

## NC Appellate & Trial Court Judges

### Overview

In this lesson, students will gain an understanding of the structure of the North Carolina General Court of Justice. Through creation of a candidate “want-ad”, a poster, and other optional activities, students will learn about the organization and responsibilities of courts and court officials in North Carolina.

### Grade

10

### NC Essential Standards for Civics & Economics

- CE.C&G.5.2 - Analyze state and federal courts by outlining their jurisdictions and the adversarial nature of the judicial process (e.g., Appellate, Exclusive, Concurrent, Original, types of federal courts, types of state courts, oral argument, courtroom rules, Supreme Court, opinions, Court Docket, Prosecutor/Prosecution, Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing, appeal, etc.).

### Essential Questions

- What is the structure of North Carolina’s judicial branch of government?
- What types of cases are handled by the courts of the judicial branch?
- Who are the important officials at work within NC judicial branch?

### Materials

- North Carolina-Your trial court officials, reading attached
- Create a “Want Ad” for a NC Trial Court Candidate, assignment attached
- North Carolina-Your Appellate Judges, reading attached
- Supreme Court halts Wake year-round plans, article attached
- North Carolina Judicial Branch Poster, assignment attached

### Duration

- Day 1: 45 min.
- Day 2: 30+ minutes (varies depending on how much class time is provided for completing poster)
- Activities can be condensed into one class period if needed

### Procedure

#### Day 1

#### Your Trial Court Judges

1. As a warm-up, explain the following scenarios to students and ask them to share their thoughts:
  - You’ve just turned 18 and decided you want to get married to your high school sweetheart. However, you don’t have the money to pay for a big wedding. Who can marry you outside of a church official? (*Answer: Clerk of Court*)
  - After a year, you’ve realized you made a big mistake in marrying your high school sweetheart. You’ve decided to get a divorce. Who will you appear before to regain your “freedom?” (*Answer: District Court Judge*)
  - Now that you are newly divorced, you’ve started dating again. You are running late to pick up your date and get pulled over for going 58 in a 35 mph zone. Who will you appear before to take care of your speeding ticket? (*Answer: District Court Judge*)
  - You haven’t been having a lot of luck with your recent dates, and you’ve decided to attract someone really classy you need a fancy car. Since you are broke, you make the bad decision to steal your

neighbor's Porsche! You are caught and arrested. Who will hear your case? (*Answer: Superior Court Judge*)

- After you serve your sentence for stealing the Porsche, you are even more broke than you were before. You find out that your great-great-great-uncle passed away while you were in jail, and you are hoping he may have left you some money. Which court official deals with wills and estates? (*Answer: Clerk of Court*)
2. Chances are many students were not able to offer the correct response to some or all of these scenarios, even though at some point in our lives each of us will interact with a District Court Judge, Superior Court Judge, or at the least a Clerk of Court. Tell students that they will be learning about these important trial court officials in today's lesson and pass out the attached *North Carolina-Your trial court officials* for students to read individually or in partners. Once students are finished, discuss:
- What are the three divisions of North Carolina's General Court of Justice?
  - How are the judges and clerk of court chosen?
  - The reading explains that Superior Court judges rotate among the districts in their division every six months. Why do you think this is mandated?
  - What are the differences in the Superior Court division and the District Court division?
  - According to the reading, which court employs a jury? If you were on trial, would you prefer to have a jury hear your case? Why or why not?
  - Name three reasons you might need to interact with your county's clerk of court.
  - In what way(s) can each of these three people (the Superior Court Judge, District Court Judge, and Clerk of Court) greatly impact you?
  - Were you aware these three trial court officials were elected positions?
  - During election season, why should North Carolinians know who is running for Superior Court, District Court, and Clerk of Court and ensure they vote on their choice of candidate for these positions?
3. To have students exhibit their understanding of each of these three trial court officials and the skills/qualifications each should possess, assign the attached *Create a "Want Ad" for a NC Trial Court Candidate*. Each student will choose one of the three trial court officials, and using what they learned in the reading and in class discussion, they will complete a want ad for candidates to run for the position. Give students approximately 15 minutes to do this.
4. Once finished, have students share their want ads in small groups. After each group member has shared, each group member should choose which want ad in their group would most compel them to run for office were they a viable candidate. Group members should share their decision within their group, as well as what about the want ad lead them to this decision.
5. After all groups are finished, ask students to share by a show of hands which judicial office they said they would run for between the three. Tally student responses on the board and discuss the class results:
- Why do you think the results ended up this way? Why did the majority of us choose to run for \_\_\_\_\_; or, Why do you think the results are so evenly divided between these offices?
  - Why would you most want to fill the office you chose?
  - What do you imagine would be most difficult serving in this role?
  - What would be most exciting?
6. Tell students they will be further exploring North Carolina's judicial branch. Have students read the attached *North Carolina-Your Appellate Judges* for homework.

