

## LESSON PLAN – How are Supreme Court Justices Appointed?

**Subject:** How are Supreme Court Justices Appointed?

**Grade Level:** 6-8

### Standards:

C.6.5 Identify and explain essential ideas of constitutional government, which include limited government; rule of law; due process of law; separated and shared powers; checks and balances; federalism; popular sovereignty; republicanism; representative government; and individual rights to life, liberty and property; and freedom of conscience and religion. C.6.6 Explain the concept of a separation of powers and how and why these powers are distributed, shared, and limited in the constitutional government of the United States.

C.6.13 Explain that the United States has three levels of government (local, state, and national), and that each level has special duties and responsibilities. C.6.14 Identify the three branches of the United States government and explain the functions of each.

### Materials Needed:

Students will need access to:  
Computer, laptop, or tablet  
Paper and pen/pencil

### Learning Objectives:

- Students will be able to describe the process for appointing a new Supreme Court justice.
- Students will be able to state the role of a Supreme Court justice.
- Students will be able to identify at least one way the process can be problematic.

### Introduction/Anticipatory Set:

What is the Supreme Court?

It is the highest court in the country. After the Supreme Court, there are no other courts able to hear an appeal.

Supreme Court justices (judges) are appointed for life or until they decide to retire.

### Body of Lesson:

Watch video

[Simple Civics | How Are Supreme Court Justices Appointed? | WFYI](#)

#### Composition of the Court

There are 9 justices on the court. This prevents a tie decision.

The job of a Supreme Court justice is to interpret the Constitution of the United States.

They are not supposed to let political feelings and ideas interfere with their decisions.

When there is an opening on the Supreme Court, the President of the United States selects a person to nominate for the position. Presidents will often consider and interview several people before making a decision.

The nominee has to meet with the Senate Judiciary Committee. This committee asks the candidate about their background and positions on various legal issues. This process can be lengthy and stressful. If the nominee gets enough votes of support in the Judiciary Committee, they then move to a vote by the full Senate. The nominee has to receive more than half of the votes of the Senate to be confirmed to be a member of the Supreme Court.

The selection of a new justice is very important as it can impact how laws are interpreted. The Supreme Court sets precedents or examples for lower courts to follow. The Court can also override past Supreme Court decisions. This occurred recently with the overturn of *Roe v. Wade*. There have been other instances of overriding of decisions in the past.

The Supreme Court justices as of June 30, 2022

Samuel Alito

Amy Coney Barrett

Stephen Breyer

Neil Gorsuch

Elena Kagan

Brett Kavanaugh

John Roberts Chief Justice

Sonia Sotomayor

Clarence Thomas

Thurgood Marshall was the first African American justice appointed in 1967. Sandra Day O'Connor was the first female justice appointed in 1981.

#### Class Activity

Students can volunteer to be a part of the Senate Judiciary Committee.

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Another student or students can volunteer to be nominees for the Supreme Court.

The Senate Committee can ask questions of the nominees.

Some examples of possible questions include:

1. What is your view of how the Supreme Court should decide legal issues?
2. Do you think it is appropriate for your personal religious beliefs to influence how you would interpret the Constitution of the United States?
3. How would you work to keep your personal feelings separate from court decisions?

The Senate Committee could then hold a mock vote on whether to approve the nominee.

Following this exercise, the class can discuss how it felt to be part of the committee asking the questions, how it felt to be the nominee answering the questions, and how it felt to be part of the audience watching the process.

Students can identify problems with the process, good points with the process, and anything they would like to see changed. This can be done in a large group discussion or small groups.

## Summary/Closure

The Supreme Court is the Judicial Branch of the Federal Government. The nine justices are appointed for life. They may choose to retire; however, many times they serve until their death.

The process of appointing justices is controversial and fraught with political undercurrents.

## Extension Activities

The Supreme Court website has a Live Audio section. If Court is in session, students can listen to an actual court case and then discuss what they have heard.

<https://www.supremecourt.gov/>

On the Supreme Court website, there is a section About the Court. Within that section there are activities for Students and Families. The Activity Booklet has several activities that are interesting. They have the following sections:

Meeting Sites

Symbols of Law

Symbols of Justice

Draw Your Own Symbols

Portrait Hunt: Who Am I?

Chief Justice John Marshall

Animals in the Architecture

Word Puzzle

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<https://www.supremecourt.gov/>

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