

# HALLOWEEN CLE 2016

JUDGE'S DECISIONS

TRICK OR TREAT?

# Scary Movie Quotes

## Night of the Creeps (1986)

Detective Cameron: I got good news and bad news girls.

The good news is your dates are here.

Sorority Sister: What's the bad news?

Detective Cameron: They're dead.

Jeepers Creepers (2001)

“You know that part in scary movies when somebody does something really stupid and everyone hates them for it?

This is it.” - Trish

Trivia

What do the colors **Orange** and black symbolize or signify?

Orange stands for harvest and black signifies death



Who first played **Dracula** in the 1931 film of  
the same name?



CARL  
LAEMMLE  
*presents*

# DRACULA

*with*  
BELA LUGOSI  
DAVID MANNERS  
HELEN CHANDLER  
DWIGHT FRYE *and*  
EDWARD VAN SLOAN

A TOD BROWNING *Production*  
FROM THE FAMOUS NOVEL AND PLAY BY BRAM STOKER  
PRODUCED BY CARL LAEMMLE, JR.



UNIVERSAL  
PICTURE

*The story of the strangest Passion  
the world has ever known!*

trivia

What was the name of Dracula's sidekick?



trivia

Renfield



What does the name Dracula mean?



# Son of the Devil.



## Here We Go...

“I met this Judge once, with this blank, pale, emotionless face and the blackest eyes... the devil’s eyes.

I spent eight years trying to reach him, and then another seven trying to keep him locked up because I realized what was living behind that boy’s eyes was purely and simply... evil.” Dr. Sam Loomis (Donald Pleasance)



## 3 Judges in a duck blind

A COA judge, a Supreme Court justice, and a District court judge.

It was duck season, when, through the early morning mist, the appellate judge could see what looked like a duck approaching. Before taking a shot, he wanted to look at a treatise to be sure it was a duck — by which time the bird was out of range. The Supreme Court justice saw the next bird, but she wanted to confer with her colleagues and research the available precedents before shooting — unfortunately, by then that bird was long gone. Then the district court judge saw a bird - he immediately aimed and fired!

Looking at the other judges, “I sure hope that was a duck!” he exclaimed.

How are decisions of a judge  
made?

Understand the process

It has a profound impact on the quality of decision

# What do district court judges do (exactly)?

**District courts have original jurisdiction for the trial of all misdemeanor criminal actions and infractions. More than 2 million such cases were disposed of in district court in the 2014-15 fiscal year - more than 300,000 did required a court appearance.**

**District court judges conduct first appearances in felony cases and preside over probable cause hearings for felony charges.**

**They accept pleas of guilty to and impose sentences for thousands of Class H and I felony offenses each year; issue search warrants**

**District courts have exclusive, original jurisdiction over all case involving juveniles who are alleged to be abused, neglected, or dependent the termination or reinstatement of parental rights,**

**juveniles who are alleged to be delinquent.**

**They have jurisdiction over emancipation; consent for an abortion on an unemancipated minors, and proceedings by an underage party seeking judicial authorization to marry.**

**District court also is the proper division for the trial of civil actions:**

**in which the amount in controversy is \$25,000 or less (7A-243) ; summary ejectment, contracts, real property disputes, home owener's association disputes,**

**trial of all civil actions (regardless of amount) for annulment, divorce, equitable distribution of property, alimony, child support, paternity, child custody and the enforcement of separation or property settlement agreements between spouses; Civil Jury Trials (last one lasted a week); domestic violence cases (ex parte orders)**

**District court judges also conduct hearings in involuntary commitment proceedings**

**This is an incomplete list, but I think you get the idea.**

**A district court judge must know many areas of law; be capable of effectively managing crowded dockets and of interacting appropriately with the thousands of citizens who appear in district court**

**THEN YOU GET TO CAMPAIGN FOR YOUR JOB ON YOUR OFF DAYS**

# Decisions

In the course of a single case, a judge may make countless decisions interpreting the intent of the US or State Constitution, federal or state legislation, Rules of Civil and Criminal procedure, the Rules of Evidence...

In addition, the Court must be aware of and apply legal principles and precedents established under the common law that interpret those statutes...

