

## Judicial Independence

### Lesson Plans

#### ABA Division for Public Education

- Judicial Nominations. Conversation starter from the “Conversations on the Constitution” series, which uses a political cartoon, which compares the public's interest in judicial nominations with contestants on the television show "American Idol."  
[http://apps.americanbar.org/publiced/constitutionday/topics\\_adv3.html](http://apps.americanbar.org/publiced/constitutionday/topics_adv3.html)

Length: 1 lesson

Grades: 6-12

Assessment: Class discussion

Common Core: [CCSS.ELA-LITERACY.RH.6-8.2](#), [CCSS.ELA-LITERACY.RH.6-8.4](#), [CCSS.ELA-LITERACY.RH.6-8.5](#), [CCSS.ELA-LITERACY.RH.6-8.6](#), [CCSS.ELA-LITERACY.RH.6-8.7](#), [CCSS.ELA-LITERACY.RH.9-10.2](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.9-10.5](#), [CCSS.ELA-LITERACY.RH.9-10.6](#), [CCSS.ELA-LITERACY.RH.11-12.2](#), [CCSS.ELA-LITERACY.RH.11-12.3](#), [CCSS.ELA-LITERACY.RH.11-12.5](#), [CCSS.ELA-LITERACY.RH.11-12.7](#)

- What Makes a Good Judge? This lesson focuses on the costs and benefits of various judicial selection methods. Students will list characteristics they think essential or valuable to being a good judge, and then see which system of judicial selection – appointment, merit, or election – obtains the highest quality judges. In discussing each method, students will understand the tradeoffs between accountability and independence in judicial selection.  
[http://www.americanbar.org/content/aba/groups/public\\_education/resources/lesson-plans/middle-school/judicial-independence/what-makes-a-good-judge-.html](http://www.americanbar.org/content/aba/groups/public_education/resources/lesson-plans/middle-school/judicial-independence/what-makes-a-good-judge-.html)

Length: 1 lesson

Grades: 6-9

Assessment: Class discussion and in-class group work

Common Core: [CCSS.ELA-LITERACY.RH.6-8.2](#), [CCSS.ELA-LITERACY.RH.6-8.3](#), [CCSS.ELA-LITERACY.RH.6-8.8](#), [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.SL.9-10.1](#)

- Will the Court Hear this Case? This lesson helps students understand that the U.S. Supreme Court's jurisdiction is limited.  
[http://www.americanbar.org/content/aba/groups/public\\_education/resources/lesson-plans/high-school/judicial-independence/will-the-court-hear-this-case-.html](http://www.americanbar.org/content/aba/groups/public_education/resources/lesson-plans/high-school/judicial-independence/will-the-court-hear-this-case-.html)

Length: 1 lesson

Grades: 9-12

Assessment: Class discussion and in-class group work

Common Core: [CCSS.ELA-LITERACY.RH.9-10.2](#), [CCSS.ELA-LITERACY.RH.9-10.3](#), [CCSS.ELA-LITERACY.RH.11-12.2](#), [CCSS.ELA-LITERACY.RH.11-12.3](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.11-12.1](#)

### The Annenberg Classroom

- Judicial Independence: Essential, Limited, Controversial. Students engage in a jigsaw, cooperative learning activity, where each student is responsible for specializing in one part of a short research project and then communicating learning to members of his/her team. Students are given a study area with topics to explore and questions to answer based on one of four subject areas related to the judicial branch..

All suggested digital links and text materials are provided for students' independent research projects.

<http://www.annenbergclassroom.org/files/documents/lessonplans/independentjudiciary.pdf>

Length: 2 lessons

Grades: 11-12

Assessment: Individual prep assignment, in-class jigsaw and research assignment on judicial independence, Op-Ed writing assignment, and take-home quiz.

Common Core: [CCSS.ELA-LITERACY.RI.11-12.4](#), [CCSS.ELA-LITERACY.RI.11-12.7](#), [CCSS.ELA-LITERACY.RI.11-12.9](#), [CCSS.ELA-LITERACY.SL.11-12.1.A](#), [CCSS.ELA-LITERACY.SL.11-12.4](#), [CCSS.ELA-LITERACY.W.11-12.7](#), [CCSS.ELA-LITERACY.W.11-12.1](#), [CCSS.ELA-LITERACY.RH.11-12.2](#), [CCSS.ELA-LITERACY.RH.11-12.4](#), [CCSS.ELA-LITERACY.RH.11-12.7](#), [CCSS.ELA-LITERACY.RH.11-12.9](#)

### Constitutional Rights Foundation

- The Bill of Rights in Action: An Independent Judiciary. Provides comprehensive overview of the independent judiciary, the third branch of government, the power of judicial review, and politics and the judiciary. Students read text through the assigned perspective of President, Chief Justice, or Senate Minority Leader then discuss questions in groups from their role's point of view. Includes several all- class discussion questions. <http://crf-usa.org/bill-of-rights-in-action/bria-14-2-c-an-independent-judiciary>