## Day 2

### Your Appellate Judges

7. As a warm-up, tell students that you have some very interesting news to share with them. Do your best to pose the following fictional scenario in a way that makes students believe this is being considered for their school district:
  - I attended a special School Board meeting last night and the Superintendent shared something that I think you guys are going to be very interested in hearing about. It is being debated whether or not our school system should change from a traditional calendar to a year-round calendar. This means that all schools in our county would go to school year-round, with short breaks throughout the year rather than a long summer break. What do you all think about this? What is your opinion of our switching to the year-round calendar? (If you teach in a county or school that is already year-round, pitch the scenario as if the district is debating switching to a traditional calendar.)
  
8. Allow students to express their opinions on this matter, then focus them on the issue of whose final decision it will be whether or not schools convert to year-round:
  - Obviously many of you do not like the idea of our becoming a year-round school. How do you think this issue will be decided?
  - Who will have the final say as to whether or not this change will be mandated?
  
9. After students have expressed their thoughts, let them know that the Supreme Court of North Carolina heard arguments on this very issue in September 2008. Let students know that the scenario you explained to them is not true for their school and that there is no talk of their district switching to year-round. However, many students in Wake County, NC are experiencing these emotions in reality since their county is trying to switch to year-round schools. Explain that the decision has been so controversial that it has made its way up to the Supreme Court of North Carolina. Pass out the attached article, *Supreme Court halts Wake year-round plans* for students to read individually or in partners. Afterwards, discuss:
  - Why did Wake CARES sue the Wake County school district? (*parents felt their children should not be reassigned to a year-round calendar/school without their permission*)
  - How did the Superior Court rule? (*the Superior Court ruled that the district didn't need parental consent to send students to schools converted to year-round calendars*)
  - The school district then appealed the case to which court? (*NC Court of Appeals*)
  - How did the NC Court of Appeals rule on this matter? (*they agreed that the parents should have to give permission for such a change*)
  - What is currently happening with the case? (*the Supreme Court of NC agreed to review the case and temporarily restricted the assignment of students to year-round schools without parent permission; as of September 2008 the case was still being considered*)
  - Based on this case alone, what impact can the appellate division of North Carolina's General Court of Justice have on each of you?
  
10. Using a transparency and overhead, project the attached NC General Court of Justice graphic organizer for students to observe. Have students review what they learned regarding the Superior and District Courts. Write the facts they share onto the transparency around the appropriate court. Then, focus students on the Court of Appeals and the Supreme Court of North Carolina. Again, ask students to share what they learned from their homework reading: *North Carolina-Your Appellate Judges*, as well as from the article and discussion on year-round schools. Continue to write their comments onto the transparency. Discuss:
  - What is the difference between original jurisdiction and appellate jurisdiction?
  - Why do you think it is important to have a clear process for appeals in our court system?
  - How many justices sit on the NC Supreme Court? How many judges serve the Court of Appeals? Why do you think these courts are designed with more than one person hearing each appeal?
  - Between trial court judges and appellate judges, who do you think has a more difficult job and why?
  - Were you to choose between these two appellate divisions, would you want to be a Supreme Court justice or a Court of Appeals judge and why?

### **North Carolina Judicial Branch Poster**

11. Tell students that since North Carolina's court system and the court officials working within it have such a great effect on their lives, it is important that they fully understand the structure of the General Court of Justice and be aware of the candidates looking to fill the open positions in the upcoming election. To assist students in this understanding, assign the attached *NC Judicial Branch Poster* for completion individually or in partners. Go over the assignment requirements with students. Teachers may also want to share a poster example with students, such as CEC's NC Judicial Branch poster.

### **Additional Activities**

- Complete the attached writing prompt regarding whether North Carolina's Supreme Court justices should be elected or appointed.

## Create a "Want Ad" for a NC Trial Court Candidate

**Your Assigned Court Professional:** \_\_\_\_\_  
(either Superior Court Judge, District Court Judge, or Clerk of Court)

What qualities do you think that the ideal court professional should have? Do you think they should have a degree from Harvard law? Does it matter if they are a native North Carolinian? Are there particular experiences he/she should have? Should they encompass particular personality traits, values, or views? This is your chance to advertise on the *Craigslist* "Jobs" section to recruit court professionals to run for election to the NC Judicial Branch.

