

## Exploring Our Heritage

# THE OHIO SUPREME COURT



### Learning Objective

Students will be able to describe the three branches of Ohio state government and describe the origin and powers of the Supreme Court.

### Video Synopsis

In this *Our Ohio* heritage segment, students will visit the Ohio Judicial Center, the building that houses our state judicial branch and the Supreme Court of Ohio.

### Teacher Background

The Ohio Supreme Court was established by the Ohio Constitution in 1803, the same year Ohio became a state. In its early years, the Ohio Supreme Court was headed by three justices who were appointed by the state legislature. At the Supreme Court, plaintiffs and defendants alike could make appeals to decisions made in the common courts across Ohio. To make sure that all Ohioans had the chance to have their cases heard, the Constitution required that justices hold a Supreme Court Session in every county of the state at least once a year, a process which became known as “riding the circuit.”

In addition to hearing cases, the Ohio Supreme Court has the right to declare state laws unconstitutional. Its right to do so was established in the 1807 *Rutherford v. M’Fadden* case. The court’s ability to review the constitutionality of legislative and gubernatorial actions helps maintain a system of checks and balances in Ohio’s three branches of government to this day.

In 1851, Ohio voters approved a new state constitution. The new constitution stipulated that five justices would serve on the Supreme Court and would be elected by voters, thereby limiting the state legislature’s influence. Until 1912, the number of judges on the Supreme Court varied from three to six. After amendments made to the constitution in that year, the Supreme Court was staffed by six judges and one Chief Justice which is still true today.

The Supreme Court of Ohio has had many homes since its inception. In 1857, the Supreme Court was located in the Ohio Statehouse. In 1974, the justices held court in the Rhodes State Office Tower, before moving to their current residence, the Ohio Judicial Center in 2004.





## Ohio Academic Content Standards

### GRADE

**3**

#### **Government**

##### *Role of Government*

1. Explain the major functions of local government including:
  - B. Making laws;
  - C. Settling disputes;
  - E. Protecting the rights of individuals.

3. Identify the location of local government buildings and explain the functions of government that are carried out there.

### GRADE

**4**

#### **Government**

##### *Role of Government*

1. Explain major responsibilities of each of the three branches of government in Ohio:
  - A. The legislative branch, headed by the General Assembly, makes state laws.
  - B. The executive branch, headed by the governor, carries out and enforces laws made by the General Assembly.
  - C. The judicial branch, headed by the Ohio Supreme Court, interprets and applies the law.

##### *Rules and Laws*

4. Explain that the Ohio Constitution tells how the state government should be organized and guarantees the rights of individuals.

### GRADE

**5**

#### **Government**

##### *Role of Government*

1. Explain major responsibilities of each of the three branches of the U.S. government:
  - A. The legislative branch, headed by Congress, passes laws.

- B. The executive branch, headed by the president, carries out and enforces the laws made by Congress.
- C. The judicial branch, headed by the Supreme Court, interprets and applies the law.

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## Instructional Procedure

(3-4 class periods)

### The Ohio Supreme Court: What I Learned

1. Start by asking students if they know where the Supreme Court of Ohio is. Tell students that the Supreme Court is located in the state capital in a building called the Ohio Judicial Center.
2. Based on the information in the overview describe the Supreme Court and its role as one of the state's three branches of government. Explain the concept of checks and balances and how each branch helps keep the others in check. For example, the Supreme Court has the power to rule that a law is unconstitutional.
3. Distribute the worksheet ***The Ohio Supreme Court: What I Learned*** and have students complete the graphic organizer while watching the video.
4. After watching the video, review the worksheets together as a class.

### Ohio's Three Branches of Government

1. Begin by asking students if they can name the three branches of government for the United States. Write the three branches on the board: Legislative, Executive, and Judicial.
2. Have students list the head of each branch and then discuss what each branch is responsible for.
3. Now, explain that like the Federal government, Ohio's government also has three branches. Like the United States Supreme Court, the Ohio Supreme Court has a Chief Justice and associate justices that heads the Judicial Branch. Like the U.S. Congress, which leads the Legislative Branch in Washington D.C., Ohio's Legislature is also presided over by a law-making body –the Ohio General Assembly. The Ohio counterpart to the United States president is the state governor.
4. Now, organize students into groups of 2-3 and distribute the ***Ohio's Three Branches of Government*** Worksheet. Explain to students that they will be working in the library to research the role of each branch of government in Ohio. They may use books or the internet to conduct their research.