Which are ever refined or simply changed!

If there is a Supreme Court or other higher-court ruling that interprets the law or deals with a similar dispute, the judge is obligated to make a ruling that is consistent with this precedent.

Furthermore, “What does Justice Require?”

In the criminal context, judges also must decide on what sentence or sanctions are appropriate

This is probably the question I get the most from new Judges

Questions, Questions...

How long does it take a judge to make a decision on a bench trial?

- Depends on type of case

- Depends on the judge

THIS IS WHERE THE FUN BEGINS

Unlike TV...

In the throes of a trial, judges can seldom take the time to seek guidance from law books, cases, or rules of evidence.

In criminal cases, especially, lawyers often make motions on critical issues of constitutional law, or the admissibility of evidence, without citation to any authority.

Often decisions by a trial court judge may be based as much on his or her "sense" of the law as on specific knowledge of it.

example

STATE OF NORTH CAROLINA		File No. <b>15-CVD-488</b>
<b>Montgomery</b> County <b>LED</b>		In The General Court Of Justice District Court Division
Name Of Plaintiff <b>Annette Callicutt</b>	2016 SEP -9 A 10:53	<b>MOTION AND ORDER TO SHOW CAUSE FOR FAILURE TO COMPLY WITH NO-CONTACT ORDER FOR STALKING OR NONCONSENSUAL SEXUAL CONDUCT</b> SEP 13 2016 G.S. 5A-15. -23: 50C-10
VERSUS	<b>MONTGOMERY CO., C.S.C.</b>	
Name And Address Of Defendant <b>Steven Hare 143 Harley Ridge Lane Mt Gilead, N.C. 27506</b>	<b>pdh</b>	
I, the undersigned, request the Court to issue an order requiring the defendant to appear and show cause, if any, why he/she should not be held in contempt for violating the No-Contact Order in this case entered on (give date of Order) <b>12-9-15</b>		
The defendant has willfully violated that Order by (tell what the defendant did that violated the Order): <b>Steven Hare came in Harley Ridge Lane, spinning, went past our motorcycle building, stopped there spinning. Took off again, Ren the truck he was driving on the left side of the dirt road. I went out the door. He was cussing, started calling Robert names, calling me a whore, sleeping with a black man, sucking his privates together what I want. Then he went over the fence and said I am going to get a bitch. I thought he was going to come over the fence and get me. This boy is a danger to me. His intention is to get a bitch.</b>		
SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		Date <b>9-9-16</b>
Date <b>9-9-16</b>	Signature Of Person Authorized To Administer Oaths <b>Pamela P. Hurley</b>	Signature Of Person Making Motion <b>Annette Callicutt</b>
Name Of Person Authorized To Administer Oaths <b>Pamela P. Hurley</b>	<input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	Name Of Person Making Motion (type or print) <b>Annette Callicutt</b>
SEAL <input type="checkbox"/> Notary	Date My Commission Expires	
<b>ORDER TO APPEAR AND SHOW CAUSE</b>		
To The Defendant Named Above: The Court finds probable cause to believe that you are in civil or criminal contempt for violating the Court's order as specified above. You are Ordered to appear at the date, time, and place set out below to show cause, if any, why the Court should not enter an order holding you in civil or criminal contempt. Your failure to appear may result in the issuance of an Order For Arrest or your being jailed for civil contempt.		
Date Of Hearing <b>9-20-16</b>	Time Of Hearing <b>9:30</b>	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Place Of Hearing <b>Mont. Co Courthouse 108 E. main St Courtroom "B" Downstairs</b>	Date Issued <b>9-9-16</b>	Signature <b>[Signature]</b>
	<input checked="" type="checkbox"/> District Court Judge <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
(Over)		
ADC-CV-523, Rev. 10/14 © 2014 Administrative Office of the Courts		

How much of a judge's decision can be predicted through "what the judge had for breakfast"?

Are judicial rulings based solely on laws and facts?