Length: 1 lesson

Grades: 9-12

Assessment: Class discussion, capitol roundtable group activity, and optional essay question response

Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.2](#), [CCSS.ELA-LITERACY.RI.9-10.4](#), [CCSS.ELA-LITERACY.RI.11-12.1](#), [CCSS.ELA-LITERACY.RI.11-12.3](#), [CCSS.ELA-LITERACY.RI.11-12.4](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.SL.11-12.4](#), [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.RH.9-10.2](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.11-12.1](#), [CCSS.ELA-LITERACY.RH.11-12.2](#), [CCSS.ELA-LITERACY.RH.11-12.4](#)

### Constitutional Rights Foundation Chicago

- Deliberating in a Democracy: Corruption and Judicial Independence: Should our democracy elect judges? Students will read a text on judicial independence followed by a small group deliberation on the most important ideas in the text and reasons to support or not support the deliberation question. Students will then look at several quotes from government leaders on the topic and analyze the opinions of those leaders based on their quotes. Additional resources are provided to guide students in investigating the process for judicial selection at the national, state, and local level. <http://www.crfc.org/teaching-materials/corruption-and-judicial-independence-should-our-democracy-elect-judges>

Length: 1 lesson

Grades: 9-12

Assessment: In-class deliberation and discussion, handout on judicial selection process

Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.2](#), [CCSS.ELA-LITERACY.RI.9-10.8](#), [CCSS.ELA-LITERACY.RI.11-12.1](#), [CCSS.ELA-LITERACY.RI.11-12.4](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.SL.11-12.4](#), [CCSS.ELA-LITERACY.RH.9-10.2](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.11-12.1](#), [CCSS.ELA-LITERACY.RH.11-12.2](#)

### Edsitement

- The Supreme Court: The Judicial Power of the United States.  
Activity 2: How Was the Federal Judiciary Created?  
Activity 4: How Does the Constitution Provide for an Independent Judiciary? Students will learn about the key provisions in the Constitution relating to the judiciary, the importance of an independent judiciary and how the Constitution provides for this independence. <http://edsitement.neh.gov/lesson-plan/supreme-court-judicial-power-united-states>

Length: 1 lesson

Grade: 9-10

Assessment: Class discussion, explanatory writing assignment

Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.2](#), [CCSS.ELA-LITERACY.RI.9-10.4](#), [CCSS.ELA-LITERACY.RI.9-10.9](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.RH.9-10.2](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.RH.9-10.6](#), [CCSS.ELA-LITERACY.W.9-10.2](#)

### Street Law, Inc.

- The Challenge of Selecting an Ideal Supreme Court Nominee. Students will research the characteristics of current Supreme Court justices, list and explain factors that influence nomination selection for justices, and use that information to create a resume for an ideal Supreme Court nominee based on the ideology of the current President and Senate. This lesson should be presented after an introduction of the basic procedure of nomination and confirmation procedure of Supreme Court justices.  
[http://www.streetlaw.org/en/newsroom/Article/118/Teaching\\_about\\_Judicial\\_Nominations](http://www.streetlaw.org/en/newsroom/Article/118/Teaching_about_Judicial_Nominations)

Length: 1 lesson

Grades: 10

Assessment: Short research assignment on Supreme Court justices, argumentative writing assignment.

Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.4](#), [CCSS.ELA-LITERACY.W.9-10.1](#), [CCSS.ELA-LITERACY.W.9-10.4](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.WHST.9-10.7](#), [CCSS.ELA-LITERACY.RH.9-10.4](#)

- Nominating Federal Judges. Students will learn about the politics and political processes of court appointments, interpret and analyze relevant charts, and refine essay composition skills. Prior to beginning this lesson, students should be familiar with the Congressional committee structure, committee hearing process, and Senate procedures (such as filibusters) as well as the role and importance of federal judges.  
[http://www.streetlaw.org/en/newsroom/Article/118/Teaching\\_about\\_Judicial\\_Nominations](http://www.streetlaw.org/en/newsroom/Article/118/Teaching_about_Judicial_Nominations)

Length: 2 lesson

Grades: 11-12 Advanced Placement US Government and Politics

Assessment: Class discussion, group work, short research assignment on Supreme Court justices.

Common Core: [CCSS.ELA-LITERACY.RI.11-12.1](#), [CCSS.ELA-LITERACY.RI.11-12.4](#), [CCSS.ELA-LITERACY.RI.11-12.8](#), [CCSS.ELA-LITERACY.W.11-12.1](#), [CCSS.ELA-LITERACY.W.11-12.4](#), [CCSS.ELA-LITERACY.SL.11-12.1](#), [CCSS.ELA-LITERACY.SL.11-12.4](#)

### USCourts.Gov

- Nomination Process. In this lesson students examine the key constitutional reference to judges. They look at the general biographical profile of federal judges to learn about their career paths. They then analyze one of several statements made during the nomination hearing of Supreme Court Justice Ruth Bader Ginsburg.  
<http://www.uscourts.gov/educational-resources/get-involved/federal-court-activities/nomination-process.aspx>

Length: 1 lesson

Grades: 9-10

Assessment: Class discussion, short research assignment on Senate Judiciary Committee

Common Core: [CCSS.ELA-LITERACY.RI.9-10.1](#), [CCSS.ELA-LITERACY.RI.9-10.4](#), [CCSS.ELA-LITERACY.SL.9-10.1](#), [CCSS.ELA-LITERACY.SL.9-10.4](#), [CCSS.ELA-LITERACY.RH.9-10.1](#), [CCSS.ELA-LITERACY.RH.9-10.4](#), [CCSS.ELA-LITERACY.WHST.9-10.7](#).

