A public education program of The Florida Bar

Conference of Chief Justices and Conference of State Court Administrators

Developed by The Florida Law Related Education Association, Inc. www.flrea.org
Assessing the situation...

1. How does the Court Interact with the public?

2. What is communicated by visiting your courthouse?

3. What educational materials do you provide to the public?

4. What educational programs do you have at the Court or are you involved with outside of the Court?
1. Identify connections between increased knowledge of the judicial branch and the public’s support, trust, and confidence in courts.

2. Describe the benefits to the judicial branch of being involved in public education.

3. How can spouses or families be involved?
A 2014 national survey conducted by the Annenberg Public Policy Center of the University of Pennsylvania has found that:

- Only 36% of respondents could name all three branches of the U.S. government, just as many (35 percent) could not name a single one.
- Just over a quarter of Americans (27 percent) know it takes a two-thirds vote of the House and Senate to override a presidential veto.
- One in five Americans incorrectly thinks that a 5-4 Supreme Court decision is sent back to Congress for reconsideration.
Center for the American Dream 2012 study revealed that:

- One in three natural born citizens failed the civics portion of the US Citizenship Test.

- Compared to a 97.5 percent pass rate for immigrants.
Xavier Study Continued

- **85 percent** did not know the meaning of “rule of law.”

- **82 percent** could not name “two rights stated in the Declaration of Independence.”

- **75 percent** were not able to correctly answer, “What does the judicial branch do?”

- **71 percent** were unable to identify the Constitution as the “supreme law of the land.”

http://www.citizenship-aei.org/2012/04/americans-failing-citizenship-test-again/
Americans' confidence in all three branches of the U.S. government has fallen, reaching record lows for the Supreme Court (30%) and Congress (7%), and a six-year low for the presidency (29%).

The presidency had the largest drop of the three branches this year, down seven percentage points from its previous rating of 36%.
What Do You Know?

Let’s examine your civic knowledge....

Question 7
What is the “rule of law”?

Question 10
What does the judicial branch do?
The Federalist Papers supported the passage of the U. S. Constitution. Name one of the writers.

A. Abraham Lincoln
B. James Madison
C. William Penn
D. George Mason
The idea of self-government is in the first three words of the Constitution. What are these words?

A. Life, liberty, property
B. Bill of Rights
C. We the People
D. Declaration of Independence
How many amendments does the US Constitution have?

A. 10
B. 19
C. 23
D. 27
Name the five rights in the First Amendment.

A. Speech, bear arms, religion, press, jury trial
B. Speech, representation, religion, press, petition the government
C. Assembly, speech, petition the government, religion, press
D. Assembly, bear arms, religion, press, petition the government.
A. No one is above the law.
B. We are a country of men not laws.
C. Laws do not apply to government leaders.
D. Laws cannot be challenged in court.
Under our Constitution some powers belong to the federal government. What is one power of the federal government.

A. Approve zoning and land use
B. Provide schooling and education
C. Make treaties
D. Fire and police services
Name one right only for United States citizens.

A. Right to drive
B. Run for federal office
C. Buy real estate
D. Attend public school
When was the Constitution written?

A. 1800
B. 1776
C. 1787
D. 1801
**Question 9**

If the President and Vice-President can no longer serve, who would become President?

A. Secretary of State
B. President of the Senate
C. Speaker of the House
D. Chief Justice of the Supreme Court
Question 10

How many members are in the US House of Representatives?

A. 235
B. 50
C. 435
D. 385
Would you pass the civics portion of the USCIS citizenship exam?

Question 7: What is the “rule of law”?

Question 10: What does the judicial branch do?
Civic education increases knowledge and confidence in the courts

Judicial Outreach Resource Network

“Better-informed citizens tend to have more confidence in their state courts, are more likely to see judges’ decisions as fair, and more highly value an independent judiciary.”

