

Judicial Branch in a Flash

Time Needed: One class period

Learning Objectives. Students will be able to:

Materials Needed:

Student worksheets

- Identify the basic levels and functions of the judicial branch
- Compare the three levels of the court system.
- Demonstrate the progress of a case as it moves through the judicial system.

Copy Instructions:

Student packet (*four pages double-sided; class set*)

Judicial Branch Bingo (*class set*)

STEP BY STEP

- ANTICIPATE** with a quick poll of the class, asking how many students have heard the following words: trial, judge, jury, Court of Appeals, Supreme Court, remand or judicial review.
- EXPLAIN** that today will be an overview of the judicial system, and that they will learn all these terms and more.
- DISTRIBUTE** one "Judicial Branch in a Flash!" reading page to each student
- READ** the "Judicial Branch in a Flash!" reading page together with the class, pausing to explain as necessary.
- CHECK** for understanding by using the true/false activity found on the teacher's Active Participation Review guide.
- DISTRIBUTE** the "Judicial Branch in a Flash!" review worksheet. It should have the three sections on one side and the crossword puzzle on the other side. Circulate to answer questions as necessary. Students should use the reading page as a reference sheet.
- ASSIGN** the "Judicial Branch in a Flash!" review worksheet and the crossword puzzle on the back.
- CLOSE** by quizzing the class with the A/B activity found on the teacher's Active Participation Review guide. Read the incomplete statement, then give the class the two answer choices. The class may answer by calling "A" or "B" as a chorus, or by saying the correct answer as a chorus.

**** Optional Extra Activity ****

- PLAY** the Judicial Branch Bingo game with the class. See the Judicial Branch Bingo directions for how to play the game.

Active Participation Review

Directions: Read each statement aloud to the class. Have the class answer in unison. Watch or listen for a mix of answers, indicating confusion. Quickly discuss before moving on.

True/False: Students answer “true” or “false” as a chorus or show you thumbs-up / thumbs-down.

1. The Supreme Court is a trial court. (F)
2. There is only one judge in a trial court. (T)
3. The Supreme Court can strike down an unconstitutional law. (T)
4. When you first begin a trial, you will be in an appellate court. (F)
5. A jury decides the case in a bench trial. (F)
6. The Supreme Court must take every case that gets appealed to it. (F)
7. If you break a state law, your case will probably be in a state court system. (T)
8. The Supreme Court’s power to decide if something is constitutional is called judicial review. (T)
9. It would be easy to prove a case without evidence. (F)
10. If the Court of Appeals remands a case, that means the court says the verdict was right. (F)
11. The federal court system was created by Congress. (T)
12. State court systems were created by the Constitution of the United States. (F)
13. When you ask a higher court to review your case, you are making an appeal. (T)
14. When the Court of Appeals affirms a case, it sends the case back to the trial court. (F)
15. The Supreme Court gets the last word about what the Constitution really says. (T)

A or B? Students answer by saying “A” or “B” as a chorus or by saying the correct answer as a chorus.

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

Judicial Branch in a Flash

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It's All About the Robes

Actually, it's not. The cool black robe judges wear is the first thing 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

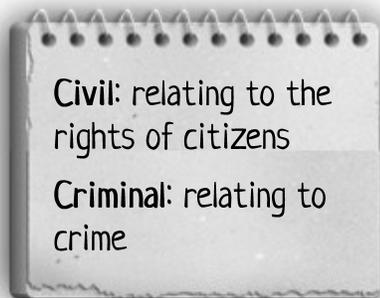
Here's the confusing part: There are two systems of courts in the United States. The **federal court system** deals with disputes about laws that apply to the entire United States. **State court systems** mostly deal with disputes about state laws. Each state has its own court system created by its own 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.



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 listens 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.



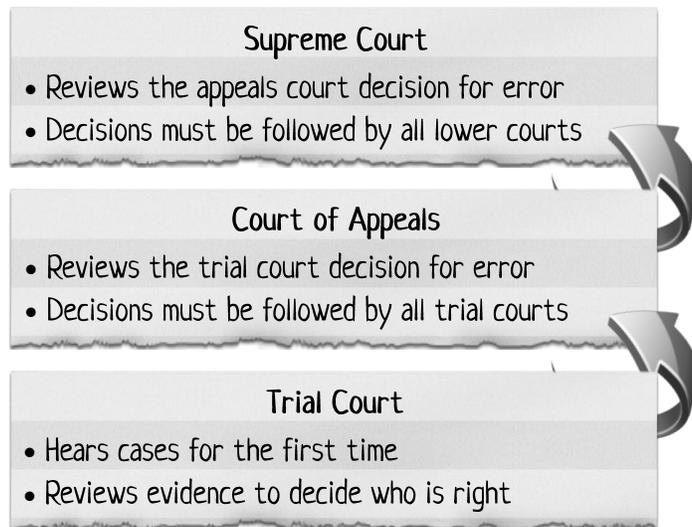
Which roles do you recognize?

