



HOW DOES A CASE GET TO THE SUPREME COURT?

Let's turn now to a basic question: **How does a case get to the Supreme Court?**

The Supreme Court's term runs from the first Monday in October to the end of June. The justices set oral arguments for cases, usually from October through April, during the first two weeks of each month.

Throughout the term, the Court releases decisions called **opinions**. The most important or controversial opinions often come out at the end of June, but there's no set deadline because the justices decide their own schedule.

All of these details aren't written in the Constitution—they are based on traditions the Supreme Court has followed for more than 200 years.

Let's walk through how most constitutional cases work their way through the federal court system.

Starting the Journey: District Courts

Most constitutional cases begin when someone claims the government has violated the Constitution. This could involve a law, a government action, or a regulation. For example:

- A law passed by Congress or a state legislature
- A decision made by a government official, like the president, or a mayor, or a police officer, or a school principal

These cases start in district courts, the first level of the federal court system. There are 94 district courts across the country. In these courts, a single judge or a jury hears the case and makes a decision: Someone wins, and someone loses.

Moving Up: Appeals Courts

If the losing side disagrees with the district court's decision, they can appeal to the next level: the courts of appeals. There are 13 circuit courts of appeals, including 12 geographic circuits and the Federal Circuit.

In the appeals court, judges review the case to decide if the district court made the right call. They can either agree with the original decision or change it. Once again, someone wins, and someone loses.

MS CONSTITUTION 101

Module 9: The Judicial System

9.5.1: How Does a Case Get to the Supreme Court?

Reaching the Supreme Court

The losing side in the court of appeals can ask the Supreme Court to take their case. This is called filing a petition for a writ of certiorari (or “filing for cert”). The justices use the Rule of Four to decide which cases to hear. If four out of the nine justices agree to take a case, the Court issues a writ of certiorari, asking the lower court to send them the case records.

The Supreme Court receives about 10,000 petitions each year but agrees to hear only about 65–70 cases. That’s less than 1 percent!

Why does the Court reject most petitions? It’s not their job to hear every case. Instead, the Supreme Court focuses on cases that:

- Address big questions about the Constitution or national laws
- Resolve disagreements between lower courts (called “circuit splits”)

What Happens After the Supreme Court Takes a Case?

Once the Supreme Court takes a case:

- Briefs are filed. Lawyers for both sides submit written arguments explaining their arguments in the case. Others, like scholars or organizations, can file “Friend of the Court” briefs (*amicus curiae* briefs) to share their opinions.
- Oral arguments are held. Lawyers present their cases to the justices, who can ask questions. Each side gets limited time—usually under two hours.
- The justices meet privately in what’s called a Conference to discuss the case and vote.
- The majority vote determines the Court’s decision.

A justice in the majority writes the majority opinion to explain the decision. Other justices can write:

- A dissenting opinion to explain why they disagree
- A concurring opinion to agree with the result but for different reasons

Why Does the Supreme Court Matter?

When the Supreme Court rules on a case, its decision becomes a **precedent**. This means all lower courts must follow that decision in similar cases. By doing this, the Supreme Court ensures that laws are applied fairly and consistently across the country.