## Resources

### American Bar Association

- Dialogue on Courts. This is a discussion guide that was produced during Law Day 2012. It examines the role of courts in our society. It is divided into two parts that may be conducted as three separate discussions. Part I includes a political cartoon about court funding. Part II uses the example of language barriers to discuss access to justice, and the role of courts in ensuring justice in our society. There are also ready-to-use Power Point® guides.

#### **Part 1**

[http://www.americanbar.org/content/dam/aba/images/public\\_education/the\\_role\\_of\\_courts\\_2012.ppt](http://www.americanbar.org/content/dam/aba/images/public_education/the_role_of_courts_2012.ppt)

#### **Part II**

[http://www.americanbar.org/content/dam/aba/images/public\\_education/dialogue\\_part2\\_2012.ppt](http://www.americanbar.org/content/dam/aba/images/public_education/dialogue_part2_2012.ppt)

[http://www.americanbar.org/content/dam/aba/images/public\\_education/dialogue\\_2012.pdf](http://www.americanbar.org/content/dam/aba/images/public_education/dialogue_2012.pdf)

- How Courts Work. This is reference website that describes the basic structure and function of courts, including the role of judges, juries, grand juries, and mediation. There is also an explanation of the need for an independent judiciary.

[http://www.americanbar.org/groups/public\\_education/resources/law\\_related\\_education\\_network/how\\_courts\\_work/court\\_role.html](http://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/court_role.html)

- Role of Courts in a Constitutional Democracy. This is a website for an issue of *Insights on Law & Society*, which was published in November 2011. There are links to articles, as well as curated resources about courts, including federal courts, problem-solving courts, and the portrayal of courts on television.

[http://www.americanbar.org/publications/insights\\_on\\_law\\_and\\_society/12/fall.html](http://www.americanbar.org/publications/insights_on_law_and_society/12/fall.html)

- Preview of the United States Supreme Court. This website features current and archived US Supreme Court briefs. It also features archived issues of *Preview* magazine which provides, in, expert, plain-language analysis of all cases given plenary review by the Supreme Court in advance of oral argument.

[http://www.americanbar.org/publications/preview\\_home.html](http://www.americanbar.org/publications/preview_home.html)

### The Annenberg Classroom

- This website features a documentary that examines two Supreme Court cases, *Cherokee Nation v. Georgia* (1831) and *Cooper v. Aaron* (1958), which defined our understanding of the role of the judiciary (34 minutes).

<http://www.annenbergclassroom.org/page/an-independent-judiciary>

- A Conversation on the Constitution (32 minute video and discussion guide). Justices Stephen G. Breyer, Anthony M. Kennedy and Sandra Day O'Connor and students discuss why an independent judiciary is necessary and how the Constitution safeguards the role of judges.

<http://www.annenbergclassroom.org/page/conversation-judicial-independence>

### Federal Judicial Center Website

- This website features talking points on judicial history.

[http://www.fjc.gov/history/home.nsf/page/talking\\_co\\_tp.html](http://www.fjc.gov/history/home.nsf/page/talking_points.html)

### Harlan Institute

- The Harlan Institute website features FantasySCOTUS, a fun and interactive Supreme Court fantasy league. This free resource allows students to make predictions about Supreme Court cases, write analytical blog posts about them, and compete against other students across the country.

<http://harlaninstitute.org/>

### Justice Teaching

- This site features a series of lessons that use court cases to understand how judges make decisions through the interpretation and application of law.

[http://www.justiceteaching.org/lesson\\_plans.shtml](http://www.justiceteaching.org/lesson_plans.shtml)

### The Judicial Learning Center

- Judicial Independence web page features a video on how judicial independence is maintained.  
<http://judiciallearningcenter.org/judicial-independence/>

### USCourts.Gov

- In this activity students learn about the Judiciary Act of 1789 and how the federal court system impacts law-abiding citizens. Three activity options are provided as a starting point for discussion on the federal court system and the role of federal judges.  
<http://www.uscourts.gov/educational-resources/get-involved/federal-court-activities/federal-courts-you.aspx>

### US Department of Justice

- This government website provides news updates and blog posts from the US Department of Justice.  
<http://www.justice.gov/>

### US Senate Committee on the Judiciary

- This government website provides news updates on the hearings held by the US Senate Committee on the Judiciary. <http://www.judiciary.senate.gov/>