

<b>THE ROLE OF JUDGES</b>
<b>SS.912.CG.3.9</b> Compare the role of state and federal judges with other elected officials.

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<b>2023 BENCHMARK UPDATES</b>
<ul style="list-style-type: none"> <li>● Updated from SS.912.C.3.8               <ul style="list-style-type: none"> <li>○ Changed from “Compare the role of judges on the state and federal levels with other elected officials.” to “Compare the role of state and federal judges with other elected officials.”</li> </ul> </li> <li>● Depth of Knowledge Changes within Benchmark               <ul style="list-style-type: none"> <li>○ No changes</li> </ul> </li> <li>● Addition of Benchmark Clarifications               <ul style="list-style-type: none"> <li>○ Benchmark clarifications are an addition to the 2023-2024 high school civics and government benchmarks. Benchmark clarifications are listed in the lesson summary below.</li> </ul> </li> </ul>

# Essential Teacher Content Background Information

*[Teacher Content Notes Not Appropriate For Student Use]*

**This section addresses the following topics:**

1. Federal Court Judges
2. State Court Judges
3. Comparing Decision-Making: Judges versus Political Figures

## 1. Federal Court Judges

The U.S. court system is composed of several parts. Article III of the U.S. Constitution creates the U.S. Supreme Court; all other courts, which are inferior to the U.S. Supreme Court, are created, supported and mandated by Congress.

All federal judges are appointed to their positions. Article II of the U.S. Constitution outlines a two step process for an individual to serve as a federal judge or justice. The president nominates an individual, and then they must be confirmed by a two-thirds vote in the U.S. Senate. Prior to this vote, confirmation hearings are held so that the Senate may ask questions of the potential justice before voting.

For the justices to be insulated from political pressure when deciding cases, they hold their offices for life and are never subject to a retention election. Justices may remain in office until they resign, retire, or pass away. Federal judges may be removed from office through Congressional impeachment proceedings for misbehavior.

Unlike many other government officials, when looking for the qualifications to be a federal judge, the Constitution sets forth no specific requirements. Congress usually makes recommendations for potential nominees, and the Department of Justice reviews their qualifications. However they have established these informal criteria as the Constitution is silent. These two entities have developed their own informal criteria.

## 2. State Court Judges

The way in which judges and justices in Florida attain their positions is both through elections and appointments.

The Florida Supreme Court has staggered terms for their seven justices. Justices are ultimately appointed by the governor, however the governor chooses from a recommendation list of three to six qualified candidates provided to them by the Supreme Court Judicial Nominating Commission. Within one year, a justice faces a merit retention election. After that, merit retention elections are held every six years. The selection and retention process for Florida's District Courts of Appeal judges is the same as the Supreme Court justices.

Circuit and county court judges are elected in nonpartisan races to a term of six years.

Regardless of whether a judge or justice is appointed or elected, if they are unable to serve the full length of their term and leave a vacancy, the governor has the power to appoint someone.

When looking for the qualification of federal judges, the Constitution sets forth no specific requirements. Congress usually makes recommendations for potential nominees, and the Department of Justice

reviews their qualifications. These two entities have developed their own informal criteria. Other elected officials have specific qualifications outlined in the U. S. Constitution.

In Florida, in order to serve as a judge, an individual needs to have earned a law degree from an accredited law school. All trial judge candidates must also be members of the Florida Bar for at least five years. Appellate judges/justices must be active members of the Florida Bar for at least ten years. Additionally, judicial candidates must run in the geographic areas in which they reside.

### **3. Comparing Decision-Making: Judges versus Political Figures**

To discuss how judges make decisions, we must first examine what judges decide. A judge's job is to apply the law to the facts. They do this in multiple ways.

- A. Preside over trials
- B. Maintain order in the courtroom
- C. Review the legality of issues and evidence
- D. Provide instruction to juries for their deliberation
- E. Issue sentencing
- F. Develop case law through precedent
- G. In bench trials (without a jury) they decide the facts of the case and make a ruling
- H. The constitutionality of laws and actions

Judges are to be impartial. This is represented by a symbol often associated with the judicial branch, Lady Justice and her blindfold. This does not apply to other political figures as they may be influenced by their constituents, interest groups, media, and others. Other political figures may also allow their opinions or views to be considered when making their decisions. Whether appointed or elected, judges remain non-partisan, and may not be politically motivated or consider their re-election when making decisions. Overall, judges and justices may only be guided by laws and constitutions while other political figures may of course be guided by many factors.

