



Minnesota Supreme Court Historical Society 2011-12 Essay Contest

The Minnesota Supreme Court Historical Society is sponsoring an essay contest that is open to Minnesota high school seniors who attend school in Minnesota's Ninth Judicial District (see Eligibility section). High school seniors have an opportunity to compete for scholarships as they examine the history and current-day relevance of the Minnesota state judicial election/appointment system and a corresponding proposed constitutional amendment.

Article VI of the Minnesota Constitution provides that judges shall serve six-year terms pursuant to election or re-election and that the governor may appoint a successor in the event of a vacancy. High school seniors will soon be able to cast their votes in Minnesota elections; therefore, the 2011-12 Essay Contest issue has been developed to:

- Provide high school students with an understanding of the judicial-appointment and election process in Minnesota;
- Encourage high school students to explore their civic rights and responsibilities;
- Engage high school teachers and students in the study of the Minnesota Constitution and our state history; and
- Challenge high school students to strengthen their analytic and writing skills.

Essay Contest Issue for 2011-12:

Should the Minnesota Constitution be amended so that judges face retention elections instead of running against other judicial candidates?

Online Contest Registration Deadline:	December 15, 2011
Online Essay Submission Deadline:	January 17, 2012
Announcement of Winners:	April 16, 2012
Awards Luncheon:	May 4, 2012

The winners will be announced via email and online at <http://www.mncourthistory.org>

Awards will be distributed before the close of the school year at an awards ceremony on May 4, 2012, or via U.S. mail if winners are unable to attend the awards ceremony.



Minnesota Supreme Court Historical Society 2011-12 Essay Contest

What is the Minnesota Supreme Court Historical Society?

The Minnesota Supreme Court Historical Society was founded by lawyers, educators, judges, and other legal professionals who have a deep and abiding interest in the history of this State and the profound role that Minnesota's courts have played in that history. Our mission is to collect, preserve, and promote Minnesota's judicial history and to serve the interests of the bench and bar, the academic community, and the general public through educational programs, publications, and support of scholarly research.

Contest Objective

The goal of the Minnesota Supreme Court Historical Society 2011-12 Essay Contest is to help students develop a better understanding of the judicial-appointment and election process. Thinking and writing about the topic is a way to encourage student citizens to become more civically engaged as they become active participants in their democracy.

Eligibility

Minnesota high school students in grade 12 who attend a public or private school (including charter and alternative-learning programs) or who are home schooled in the Ninth Judicial District are eligible to apply. The Ninth Judicial District is made up of the following counties: Aitkin, Beltrami, Cass, Clearwater, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake of the Woods, Mahnommen, Marshall, Norman, Pennington, Polk, Red Lake and Roseau.

Essay Question: Should the Minnesota Constitution be amended so that judges face retention elections instead of running against other judicial candidates?

Background

Under the Minnesota Constitution, state court judges are elected to six-year terms. Retirement is mandatory at age 70. Each time a judge runs for re-election, and whenever there is an open seat because of a retirement or resignation at the end of a term, any qualified attorney may run for that judicial office. If a judicial office becomes vacant during a term, the governor must appoint a qualified attorney to fill the vacancy until a successor is elected. Minnesota law requires that the Commission on Judicial Selection — a 13-member appointed panel of attorneys and non-attorneys — recruit, evaluate, and recommend three to five candidates for appointment to a vacant district court judicial office. Some, but not all, governors have opted to use this merit-selection process when choosing state appellate judges (the Minnesota Court of Appeals and the Minnesota Supreme Court), although the governor is not required by law to do so. All judicial appointees must stand for election for a full six-year term at the next general election that occurs more than one year after the governor's appointment.



Historically, Minnesota's judicial elections have been unlike the partisan elections for legislators and the governor. Candidates for judicial office have run as nonpartisan candidates, meaning that they have not sought the endorsement of political parties. In addition, judicial candidates have not engaged in political advertising that is used by other types of candidates, and they have not explained their positions on issues that might come before them as judges. Many people believe that these practices have kept judicial elections impartial and have been critical to preserving Minnesota's independent judiciary.

Recent decisions from the United State Supreme Court and the Eighth Circuit Court of Appeals have changed this. Now, judicial candidates are free to express opinions, to fundraise with minimal restrictions to support their campaigns, and to seek political-party endorsement. Some believe that it is important for voters to know where judicial candidates stand on issues. Others fear that these changes threaten judicial impartiality, and this concern has led to discussions about a constitutional amendment to change the way that Minnesota judges are selected.

Bills have been proposed in the Minnesota House of Representatives and Senate to place a question on the ballot that would ask voters if they want to amend the state constitution to change the way that Minnesota's judges are selected. Under the proposals, all judicial candidates—those seeking to fill a district court or an appellate court office —would first go before a Merit Selection Committee that would evaluate each candidate's qualifications based on nonpartisan factors such as integrity, ability, judicial temperament, experience, and legal knowledge. The Committee would then recommend three to five candidates to the Governor who would select from that list. At election time, voters would be asked whether a current judge should be retained rather than choosing between two or more judicial candidates or seeing an unopposed judicial candidate on the ballot (something that occurs in 90% of all judicial elections). The results of pre-election judicial performance evaluations would be printed on the ballot to allow voters to cast more informed votes. If the majority of voters vote not to retain a particular judge, the judge would step down, and the governor would appoint a replacement.