- findings suggest that judicial rulings can be swayed by extraneous variables that should have no bearing on legal decisions
- the TEST: STUDIED sequences of parole decisions made by experienced judges (mean experience = 22.5 y) and, in so doing, demonstrate how “extraneous factors” can sway highly consequential decisions of expert decision makers

# Mental Depletion

(HOLD OFF ON THE WISE CRACKS)

- Research suggests that making repeated judgments or decisions depletes individuals' executive function and mental resources (6), which can, in turn, influence their subsequent decisions.
- Executive function can be restored and mental fatigue overcome, in part, by interventions such as viewing scenes of nature, short rest, experiencing positive mood, and increasing glucose levels in the body
- Breaks may replenish mental resources by providing rest, improving mood, or by increasing glucose levels in the body.
- likelihood of a favorable ruling is greater at the very beginning of the work day or after a food break than later in the sequence of cases

Evidence suggests that when judges make repeated rulings, they show an increased tendency to rule in favor of the status quo. This tendency can be overcome by taking a break to eat a meal, consistent with previous research

Another factor that can plausibly explain our effect (ie decisions resulting from mental depletion) is that judges might have a certain proportion of decisions that they expect to be favorable, and once this “quota” is filled, then unfavorable decisions follow.

# Add to that...Bias and Extraneous Factors

“despite their legal training, judges were similar to laypersons in that they could not disregard the legally prejudicial and impermissible facts in rendering a verdict.”

Plaintiff criminal history, sexual history of a rape victim, and settlement discussion information constituted some of the inadmissible information. With some important exceptions, i.e. inadmissible confessions or searches, the trial judges studied showed that they could not (or did not) disregard inadmissible evidence.

Researchers “found that judges were as prone as other persons to exhibit stereotypes of Black Americans on an implicit association test; and in a series of vignettes that subtly primed racial issues, the judges were prone to impose harsher penalties on Black defendants than on White defendants.” When the investigators made race explicit, Black judges showed themselves more prone to convict White defendants than Black defendants.

Add to that...

Can personality tests reveal anything  
about judicial decision making?

ENTJ

Extraversion (E), Intuition (N), Thinking (T),  
Judgment (J)

# Understanding Personality's Influence

ENTJs are natural-born leaders. People with this personality type embody the gifts of charisma and confidence, and project authority in a way that draws crowds together behind a common goal. But unlike their Feeling (F) counterpart, ENTJs are characterized by an often ruthless level of rationality, using their drive, determination and sharp minds to achieve whatever end they've set for themselves. **Perhaps it is best that they make up only three percent of the population**, lest they overwhelm the more timid and sensitive personality types that make up much of the rest of the world – but we have ENTJs to thank for many of the businesses and institutions we take for granted every day.

# ENTJ

The underlying thought running through the ENTJ mind might be something like "I don't care if you call me an insensitive b\*\*\*\*d, as long as I remain an efficient b\*\*\*\*d".

Would knowing this help?

# ENTJ - Strengths

**Efficient** – ENTJs see inefficiency not just as a problem in its own right, but as something that pulls time and energy away from all their future goals, an elaborate sabotage consisting of irrationality and laziness. People with the ENTJ personality type will root out such behavior wherever they go.

**Energetic** – Rather than finding this process taxing ENTJs are energized by it, genuinely enjoying leading their teams forward as they implement their plans and goals.

**Self-Confident** – ENTJs couldn't do this if they were plagued by self-doubt – they trust their abilities, make known their opinions, and believe in their capacities as leaders.

**Strong-Willed** – Nor do they give up when the going gets tough – ENTJ personalities strive to achieve their goals, but really nothing is quite as satisfying to them as rising to the challenge of each obstacle in their run to the finish line.

**Strategic Thinkers** – ENTJs exemplify the difference between moment-to-moment crisis management and navigating the challenges and steps of a bigger plan, and are known for examining every angle of a problem and not just resolving momentary issues, but moving the whole project forward with their solutions.

**Charismatic and Inspiring**

# ENTJ - Weaknesses

**Stubborn and Dominant** – Sometimes all this confidence and willpower can go too far, and ENTJs are all too capable of digging in their heels, trying to win every single debate and pushing their vision, and theirs alone.

**Intolerant** – "It's my way or the highway" – People with the ENTJ personality type are notoriously unsupportive of any idea that distracts from their primary goals, and even more so of ideas based on emotional considerations. ENTJs won't hesitate a second to make that fact clear to those around them.