–National Center for State Courts survey, 2009
Most trusted messengers

- 2012 poll by Justice at Stake and NCSC affirmed that judges and retired judges are especially trusted messengers for court-related issues.

- Additionally, adult court education programs reveal a higher level of enthusiasm about presentations by judges.
Who Needs Civics?

- Schools/Students
- The public
Who Needs Civics?

Students of all ages
The Sandra Day O’Connor Act accomplished three major priorities for civics in Florida:

- Required the reading portion of language arts to include civic education content.
- Clarified 2006 Legislation to designate at least one semester of civics in the middle grades.
- Required the inclusion of an end of course exam for civics in middle school.

Students must successfully complete at least a one semester civics education course in middle school. Beginning with students entering grade 6 in 2012-2013. 

Amended s. 1003.4256, F. S.
About FLREA

• Private, nonprofit dedicated to civic and law related education/education for democracy
• Spanning three decades of respected programs.
• Nonpartisan, law-focused, grassroots.
• Efforts have expanded statewide and internationally.

www.flrea.org
Student simulations

Florida High School and middle school Mock Trial

Florida High School Moot Court
FLREA Student Programs

A public education program of The Florida Bar
Justice Teaching

Elementary School Lessons:

- **Invaders Activity** Plus Case Summaries and PowerPoint Presentations
  - *Version 1 (shorter)* - Can be completed in one class period. *Version 2 (longer)* - Requires at least 90 minutes. The Invaders Activity is designed to introduce students to the rights guaranteed under the U.S. Constitution.

- **The First Amendment** - This activity creates an awareness of the five rights contained in the First Amendment to the U.S. Constitution.

- **The Candy Game** - This activity will help students understand the rule-making process and the rules of the game.

- **Planet Lawless** - An activity to teach students the laws in a civilized society.

- **No Animals Allowed On School Grounds** - This activity allows students to discuss how laws are interpreted.

- **The Truth About Bullies** plus PowerPoint - Teaches students about the characteristics of bullies. Tools for addressing bullying in school are also presented.

- **NEW Yertle the Turtle** - This activity teaches students about laws and rights, while educating them about the importance of the rule of law.

Justice By The People (Grades 5 - 8) - from Scholastic. Note: This interactive lesson plan satisfies the following Sunshine State Standards for Grade 5, Civics and Government: Standard 3 SS.5.C.3.3, SS.5.C.3.5

- Make Your Case Game Overview
- Overview of the Unit Plan
- Play the "Make Your Case" Game

Middle and High School Lessons:

- **Invaders Activity** Plus Case Summaries and PowerPoint Presentations
  - *Version 1 (shorter)* - Can be completed in one class period. *Version 2 (longer)* - Requires at least 90 minutes. The Invaders Activity is designed to introduce students to the rights guaranteed under the U.S. Constitution.

- **Short Takes - Icebreakers** - These are short 20-minute activities that can be used as warm-up exercises or introductory exercises.

- **Constitutional Scavenger Hunt** - This activity will help students familiarize the Florida Constitution and the state courts system. Answer Key for the U.S. Constitutional Scavenger Hunt is provided.

- **QUIZ SHOW: The Florida Courts and the Constitution Scavenger Hunt** - This game show format provides a stimulating environment that will familiarize participants with the Florida Constitution, the judicial branch, supreme court justices, judicial duties, courts and more.

- **You and the Law (pdf)** Plus **QUIZ SHOW: You and the Law** (powerpoint) - This activity is designed to be used with the Legal Guide for New Adults brochure distributed by The Florida Bar. The QUIZ SHOW GAME format provides a stimulating environment for introducing legal content and encouraging further research on law-related topics.
iCivics

A public education program of The Florida Bar
Who Needs Civics?

The public
Opportunities galore

• Courthouse education and tour programs on Constitution Day or Law Day

• Mock oral arguments at the Court (Florida cases on-line)

• Reporters Workshops at the Court
Educating Adults

A public education program of The Florida Bar
Series of activities developed for adult, nonpartisan group presentations.