Resource Suggestions

Resources that you may, but are not required to, consider. You are not limited to these sources.

Language of HF 1666

http://www.house.leg.state.mn.us/bills/billnum.asp?Billnumber=HF1666&ls_year=87&session_year=2011&session_number=0

Session Daily reporting the introduction of HF 1666

<http://www.house.leg.state.mn.us/hinfo/sessiondaily.asp?storyid=2714>

Coalition for Impartial Justice

<http://www.impartialcourts.org>



MSBA White Paper on Judicial Election Proposed Constitutional Amendment
<http://www.mnbar.org/impartialjustice/WhitePaper.pdf>

Erik Kaardal Counterpoint on Judicial Elections
<http://www.neopopulism.net/site/index.php/blogs-mainmenu-38/Kaardal-Counterpoint-to-Star-Tribune-Endorsement-of-Judicial-Election-Constitutional-Amendment.html>

MN League of Women Voters
www.lwvmn.org

Justice at Stake
www.justicestake.org

“Judicial elections: What’s wrong with letting the people choose?”
By The Hon. Margaret M. Marrinan
http://www.minnpost.com/community_voices/2010/03/08/16472/judicial_elections_whats

“Can the Legislature Be Trusted with Judicial Selection?”
By Judge Eric Lipman
<http://hennepin.timberlakepublishing.com/article.asp?article=1164&paper=1&cat=147>

“Appointive Judicial Retention: The Melendez Minority Report”
By Thomas D. Jensen
<http://hennepin.timberlakepublishing.com/article.asp?article=1166&paper=1&cat=147>

“The Sky Is Not Falling”
By William Mohrman
<http://hennepin.timberlakepublishing.com/article.asp?article=977&paper=1&cat=147>

“The *White* Case Revisited”
By David Schultz
<http://mnbenchbar.com/2010/01/the-white-cases-revisited/>

Guidelines

Each participating student must adhere to the following guidelines:

Bibliography – Works Cited

A bibliography or works-cited page is required to identify research sources and should follow the Modern Language Association (MLA) guidelines. For more information, refer to the MLA Handbook for Writers of Research Papers, 7th edition at <http://owl.english.purdue.edu/owl/resource/747/01> (Click on links in left column for more in-depth instruction.)

A minimum of four books, academic journals, news magazines, newspapers, government documents or publications are required for research on this year's assigned topic.



Research should include sources that examine more than one side of the issue. General encyclopedias (*i.e.*, Wikipedia, Britannica, Americana, World Book) are not acceptable resources. Reputable free web sources may be used only to obtain primary source materials (*i.e.* Internet Modern History Sourcebook), and the bibliography or works cited must list the primary document source as the reference.

Online databases that index reference books, journals, magazines and newspapers are valid sources and must be cited according to the Modern Language Association's guidelines. See again:

<http://owl.english.purdue.edu/owl/resource/747/01>.

The bibliography or works-cited page should be on a separate page at the conclusion of the essay.

Length

The essay length is limited to 750 to 1,250 words. Report the number of words used at the end of your essay text, prior to the bibliography or works-cited page.

Word count does not include the bibliography or works-cited page, nor works cited in footnotes, if footnotes are used.

To obtain essay word count without the number of words used in the bibliography or works cited, highlight essay text only, go to computer word-count tool (under tools on computer tool bar). The word-count tool will read only the highlighted words.

Format

- Type essay in English — free from spelling, punctuation, and grammatical errors.
- Use Arial or Times New Roman font, 12-point.
- Double-space essay with 1" margins – top, bottom, right and left.
- Place essay title on first page, top center.
- Create a header on each page, top right, that states student name and page number.

Timeline

Online Registration Deadline (Required): **December 15, 2011**

Registration Process

- Visit www.mncourthistory.org and click on the "Register Here" link.
- Complete all required fields.
- Attest that all submitted work will be your own by clicking the agreement (required for registration and participation).
- Click "Send."



Essay Submission Deadline: **January 17, 2012**

Submission Process

- Attach essay and supporting documents to an email sent to essays@mncourthistory.com
- Click “Send.”

Prizes

The MSCHS may award up to nine \$500 scholarships. Contest winners will be **required** to submit a release form to be completed by the student and, if the student is under the age of 18, that form must be countersigned by the student’s parent/guardian. An additional Parent/Guardian release will also be **required** for those students under the age of 18. Winners will be contacted and mailed the release form that must be completed and returned within 10 working days. (A sample of the release form appears at the end of this packet.)

There is no entry fee for participating.

ANY ENTRY THAT DOES NOT CONFORM TO ALL ENTRY REQUIREMENTS WILL BE DISQUALIFIED.