## Lesson Summary

BENCHMARK		
SS.912.CG.3.9 Compare the role of state and federal judges with other elected officials.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none"><li>Students will compare the ways state and federal judges are appointed compared to other elected officials.</li><li>Students will distinguish the qualifications needed for a judge at the state or federal level versus other elected officials.</li><li>Students will compare the decision-making process of judges compared to other political figures.</li></ul>		
FLORIDA CIVIC LITERACY EXAM COMPETENCY CONNECTION		
<b>Competency 1:</b> Understanding of the basic principles and practices of American democracy and how they are applied in our republican form of government		
OVERVIEW		
In this lesson, students will compare the roles of state and federal judges with other elected officials.		
ESSENTIAL QUESTION		
How are the roles of state and federal judges different from other elected officials?		
GOVERNMENT CONTENT VOCABULARY		
<ul style="list-style-type: none"><li>appeal, appellate court, appointed, circuit court, elected, federal, Florida Circuit Courts, Florida County Courts, Florida District Courts of Appeal, Florida Supreme Court, government officials, impartial, judge, judicial branch, justice, non-partisan, Supremacy Clause, tenure, trial court, U.S. Courts of Appeal, U.S. District Courts, U.S. Supreme Court</li></ul>		
INSTRUCTIONAL STRATEGIES		
Compare/Contrast	Graphic Organizer	Read-Pair-Share
MATERIALS		
<ul style="list-style-type: none"><li>Role of Judges slides</li><li>Federal Judges FAQ reading</li><li>State Judges FAQ reading</li><li>Federal vs. State Judges Graphic Organizer</li><li>Comparing Government Officials Activity</li><li>Student digital devices (optional)</li></ul>		
B.E.S.T. STANDARDS		

The grade in which this lesson is taught will determine the specific B.E.S.T. standards correlation.  
Thematically, this lesson aligns to:

- ELA.R.2.2 Central Idea
- ELA.R.3.3 Comparative Reading

## Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<p><b>Planning Note:</b> Elements of the judicial branch are taught in benchmarks SS.912.CG.3.7, SS.912.CG.3.8, SS.912.CG.3.10, and SS.912.CG.3.14. These benchmarks should be taught together.</p> <ol style="list-style-type: none"> <li>1. Begin today's lesson by projecting <u>either</u> slide 1 or slide 2 from the "Role of Judges" slides.  <b>Teacher Note:</b> Slide 1 consists of the national figures while slide 2 features state figures. The activity works using either one.</li> <li>2. After reviewing the individuals pictured, ask students to brainstorm some similarities and differences between the positions these individuals hold.</li> <li>3. Ask for responses. Possible answers are noted in the speaker notes section of the slides.</li> <li>4. Next, project slide 3 and have students examine a portion of a Florida sample ballot and share observations. Point out how the political party identifiers are not next to every name/race and how some choices are not between two individuals but a 'yes or no' selection.</li> <li>5. Lead students to an understanding that there are many similarities and differences between the government officials that hold positions in the executive, legislative, and judicial branches of government both at the national and state levels. These can be in the areas of how they are selected for their position, the qualifications required to hold their position, the responsibilities their position holds, and how they make decisions in their position.</li> <li>6. Explain to students that in this lesson, we are going to take a closer look into the role of judges at the federal and state level, and then compare their roles to other government officials we have already learned about.</li> <li>7. Place students in pairs.</li> <li>8. Distribute a "Federal Judges FAQ" reading to half of the pairs and a "State Judges FAQ" reading to the other half. Provide all students with a "Federal vs. State Judges Graphic Organizer".</li> <li>9. Instruct students to work with their partner to complete the reading and fill in their half of the graphic organizer.</li> <li>10. While students work, walk around the room to monitor for engagement and understanding, checking in with all pairs at least once.</li> <li>11. Once all students have completed their reading and organizer column, have them join another pair that had the reading they did not, forming a group of four. (One federal judges pair and one state judges pair)</li> <li>12. In their groups, students should go through each topic area on the graphic organizer and share the information they learned for their side/reading. Students should work to fill in any new information that they did not have in their graphic organizer. Encourage them to take note of the similarities and differences.</li> <li>13. While groups work, monitor for engagement and understanding.</li> <li>14. Once all groups have fully completed graphic organizers, bring the class back together.</li> <li>15. Review each of the topic areas and how they apply to federal versus state judges.  <b>Teacher Note:</b> Use the answer key provided to help guide discussion.</li> <li>16. When you get to the last topic area 'Decision-Making Process', project slide 4 of the "Role of Judges" slides. Lead a class wide discussion that compares the decision-making process of judges to other political figures. Record responses on the slide.  <b>Teacher Note:</b> Sample answers are in the speaker notes section of the slide.</li> <li>17. Explain to students that in the final activity of today's lesson, they are going to apply their</li> </ol>

