

Qualifications of Judges

Lesson Plan

Grade	Strand	Standard	Code	Benchmark
5	Citizenship & Government	Governmental Institutions and Political Processes	5.1.4.1	Describe how the U.S. Constitution establishes the 3 branches of government and how leaders are selected
9	Citizenship & Government	Governmental Institutions and Political Processes	9.1.4.4	Analyze the purposes and processes of judicial branch

Suggested Time Needed: 2 class periods

Description: This is a two-part activity. Part 1 asks students to reflect on the constitutional requirements for holding a position in the legislative, executive, and judicial branches. The activity will help students to compare the qualifications given in Article I and Article II of the U.S. Constitution for members of the legislative and executive branches, while noting the lack of such qualifications in Article III, and for the courts. Students are asked to consider what qualifications they might seek in a federal judge if they were president.

Part 2 asks students to write a "help wanted" advertisement for the United States Supreme Court. Students are asked to reflect on the qualities and skills that they think a Justice of the Supreme Court should have as they create their advertisement.

Educational Objectives: After completing this activity, students will:

- Understand specific qualifications for the house, senate, and president.
- Understand that Article III of the Constitution fails to list any specific qualifications for federal judges.
- Begin to understand the "unwritten" qualifications that a president might seek in a federal judge.
- Be able to compare and contrast information to make conclusions.

Guiding Questions:

- Why does the U.S. Constitution provide specific qualifications for members of the legislative and executive branches, but not for the courts?
- Does the fact that members of the legislative and executive branches are elected, while members of the judiciary are appointed, have something to do with the lack of specific qualifications for the judicial branch in the Constitution?
- What sort of qualities might a president seek in a candidate for the federal judiciary?

- Because there are no formal qualifications for federal court judges, the president must nominate people that he/she feels will be able to do the job well. What sort of qualities would you look for in a judge if you had to choose members of the Supreme Court or the lower courts?
- What is a job qualification?
- Are there any areas of specialized knowledge or information that someone should have to become a judge? If so, what?

Materials List:

- Access to laptops or computer lab and the internet
- Part 1 Handout - Comparing Constitutional Qualifications
- Part 2 Handout "Help Wanted" at the Supreme Court

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Procedure:

1. Distribute the first handout and lead a discussion on the qualification of office for the legislative and executive branches, listed in Article I and Article II of the Constitution.
2. If time allows, you may direct students to review the related Student Center web pages:
 - a. The Role of the Federal Courts; The Constitution
<http://judiciallearningcenter.org/the-constitution/>
 - b. Organization of the Federal Courts; About Federal Judges
<http://judiciallearningcenter.org/about-federal-judges/>
3. Talking points:
 - Article I tells us that members of the House of Representatives must:**
 - **Be at least 25 years of age**
 - **Be a citizen of the United States for at least seven years**
 - **Live in the state that elects them**
 - Article I tells us that members of the Senate must:**
 - **Be at least 30 years of age**
 - **Be a citizen of the United States for at least nine years**
 - **Live in the state that elects them**
 - Article II tells us that the President must:**
 - **Be at least 35 years of age**
 - **Be a natural-born citizen of the United States**
 - **Live in the United States for at least 14 years**
4. Remind student that these are taken directly from the U.S. Constitution. To provoke thought, you might ask them:
 - What is a “job qualification?”
 - Do the qualifications listed in Article I and II refer to specific skills or job training?
 - Should members of the executive and legislative branches possess certain job skills? What kind?
 - Why would citizenship requirements be important when considering members of the legislative and judicial branches?
 - This may be a good time to talk about natural-born citizenship vs. naturalized citizenship.
 - Why, especially for members of congress, would residency requirements be important?
 - Remind students that members of congress represent their state or congressional district and NOT the nation as a whole

