

Judicial Branch – Pre-Test

True or False: Place a “T” if the statement is true and “F” if it is false in the space that is provided.

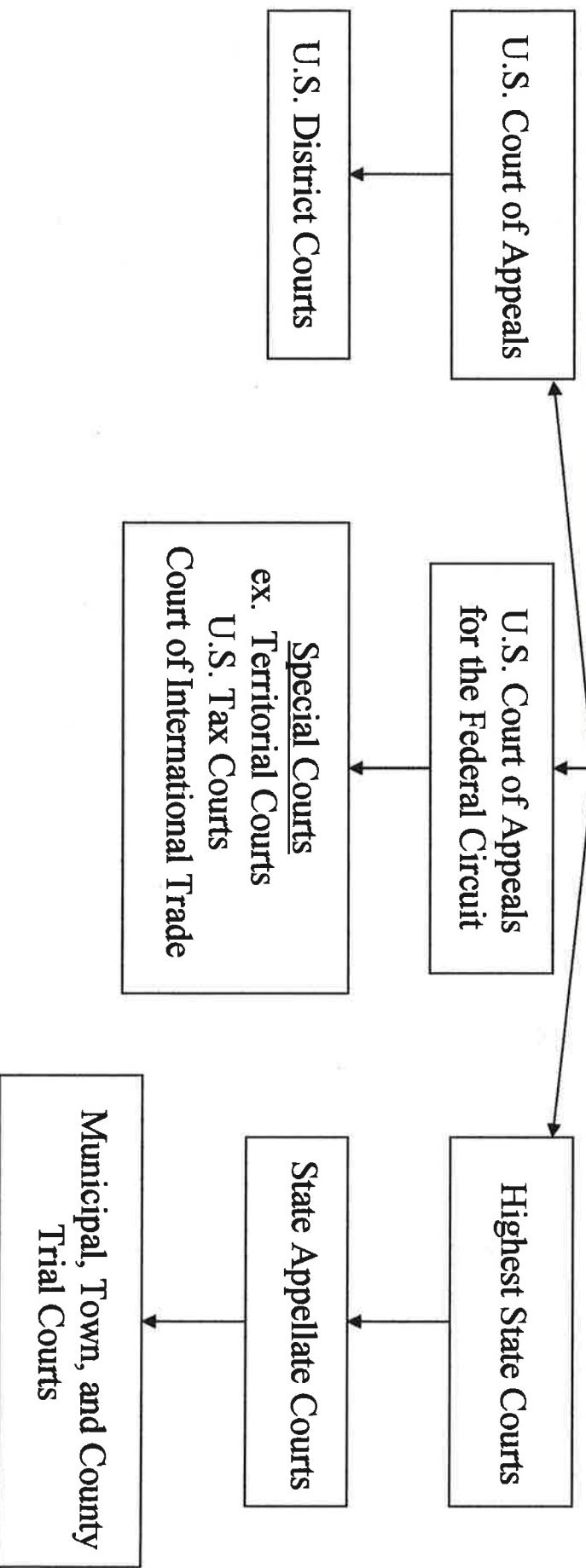
- _____ 1. The Supreme Court is a trial court.
- _____ 2. There is only one judge in a trial court.
- _____ 3. The Supreme Court can strike down an unconstitutional law.
- _____ 4. When you first begin a trial, you will be in an appellate court.
- _____ 5. A jury decides the case in a bench trial.
-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



Read each question carefully and circle the correct answer, either choice “A” or “B”.

Question	A	B
1. When someone is accused of a crime, the type of case is	civil	criminal
2. If you appeal a case, you are going to	appellate court	trial court
3. The court that gets to decide what is constitutional	Supreme Court	Court of Appeals
4. If the appellate court thinks a decision was wrong, it will	affirm the decision	reverse the decision
5. If a group of people gives the verdict after a trial, that trial was a	jury trial	bench trial
6. A word that means “relating to the rights of citizens”	criminal	civil
7. The Supreme Court has	three justices	nine justices
8. If an appellate court sends a case back to the trial court, it has	affirmed the case	remanded the case
9. If you go to the Court of Appeals, you will see	three judges	one judge
10. The decision in a case is called the	evidence	verdict
11. If you break a law of the United States, your case will probably be in	federal court	state court
12. At trial, lawyers try to prove their case wrong.	an appeal	evidence
13. State courts were created by	the US Constitution	state constitutions

United States Supreme Court



Name - _____

CH. 12 – The Judiciary (p. 271-93)

Explain the main sources of American law, including constitutions, statutes and regulations, and the common law traditions.