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### The Creation of the Court

1. Explain to students that like the Federal government, the state of Ohio also has a constitution. Drafted in 1802 by a group of thirty five delegates, the Constitution became law in 1803 when Ohio was officially accepted as a State of the Union.
2. Next, provide an overview of some of the provisions laid out in the Constitution. For example, the constitution established the three branches of government, a bill of rights, the length of terms served by the Governor and General Assembly, in addition it established the Supreme Court of Ohio.
3. Now, review with the class what primary sources are; then explain to students that they will be looking at actual excerpts from the Ohio Constitution of 1803.
4. Distribute the **Creation of the Court** Worksheets to students. *Students will need to refer to the dictionary for definitions of some of the words.* When students have finished working, review the answers together as a class before having students hand in. Use this as an opportunity to discuss how the Supreme Court has changed. For example, amendments to the Ohio Constitution have changed the number of Justices, terms of service, etc.

### You Be the Judge

1. Explain to students that they will be presiding over their own Supreme Court trial to learn how legal disputes are settled. The case is based on the incidents from the bedtime story *Goldilocks*. Explain that this case has been appealed by Goldilocks and has made it all the way to the Ohio Supreme Court for a final decision.
2. Divide students into groups of three to four and distribute the **You be the Judge: Fact Sheet** worksheet to each group. Explain to students that they will be reviewing the facts of the Goldilocks case, and, based on the evidence, determine if the final ruling was fair.
3. Should Goldilocks be vindicated or should her punishment stand? Each group will act as Supreme Court Justices and should work together to come to a majority opinion. To do this they will first deliberate and then write a one paragraph opinion on the case that includes their ruling.
4. After students complete the activity, each group will present their ruling to the class. Rulings will vary. Use this as an opportunity to discuss how the courts work and how the law is interpreted. It is likely that some groups found Goldilocks punishment too harsh, or, some may conclude that since Goldilocks is a minor she should not be tried as an adult.



# Exploring Our Heritage

## THE OHIO SUPREME COURT



### Answer Key

#### The Ohio Supreme Court: What I Learned

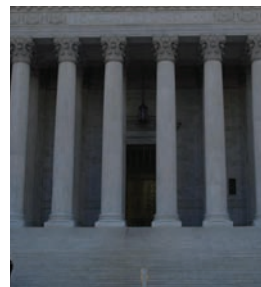
1. Columbus, Ohio
2. The Supreme Court
3. 1802
4. No
5. Judicial Branch
6. Six years

#### Ohio's Three Branches of Government

1. The legislative branch, headed by Congress, passes laws.
2. The executive branch, headed by the president, carries out and enforces the laws made by Congress.
3. The judicial branch, headed by the Supreme Court, interprets and applies the law.

#### The Creation of the Court

1. The Ohio Constitution, 1802
2. Primary Source
3. They have agreed to form the free state of Ohio.
4. Article III, Section I
5. Three
6. Appoint clerks for seven years
7. Three Years
8. Supreme Court trials must be held once a year in each county.



# Exploring Our Heritage

## THE OHIO SUPREME COURT



### The Ohio Supreme Court: What I Learned

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**Instructions:** Read all of the boxes in the **Find Out** column below. Fill in the correct answers in the **What I Learned** column while watching the video *The Ohio Supreme Court*.

#### Word Bank

**judicial:** refers to the branch of government that tries court cases and administers justice.

**government:** the office or authority in control of governing.

FIND OUT	WHAT I LEARNED
Where is the state capital?	
What is the Ohio Judicial Center the Home of?	
When was the Supreme Court established?	
Has the Ohio Judicial Center always been the home of the Supreme Court?	
What Branch of Government does the Supreme Court Head?	
How many years does the Chief Justice Serve?	