Designed for use by attorneys and judges to educate the public about the courts and the Constitution.

Activities range from 30 to 60 minutes.

Presentation materials include warm up activities, handouts, and presentation guides.

- Most activities include a PowerPoint and engaging activities to draw audience members into the presentation.

Presenters can receive CLE Credit (Ethics) for presentations made (up to three credits per reporting period).
Objectives of Benchmarks

• Strengthen public knowledge and understanding of the courts and the Constitution.

• Improve trust and confidence in the judicial branch and the legal system.

• Educate the public about our form of government.

• Instill within the legal community the principles of duty and service to the public.
Benchmarks: Raising the Bar on Civics Education

Benchmarks is a series of civic education activities that attorneys can present when they speak to civic and community groups. Many Americans lack basic knowledge about their government and the courts; Benchmarks offers a way to bridge the gap and educate and engage audiences about civics education. Activities cover:

- Amending the Florida Constitution and the role of the courts.
- Judging candidates for judicial office.
- Understanding what makes a law "constitutional."
- Getting beyond labels in discussing courts and controversial cases.
- Interpreting what laws mean.
- Testing your knowledge of what's in the U.S. and Florida constitutions.

Each activity comes with an overview, handouts and is guided by a PowerPoint. All materials can be downloaded from The Florida Bar website.

Attorneys can receive CLE credit for making Benchmarks presentations. Benchmarks presenters can earn one ethics credit hour for each presentation for up to three presentations in a three-year reporting period. Form to apply for credit.
Benchmarks Toolkit

We're glad you want to make Benchmarks presentations! This Benchmarks Toolkit will help you get started! Tools included are:

- Why Benchmarks Matters
- Suggestions for groups to contact
- Benchmarks contact form for civics groups
- A Listing of Benchmarks activities
- Tips for making good presentations
- An evaluation form to give to groups
- Information on how to apply for CLE credit

If you have questions, please contact Zannah Lyle at The Florida Bar at slyle@flabar.org or (850) 561-5669.
Fair & Impartial Courts

Informed Voters-Fair Judges Project
The Informed Voters-Fair Judges Project of the National Association of Women Judges focuses on increasing the knowledge of citizens regarding the importance of a fair and impartial judiciary. Florida Supreme Court Justice Barbara Pariente serves as state coordinating committee co-chairperson for the initiative. Learn more about the Informed Voters Project and download materials for presentations.

Informed Voters Project webinar
Learn how to make Informed Voters Project presentations by listening to a webinar hosted by Florida Supreme Court Justice Barbara Pariente, Annette Pitts, executive director of the Florida Law Related Education Association, and Lisa Hall, of Hall + Media Strategies. Please sign in with your name and email address to be connected.

National Association of Women Judges partners with The Florida Bar
The Informed Voters Project has a goal of educating voters about attacks on the judiciary and why it is in the interest of all citizens to have fair and impartial courts.

Informed Voters Project PSA on voter education wins Emmy
The National Association of Women Judges and the Informed Voters Project garnered a regional Emmy award from the National...
A public education program of The Florida Bar

- Constitution and the Bill of Rights
- Courts and the Judicial Branch
- Special Topics

BENCHMARKS LESSONS
Special Topics

- Could You Pass the Test?

**Question 7**
What is the “rule of law”?  
- Everyone must follow the law.  
- Leaders must obey the law.  
- Government must obey the law.  
- No one is above the law.

**Question 10**
What does the judicial branch do?  
- reviews laws  
- explains laws  
- resolves disputes (disagreements)  
- decides if a law goes against the Constitution

The Contemplation of Justice statue outside the U.S. Supreme Court building in Washington, D.C.  
The Courtroom of the U.S. Supreme Court building, where the Court has sat since 1935.
Case study: is it reasonable?