1. Where did our common law tradition come from?
2. What is a legal precedent?
3. Decisions rendered by the courts also form an important body of law, collectively referred to as case law. What is case law?

Describe the structure of the federal court system and such basic judicial requirements as jurisdiction and standing to sue.

4. What does it mean to have jurisdiction?
5. What are the parties to a lawsuit?
6. Why do Federal Courts have procedural rules?
7. For each of the following types of Federal courts: US District Courts, US Court of Appeals, and US Supreme Court, which type(s) of jurisdiction do they employ: general, limited, and appellate jurisdiction
8. How have the Federal Courts changed after 9/11 and the War on Terror?

Discuss the procedures used by the United States Supreme Court and the various types of opinions it hands down.

9. Which cases reach the Supreme Court?

10. What are the procedures used in the US Supreme Court?

11. Define the following: affirmed, reversed, remanded as they pertain to US Supreme Court decisions.

12. What are the 4 different types of US Supreme Court opinions? Explain each.

Evaluate the manner in which federal judges are selected.

13. How are potential judicial appointments made?

14. What is senatorial courtesy?

15. Why are appointments to US Courts of Appeals different from US Federal Courts?

16. What are the most common characteristics of those who serve on the US Supreme Court?

17. Why do US Federal Court judges and Supreme Court Justices serve for life or retirement?

18. Why is there so much partisanship regarding judicial appointments? – use examples during the Bush and Obama Administrations.

19. What role does the Senate play in the confirmation of Federal judges (District, Appeals, and Supreme Court)?

Consider the ways in which the Supreme Court makes policy, and explain the forces that limit the activism of the courts.

20. What is judicial review?

21. What is the difference between judicial activism and restraint? What role did either play in *Citizens United v. FCC*? What role did they play during the Rehnquist and Roberts Courts?

22. How do the executive and legislature check the power of the judicial branch?

23. How does public opinion affect US Supreme Court decisions?

24. Why won't the US Supreme Court rule on cases that involve hypotheticals or political questions?

Judicial Branch in a Flash

Name: _____

It's All About the Robes

Actually, it's not. The cool black robes judges wear are the first things a lot of people think of when they hear the word "judicial." But the first thing you really need to know is how courts were created. The only court the United States Constitution actually creates is the **Supreme Court**—the highest court in the country. The Constitution also allows Congress to create other courts. When Congress created those courts, the federal court system was born.



The federal system is divided into districts called **circuits**.

Two Court Systems

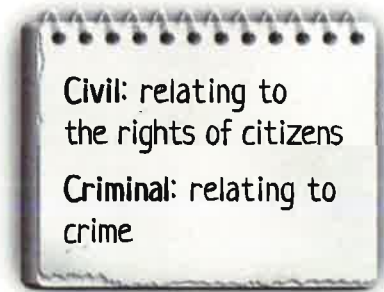
Here's the confusing part: There are two systems of courts in the United States. The **federal court system** deals with disputes about laws that apply to the entire United States. **State court systems** mostly deal with disputes about state laws. Each state has its own court system created by its own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



Most legal issues that people have get resolved in the state court system.



Civil: relating to the rights of citizens

Criminal: relating to crime

Criminal v. 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 can't 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.

You're On Trial!

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 listen 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.



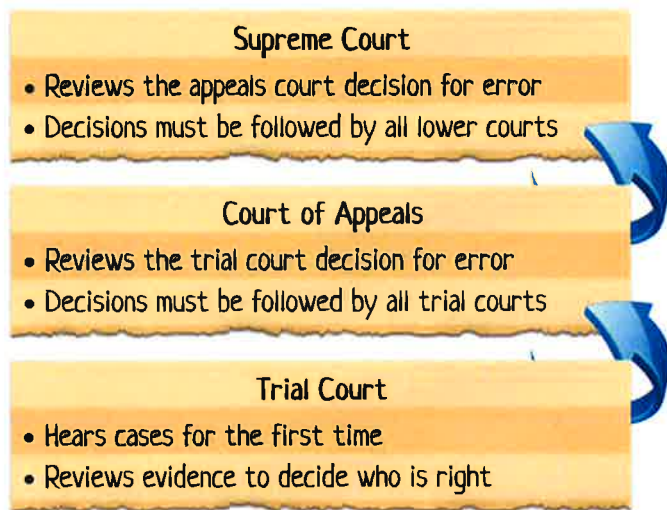
Which roles do you recognize?

