

## Module 9: The Judicial System

In this module, students will uncover how Article III of the Constitution establishes the judicial branch of the federal government, which is responsible for interpreting laws. Students will explore the structure of the judicial branch, led by the United States Supreme Court, and learn how Supreme Court justices are selected. They will also explore two key concepts that are part of the nation's system of checks and balances: judicial independence and judicial review. The Google Drive folder for this module, containing the student content guide, worksheets, a vocabulary sheet, the project overview, and transcripts for all videos is [here](#).



### Vocabulary

**Concept Words** – These words will help students understand the big ideas.

- **advice and consent:** the Senate's power to approve or reject the president's nominees, including to the Supreme Court
- **concurring opinion:** an opinion from a justice who agrees with the majority on who should win the case but offers some additional thoughts on how to think about the constitutional issue in the case
- **dissenting opinion:** an opinion in a case explaining why a justice disagrees with the majority opinion and why they would decide the case differently
- **docket:** the list of cases the Court will hear in a term
- **judicial independence:** the idea that the federal courts must be independent from the control of the other branches of government
- **judicial review:** the power to review the constitutionality of acts of the national and state governments
- **judicial supremacy:** the idea that the Supreme Court serves as the ultimate authority on interpreting the Constitution, and its decisions on constitutional matters are binding on all other branches of government and lower courts
- **majority opinion:** the official decision of the court in a case, supported by more than half of the justices, which explains the reasoning behind the ruling
- **precedent:** an earlier occurrence of something (for example, an earlier court decision)
- **Writ of Certiorari:** an order issued by the Supreme Court to a lower court to review the records of a case. It is granted when at least four of the nine justices agree to hear the case

**Speed Bump Words** – These words can help students better comprehend the text.

- **controversial:** subject to public discussion or argument
- **nominate:** to propose a candidate for office

- **norm:** something that is usual or standard
- **vest:** to grant authority

## Learning Objectives

- Examine Article III of the Constitution and the primary powers and duties of the judiciary.
- Analyze Federalist No. 78 to explore Alexander Hamilton's vision for the Supreme Court.
- Explore the concepts of judicial review and judicial independence.
- Describe how a case reaches the Supreme Court.
- Describe how a justice is appointed to the Supreme Court.

## Background Information

Below is a list of resources that may help provide you with additional background information on the important concepts presented in this lesson. These are not essential to read or watch before teaching the module, but can support with lesson administration, if necessary.

- For more information on Article III, review the [Common Interpretation](#) on the National Constitution Center website.

## Lesson Structure and Activities

### [Student Guide](#)

Topic 1: The Role and Responsibilities of the Judiciary	
9.1: Activate Prior Knowledge (5 min)	<p>Show students a picture of the current Supreme Court and the court building and ask them to write down words, phrases, or names that come to mind. Then they can compare their ideas with a partner.</p> <p><b>Handout:</b> <a href="#">Supreme Court Brainstorm PowerPoint</a></p> <p><b>Activity Type:</b> Individual and Partner Reflection</p> <p><b>Implementation Tips:</b></p> <p>Students should watch the <a href="#">Unboxing the Constitution - Video One</a> to provide foundational knowledge about early landmark Supreme Court cases.</p>
9.2: Article III Meaning Match (15-20 min)	<p>Students will work with a partner to review key terms and match those terms up with their correct meaning.</p> <p><b>Handout:</b> <a href="#">9.2: Article III Meaning Match</a></p>

## Topic 1: The Role and Responsibilities of the Judiciary

	<p><b>Activity Type:</b> Partner Activity</p> <p><b>Implementation Tips:</b> Review the definitions with the class.</p>
9.3: Unpacking Article III (15-20 min)	<p>Students will watch <a href="#">Inside the Constitution</a> to learn more about Alexander Hamilton's ideas about the judicial branch, and then explore excerpts from Federalist No. 78.</p> <p>Students will read excerpts of Federalist No. 78 and complete specific focus close-reading activities.</p> <p><b>Handout:</b> <a href="#">9.3: A Look at Federalist No. 78</a></p> <p><b>Activity Type:</b> Partner Activity</p> <p><b>Implementation Tips:</b> You may choose to complete this activity as a whole class. After completing the activity, lead a discussion considering the following questions:</p> <ul style="list-style-type: none"> <li>• Why do you think Hamilton wrote about judicial independence and judicial review?</li> <li>• Do you agree with Hamilton? Why or why not?</li> </ul>
9.4: Closing Activity (5-10 min)	<p>Students will check in on the Key Question(s).</p> <p><b>Handout:</b> <a href="#">9.4: Key Question Reflection</a></p> <p><b>Activity Type:</b> Individual Reflection</p> <p><b>Implementation Tips:</b> You may ask students to share the words they wrote down to build consensus throughout the class.</p>