Judicial Branch in a Flash

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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 _____

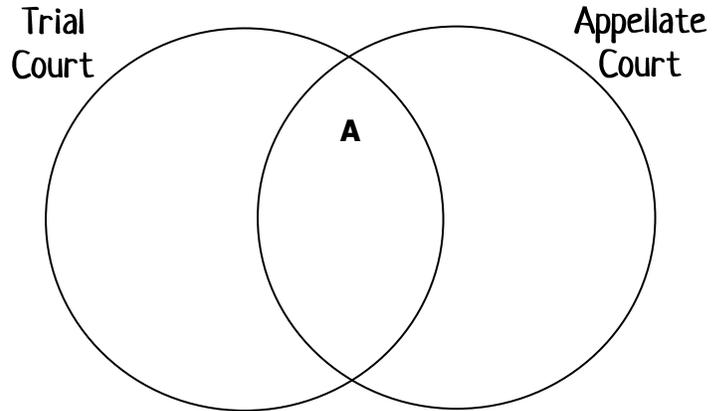
7. If an appellate court affirms a case, it means _____

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

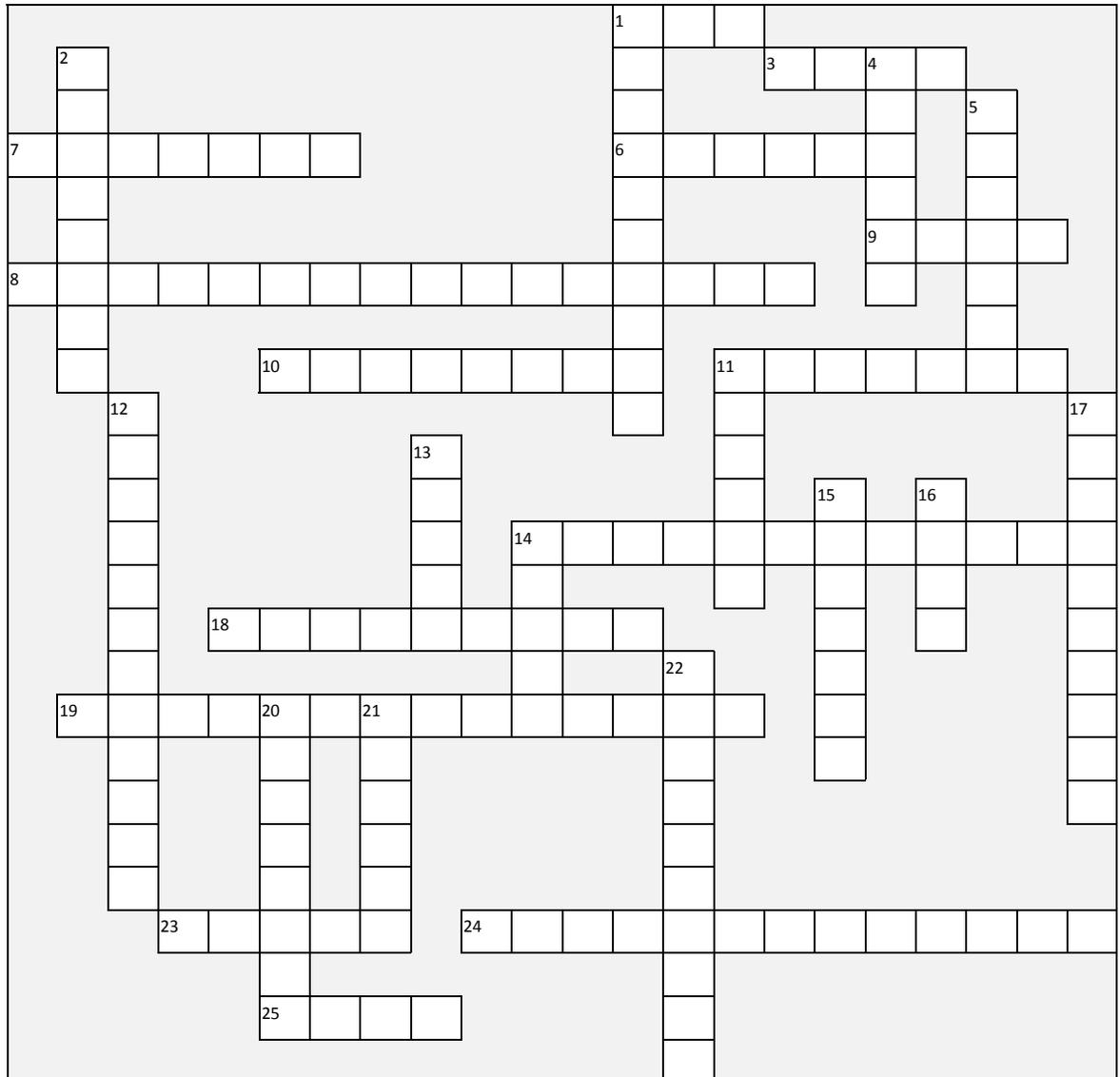
- _____ Trial is held in the District Court
- _____ The Supreme Court agrees to hear the case
- _____ An appeal is made to the Court of Appeals

- _____ 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

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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

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Judicial Branch Bingo. Use 16 of the terms below to fill in each square on the bingo sheet in a random order. Place your markers on the square when your teacher defines the term!