Federal Courts: Scott v Harris

Case study

1. Does an officer who stops a high-speed chase by hitting the car off the road and causing serious injuries violate the driver’s Fourth Amendment rights?

2. Did the officer violate the driver’s Fourth Amendment protections by using excessive force during a high-speed chase?
State Courts Case Study

The Case Through the Courts
Jardines Case

Question Before the Court

Is a “sniff test” by a dog conducted at the front door of a home considered a constitutional violation under the Fourth Amendment?

Now it is your turn to be the Judge
The Role of Juries

What should juries look like?

<table>
<thead>
<tr>
<th>Buschell’s Case</th>
<th>Sheppard v. Maxwell</th>
<th>Witherspoon v. Illinois</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent juries free to come to their own verdict.</td>
<td>Verdict to be based on evidence presented in court, not from outside sources.</td>
<td>Juries must consider the penalty in a case.</td>
</tr>
<tr>
<td>Taylor v. Louisiana</td>
<td>Batson v. Kentucky</td>
<td>Williams v. Florida</td>
</tr>
<tr>
<td>Jurors cannot be excluded on the basis of gender; juries should represent a cross section of the community.</td>
<td>Jurors cannot be excluded on the basis of race; juries should represent a cross section of the community.</td>
<td>Permitted the person jury, the historical jury.</td>
</tr>
</tbody>
</table>

What are the qualifications of a juror in Florida?

Florida Statute 40.01 identifies the qualifications of jurors as:

- Taken from male and female persons
- At least 18 years of age
- Citizens of the United States
- Legal residents of this state and their respective counties
- Possess a driver license or identification card issued by the Department of Highway Safety and Motor Vehicles
**What Judges Do**

Following the rules
- When you go to a football, baseball or basketball game, or a soccer tournament, or any sports event, what do you expect from the referee or umpire?

**How are judges different from other elected officials?**

Other elected officials make decisions based on the needs/desires of their constituents or voters, their own beliefs, or their political party’s agenda.

Judges must **follow the law** and should not be influenced by politics, special interest groups, money, public opinion or their own personal beliefs.

They should be fair and impartial.
FAIR COURTS = JUSTICE
IT IS TIME FOR US TO STAND UP FOR FAIR AND IMPARTIAL COURTS

Our courts have demonstrated the ability to protect our basic rights with fair and impartial rulings based solely on the Constitution and laws. It is up to you as a voter to help keep it that way.

- Inform yourself about the state's courts and judges
- Vote for judges based on their character, integrity, fairness and willingness to decide cases based on the law
- Download English Press Release
- Download Spanish Press Release

http://ivp.nawj.org/
Prior to the American Revolution....
Historical Concerns Over Judicial Selection

“He (King George III) has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.”

Declaration of Independence citing how the King abused power and controlled the judiciary.
What does the judicial branch do?

The role of the judicial branch is to:

• Resolve disputes through a legal process;
• Interpret and apply the law;
• Determine if a law is unconstitutional.
The Role of the Courts

The Constitution outlines our rights

...and the Courts protect our rights.
How are judges different from other elected officials?

Legislators make decisions based on the needs/desires of their constituents or voters, their own beliefs, or their political party’s agenda.

Judges must follow the law and should not be influenced by politics, special interest groups, money, public opinion or their own personal beliefs.

They should be fair and impartial.
The Judicial Branch

Judges make decisions that directly impact your life.

Yet, how much attention do we give judicial candidates on the ballot?

How often do we review their qualifications?

Do we take the time to learn about how judges are selected for their positions?

Most people even leave the ballot blank when it comes to judges.
Circuit and County Court Judges Sample Ballot

Trial court judges run against candidates in contested, nonpartisan elections. Voting for one judge eliminates the other candidates.

Appellate Judges Merit Retention Sample Ballot

Appellate court judges are not running against an opponent. They are on the ballot to keep/retain their positions after first full year on the bench and every six years thereafter. Each Justice should receive a vote of “yes” or “no”.

