

Georgia's Judicial Branch

At a Glance

Time: 45 m

Grade Level: 3-12

Description: Students will learn who works in the judicial branch, how courts are structured, and what judges do.

Standards: SS3CG1, SSCG13, SSCG4, SS8CG4

Objectives:

Participants learn who works in the judicial branch.

Participants learn the role the courts play in lawmaking.

Participants learn about the rule of law.

Supplies: Paper and/or slideshow

Bibliography: See appendix.

Essential Questions:

1. How are laws upheld in Georgia?
2. How does the judicial system uphold the rule of law?
3. Why is judicial review an important duty of the judicial branch?

Sample Script

Today we will be learning about the judicial branch of Georgia's government. First, we will see what you already know!

Intro discussion:

What is the role of the judicial branch?

The role of the judicial branch is to determine outcomes of cases and uphold rule of law, ensuring that laws or policy decisions do not violate the Georgia state Constitution.

Who is a part of the judicial branch?

The judicial branch is made up of judges and courts. This includes lower state courts, appellate courts like the Court of Appeals and the state Supreme Court of Georgia as well as the United States Supreme Court.

How many Supreme Court Justices are there in Georgia?

There are nine justices on Georgia's Supreme Court.

How are decisions made in the Supreme Court of Georgia?

The Court must meet a simple majority agreement on each case.

What happens when there is disagreement in the Supreme Court of Georgia?

When a justice disagrees with the majority ruling, they can write a dissent, which will be published with the opinion.

How do Supreme Court justices in Georgia get their job?

Justices are appointed by the governor or elected in nonpartisan elections.

How does a case get to the Supreme Court of Georgia?

A case must first be decided in a lower court. If the person or group involved in that case is not satisfied with the outcome, they can appeal the case. Then it is brought to the Georgia Court of Appeals. If the court case involves questions about the constitutionality of a law, a murder, or a violation of habeas corpus (being imprisoned unlawfully), it is brought to the Supreme Court of Georgia.

What is the motto of the Georgia Supreme Court and what does it mean?

"Fiat Justitia Ruat Caelum" means "Let justice be done though the Heavens may fall."

How does the Supreme Court of Georgia live up to its motto?

Becoming a Georgia Supreme Court justice is quite the journey and requires a lot of discipline. Do you have what it takes to work in Georgia's highest court? After graduating from high school and graduating from college, you must then attend law school. That is a lot of schooling! But you are not done just yet. After graduating from law school, you must pass a very hard test called the "bar exam." If you pass the bar exam, you can become a lawyer. If you want to become a justice, you must be a practicing lawyer for at least seven years and be in good standing with the State Bar Association. Justices are elected by the people, but unlike politicians who may run as Democrats or Republicans, justices must be non-partisan. The governor often initially appoints justices on the Supreme Court, but they are required to run in a statewide election at the end of each six-year term.

Activity 1: Preamble Puzzle

As someone who upholds the law of Georgia, you must be very familiar with both the state constitution and the United States Constitution. The preamble is the introduction to the document and lays out its basic principles. Unscramble our puzzle to learn the preamble to our state's constitution.

Activity 2: Campaign Poster

Your campaign starts now! Design a poster for your campaign as Supreme Court Justice of Georgia. Remember your poster cannot include any reference to personal political opinions or ideology. What qualifications or qualities would you want an elected justice to have?

Discussion

While politicians may make the laws, it is the job of the judicial branch to ensure those laws are fairly applied and that the rule of law is upheld. What is the “rule of law?” According to the United States Courts, the rule of law is a principle that says all people and institutions are held accountable to laws that are:

- Publicly and widely known
- Equally enforced
- Independently adjudicated, or judged
- Consistent with international human rights principles

Source: <https://www.uscourts.gov/educational-resources/education-al-activities/overview-rule-law>

The rights of Georgians are laid out in the first section of Georgia’s Constitution, the Bill of Rights. Georgia’s Bill of Rights guarantees several protections including freedom of religion and the equal, impartial protection under the law (Article I. Section I. Paragraph IV, II.)

