Understanding the Minnesota Judiciary: Judicial Decision Making

Student Handout

LEVEL OF COURT	WHO?	HOW DO THEY DECIDE?
District Court		
MN Court of Appeals		
MN Supreme Court		

HYPOTHETICAL CASE: STATE V. MRS. AVERAGE

Mrs. Average is arrested for violating the Minnesota Adultery statute with her neighbor. Minnesota Statutes, §609.36 defines adultery as sexual intercourse between a married woman and a man not her husband. The charge is a gross misdemeanor. If convicted, both parties involved are subject to a sentence of not more than one year in jail or a fine of not more than $3,000 or both. Mrs. Average both denies the affair and challenges the validity of the statute and waives her right to a jury trial. In exchange for a lighter sentence, her neighbor testifies under oath that the affair did indeed occur.

QUESTION #1

You are the trial judge, what do you do?

QUESTION #2

Assume Mrs. Average is found guilty and appeals the guilty verdict, challenging the facts presented and the validity of the law. You are now a member of the Court of Appeals. With the people seated next to you, discuss the appeal and decide whether to affirm or overturn the lower court's decision. Explain your reasoning here.

QUESTION #3

You are now on the Supreme Court. Assume the Court of Appeals rejects her earlier appeal, affirming the district court's decision. Mrs. Average files a further appeal with the MN Supreme Court claiming that the Minnesota's Adultery statute is invalid and unconstitutional because gender discrimination is a violation of equal protection of the laws. Discuss with a small group of people (uneven up to 7) whether you think her argument is valid and reach a majority decision. After your discussion, write your majority or dissenting opinion as to her legal argument and what the final decision in her case should be. Find arguments that support your decision in the legal memorandum prepared by your law clerk. Include a reflection upon the differences between individual and group decision-making processes.