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### Ohio's Three Branches of Government

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**Instructions:** Conduct research using books in the library to complete the graphic organizer below. Describe what each of Ohio's three branches of government does and include the head of each branch in the description as well. *Hint: All of the answers can be found in the Ohio State Constitution.*

#### Ohio's Three Branches of Government

##### Legislative Branch

Headed by:

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What It Does:

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##### Executive Branch

Headed by:

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What It Does:

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##### Judicial Branch

Headed by:

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What It Does:

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## Exploring Our Heritage

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## The Creation of the Court

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**Instructions:** Read closely the following passages taken from the Ohio Constitution of 1802. Then, answer the questions based on the information in the text. Use a dictionary to look up words you do not understand. Be sure to use complete sentences in your answer.

### *Constitution of the State of Ohio 1802*

We, the people of the eastern division of the territory of the United States, northwest of the river Ohio, having the right of admission into the general government, as a member of the Union do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent State, by the name of the State of Ohio:

#### ARTICLE 1 OF THE JUDICIARY

SECTION 1. The judicial power of this State, both as to matters of law and equity, shall be vested in a Supreme Court...

SEC 2. The Supreme Court shall consist of three Judges...They shall have original and appellate jurisdiction both in common law and chancery, in such cases as shall be directed by law...

SEC 9. Each court shall appoint its own clerk for the term of seven years...They shall be removable for breach of good behavior at any time by the judges of the respective courts.

SEC 10. The Supreme Court shall be held once a year in each county, and the Courts of Common Pleas shall be holden in each county, at such times and places, as shall be prescribed by law.

SEC 11. A competent number of Justices of the Peace shall be elected by the qualified electors in each township in the several counties and shall continue in office three years, whose powers and duties shall, from time to time, be regulated and defined by law.



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## The Creation of the Court

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**Instructions:** Read closely the following passages taken from the Ohio Constitution of 1802. Then, answer the questions based on the information in the text. Use a dictionary to look up words you do not understand. Be sure to use complete sentences in your answer.

1. What is this document and when was it written?

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2. Is this a primary or secondary source?

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3. Read the first paragraph. In the last sentence, the people have agreed to form something. What is it they have agreed to do?

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4. Which article and section of the constitution created the Supreme Court?

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5. Based on section 2, how many judges will the Supreme Court have?

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6. Read section 9, what will each court get to do?

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7. Read section 11, how long will the Justices of the Peace serve?

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8. Section 10 requires that the Supreme Court do what? Use your own words to explain.

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## You Be the Judge

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**Instructions:** Read the case summary, evidence, and outcome of the following court case. You and your classmates will act as the Ohio Supreme Court. Determine if the outcome was fair and come up with your own verdict. Explain your verdict in one paragraph using complete sentences in the **Supreme Court Ruling** section on **page 11**.

### WHO ATE THE PORRIDGE AND BROKE THE CHAIR? THE BEAR FAMILY VS. GOLDBLOCKS ET AL.

#### FACT SHEET

##### Case Summary:

During the afternoon of May 1<sup>st</sup> 2007, the Bear family –Mama Bear, Papa Bear, and Baby Bear— returned to their home in the forest to find that someone had been in their house. They soon learned that Baby Bear’s porridge had been eaten and his chair broken. They also found Goldilocks, an eight year old girl, fast asleep in Baby Bear’s bed.

##### Evidence:

- ▷ Broken Chair with fingerprints matching those of Goldilocks
- ▷ Porridge Eaten; blonde hair found in bowl
- ▷ Goldilocks was found sleeping in Baby Bear’s bed
- ▷ May 1<sup>st</sup> was a school day
- ▷ The door to the Bear family home was left unlocked

##### Outcome:

Goldilocks was found guilty of eating the porridge and breaking the chair. The district court ordered her to replace the chair, porridge, and sentenced her to one month in prison.

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### You Be the Judge

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**Instructions:** As Justices of the Ohio Supreme Court, determine if the outcome in the case of *The Bear Family vs. Goldilocks* was fair. As a group, you must come to a majority opinion and explain your verdict in the **Supreme Court Ruling** section below. Write one paragraph containing complete sentences to explain your answer.

#### Word Bank

**evidence:** proof

**verdict:** the decision a jury makes after a trial

**majority opinion:** a judicial opinion arrived at by a majority of court members

#### Supreme Court Ruling:

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