<table>
<thead>
<tr>
<th>CIRCUIT JUDGE 6TH JUDICIAL CIRCUIT, GROUP 45 (Vote for ONE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>NO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COUNTY JUDGE, GROUP 2 (Vote for ONE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>NO</td>
</tr>
</tbody>
</table>

Shall Justice Jamison M. Girard of the Supreme Court be retained in office?

Shall Justice Nancy Mathis of the Supreme Court be retained in office?

Shall Justice R. Layne Smith of the Supreme Court be retained in office?
Characteristics of Judges
What characteristics are most important to you?

- Knowledge of the law
- Impartial/Unbiased
- Fair
- Attentive
- Respectful/Understanding
- Honesty/Integrity
- Neutral
- Professional demeanor

What else would you add?
Procedural Fairness: THE Critical Element in Public Perception and Satisfaction

Four basic expectations:

1. Voice – the ability to participate in the case by expressing their viewpoint

2. Neutrality – consistently applied legal principles, unbiased decision makers, and a transparency about how decisions are made.

3. Respectful treatment- individuals are treated with dignity and their rights are obviously protected

4. Trustworthy authorities – authorities are benevolent, caring, and sincere
Questions, Myths and Misperceptions

- Judges can do whatever they want in the courtroom.

- Judges have too much power. They decide who gets arrested, what the person is charged with, and they set the punishment for the crimes that are committed.

- Who do the courts work for? The police, the legislature, or the Governor?

- Who are judges responsible to? How are they held accountable?

- I hear that judges can change the law! Why can they do that?
How do judges make decisions?

• Judges make decisions based on the facts and the law.....not based on how they feel about an issue or how the public might feel about an issue.
The judicial branch is different from the other branches.
- It is not a representative branch or a political branch. Judges should make decisions based on the law.

Judicial decisions can be appealed to a higher court.
- Decisions are published.

Judges must follow a code of conduct.
- They can be disciplined and removed from the bench. The public can watch disciplinary proceedings and review complaints online. An independent commission investigates complaints filed against judges.

U.S. Constitution, sentencing guidelines, court rules, etc.
CODE OF JUDICIAL CONDUCT

For the State of Florida

Online Version

Reports of misconduct by judges must be made to the Judicial Qualifications Commission at (850) 488-1581.

Print the Entire Code of Judicial Conduct in PDF.

The opinions of the Judicial Ethics Advisory Committee are available on the Sixth Judicial Circuit Website.

Visit the website to search the opinions.

Preamble

Definitions

Canon 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary

Canon 2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in all of the Judge's Activities

Canon 3. A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently
## Public Information

### JUDICIAL QUALIFICATIONS COMMISSION CASES PENDING IN THE FLORIDA SUPREME COURT

Since October 20, 2000, this page has been available on-line to quickly distribute to news media and others any documents filed with the Florida Supreme Court in Judicial Qualifications Commission cases involving alleged misconduct by Florida state judges or involuntary retirement of a judge due to serious illness. It does not include documents filed before this date. More information on the JQC and how to file complaints against Florida state judges is available at the end of this document.

<table>
<thead>
<tr>
<th>Judge</th>
<th>Filings</th>
<th>Docket</th>
<th>County</th>
<th>Updated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew J. Decker, III</td>
<td>14-383</td>
<td>Docket</td>
<td>Hamilton</td>
<td>05-13-15</td>
</tr>
<tr>
<td>Jackie Lee Fulford</td>
<td>15-756</td>
<td>Docket</td>
<td>Leon/Wakulla</td>
<td>06-24-15</td>
</tr>
<tr>
<td>Victoria Griffin</td>
<td>15-865</td>
<td>Docket</td>
<td>Indian River</td>
<td>06-19-15</td>
</tr>
<tr>
<td>Cynthia G. Imperato</td>
<td>15-355</td>
<td>Docket</td>
<td>Broward</td>
<td>06-03-15</td>
</tr>
<tr>
<td>Debra Krause</td>
<td>13-2263</td>
<td>Docket</td>
<td>Seminole</td>
<td>06-23-15</td>
</tr>
</tbody>
</table>
A public education program of The Florida Bar