Supreme Court
Trial court
Civil Case
Verdict
Affirm
Judicial Review

Federal Courts
Evidence
Jury Trial
Appellate Courts
Reverse
Court of Appeals

State Courts
Criminal Case
Bench Trial
Appeal
Remand
District Court



Judicial Branch Bingo Instructions. Here's an easy version of bingo that only requires pencil and paper.

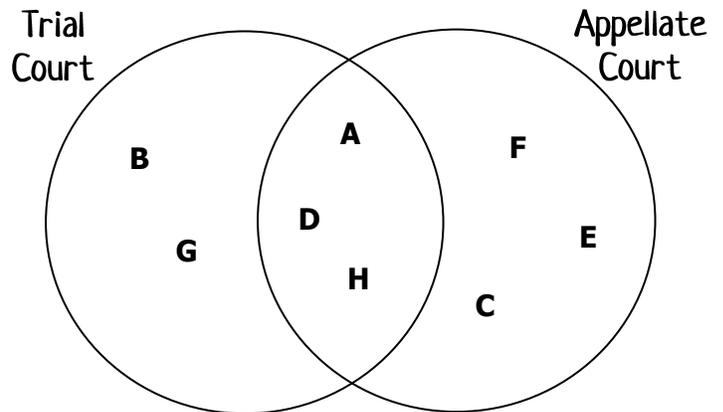
1. Give each student a Judicial Branch Bingo grid.
2. There are 16 squares in the grid and 18 vocabulary words at the bottom of the Bingo page. Students should choose 16 words and write the words in random order in the grid. Emphasize to students that they must choose their own random order for the words, or everyone's grid will be the same and the game won't work.
3. Tell students you will be reading definitions out loud. When they hear a definition, they should look for the correct vocabulary word on their grid. If it's there, they should make a small X in that square.
4. Read definitions out loud at random and keep track of which ones you've read.
5. When a student gets four words in a row either vertically, horizontally, or diagonally, they should call "Bingo!"
6. When a student calls "Bingo," pause the game and ask the student to read the four words back to you. As they read, confirm that you really did read the definitions for those words.
7. Assign the student an appropriate reward (for example, an extra credit point).
8. Continue this round of Bingo until you are satisfied with the number of students who have won. Normally, it works to allow students to get Bingo more than once during a round.
9. When you're ready, stop the round and start over. For the second round, tell students to use a different mark in the grid to distinguish from the first round (for example, an O). Two rounds is usually plenty for one period.

Keep Track	Vocab Word	Definition
	Supreme Court	Court that only reviews some cases, usually about the Constitution
	Court of Appeals	Reviews cases to see if the trial court made a mistake
	District Court	The trial court in the Federal system
	Federal Courts	Courts that hear disputes about laws that apply to the entire United States
	State Courts	Courts that hear disputes about the laws of one state
	Trial court	Court that hears a case for the first time
	Evidence	Objects or information used in court to prove what really happened
	Criminal Case	A case involving someone who is accused of committing a crime
	Civil Case	A case involving a disagreement where one side believes the other side violated their rights somehow
	Jury Trial	A trial where a group of people listens to the evidence and decides the case
	Bench Trial	A trial where only the judge hears the evidence and decides the case
	Verdict	The decision at the end of a case
	Appellate Courts	Courts above the trial court
	Appeal	Asking a higher court to review a case
	Affirm	When an appellate court decides no mistake was made
	Reverse	When an appellate court overturns the trial court's verdict
	Remand	When an appellate court sends a case back to the trial court
	Judicial Review	The power of the Supreme Court to decide what the Constitution really says

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

- The only court the Constitution creates is the Supreme Court.
- The two court systems in the United States are the state and federal court systems.
- Two kinds of legal cases are civil and criminal cases.
- The job of the Court of Appeals is to see if the trial court made a mistake.
- It's difficult to take a case to the Supreme Court because the Supreme Court chooses which cases to hear and they don't choose very many.
- If you lose a case in the trial court, you can appeal to a higher court.
- If an appellate court affirms a case, it means the verdict stays the same.
- If a law is unconstitutional, the Supreme Court can strike it down.
- Evidence is used for proving that one person's side of the story is what really happened.
- A trial with no jury is called a bench trial.

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