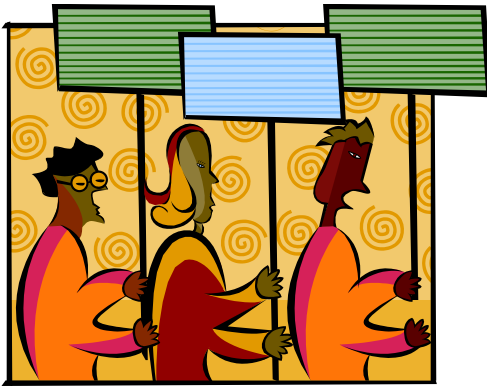


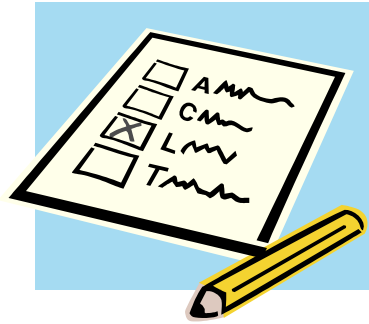
Judge for Yourself

“A Judge is bound to decide each case fairly, in accord with the relevant facts and applicable law, even when the decision is not the one the home crowd wants.”

-- William H. Rehnquist, Chief Justice 1986-2005



Objectives



- Identify the role of judges;
- Differentiate between trial and appellate courts;
- Discuss appropriate and inappropriate factors relating to judicial decision-making;
- Discuss the constraints to judicial decision-making.

Agree or Disagree?

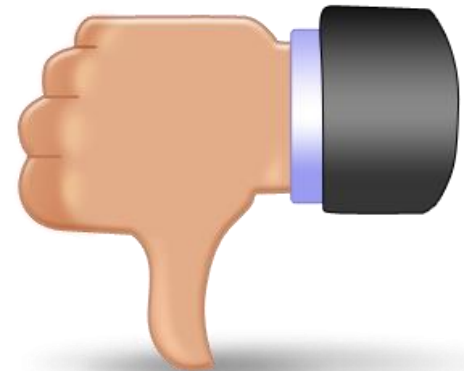
Read the following statements and decide if you Agree or Disagree.

Agree or Disagree?

Judges should make decisions based on how the public feels about an issue.



AGREE



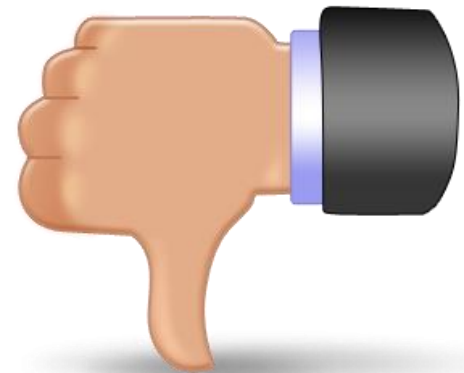
DISAGREE

Agree or Disagree?

The legislature should be able to pass laws without any form of review by the judicial branch.



AGREE



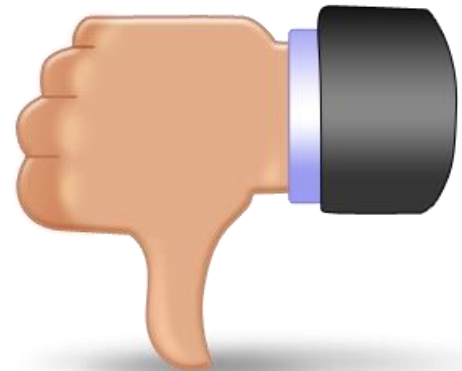
DISAGREE

Agree or Disagree?

Judges represent the rule of law,
not the will of the majority.



AGREE



DISAGREE

Agree or Disagree?

When a new Governor takes office, he/she should be able to remove judges that were appointed by previous Governors from other political parties.



AGREE



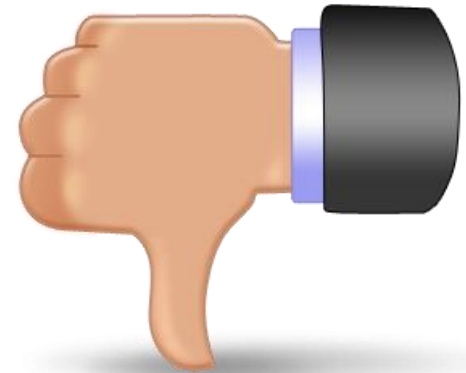
DISAGREE

Agree or Disagree?

Citizens and the media should not be able to criticize judges' rulings.



AGREE



DISAGREE

Agree or Disagree?

The executive and legislative branches should not have to follow rulings of the Supreme Court if they disagree with the rulings.



AGREE



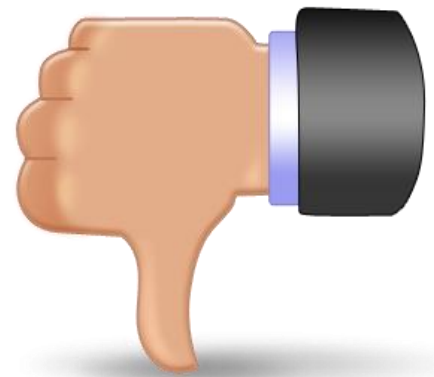
DISAGREE

Agree or Disagree?

Judges should rule on cases based on the preferences of the political party in control in the legislature at the time the case is heard.