Resources and Handouts

Defending Justice. P
Fair and Impartial Courts play a critical role in ensuring that justice is served. Judges are impartial decision-makers who are bound to the law and the Constitution. They are required to remain neutral and unbiased in their decision-making. To foster a culture of integrity and impartiality, it is important to keep judges informed through ongoing education and training.

How should I judge?
Resources for an informed choice

In Florida, judges are elected by the voters. As voters, we have the power to choose the best candidates who will serve on our bench. To make informed decisions, it is crucial to have accurate and comprehensive information about the candidates.

Politics and special interest have no place in our courtrooms

The rule of law is the cornerstone of democracy. Judges are impartial decision-makers who are bound to the law and the Constitution. They are required to remain neutral and unbiased in their decision-making. To foster a culture of integrity and impartiality, it is important to keep judges informed through ongoing education and training.

Focus on essential qualities:

- Integrity
- A judge should be honest, committed to the rule of law, and uphold the highest standards of professional excellence.
- Professional Competence
- A judge should have a broad knowledge of the law and be able to apply it accurately and fairly.
- A judge must be neutral, impartial, and disinterested in the case.
- Experience
- A judge should have a proven record of service in the legal profession. They should be experienced in handling cases and have a history of making fair and impartial decisions.
- A judge should be committed to the administration of justice.

Judicial selection systems must be open and fair:

- While federal judges are appointed for life, Florida judges are elected by the voters. It is crucial to have a transparent and fair selection process to ensure that the best candidates are chosen to serve on our bench.

- In some states, judges are selected by popular vote. In others, they are selected by a judicial nominating commission. Regardless of the method of selection, it is essential to have a system that is open and fair.

Keeping Informed

Where to find information about judges in the State of Florida

In order to make an informed choice, it is important to consult a variety of resources. You can start by looking for biographical information on the candidates. This can be found on the Florida Bar website, as well as on the websites of the judicial candidates.

This resource provides information on:

- Judicial selection and retention in Florida
- Voting information including what to look for in judicial candidates
- Biographies of Judges and Judges on the 2014 ballot

This resource includes:

- Voter information
- Attorney discipline records
- Poll results for judicial candidates
- Education programs and Speakers Bureau programs

A Program of the National Association of Women Judges
Benefits of Educating the Public

Benefits of civic education and educating the public about the courts:

1. As the public is more informed, they have “increased confidence in their state courts, are more likely to see judges’ decisions as fair, and more highly value an independent judiciary.”

2. As judges interact with the community, they are humanized in the eyes of the public. “Most trusted messengers”

3. The public will be able to evaluate the qualities and characteristics they want to see in a judge and utilize this information in their selection processes.

4. A more educated citizenry is a more educated jury pool.

5. Clear up misconceptions and misperceptions about the judicial branch.
State courts: key findings

2014 State of State Courts Poll NCSC

• Courts remain the most trusted branch of government
• Court users express confidence in fairness of proceedings but have doubts about customer service and job performance
• Strong demand for greater availability of online services
• Public worries that politics undermines the impartiality of the court system
What you can do...

1. Interact with the public through courthouse tours and educational presentations.

2. Analyze the tone of your courthouse.

3. What educational materials do you provide to the public?

4. What educational programs do you have at the Court or are you involved with outside of the Court?
“When judges come out from behind the bench and interact with the community, it helps to humanize them and put a personal face on them. It is important for the public to see that judges see it as a priority to take their personal time to engage (and educate) them.”

- Quality Judges Initiative for the Institute for the Advancement of the American Legal System