

Judicial Branch Reading

Overview

Before completely understanding the Judicial Branch, it is imperative to know how the courts were created. The only court the United States Constitution actually creates is the **Supreme Court** - the highest in the country. The Constitution allows Congress to create other courts, and when Congress created those courts, the federal court system was born.

Two Court Systems

Here's the confusing part: There are two systems of courts in the United States. The **federal court system** deals with disputes about laws that apply to the entire United States. **State court systems** mostly deal with disputes about state laws. Each state has its own court system created by its own state constitution. Whether people take their case to a federal or state court depends on the laws involved in the case. State court systems usually work just like the federal court system.

Which Court to Use

Each court system deals with certain kinds of cases. Federal courts hear cases involving federal laws, the U.S. Constitution, or disputes between citizens of different states. State courts hear cases involving state laws or the state's constitution. They also deal with disagreements between citizens of the state. State courts normally resolve the kinds of issues you hear about in everyday life, such as family matters, accidents, crimes, and traffic violations.

Criminal vs. Civil

Most trials you see on TV involve a person who has been accused of a crime, but criminal cases are not the only kind of cases that go to trial. Sometimes people have a disagreement that they cannot resolve on their own. Often, one side feels that the other side violated their rights in some way. This kind of case is called a civil case. The goal of a civil case is not to find out whether someone is innocent or guilty, but to decide which side's version of the story is correct.

Civil:

Relating to the rights of citizens.

Criminal:

Relating to crime.

Trial Court

The trial court is the first court to hear a case. Both the state and federal systems have trial courts. In the Federal system, the trial court is called a District Court. In the trial court, lawyers use **evidence** to try to prove that their client's side of the story is what really happened. Evidence can be almost anything—witnesses, videos, photographs, a letter, a piece of fabric, or even a murder weapon. In a **jury trial**, a group of twelve people listens to the evidence and decides who wins the case. That decision is called the **verdict**. In a **bench trial** there is no jury, so the judge gives the verdict.

It's Not Over

Losing in the trial court does not mean the case is over. If the losing side thinks there has been an error, they can ask a higher court to review the verdict and replace it with a different decision. The courts above the trial court are called **appellate courts**. The federal system and most state systems have two appellate-level courts: a Court of Appeals and a Supreme Court. Asking an appellate court to review a case is called making an **appeal**.

Appellate courts can...

Affirm the trial court's decision, letting it stand.

Reverse the decision.

Remand the case back to the trial court to start over

Going Up (Sometimes Down)

You may hear someone say that a case is “brought up on appeal”. Cases are thought of as going “up” through the court system. A trial court decision is brought up to the appeals court; an appeals court decision is brought up to the highest court. Once a case has been heard by the highest court, there is nowhere left to go.

Appellate courts review lower courts’ decisions to see if a mistake was made. When an appellate court makes a decision, all lower courts must follow that decision in the future when the same issue comes up again at a later date.

Supreme Court	Court of Appeals	Trial Court
<ul style="list-style-type: none">Reviews the appeals court decision for errorDecisions must be followed by all lower courts	<ul style="list-style-type: none">Reviews the trial court decision for errorDecisions must be followed by all trial courts	<ul style="list-style-type: none">Hears cases for the very first timeReviews evidence to decide who is right

Judges

While a trial court only has one judge, most Court of Appeals cases are heard by three judges. When more than one judge listens to a case, the group of judges is called a **panel**. Usually, the judges decide the case by majority vote. At the appellate level, there is never a jury. That’s because a jury’s only job is to look at evidence and decide what happened. In an appellate court, the judges are deciding whether legal errors have been made. For the losing side in the Court of Appeals, there is one more chance: the Supreme Court, which is the highest court.

Final Decision

At the United States Supreme Court, a panel of nine justices hears the cases. State Supreme Courts often have fewer justices. The Supreme Court gets to choose which cases to take — it does not take very many. Often, cases that make it to the Supreme Court are disputes about whether a law goes against the Constitution. Once the Supreme Court has said something is unconstitutional, that is it, it is final. Only the Supreme Court itself can reverse that decision. This power of deciding what is constitutional and what is not is called **judicial review**. The United States Supreme Court has this power over federal laws. State Supreme Courts have this power over state laws.



The 9 Current U.S. Supreme Court Justices

Directions: Match each vocabulary word on the left with their definition on the right.

Vocabulary Word	Definition
_____ 1. Supreme Court	A. The trial court in the Federal system.
_____ 2. Court of Appeals	B. A legal dispute between people or groups.
_____ 3. District Court	C. A case involving someone who is accused of committing a crime.
_____ 4. Federal Courts	D. Asking a high court to review a case.
_____ 5. State Courts	E. Court that hears a case for the very first time.
_____ 6. Trial court	F. When an appellate court overturns the trial court's verdict.
_____ 7. Evidence	G. Courts that hear disputes about laws that apply to the entire United States.
_____ 8. Criminal Case	H. Court that only reviews some cases, usually about the Constitution.
_____ 9. Civil Case	I. The power of the Supreme Court to decide what the Constitution really says.
_____ 10. Jury Trial	J. When an appellate court sends a case back to the trial court.
_____ 11. Bench Trial	K. Objects or information used in court to prove what really happened.
_____ 12. Verdict	L. The decision at the end of a case.
_____ 13. Appellate Courts	M. When an appellate court decides no mistake was made.
_____ 14. Appeal	N. A trial where a group of people listens to the evidence and decides the case.
_____ 15. Affirm	O. Courts that hear disputes about the laws of one state.
_____ 16. Reverse	P. Reviews cases to see if the trial court made a mistake.
_____ 17. Remand	Q. Courts above the trial court.
_____ 18. Judicial Review	R. A trial where only the judge hears the evidence and decides the case.

Directions: Decide whether each description fits trial court, appellate court, or both.

A. Hears civil cases

B. Might have a jury trial

C. Does not hear cases for the first time.

D. Hears criminal cases

E. Hears cases for the first time

F. Works with laws

G. Reviews a verdict to look for mistakes

H. Usually has three judges

Trial Court	Both	Appellate Court

Directions: Mark “T” or “F” depending on whether the statement is True or False.

<p>1. A jury decides the case in a bench trial. ____</p> <p>2. There is only one judge in a trial court. ____</p> <p>3. The Supreme Court can strike down an unconstitutional law. ____</p> <p>4. When you first begin a trial, you will be in an appellate court. ____</p> <p>5. The Supreme Court must take every case that gets appealed to it. ____</p> <p>6. If you break a state law, your case will probably be in a state court system. ____</p> <p>7. The Supreme Court was created by the Constitution. ____</p> <p>8. It would be easy to prove a case without evidence. ____</p>	<p>9. If the Court of Appeals remands a case, that means the court says the verdict was right. ____</p> <p>10. The Supreme Court’s power to decide if something is constitutional is called judicial review. ____</p> <p>11. State court systems were created by the Constitution of the United States. ____</p> <p>12. When you ask a higher court to review your case, you are making an appeal. ____</p> <p>13. When the Court of Appeals affirms a case, it sends the case back to the trial court. ____</p> <p>14. The Supreme Court gets the last word about what the Constitution really says. ____</p> <p>15. The Supreme Court is a trial court. ____</p>
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