Design a "Want Ad" advertising the skills, background, values, and any other important criteria you think the court professional assigned to you should possess. Make sure to include the qualifications you are seeking in these categories:

- ✓ Background information (university attended, degree, previous experience, etc.)
- ✓ Personal information (family, place of residence, hobbies, etc.)
- ✓ Moral and ethical principles
- ✓ Skills related to the judicial process and job
- ✓ (For judges) Particular judicial beliefs/political stances (i.e., stance on right to life, death penalty, gun laws, etc.)
- ✓ Other particular qualifications you feel is important for recruiting the best candidates to run for this office

Use the following posting from Craigslist as a format for writing your "Wanted Ad." Your final product should be more detailed, containing at least 8 sentences of description. Your final want ad must show your understanding of the trial court position assigned to you.

[raleigh craigslist](#) > [legal jobs](#)

### **Paralegal (Downtown Raleigh)**

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Reply to:

Date:

Paralegal/legal assistant needed in mid-sized downtown Raleigh law firm to assist attorneys with busy and rewarding adoption/family law practice. Ideal candidate has good work ethic, detail oriented and superior organizational skills. MS Word experience required. Benefits include health, life, 401(k) and parking.

## Supreme Court halts Wake year-round plans

May. 22, 2008

**RALEIGH, N.C.** — The state Supreme Court issued an order Thursday that prevents the Wake County school system from assigning students to year-round schools without parental consent.

The state Court of Appeals had ruled two weeks ago that the district didn't need parental consent to send students to schools converted to year-round calendars. The stay issued Thursday blocks the district from acting on that ruling until the high court decides whether to review the case.

School Superintendent Del Burns said he was unaware of the court's action and couldn't immediately comment on it.

School board Chairwoman Rosa Gill said the district would once again use consent forms to determine year-round assignments until the case is resolved.

"We have to do what we have to do. I don't think we're going to change our focus on teaching and learning, no matter what factors come into play," Gill said.

The district's attorneys were reviewing the Supreme Court's order Thursday evening and will advise the school board how to proceed, spokesman Michael Evans said.

A parents' group called WakeCARES sued the district last year over its plans to convert 22 elementary and middle schools from traditional schedules to year-round calendars. They contended the district didn't have the authority to mandate attendance at year-round schools and said the new schedule would disrupt the lives of hundreds of families.

District administrators maintain they needed to operate more schools on year-round calendars to accommodate growing enrollments. The rotating schedules of students at year-round schools mean that each school can handle about 25 percent more students than it would accommodate on a traditional calendar.

Superior Court Judge Howard Manning sided with the parents last May, saying the district needed the consent of parents before assigning any student to a year-round school.

The district proceeded to convert the schools, but hundreds of families opted out of going to them and were assigned to traditional schools for the 2007-08 year, leaving some schools under-enrolled and others extremely overcrowded.

The appeals court overturned Manning's ruling, saying state law doesn't preclude a school district from assigning students to year-round schools.

Despite that ruling, the school board voted to leave the student assignment plan for 2008-09 in place. However, students registering after June 1 or not returning a consent letter by that date would be assigned to a year-round school under the board's plan.

"A stay and writ will require that the parental notification will continue in compliance with Judge Manning's order. The continuance of this process will have the effect of quantifying the number of parents who desire a traditional school assignment for their children for the next school year," Robert Hunter, the attorney for WakeCARES, wrote in a motion requesting the stay. "A stay ... will also continue to secure the constitutional rights of parents to direct their children's education against invidious actions by the board."

Dawn Graff, one of the founders of WakeCARES, said the group was pleased by the stay.

"It gives parents more time to opt out under Judge Manning's ruling. We are cautiously optimistic regarding the Supreme Court hearing the case," Graff said.

**Reporter: Dan Bowens**

<http://www.wral.com/news/local/story/2927953/>

## **N.C. Supreme Court hears year-round school case**

Posted: Dec. 16, 2008

A group of parents who have been fighting how Wake County handles school reassignment got their day in court Tuesday when the state Supreme Court heard their case.

WakeCARES, a parent's group that has fought mandatory year-round school assignments, requested a Supreme Court hearing on the case after an appellate court sided with the county.

The parents say the Wake County Public School System should have asked them about moving their children from school to school as it decided to convert 22 elementary and middle schools to year-round calendars for the 2007-08 school year to keep pace with enrollment growth.

"There is under-enrollment in year-round schools and over-enrollment at traditional schools. The parents don't want it," said Attorney Robert Hunter, representing WakeCARES.

Because year-round schools rotate four "tracks" of students through a schedule of nine weeks of classes and three-week vacations, the schools can accommodate more students than traditional schools. One track is always on break.

"The policy is bad for families and families are being cut out of the decision in their children's lives," WakeCARES parent Dawn Graff said.

Parents sued the school district to block the move, and Superior Court Judge Howard Manning ruled in May 2007 that parents had to give their consent before students could be assigned to year-round schools. The county then scrambled to get out permission forms.

"There's not a fundamental right to a school calendar. There's a fundamental right to an equal opportunity to a sound, basic education," said Attorney Ann Majestic, representing the school system.