**Impatient** – Some people need more time to think than others, an intolerable delay to quick-thinking ENTJs. They may misinterpret contemplation as stupidity or disinterest in their haste, a terrible mistake for a leader to make.

**Arrogant** – ENTJ personalities respect quick thoughts and firm convictions, their own qualities, and look down on those who don't match up. This relationship is a challenge for most other personality types who are perhaps not timid in their own right, but will seem so beside overbearing ENTJs.

# INTP - Strengths

**Great Analysts and Abstract Thinkers** – People with the INTP personality type view the world as a big, complex machine, and recognize that as with any machine, all parts are interrelated. INTPs excel in analyzing these connections, seeing how seemingly unrelated factors tie in with each other in ways that bewilder most other personality types.

**Imaginative and Original** – These connections are the product of an unrelenting imagination – INTPs' ideas may seem counter-intuitive at a glance, and may never even see the light of day, but they will always prove remarkable innovations.

**Open-Minded** – INTPs couldn't make these connections if they thought they knew it all – they are highly receptive to alternate theories, so long as they're supported by logic and facts. In more subjective matters like social norms and traditions, INTPs are usually fairly liberal, with a "none of my business" sort of attitude – peoples' ideas are what matter.

**Enthusiastic** – When a new idea piques their interest, INTPs can be very enthusiastic – they are a reserved personality type, but if another person shares an interest, they can be downright excited about discussing it. More likely though, the only outward evidence of this enthusiasm will be INTPs' silent pacing or their staring into the distance.

**Objective** – INTPs' analysis, creativity and open-mindedness aren't the tools of some quest for ideology or emotional validation. Rather, it's as though people with the INTP personality type are a conduit for the truths around them, so far as they can be expressed, and they are proud of this role as theoretical mediator.

**Honest and Straightforward** – To know one thing and say another would be terribly disingenuous – INTPs don't often go around intentionally hurting feelings, but they believe that the truth is the most important factor, and they expect that to be appreciated and reciprocated.

# INTP - Weaknesses

**Very Private and Withdrawn** – While INTPs' intellectualism yields many insights into their surroundings, their surroundings are ironically considered an intrusion on their thoughts. This is especially true with people – INTPs are quite shy in social settings. More complicated situations such as parties exacerbate this, but even close friends struggle to get into INTPs' hearts and minds.

**Insensitive** – Oftentimes INTP personalities get so caught up in their logic that they forget any kind of emotional consideration – they dismiss subjectivity as irrational and tradition as an attempt to bar much-needed progress. Purely emotional situations are often utterly puzzling to INTPs, and their lack of timely sympathy can easily offend.

**Absent-minded** – When INTPs' interest is captured, their absence goes beyond social matters to include the rest of the physical world. INTPs become forgetful, missing even the obvious if it's unrelated to their current infatuation, and they can even forget their own health, skipping meals and sleep as they muse.

**Condescending** – Attempts at connecting with others are often worse than INTPs' withdrawal. People with the INTP personality type take pride in their knowledge and rationale, and enjoy sharing their ideas, but in trying to explain how they got from A to B to Z, they can get frustrated, sometimes simplifying things to the point of insult as they struggle to gauge their conversation partners' perspective. The ultimate insult comes as INTPs give up with a dismissive "never mind."

**Loathe Rules and Guidelines** – These social struggles are partly a product of INTPs' desire to bypass the rules, of social conduct and otherwise. While this attitude helps INTPs' strength of unconventional creativity, it also causes them to reinvent the wheel constantly and to shun security in favor of autonomy in ways that can compromise both.

**Second-Guess Themselves** – INTPs remain so open to new information that they often never commit to a decision at all. This applies to their own skills as well – INTP personalities know that as they practice, they improve, and *any work they do is second-best to what they could do. Unable to settle for this, INTPs sometimes delay their output indefinitely with constant revisions, sometimes even quitting before they ever begin.*

Why is this important?

Emotional appeals are ineffective with ENTJ's

Facts, facts, facts for INTJ's

Know the personality, know what is important