

# Understanding the Minnesota Judiciary: Judicial Decision Making

## Talking Points

1. Judges are responsible for making sure that trials are fair and disputes are resolved according to the law.
2. To make sure that trials are fair and impartial, judges remain independent from outside influences. This independence does not mean they can do whatever they want. They must follow the law.
3. Judges decide cases based on precedent, a previously decided case that furnishes a basis for deciding new cases involving similar facts or issues. Deciding cases in this way helps create a uniform and predictable legal system.
4. The decision making process of judges depends on whether the case is before a district court (also known as a trial court) or before an appellate court.
  - a. Cases before the trial court include testimony of witnesses, introduction of evidence, juries, and sentencing. Trial court judges pay close attention to credibility of witnesses and quality of evidence. They also manage the jury. When there is no jury, the judge decides the outcome of the trial.
  - b. Cases before the Minnesota's appellate courts (Minnesota Court of Appeals and Minnesota Supreme Court) evaluate the trial court's actions. Was the appropriate law applied correctly? Did the judge abuse his or her discretion? Judges in all courts consider the constitutionality of the law being applied.
5. Appellate courts engage in group decision-making requiring each member of the court to express and listen to the opinions of each colleague. A judge votes for his/her sincere and impartial belief as to the correct result based on the law and previous cases, but also tries to keep an open mind and reach consensus.
6. Appellate court decisions are delivered in an opinion, a written document that explains the decision and the reasons for the decision. The opinion is authored by one of the judges but it is "the opinion of the court" so the entire court must agree with the wording of the written opinion. If consensus cannot be reached, a judge may file a dissenting opinion (disagreeing with the result) or a concurring opinion (agreeing with the result but disagreeing on the legal reasoning.)
7. Appellate courts function well because the judges are collegial- they work in close relationship with each other and respect each others' differences. Judges are on equal status with each other and each judge has one vote.
8. Appellate court decisions are often "close calls" with the "one correct answer" not usually apparent. Therefore, good judges may have legitimate and principled reasons for disagreeing with the result in a case.
9. Appellate judges do not discuss how to decide a case with anyone outside of the court or the court's staff. The deliberations are confidential.