AGREE



DISAGREE

Three Branches of Government

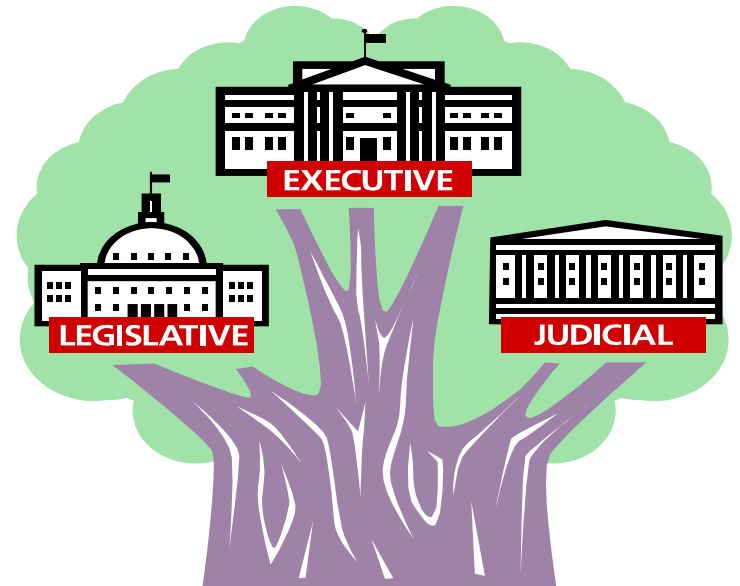
Legislative Branch – Makes the law

Executive Branch – Enforces the law

Judicial Branch – Interprets the law

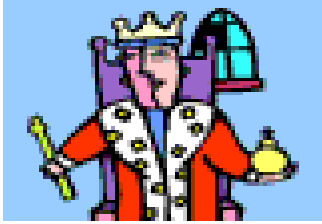
“ The accumulation of all powers, legislative, executive, and judiciary, in the same hands...may justly be pronounced the very definition of tyranny.”

James Madison



How it all started.....

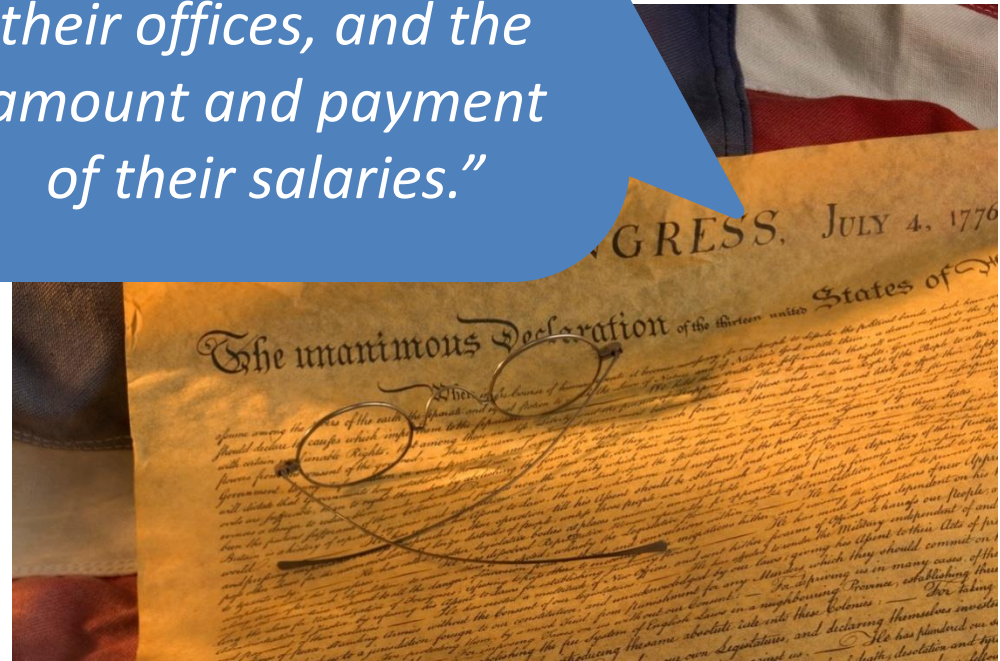
Colonial Era



“He (King George III) has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.”

Judges selected by the King.

Colonists outlined complaints in the Declaration of Independence citing how the King abused power and controlled the judiciary.



What would happen?



- So if a judge ruled against what the King wanted, then they would lose their jobs. The King would just select new judges that would rule the way he wanted. After a while, what would happen?
- Judges would no longer base decisions on the rule of law but rather on what the King desired!
- If judges ruled based only on the desires of the King (or the Legislature or the President or the Governor) then how would our government be different?

The Role of the Courts

The Constitution
outlines our rights . . .

...and the Courts
protect our rights.



Role of judges



The judicial branch interprets the law. Cases have to be brought before the courts. Courts do not reach down and find controversial issues to address.



Things to Consider



- How are judges different from other elected officials, such as legislators?

Legislators make decisions based on the needs/desires of their constituents or voters, their own beliefs, or their political party's agenda.



Judges must follow the law and should not be influenced by politics, public opinion, or their own personal beliefs. They should be fair and impartial.

Judicial Decision-Making

- Judges should be fair and impartial in applying the law.
- Judges must follow the law:
 - US and State Constitutions
 - Case law/Precedent
 - Statutory Law*
 - Sentencing guidelines*
 - Court Procedures/Rules
 - Code of Judicial Conduct



Warm Up Exercise



- If you were responsible for selecting all of the judges in Arizona, what characteristics or considerations would be most important to you?
- What would you look for?