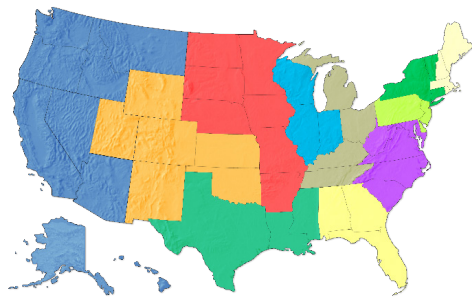


Judicial Branch in a Flash

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?

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.

Appellate courts can...



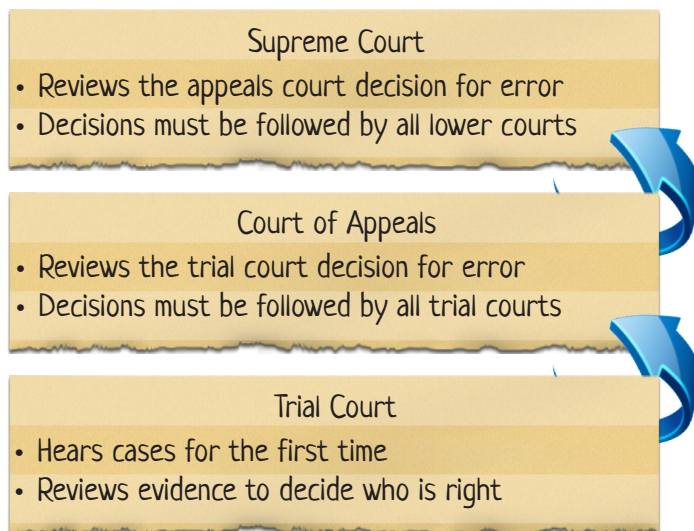
Affirm the trial court's decision, letting it stand



Reverse the decision



Remand the case back to the trial court to start over



Going Up! (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.



Supreme Court Justices.

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.