

THE JUDICIAL BRANCH

It's All About the Robes

Actually, it's not. The cool black robe that 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. If you read the Constitution of the United States, you'll see the only court it actually creates is the *Supreme Court*—the highest court in the country. But the Constitution also allows Congress to create other courts. When Congress did that, the federal court system was born.



Federal? State? Huh??

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.

You're On Trial!

Almost all court cases begin in a trial court. In the federal system, the trial court is called a District Court. The *trial court* is the first court to hear a case. Everyone loves a good courtroom drama on TV, but in real life people don't usually make shocking confessions on the witness stand. 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!



Criminal or Civil?

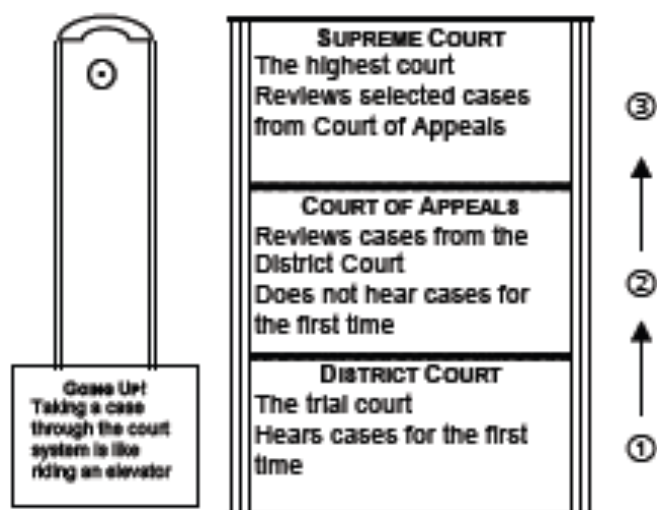
Most trials you see on TV involve a person who has been accused of a crime. But *criminal cases* are not the only kind of cases that go to trial. Sometimes people have a disagreement that they can't resolve on their own. Often one side feels that the other side violated their rights in some way. This 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.

civil - relating to the rights of citizens
criminal - relating to crime



Who Decides?

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.



It's Not Over 'Til It's Over

Losing in the trial court doesn't mean the case is over. The losing side can ask a higher court to look at the verdict and replace it with a different decision. The courts above the trial court are called *appellate courts*. Asking an appellate court to review a case is called an *appeal*. While a trial court only has one judge, at the Court of Appeals cases are usually heard by a three-judge *panel*. The judges review the case to see if the trial court made a mistake. For the losing side in the Court of Appeals, there is one more chance: the Supreme Court, which is the highest court. There, a panel of nine justices reviews the case. But don't hold your breath waiting to take a case to the Supreme Court... The Supreme Court gets to choose which cases it wants to hear, and it doesn't choose very many!

An appellate court can...
... affirm the trial court's decision
... reverse the decision
... remand the case back to the trial court to start over

Who Gets The Last Word?

The judicial branch! That is, if you're talking about the Constitution. If you've ever read the actual text of the Constitution, you know it's not easy to understand. The Supreme Court is in charge of deciding what the Constitution is actually saying. If Congress or the President tries to do something that goes against the Constitution, the Supreme Court can strike it down. Once the Supreme Court has decided 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*.