

Name \_\_\_\_\_ **The Final Word**

There is so much to say about courts and trials. There are a million and one “what-ifs” possible!!!! We are going to read through this WHOLE page before anyone can ask a question. Please keep your hands down and do not shout out anything while we read this. I will answer questions at the end. Thanks!

The Framers created **the judicial (JOO-DISH-UL) branch** for two basic reasons:

1. There needed to be a system for holding people responsible for their actions when they broke the law.
2. There needed to be a way for people to challenge the government when they thought their rights were being taken away from them. (This is another way of saying that sometimes people feel the rights given to them in the Constitution are NOT being given to them.)

Understanding the judicial branch can be quite complicated. What you need to know is:

**A. There are many kinds of courts. The three basic ones are:**

1. County Court
2. State Court
3. Federal Court

There are levels of courts, too. There are appellate courts and a supreme court at both the state and federal levels. We will learn more about these in a minute.

**B. When a case goes to court, it is called – having the case *heard*.** This is because the court (which includes a judge and sometimes a jury) will *hear* all of the evidence.

**C. There are two different kinds of court cases:**

- Criminal – when someone breaks a law
- Civil - when someone wants to protect their rights

Criminal cases are different than civil cases. In a criminal case, there will be a guilty or innocent verdict (outcome) at the end. As you know, there are always two sides to a story. There is a *prosecution* side that wants a guilty verdict; and a *defense* side that wants an innocent verdict. Lawyers from both sides will tell the court the whole story from their perspective. They will try to convince the court to agree with their side by sharing proof of their version of the story. This may be with physical evidence, witnesses, or testimony of experts. Sometimes the person on trial will testify also. Lawyers are allowed to ask questions of anyone who testifies and these people promise to tell the truth when giving their answers.

Once all of the evidence is heard, the judge or the jury decides on which side they agree with more – the prosecution or the defense....guilty or innocent. If the person is innocent, in the opinion of that court, they get to go home free of punishment. If the person is guilty, in the opinion of that court, they will be given a sentence (punishment – fine or jail time, usually) at a later date.

Civil cases are different than criminal cases. There are two basic kinds of civil cases:

1. People are using courts to get something done. For example, if a married couple wants a divorce, they have to go to civil court to undo their legal relationship of marriage and to split up their property fairly between the two of them. There has not been a crime committed; they just want to have a legal decision made about a situation. When you hear about people suing someone for something, that is a civil case, also. Civil cases are when people are trying to protect their rights.

2. People are in a disagreement with some part of the government. For example, a person's house is searched by the police without a warrant which is required by law. The person complains to the court about the government abusing its power.

Just as in a criminal case, there will be two sides heard in court and the opinion of the court will be given as a verdict. If the court agrees with you in cases such as #1 above, you may get a settlement in the form of money or written apologies or other restitution by the losing side. Many times, in a civil case like those in #2 above, the point is not to get something like money out of it but to make a point about what is allowed by the government and what is not allowed. Civil cases are what keep the government from being unfair to citizens. Of course, the outcome of the case depends on the opinion of the particular court who heard the case.

D. *Appeals*: Did you notice the phrase – “in the opinion of the particular court” - ? That is important to notice because it suggests that a different court ( i.e. different judge or different jury) may have a different opinion and therefore give a different verdict! So...court cases really can depend on who you get for a judge or jury!

There is a process for complaining, in a legal way, when you do not think the court has been fair to you. It is called an *appeal*. This means that you want a different judge, in a higher court, to hear your case. You hope that this different judge will see the case from a different perspective and therefore decide in your favor. When a case is heard on appeal, it is heard in an *appellate court*. The appeals process is complicated, too, and can last for years while it goes through several levels of courts. Each level will get requests to listen to cases. If the next highest level refuses to hear the case, then the decision of the lower court is the FINAL WORD on that case. Once the FINAL WORD is given, the person has to accept that decision.

The highest court of all is the Federal Supreme Court! They get 10,000 requests a year to hear appeals. Of course they do not have time to hear them all. In fact, they will listen to only about 100 or less.

The Supreme Court will only agree to hear a case because it is a case that challenges the meaning of the Constitution. The Supreme Court does not hear cases to decide if people are guilty or innocent. They hear cases so they can interpret the Constitution and say what the Constitution means as it relates to the case. The decisions of the nine Supreme Court justices are called opinions. The majority opinion decides the outcome of the case. They have the ultimate FINAL WORD. If you do not like their decision, there is nothing you can do except to hope for new people to get on the Supreme Court eventually so their opinions may be different. Since the President appoints (chooses) a new justice each time someone on the court retires or dies, you can see why it is important to vote for a President who you think will appoint the kind of justice you would like to have on the court. Justices stay for decades and their opinions are what we have to live by, whether we like it or not! Liberal justices will have very different opinions than conservative justices. The decisions of the Supreme Court last a LOOOONNNGGG time...30 or 40 years...or more! We will discuss two particular cases related to this in a few days.

It all comes down to the interpretation of the law, in the opinion of the judge or justices.

The tricky part is...you have to get the court (judge) to agree with you. It may depend on WHO the judge is and what THAT judge thinks the law means. Many times, it comes down to the OPINION of the judge you happen to get. The judge has the FINAL WORD!