## Topic 2: The Court System

9.5: A Supreme Case (20-25 min)	<p>Watch the <a href="#">Unboxing the Constitution - Video Two</a> to gain insight into the way the Supreme Court works. Students will dive into the process of how a case gets to the Supreme Court.</p> <p>Students will work with a partner to read the page together. One partner will read a section and teach their partner what it's all about.</p>
---------------------------------	--

## Topic 2: The Court System

	<p>Students will take turns reading and teaching each section until they have answered all of the questions.</p> <p><b>Handouts:</b> <a href="#">9.5.1: How Does a Case Get to the Supreme Court?</a> and <a href="#">9.5.2: Supreme Court Partner Read</a></p> <p><b>Activity Type:</b> Partner Activity</p> <p><b>Implementation Tips:</b> The reflection questions at the end of the activity would provide a great foundation for a class discussion on the Supreme Court. Those questions are:</p> <ul style="list-style-type: none"> <li>• Write down one question you have about this process.</li> <li>• After discussing with your partner, what part of the process do you think is the most important? Why?</li> </ul> <p>This is a great option for flipped classroom usage. You can also access a transcript of the video <a href="#">here</a>.</p>
9.6: The Justices (15 min)	<p>In this activity, students will explore the process of becoming a Supreme Court justice. The information from the handout is also provided in the <a href="#">Student Content Guide</a>.</p> <p>As students review the flow chart, ask students to connect this information back to the other two branches of government by asking:</p> <ul style="list-style-type: none"> <li>• Why do you think the process of seating a Supreme Court Justice has so many steps?</li> <li>• How does this process allow for checks and balances between the branches of government?</li> </ul> <p><b>Handout:</b> <a href="#">9.6: So Want to be a Supreme Court Justice?</a></p> <p><b>Activity Type:</b> Individual Activity</p> <p><b>Implementation Tips:</b> You may choose to have students work in partners. After the activity, discuss the following questions:</p> <ul style="list-style-type: none"> <li>• Why do you think the process of seating a Supreme Court Justice has so many steps?</li> <li>• How does this process allow for checks and balances between the branches of government?</li> </ul>

## Topic 2: The Court System

<p>9.7: Civic Connection: How Do Justices Get Their Seats? (20-25 min)</p>	<p>In this activity, students will be researching a Supreme Court justice and the nomination process.</p> <p>Students can pick an era, past or present, to help them decide which Justice they want to focus on. Some suggestions include John Marshall, Sandra Day O'Connor, or Ketanji Brown Jackson.</p> <p>Students will then complete the Justice Brief for their selected justice.</p> <p><b>Handouts:</b> <a href="#">9.7.1: Civic Connection: Supreme Courts Over Time</a> and <a href="#">9.7.2: Justice Brief</a></p> <p><b>Activity Type:</b> Individual Activity</p> <p><b>Implementation Tips:</b> You may choose to have students work with a partner to complete the activity.</p> <p>At the end of the Civic Connection activity, you can have students present their Supreme Court justices in order.</p>
<p>9.8: Reflect (5 min)</p>	<p>Students will revisit the Supreme Court brainstorm activity and complete the Key Question Reflection.</p> <p><b>Handouts:</b> <a href="#">9.1 Supreme Court Brainstorm</a>; <a href="#">9.4: Key Question Reflection</a></p> <p><b>Activity Type:</b> Individual Reflection</p> <p><b>Implementation Tips:</b> You may choose to have students share their answers to the Key Question(s).</p>

## Module 9 Learning Project: Supreme Role Play

[Teacher Overview](#)

[Student Instructions](#)

Judicial independence is equally critical, ensuring that the courts can make impartial decisions free from political pressure or influence. Together, judicial review and judicial independence ensure that the judicial branch fulfills its mandate of interpreting and upholding the Constitution while maintaining balance within the federal government.

In this activity, students will engage with these foundational concepts by role-playing key Supreme Court cases to better understand how judicial review works in practice and how the Court navigates constitutional questions.

**Activity Type:** Small groups

**Implementation Tips:** In this activity, students will role-play different Supreme Court roles as they prepare, argue, and hand down decisions. You may choose to assign roles in teams, or allow students to choose which roles to play. Additionally, each student team will focus on a different case. You may assign cases to teams or allow them to choose:

- [\*Brown v. Board of Education\*](#) (1954)— Declared school segregation unconstitutional
- [\*Gideon v. Wainwright\*](#) (1963)— Declared the right to counsel in state courts
- [\*Tinker v. Des Moines\*](#) (1969)— Upheld student free speech rights
- [\*United States v. Nixon\*](#) (1974)— Limited presidential privilege
- [\*New Jersey v. T.L.O.\*](#) (1985)— Defined student privacy rights in schools