NOTES FOR ELEMENTARY SCHOOL SESSION

The following notes were utilized, in a slightly modified form, for a session that I had with a group of fourth graders. Prior to meeting with the group, I was asked by the teacher to focus on explaining what the different branches of government did and to finish up with a few facts about being an appellate judge that might be of interest to the students. As should be obvious from the conclusion of the presentation, I brought my robe and a gavel to serve as props. I decided to utilize a Socratic approach in order to keep the students engaged, which is the reason that most of my notes are couched in question form. In order to avoid a complete breakdown during the session, I only called on a limited number of students for responses to each question before giving the answer myself if none of the students that I called on were able to answer correctly.

Sam J. Ervin, IV

What are laws?

What are examples of some laws?

Where do laws come from?

Why do we need them?

What would happen if we didn’t have them?

Should everyone be able to decide what the laws ought to be for themselves?

Who gets to make the laws?

Purpose of legislative branch is to make laws

Laws cover lots of subjects

-----people hurting other people

-----who can drive

-----who has to go to school

-----what happens if parents don’t take care of their kids

------who can be a teacher

-----what teachers are paid

-----when is a new school building needed

-----who is responsible for building it

-----where does the money to build it with come from

We elect people to Congress to make laws for the whole country, to the state legislature to make laws for North Carolina, to the county commission to make laws for the county, and to the city council to make laws for the town

Do people always obey the law?

How can people break the law?

-----do what aren’t supposed to do

-----don’t do what are supposed to do

What happens if someone breaks the law?

Who makes sure that what the law says is supposed to happen actually happens?

How are these people chosen?

Purpose of executive branch is to enforce the law

President in charge of the executive branch in the federal government

Governor is the chief executive in North Carolina

County Manager plays the chief executive role in county government

City Manager usually plays that role in municipal government

Do people always agree about whether people have broken the law?

How can people disagree over whether people have broken law?

-----have they got the right person?

-----did the person’s actions actually violate the law?

-----did the person do something that they were allowed to do (self-defense)?

Are laws always clear?

Who gets to decide whether the law has been broken and what the laws mean?

Judicial branch makes those decisions

Juries decide what happened

Judges decide what the law is

Doesn’t mean we decide what we personally think is fair

Means that we try to figure out what the legislative branch meant when it made the law that we’re arguing about

Judges in North Carolina have to be lawyers

Was a lawyer before I was a judge

Had to go to a special school to learn how to be a lawyer and pass a special test called the bar examination

Are two different kinds of courts

What are they?

-----trial courts are where most cases are decided

----------juries decide what happened

----------trial judges decide legal issues during trials

-----what happens if the trial judge is wrong

-----appellate judges decide whether the trial judges were right about what the law is

-----no one can argue about whether the jury decided what happened incorrectly

I am an appellate judge

Serve on the Supreme Court of North Carolina

Highest court in the state

Appellate judges mostly read papers and write decisions

Don’t sit in court much

Trial judges sit in court most of the day

Ever watched Judge Judy or Judge Joe Brown on television

Real court doesn’t look anything like that

Usually very quiet and polite place

Know what this is?

Judges worn robes for almost 800 years in our legal system, which comes from England

Know why wear it?

Wear robes to get people’s attention

Make us look dignified

Haven’t always been black

Some judges in United States wear red robes

In England, have worn green robes too

I only wear my robe when I’m actually in court

Most of time, I just wear regular clothes

Anyone know what this is called?

Called a gavel

Know what used for?

Sends people a message to be quiet

Not used very much, unlike on television

Questions?