	<p>knowledge by comparing two specific individuals.</p> <p>18. Pass out a “Comparing Government Officials Activity” to each student.</p> <p>19. Project slide 5 of the “Role of Judges” slides.</p> <p>20. Inform students that they are going to write two short fictitious biographies. One must be for a judge (state or federal) and the other may be an individual of their choosing from the list on slide 5.</p> <p>21. Provide time for students to complete this final formative assessment task.</p> <p><b>Teacher Note:</b> Depending on background knowledge of the other government officials, you may choose to allow the use of student digital devices to complete.</p>
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## Government Content Vocabulary

Word/Term	Definition
<b>appeal</b>	a request, made after a trial, asking a higher court to decide whether that trial was conducted properly
<b>appellate court</b>	any court that has the power to hear appeals from lower courts
<b>appointed</b>	chosen for a specific position; in government, typically by an official in the executive branch
<b>circuit court</b>	a court for a defined region of a state (usually including several counties) that has specific divisions and hears cases involving more serious crimes (felonies) and civil cases involving large amounts of money (more than \$1000)
<b>elected</b>	chosen by voters to serve in a specific position
<b>federal</b>	pertaining to the national government
<b>Florida Circuit Courts</b>	the courts that have general jurisdiction over matters not covered by the county courts
<b>Florida County Courts</b>	the courts where most non-jury trials occur; they are referred to as “the people’s courts” because they handle minor disagreements between citizens and minor criminal offenses
<b>Florida District Courts of Appeal</b>	appellate courts in the state court system that reviews decisions made by the lower trial courts
<b>Florida Supreme Court</b>	the highest court in Florida
<b>government officials</b>	someone elected or appointed to serve in a position at the local, state, and national level of government
<b>impartial</b>	to remain neutral in an argument or case
<b>judge</b>	the person who presides over court proceedings
<b>judicial branch</b>	the branch of government that interprets the laws made by the legislative branch
<b>justice</b>	the title given to judges of the U.S. Supreme Court and Florida Supreme Court
<b>non-partisan</b>	having no affiliation with a political party
<b>Supremacy Clause</b>	clause from Article VI of the U.S. Constitution that establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions
<b>tenure</b>	the length of time holding a position or office



<b>trial court</b>	the local, state, or federal court that is the first to hear a civil or criminal case; involves a hearing and decision with a single judge, with or without a jury
<b>U.S. Courts of Appeal</b>	the courts where parties who are dissatisfied with the judgment of a U.S. District Court may take their case
<b>U.S. District Courts</b>	the courts where most federal cases begin, the U.S. District Courts are courts of original jurisdiction and hear civil and criminal cases
<b>U.S. Supreme Court</b>	the highest court of the United States; it sits at the top of the federal court system

### ADDITIONAL RESOURCES

[Florida Department of Education: Florida Civic Literacy Exam Homepage](#)

Florida Department of Education's Civic Literacy Reading List

- *Out of Order: Stories from the History of the Supreme Court* by Sandra Day O'Connor

### ANSWER KEYS

Sample Answers: Federal vs. State Judges Graphic Organizer

Sample Answers: Comparing Government Officials Activity

### SOURCES

Florida Court Systems: <https://supremecourt.flcourts.gov/About-the-Court/Florida-s-Court-System>

Department of Justice, Office of the United States Attorneys:

<https://www.justice.gov/usao/justice-101/federal-courts>

Judicial Selection in Florida from Ballotpedia: [https://ballotpedia.org/Judicial\\_selection\\_in\\_Florida](https://ballotpedia.org/Judicial_selection_in_Florida)

Judicial and Judicial Nominating Commission Information:

<https://www.flgov.com/judicial-and-judicial-nominating-commission-information/>

The Florida Bar: <https://www-media.floridabar.org/uploads/2017/04/handout-2-florida-state-courts.pdf>

U.S. Courts FAQs: Federal Judges: <https://www.uscourts.gov/faqs-federal-judges>

Images on slides sourced within presentation