5. Remind students that Article III states:
 - a. ***The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.***
6. After this brief discussion, direct students to the bottom of the handout to complete the chart. They should identify some job qualifications for federal judges. This could be done individually, or in small groups.
7. Conclusion of Part 1. Have some students share their suggestions and discuss. Use some or all of the following questions to bring students back into the whole group setting, and to wrap things up:
 - o Do students see any similarities in the answers from one person or group to the next? What?
 - o What kinds of qualities did students think would be MOST important in a judge or Justice?
 - o Did students see the need for citizenship or residency requirements for judges? What about age limits? Why or why not?
 - o Did students see the need for federal judges to possess certain skills? Why might this be more important for judges than for members of the other branches?
 - o Since judges are appointed and NOT elected, is there really a need for specific job qualifications, or do citizens trust the president (and senate confirmation process) to choose good, qualified individuals for the courts?
 - o Do the students think that presidents have “unwritten qualifications,” that they look in the judges they choose? Based on their answers, also ask what they might be.
8. After completing Part 1, transition to Part 2 by asking students:
 - o Do they think it’s a good idea that judges don’t have any specific qualifications listed in the Constitution? Why or why not?
 - o Why do they think the founders felt it was unnecessary to have specific qualifications for judges?
 - o Review - What qualities or qualifications do students think a judge should have?
9. Use an internet connection to look up sample “Help Wanted” ads from your local paper (or cut out some ads from the paper to pass around the class).
 - o Have students answer some basic questions about these ads:
 - o What job is the ad trying to fill?
 - o What, if any, qualifications are listed for this job?
 - o Is this job easier or more difficult than being a judge?
 - o Does this job require more or less education than being a judge?

10. Distribute the handout for Part 2. Ask students to think about creating a “Help Wanted” advertisement for a Supreme Court Justice. You may want to allow them to brainstorm for a few minutes or to work in groups so that they can bounce ideas off of one another.
11. Give students markers or colored pencils, and have each student or group create an ad to hand in. Allow time to work.
12. Conclusion of Part 2. Collect and share examples with the class. After students have shared their advertisements, use the following questions to guide a brief discussion and wrap up.
 - Do students see any similarities in the ads from one group to the next? What?
 - What kinds of qualities did students think would be MOST important in a Justice?
 - Do the students think that presidents have “unwritten qualifications,” that they look in the judges and Justices they choose? Based on their answers, also ask what they might be.
 - Why, then, might it be unnecessary for the Constitution to give specific qualifications?
13. Review the Guiding Questions
 - Why does the U.S. Constitution provide specific qualifications for members of the legislative and executive branches, but not for the courts?
 - Does the fact that members of the legislative and executive branches are elected, while members of the judiciary are appointed, have something to do with the lack of specific qualifications for the judicial branch in the Constitution?
 - What sort of qualities might a president seek in a candidate for the federal judiciary?
 - Since there are no formal qualifications for members of the federal courts, the president must nominate people that he/she feels will be able to do the job well. What sort of qualities would you look for in a judge if you had to choose members of the Supreme Court?
 - What is a job qualification?
 - Are there any areas of specialized knowledge or information that someone should have to become a judge? If so, what?

14. OPTIONAL EXTENSION:

- a. Visit the Student Center and Educator Center pages on “The Role of the Federal Courts.” Complete the lesson plan **Separation of Powers/Qualifications of Office**.

Student Handout: Part 1 - Comparing Constitutional Qualifications

The U.S. Constitution gives us specific qualifications for members of the legislative and executive branches.

Article I tells us that Members of the House of Representatives must:

- Be at least 25 years of age
- Be a citizen of the United States for at least seven years
- Live in the state that elects them

Article I tells us that members of the Senate must:

- Be at least 30 years of age
- Be a citizen of the United States for at least nine years
- Live in the state that elects them

Article II tells us that the President must:

- Be at least 35 years of age
- Be a natural born citizen of the United States
- Live in the United States for at least 14 years

When it comes to Article III, the Constitution is silent as the qualifications for federal judges.

If you were the President and going to select a new Justice to the Supreme Court of the United States, what qualifications would you want them to meet?

- **What qualities might you look for?**
- **Should there be age and/or citizenship requirements as there are for the other branches?**
- **Are you looking for any specific skills in your nominee?**

FILL in the CHART below with the qualifications you feel are necessary for a Supreme Court Justice:

#1	
#2	
#3	

Add another sheet of paper if you have more suggested qualifications.

Student Handout: Part 2 - "Help Wanted" at the Supreme Court

Directions: Use the space below to create an advertisement for an open position on the Supreme Court.

You should consider the qualities, skills, and other qualifications you would want the nominees to possess as you write your ad. Please be specific and thorough.