Judicial Branch in a Flash

Name: _____

It's Not Over Until It's Over

Losing in the trial court doesn't mean the case is over. If the losing side thinks there's 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. (Your state might have a different name for these courts!) Asking an appellate court to review a case is called making an **appeal**.



Going Up! (And Sometimes Down)

Want to sound like a legal eagle? Then you can 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.

Judges and More 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.



And That's Final!

At the U.S. 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 — and it doesn't 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's it! Only the Court itself can reverse that decision. This power of deciding what is constitutional is called **judicial review**. The U.S. Supreme Court has this power over federal laws. State supreme courts have this power over state laws.



The nine current U.S. Supreme Court Justices.

Judicial Branch in a Flash

Name: _____

A. Complete the Sentence. Use the terms and ideas that you learned in this lesson to finish each statement.

1. The only court the Constitution creates is _____

2. The two court systems in the United States are _____

3. Two kinds of legal cases are _____

4. The job of the Court of Appeals is _____

5. It's difficult to take a case to the Supreme Court because _____

6. If you lose a case in the trial court, you can _____

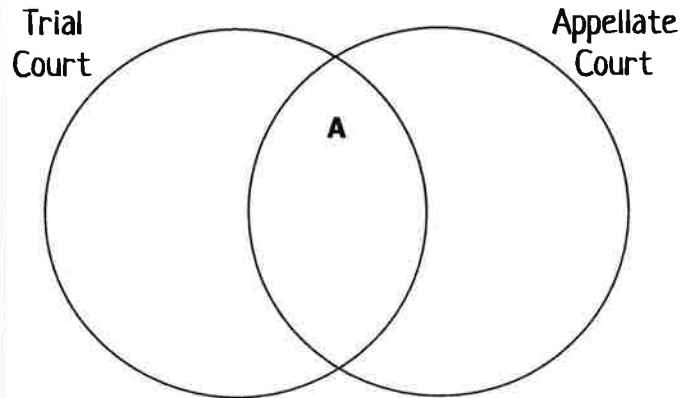
7. If an appellate court affirms a case, it means _____

8. If a law is unconstitutional, the Supreme Court can _____

9. Evidence is used for _____

10. A trial with no jury is called a _____

B. Making Comparisons. Decide whether each description fits trial courts only, appellate courts only, or both, and write the letter of the description in the correct part of the diagram. The first one is done for you.



- A. Hears civil cases
- B. Might have a jury trial
- C. Does not hear cases for the first time
- D. Hears criminal cases
- E. Reviews a verdict to look for mistakes
- F. Usually has three-judge panels
- G. Hears cases for the first time
- H. Works with laws

C. Order in the Court! Number each set of events to put the three events in the correct order.

- _____ The Court of Appeals remands the case
- _____ A new trial begins
- _____ The first verdict is appealed