Announcement of Winners

Winners will be announced on April 16, 2012, via email to participating students and at www.mncourthistory.org. Winners will receive additional communications about the award distribution.

Judging Criteria

Submission will be judged using the following criteria:

- **organization** – use of introduction, discussion and conclusion (20 points);
- **position analysis and support** (30 points);
- **impact of position on public’s perception of the judicial process** (20 points);
- **mechanics** - including use of language, spelling, punctuation and capitalization (15 points);
- **form** – submission adheres to contest guidelines (15 points).

Please see following table for more information:



Essay Contest Judging Criteria				
Category	Excellent	Good	Fair	Poor
Organization	Very well organized; clear introduction, discussion and conclusion. Many supporting details.	Organized; includes introduction, discussion and conclusion. Some supporting details.	Essay lacks one element (introduction, discussion or conclusion). Few details.	No clear introduction, discussion or conclusion. Few or no details.
Position Analysis and Support	Clear, logical and well-focused. Many details or examples.	Clear, logical and focused with details or examples.	Somewhat lacking in clarity, logic or focus. Some details or examples.	Little clarity, logic or focus. Few details or examples.
Impact of Proposed Position on Public's Perception of the Judicial Process	Clear statement of impact. Many examples.	Impact stated. Some examples.	Only passing mention of impact. Few or no examples.	No mention of impact.
Mechanics	Few or no grammar, spelling, punctuation or capitalization errors. Word choice appropriate and varied.	Two to four errors in grammar, spelling, punctuation or capitalization. Word choice appropriate.	Five or six errors in grammar, spelling, punctuation or capitalization. Word choice somewhat limited.	More than six errors in grammar, spelling, punctuation or capitalization. Word choice limited or inappropriate.
Form	All essay guidelines followed.	Most essay guidelines followed.	Some essay guidelines followed.	Little attempt made to follow essay guidelines.



Release Form:

Minnesota Supreme Court Historical Society (MSCHS) 2011-12 Essay Contest

The release form must be fully completed and submitted by winners in order to receive an award. Each winner will be notified and mailed the release, which must be returned to the Minnesota Supreme Court Historical Society Education Committee within 10 working days.

Name: _____

Street address: _____

City: _____ State: _____ Zip: _____ County: _____

Phone number: _____ E-mail: _____

Note: School information is not required for home-schooled students.

School: _____

I state as follows:

1. I have read, understand, complied with and accept the terms of the contest objectives and guidelines for the MSCHS 2011-12 Essay Contest (hereinafter the "Competition").
2. I warrant and represent that I personally wrote the essay that I submitted to the Competition. I further warrant and represent that the essay I submitted has not been published before its submission to this Competition and that any reference material I have used has been properly cited and not plagiarized.
3. I am a high school senior and a citizen and/or resident of the United States.
4. I hereby release, discharge and hold harmless the MSCHS and its successors, assigns, officers, employees and agents associated with the Competition from and against any and all liability, loss, damage, expense, claims, settlements or judgments of any kind whatsoever, including attorney's fees, whether in contract or in tort, arising directly or indirectly as a result of my participation in the Competition, and my acceptance and use of a prize awarded to me, if any.
5. I consent to the use of my name, biographical data, pictures, portraits, photographs, voice or likeness, and the essay entered by me in the Competition in any form for editorial, advertising, promotional and trade purposes in connection with the promotion by the MSCHS of this Competition and succeeding programs sponsored by the MSCHS. I release the MSCHS from all liabilities arising out of distortion, optical illusions or faulty mechanical reproductions of my likeness. I acknowledge that I have no right to approve the advertising or promotional materials that include my likeness or the essay submitted by me to the Competition.



6. The Parent or Guardian Release Form has been signed by my parent or legal guardian (if applicable), stating that my parent or legal guardian has read and also accepts the same legal obligations outlined above.

7. I am 18 years of age, or if I am not 18 years of age, I have obtained the signature of my parent or legal guardian as described below.

Student's Signature: _____ Date: _____

Phone number: _____

Parent's or legal guardian's signature (if student is under 18): _____

Print name

Parent or Guardian Release Form

(To be completed by parent or guardian of a student under age 18.)

I, _____, hereby represent and warrant that I am the parent or legal guardian of the identified student and that I accept the same legal obligations in connection with this Competition, including but not limited to, the use of the minor's name, likeness and essay, and consent to the minor named herein accepting and receiving a prize, if any. I also hereby release, discharge and hold harmless the MSCHS, successors, assigns, officers, employees and agents associated with the Competition from and against any and all liability, loss, damage, expense, claims, settlements or judgments of any kind whatsoever, including attorney's fees, whether in contract or in tort, which I or my heirs, executors or administrators may have arising directly or indirectly as a result of the minor's participation in the Competition and acceptance and receipt of a prize, if any.

Name: _____

Street address: _____

City: _____ State: _____ Zip: _____ County: _____

Phone number: _____

Signature: _____ Date: _____