Additionally, in 1948 the United States along with other members of the United Nations, adopted the Universal Declaration of Human Rights (UDHR). This declaration set out to protect human rights universally and states:

“The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”

Source: <https://www.un.org/sites/un2.un.org/files/udhr.pdf>

Optional: Read Federalist No. 78 to learn about Alexander Hamilton's guiding principles for the judiciary system.

<https://guides.loc.gov/federalist-papers/text-71-80#s-lg-box-wrapper-25493470>

The Supreme Court of Georgia is the highest court in the state, which means their decisions are final, unless a case is further appealed to the United States Supreme Court. That most often happens with cases involving the Constitution or the death penalty. Unlike trials you may be used to seeing on TV or in movies with a judge banging their gavel, and witnesses on the stand, cases are handled very differently in Georgia's Supreme Court. By the time a case arrives at the Supreme Court, the witnesses have already spoken, and the jury has already decided a verdict. Georgia's Supreme Court is an appellate court which means that it only receives cases that are appealed from a lower court or the Court of Appeals.

The Lawyers for the person who is appealing their case (called the appellant) and the the person who won the case in the lower courts (called the appellee) deliver briefs to the clerk of the court. Each lawyer delivers a brief in which they explain details of the case. Lawyers for the appellant may describe errors they think the lower court made while lawyers for the appellee will explain why they believe the lower court's decision was correct. The case is then assigned to one of the nine justices to carefully review carefully and determine how they think the Georgia Supreme Court should vote. The justice then makes a recommendation to the Court. When the Court meets to decide cases the justices will discuss the cases and then vote. The Georgia Constitution requires that cases must be decided within six months of when they are filed with the Court. The Supreme Court of Georgia decides around 2,000 cases each year! Of those thousands of cases only a small percentage receive written opinions (around 300-400 each year.) That makes our Georgia Supreme Court one of the busiest state supreme courts in the United States.

Activities: Mock Trial Jimmy Madden v. School Board of Union County

Read through the case study of student Jimmy Madden against his school's new uniform policy, gather the information, and assign students to play various roles in a mock trial.

Discussion:

- 1. How did Jimmy Madden's case arrive at the Georgia Supreme Court?**
- 2. If you were a judge in this case, do you believe you were completely non-partisan in your decision-making process?**
- 3. How did you reach your decision?**

Activity: Georgia Capitol Museum's Judicial Branch Video

Meet Georgia Supreme Court Justice David Nahmias and learn more about the policies and practices of our state's highest court.

Now What happens if a law, either on the state or federal level goes against the principles of the United States Constitution? That is where judicial review comes into play. Judicial review is the power to declare a law unconstitutional. Federal courts have broader power to review congressional laws, federal agencies, laws passed by state legislatures, and actions taken by the President.

Activity: Mock Trial Jack Jones v. Washington High School

Read through a more advanced case about student Jack Jones who refused to take his school's breathalyzer test at prom. Gather the basic facts of the case and assign students to play various roles in a mock trial.

Take Home Activities: *Included in word document*

Students will be given classified case briefs with some of the information redacted. They will need to determine the basic facts of the case and choose a side to argue, using amendments to back up their decision. Students will argue both sides and guess the outcome. Teachers will later reveal all details of the case.

<https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1120&context=advocate>

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“**Federalist No. 78,**” Alexander Hamilton,” (1788) <https://guides.loc.gov/federalist-papers/text-71-80#s-lg-box-wrap-per-25493470>

“**Fifteen Famous Supreme Court Cases from Georgia,**” Dan T. Coenen, The New Georgia Encyclopedia, (2004) <https://digital-commons.law.uga.edu/cgi/viewcontent.cgi?referer=https://>

“**Overview: Rule of Law,**” United States Courts, <https://www.uscourts.gov/educational-resources/educational-activities/overview-rule-law>

“**Universal Declaration of Human Rights,**” United Nations (1948) <https://www.un.org/sites/un2.un.org/files/udhr.pdf>.