the governor appoints a judge, can the governor simply appoint people who are friends or who might favor the governor's point of view on the law?



How do voters make a good decision about a judge; how should I choose?



If a judge has to run an election campaign, could someone influence that judge by giving money to the campaign?



During a campaign, can a judge seek votes by promising to make certain rulings?



**Hint: What kind of a judge would you want to decide your case?**

# JUDICIAL INDEPENDENCE

Those questions center on a concept called "Judicial Independence."

According to the American Judicature Society, judicial independence is a concept that expresses the ideal state of the judicial branch of government. The idea is that judges and the judicial branch should work without outside influence.

## Why is Judicial Independence so important?

**Because without it, you can't get a fair trial. Judges have to look at the law and the facts of each individual case. They have to stay neutral so they can hear both sides, apply the laws fairly, and provide equal justice for all people.**

# The Appointment Process



- Governor Albert Quie (1979-1983) and Governor Rudy Perpich (1983-1990) used commissions to assist them in their selection of judges.
- In 1991, the Legislature established the Judicial Merit Selection Commission. Its role is to recruit and evaluate candidates to fill district court judgeships.
- The commission must evaluate candidates on the following criteria: integrity, maturity, health (if job related), judicial temperament, diligence, legal knowledge, ability, experience, and community service.
- The majority of the 49 members are appointed by the governor and the rest by the Supreme Court; half the members are attorneys and half are not.

# The Election Process



- The citizens of Minnesota decide by voting whether a judge will remain on the bench. But judicial elections are different from standard political elections.
- Judicial elections must be nonpartisan according to Minnesota law. This means that candidates cannot be identified as having a political party affiliation on the ballot.
- The Supreme Court has instituted rules concerning the activities of judicial candidates.
- Candidates can campaign and voters can base decisions on the same criteria that the Merit Selection Commission uses.
- Judicial elections are held at the same time as general elections; November of even-numbered years.

# What Qualities Define a Good Judge?

You have been appointed to an advisory group that will be recommending persons to the governor. Read the characteristics listed below and decide in which category they belong: **essential requirements, desirable qualities, undesirable qualities, and unnecessary qualities**. After you have completed this activity, use the essential requirements to develop a definition of a good judge.

- |                    |                         |                            |                             |
|--------------------|-------------------------|----------------------------|-----------------------------|
| 1. Female          | 15. Concise writer      | 29. Public defender        | 43. Eloquent speaker        |
| 2. Old and wise    | 16. Child of immigrant  | 30. Has a disability       | 44. Supports foreign aid    |
| 3. Republican      | 17. Male                | 31. Trustworthy            | 45. Opposes school prayer   |
| 4. Fair            | 18. Single parent       | 32. Risk-taker             | 46. Person of color         |
| 5. Radical         | 19. Good health         | 33. Helpful                | 47. Opposes higher taxes    |
| 6. Youthful        | 20. Conservative        | 34. Religious              | 48. Civil rights activist   |
| 7. Pro environment | 21. Humane              | 35. Loyal                  | 49. Holder of public office |
| 8. Collegial       | 22. Traditional         | 36. Brilliant mind         | 50. Business background     |
| 9. Good campaigner | 23. Well-educated       | 37. Eminent legal scholar  | 51. Community-minded        |
| 10. Aggressive     | 24. Democrat            | 38. Good fundraiser        | 52. Distinguished lawyer    |
| 11. Self-reliant   | 25. Liberal             | 39. Trial attorney         | 53. Follows party lines     |
| 12. Honest         | 26. Controversial       | 40. U.S. Citizen           | 54. Middle-of-the-road      |
| 13. Good looking   | 27. Judicial experience | 41. Independent thinker    | 55. Tough on crime          |
| 14. Clear thinker  | 28. Family oriented     | 42. Strict constructionist | 56. DWI conviction          |

# A Good Judge

## definition [ def-uh-nish-uhn ]

- Have you agreed on the definition of a "good judge"?
- What qualities did you find most important to you?
- Did you all agree?
- Now, let's put your definition to work...

# You Decide

You are the governor of Minnesota. Under the Minnesota Constitution, you have the power to appoint judges to fill vacancies. A vacancy has occurred on the Supreme Court. A list of five finalists is on your desk. You must decide which person to appoint to the position.

**Candidate 1: Sue Johnson:** Sue has been a lawyer for 25 years. She is 53 years old. She is active in the area of family law (child custody and support, divorce, adoption). She grew up in a small town in southern Minnesota and now practices in a neighboring town. Sue has been the chair of several community organizations and has received the volunteer of the year award in her town. She has also been named WCCO Good Neighbor.

**Candidate 2: Byron Wright:** Byron is the county attorney for one of the heavily populated counties. In this role, he is often quoted in the media as he tries to solve many serious crimes including murder. Because he spends all of his time working, he has little time for volunteer work. However, he is very active in his church. Before beginning his 6 years as county attorney, he worked for the public defender's office for 15 years. Byron is 46 years old.

**Candidate 3: Stephen Blum:** Stephen is a lawyer in private practice in Minneapolis. The areas of law he works in most often are environmental and agricultural law. Stephen has been practicing law for 31 years. He spends much of his spare time representing poor people and people who feel that their first amendment right to practice their religion has been infringed upon. Stephen is 58 years old.

**Candidate 4: Tibetha Cunningham:** Tibetha is an African American lawyer in St. Paul. Although she has only been practicing for 10 years, she has developed a reputation for being a top personal injury lawyer (representing people who have been injured). She spends most of her time in the courtroom trying cases. She is active in the Minnesota Women Lawyers' Association and actively recruits other women of color to go to law school. Tibetha is 36 years old.

**Candidate 5: Bouy Hey:** Bouy is a lawyer who has been practicing for 9 years. He lives in a community with other Southeast Asians. He escaped from Cambodia in the 70s and settled in Minnesota where he went to college and law school. Bouy has devoted his practice to helping other Asians in their efforts to get jobs, buy houses, educate children, and live happy lives. Bouy is very well respected in his community and has become the spokesperson for Southeast Asians. Bouy is 39 years old.

**Good work!**

**You have learned about how Minnesota judges are selected and elected. You've also determined what you think are important qualities of a good judge.**

For more information about how to become a judge in Minnesota, please visit [www.mncourts.gov/Help-Topics/How-to-Become-a-Judge.aspx](http://www.mncourts.gov/Help-Topics/How-to-Become-a-Judge.aspx).

For more information about the Minnesota Judicial Branch, please visit [www.mncourts.gov](http://www.mncourts.gov)