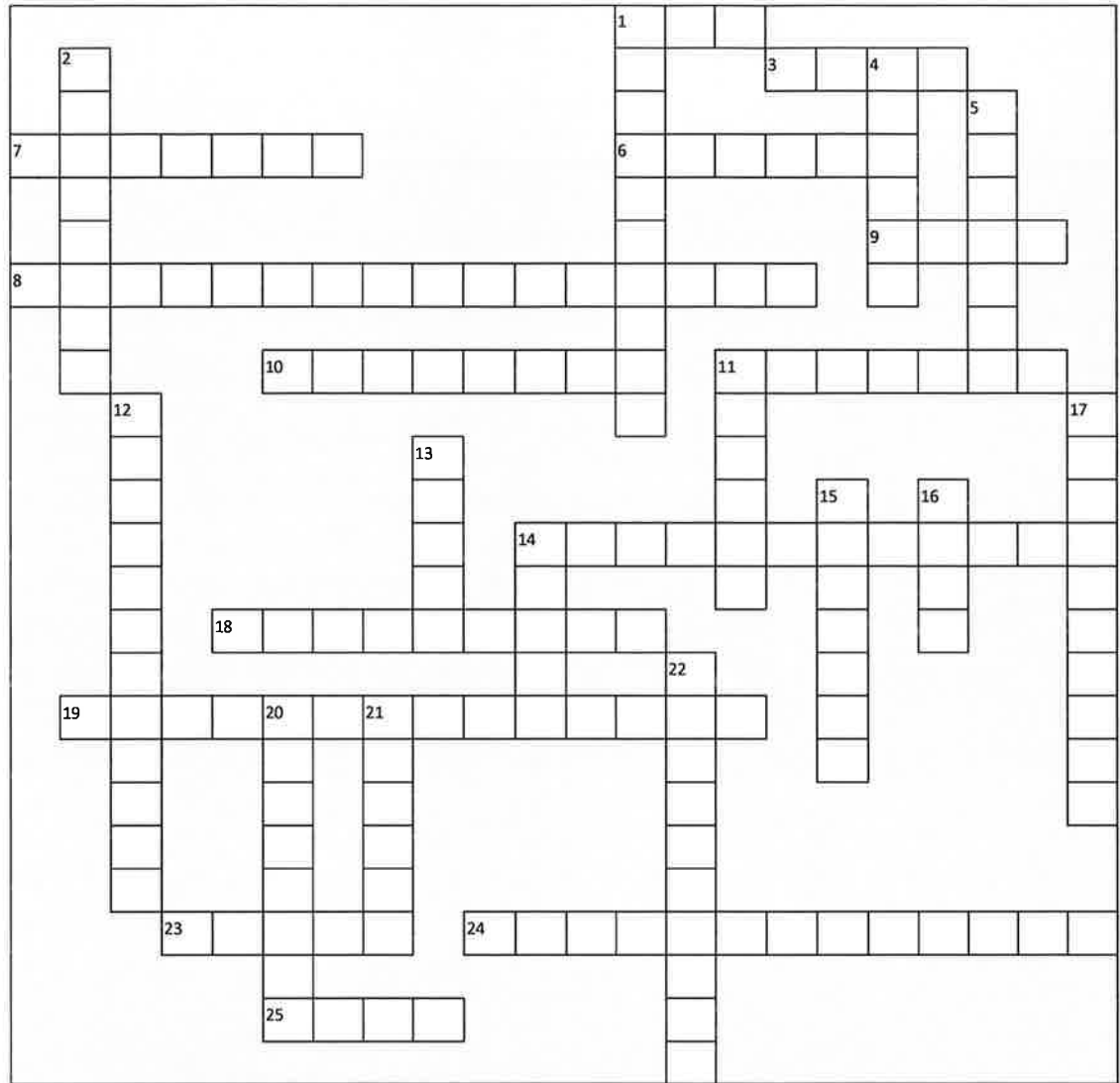
- _____ Trial is held in the District Court
- _____ The Supreme Court agrees to hear the case
- _____ An appeal is made to the Court of Appeals

- _____ Evidence is presented to the jury
- _____ The members of the jury are chosen
- _____ The jury returns a verdict

- _____ The Supreme Court strikes down the law
- _____ Supreme Court hears a case about the law
- _____ Congress passes a law

Judicial Branch in a Flash

Name: _____



Across

1. Number of court systems in the U.S.
3. Group of people who decide a case after hearing the evidence
6. When an appellate court upholds a verdict
7. What appellate judges look for when they review a case
8. Something that goes against the Constitution
9. Number of justices on the Supreme Court
10. Taking a case through the court system is like an _____
11. When an appellate court rejects a verdict
14. This court gets to choose which cases to hear
18. Type of court that reviews the trial court's decision
19. The Supreme Court's power to decide what is constitutional
23. When there is more than one judge, the group of judges is called _____
24. The lowest court in the federal system
25. Choosing between the federal or state court system depends on the _____ involved in the case

Down

1. The first court to hear a case
2. People or things that can prove one side's version of what happened
4. When an appellate court sends a case back to the trial court
5. One kind of evidence
11. What an appellate court does with a case
12. The document that created the judicial branch
13. Type of case relating to peoples' rights
14. Court system that deals with state laws
15. Court system that deals with United States laws
16. What a judge wears
17. One kind of evidence
20. Type of case about someone accused of committing a crime
21. Asking an appellate court to review a case
22. Type of trial that has no jury