Most families assigned to the converted year-round schools approved of the move, but then hundreds of families opted to remain in traditional schools. That left some year-round schools under-enrolled and aggravated overcrowding at some traditional schools.

In May of this year, a year after Manning's decision, the state Court of Appeals ruled unanimously that school district officials did not need parental consent to assign students to year-round schools. In August, the high court agreed to hear the case, setting the stage for Tuesday's arguments.

"Regardless of the resolution, we're glad we had an opportunity to have the hearing today," school board Chairwoman Rosa Gill said.

The seven justices could take three months to a year to make a decision. Until then, the school system will continue to ask for parental consent before assigning students to year-round schools.



## NC Judicial Branch Poster

North Carolina's Judicial Branch can be confusing to citizens, thus many North Carolinians are not participating in the elections of their court officials. To help counteract the lack of education and understanding about our court system and the officials working within it, create a poster that will help citizens understand the structure of the General Court of Justice, the officials working within each of its divisions, and the skills required of the candidates who fill these positions.

### Your final poster must:

- Illustrate the 3 General Court of Justice divisions in a graphic organizer format; the poster's design should show which division has authority over the other:
  - Appellate
  - Superior Court
  - District Court
  
- Describe the following judicial offices and the responsibilities of these offices:
  - Supreme Court of North Carolina Justice
  - North Carolina Court of Appeals Judge
  - Superior Court Judge
  - District Court Judge
  - Clerk of Court

*\*Posters should visually show which division each of the above judicial offices falls under.*

- At the minimum, your poster should be the size of a piece of chart paper or poster board (larger is fine)
  
- Posters can be multi-dimensional (feel free to glue things on to the poster, use pop-outs or flip-up tabs, or other techniques to create dramatic effect – think outside of the box!)
  
- Your poster should contain decorative art work to approve the artistic appearance of the poster; art work should also aid poster viewers in remembering the information your poster shares
  
- Be colorful, creative, neat, organized, and accurate!

**Poster Due Date:** \_\_\_\_\_

**What questions do you have about this assignment?**



**Writing Prompt:  
North Carolina Supreme Court Justices**

The Supreme Court of North Carolina is the state’s highest appellate court. It consists of 6 associate justices and one chief justice who are elected by the people to 8 year terms in statewide nonpartisan elections. In recent years, there has been much controversy over judicial selection and retention in the NC Supreme Court. Some people believe that good justices are being removed from office by the people for reasons entirely unrelated to their performance in court. Instead of the people electing justices statewide, some argue, the governor should appoint justices to take office immediately, and then require them to participate in a “retention election” at least 18 months after their appointment. In a retention election, the people would simply vote “yes” or “no” as to whether or not the justices should be retained.

**Write a letter to your representative in the NC General Assembly explaining whether or not you think state Supreme Court justices should be elected by the people or appointed by the governor. You may use the following information, your own experiences, observations, and/or readings.**

“Only Russia, Switzerland and the United States elect any appellate judges. Here, only a small handful of states still elect their appellate judges by statewide partisan elections. Study after study has shown that the public of North Carolina simply is not informed about statewide judicial candidates for our appellate courts. The great majority of our citizens never bother to mark their ballots for either candidate in elections for appellate judges or justices. This makes it very easy for single issue groups of the right and left, which can only be described as extreme, to have an impact on appellate judicial elections far disproportionate to their numbers or to the public’s acceptance of their views.”

-Former NC Supreme Court Justice Burley Mitchell

“The principal argument of those who advocate nonpartisan election for the selection and retention of judges is that it removes partisan political considerations while ensuring the same type of judicial accountability as do partisan elections. Thus, so it is argued, judges are more likely to be selected based upon qualifications than upon political affiliation. Proponents of nonpartisan election also argue that such a system permits the people to retain their right to vote for judges, while at the same time reducing the frequent turnover on the bench that occurs in many partisan election states.”

- Peter D. Webster, Florida State University Law Review

“The best method of selecting Supreme Court Justices is appointment by the Governor with the assent of a supermajority of the Senate. The supermajority requirement would be intended to prevent the appointment of persons known to be partisans of marginal political views that they might be tempted to impose on the people. Because governors and senators are themselves politically accountable to the people to be served if they seat a bad Justice, the case for Voter Confirmation as an additional requirement is less strong. It would, however, serve to emphasize that the Justices are not solely indebted for their power and status to partisan politicians, but also owe their power to all the people.

-Paul Carrington, Former Dean of Duke Law School

As you write your letter, remember to:

- ☑ Clearly state and support your opinion.
- ☑ Consider the purpose, audience, and context of your letter.
- ☑ Organize your letter so that your ideas progress logically.
- ☑ Include relevant details that clearly develop your letter.
- ☑ Edit your letter for standard grammar and language usage.