

## Judicial Branch Vocabulary

**Directions:** Read each section and fill out the chart for each term.

### JUDICIAL REVIEW

In 1803, the U.S. Supreme Court case *Marbury v. Madison* established that the Supreme Court has the power to determine whether or not the actions of the other two branches of government are legal and in line with the U.S. Constitution. This is called judicial review.

With the power of judicial review, the Supreme Court became the chief interpreter of the U.S. Constitution. It also made the judicial branch an equal branch to the legislative and executive branches. With the power of judicial review, the judicial branch can check the actions of the legislative and executive branches and made sure their actions are in line with the Constitution.

Since *Marbury v. Madison*, the U.S. Supreme Court has relied on the power of judicial review to make sure that government actions are constitutional.

<http://www.uscourts.gov/uscourts/educational-resources/get-involved/legal-concepts/judicial-review.pdf>

Central Ideas	Draw a Picture to Represent the Term

### WRIT OF CERTIORARI

A writ of certiorari orders a lower court to deliver its records on a case so that the higher court may review it. A court of appeals (not a trial court) has the power to review cases and a writ of certiorari is the formal process by which that power gets used. The U.S. Supreme Court uses this process to pick most of the cases that it hears.

The U.S. Supreme Court only hears a small number of cases each year. To appeal a case to the Supreme Court a party applies a request for a writ of certiorari to the Supreme Court. These requests are granted when at least three members believe that the case involves a significant federal question, which impacts the public interest. If the Supreme Court denies a request it is saying that it will let the lower court's decision stand.

<http://dictionary.law.com/default.aspx?selected=164>

Central Ideas	Draw a Picture to Represent the Term

### **COURT ORDER & SUMMARY JUDGMENT**

A court order is a legal document where a court tells a person to perform a specific act, prohibits (stops) him from performing an act, sets a court date, or legally establishes something. For example, a court order may require an individual to pay a specific amount of money to another party. It may also stop a person from doing something, such as walking across another party's property. Some court orders are used to set a date explaining when parties involved in a case are expected to appear in court.

In many cases, court orders are given in writing and signed by a judge. In some places, however, a judge's signature isn't enough; an order has to be signed by another person with the power to sign official legal documents.

Depending on the type of case, a person may suffer consequences for failing to follow the instructions in a court order. For example, a person may lose a case if he fails to show up in court at the date and time specified in a court order. If a defendant fails to appear for his trial, he may be arrested and put in jail.

One type of court order is a summary judgment. A summary judgment is a decision made by a trial court judge without the case going to trial. After a lawsuit is filed, the plaintiff (the party suing) or the defendant (the party being sued) can file a motion for a summary judgment. This would occur when one party claims that there is no need for a trial because the facts and evidence are one-sided, making it clear which party would win a trial. If a judge orders a summary judgment, it is viewed as a final judgment and can be appealed to a higher court.

<http://www.wisegeek.com/what-is-a-court-order.htm#didyouknowout>

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