



ILLINOIS STATE
BAR ASSOCIATION

LAW-RELATED EDUCATION

Being a Fair and Impartial Judge...

An Elementary School Activity

Illinois State Bar Association
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JUDGES AND RESPECT FOR LAW

Making sure we have fair judges in our courtrooms is one of the most important parts of our justice system. Judges must be free to make fair decisions for everyone who comes to their courtrooms.

Judges have to be free from any attempt to make them decide one way over another. Judges need to be able to concentrate on the facts in the cases before them and they shouldn't have to worry about anything but a fair decision based on what has been presented to them in court. They shouldn't have to worry about public opinion polls, popularity contests, politics or how people will react to their decision.

In this country we have the freedom of speech and anyone can comment on a judge's ruling, but judges should never be threatened or intimidated.

Choosing Our Judges

Illinois Constitution, Section 11. ELIGIBILITY FOR OFFICE

No person shall be eligible to be a Judge or Associate Judge unless he is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him. No change in the boundaries of a unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change.

1. (Teacher) Ask students to list on the chalkboard what qualities should a good judge have (use the list below as a starting point). If a judge is available to visit the classroom, ask your visiting judge if he or she agrees with the students' assessment. Would he/she add or delete anything from the list?
2. (Lawyer/Judge) Explain how lawyers with the necessary personal and professional qualifications become judges in Illinois. Explain that some judges are elected and some are appointed. Which is a better way to ensure that judges are able to be truly independent? Discuss.

What makes a good judge?

Obviously, a good judge should know the law and be fair so that both sides have a fair opportunity to present the facts of the case. What else would be important in a judge? Think about personality and education, work experience and other talents. Make a list, or look at the list below and choose the important things a judge should have, or be:

Able to speak well in public
At least 40 years old
Biased
Compassionate
Conservative
Donates to charity
Drives a car
Easily influenced
Fair
Follows rules
Good at sports
Good education
Hot tempered
Impartial
Kind
Lenient
Liberal
Likes good food
Listens well
Live in your neighborhood
Man or Woman
Narrow minded
Nice smile
Non smoker
Patient
Practiced law for a number of years
Reasonable
Speak different languages
Tall
Tolerant
Understanding
Vegetarian
Wear glasses
Years of legal experience as a trial lawyer

FACTOID

In Illinois, all judges were lawyers first. But, to be a United States Supreme Court Justice does not require one to have been a lawyer. Is this a good idea? Why or why not?

Selecting A Good Judge – Classroom Activity

Ask students if they know anyone who might make a good judge. They could suggest their parents, an older sibling, another relative, neighbor, teacher or qualified person.

Ask students if they think anyone in the class might make a fair judge? Distribute the form below and ask students to select one student they think best meets the criteria for being a good judge.

NAME of someone in the classroom you think would be a good judge:

Do you think this person:

Knows and follows the rules	_____ always	_____ usually	_____ rarely
Is fair and impartial	_____ always	_____ usually	_____ rarely
Listens well	_____ always	_____ usually	_____ rarely
Knows right from wrong	_____ always	_____ usually	_____ rarely
Tells the truth	_____ always	_____ usually	_____ rarely
Makes up own mind	_____ always	_____ usually	_____ rarely
Works to get good grades	_____ always	_____ usually	_____ rarely
Is polite and patient	_____ always	_____ usually	_____ rarely
Is organized	_____ always	_____ usually	_____ rarely
Can make decisions not based on race, gender, national origin, religion, disability, age, sexual orientation, economic status or other biases	_____ always	_____ usually	_____ rarely

List other reasons you chose this person:



Being a fair judge...

The American Bar Association has mock trial scripts available for purchase. Visit <http://www.abanet.org/publiced/mocktrials.html>

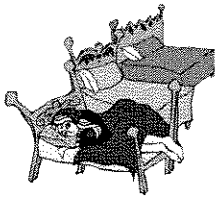
An excerpt from that website states: "Share the excitement and unparalleled learning experience of mock trials. A great opportunity to involve law professionals as judges and coaches, and a lively, fun process that kids won't soon forget. Mock trials give you everything you need to put on a successful mock trial—information on types of mock trials, tips on preparing and conducting the trial, simplified steps and rules in a trial, and even guidelines on mock trial competitions."

There are scripts for a variety of traditional fairy tale stories that children already know and love.

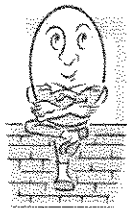
Fairy tale mock trials mix laughter and learning. The ABA line-up has 14 can't-lose choices. All are complete scripts and come with instructions on how to put on a mock trial, simplified rules of evidence, and other useful information.

- [The Big Bad Wolf v. The Three Little Pigs](#)
- [Cinderella v. Estate of Padre Mia Tremaine](#)
- [Claude v. The Beast](#)
- [Emperor v. Swin and Del](#)
- [Humpty Dumpty v. Sherman King](#)
- [Rumpelstiltskin v. Queen Malory](#)
- [State v. Delphinia Rose Sweetpea](#)
- [State v. Jack Robinson](#)
- [State of Italia v. Geppetto](#)
- [State v. Richard Fox](#)
- [The Three Bears v. Goldilocks](#)
- [United States v. Bunyan](#)
- [Village of Sheepfold v. Joey Wolfcryer](#)
- [Wicked Witch v. Snow White](#)

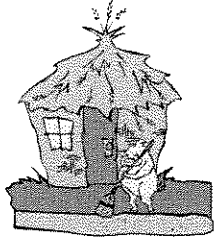
As a way to bring "judicial independence" and respect for judges and the legal process into your discussions, use the examples below. Ask the students about the story as they know it. Then, tell them what crime may have been committed. Ask them to play the role of the presiding judge who will need to hear evidence from both sides. Then ask them how they would feel if some of those fairy tale characters tried to tell them how to rule. **Consider inviting a judge or lawyer to class to help the students understand the importance of "judicial independence."**



Goldilocks: What if Goldilocks were arrested for entering the home of the three bears without permission? What if she were charged with stealing their bowls of porridge? If you were the judge, it would be your responsibility to hear both sides of the story to see if Goldilocks really broke into the house and stole something, or was it someone else? Was she invited and the three bears just got the story wrong? You would need to hear all of the evidence on both sides and you would need to listen to all the witnesses to get a real picture of the story. If you were the judge, how would you feel if the Papa Bear came to your house and told you that you had to find Goldilocks guilty and send her to jail? If you were the judge, how would you feel if Goldilocks hired a big bully to come to your house and try to make you find her not guilty? Would you be able to make a fair ruling?



Humpty Dumpty: What if all the Kings horses and all the Kings men were charged with pushing Humpty Dumpty off the wall and causing him to break into pieces? If you were the judge it would be your responsibility to hear both sides of the story to find out whose fault the accident really was. Was Humpty Dumpty pushed off the wall by someone, or did he fall on his own? What if Sherman King tried to pay you to rule in his favor? What if the King's men told you that they were going to see that you weren't elected to serve as judge at the next election unless you found in favor of the King? Would this be fair? Would getting money or worrying about being elected again make you change your mind?



Big Bad Wolf versus the Three Little Pigs: You be the judge. Is the wolf a big bully who needs to go to jail? If the three little pigs sue the wolf for wrecking their homes and trying to eat them, and you are the judge, would you be able to give a fair ruling if the Wolf and his or her family started telling mean or bad stories about you and the stories all ended up on the evening news and in the newspaper that everyone reads? The stories could be about all the cases you had in the past and how they think you are silly for making some of the decisions that you made, the stories could be about almost anything that would make you feel angry or silly. Would you be able to be a fair judge? Would you be able to make a decision based only on what you heard in court and not let the mean stories make a difference?



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