**Name:**

**Date:**

**School:**

**Facilitator:**

6.01 Notes Guide

**“Overview of the Judicial Branch”**

Answer the 6.01 Notes Guide as you review the lesson. Submit your completed work to the **6.01 Notes Guide Dropbox** at the end of the lesson.

Introduction:

Watch the video: *The Judicial Branch*. Which branch has the least information devoted to it in the Constitution?

**Tab 1: Collaborative Project**

What is a Collaborative Project?

A      can be defined as a project that enables students to work together to create a product of substance and develop problem solving skills. (Payne & Monk-Turner, 2006) Collaborative projects not only provide opportunities for authentic learning and real-life applications, they are now required for ACCESS courses.

In other words, it is a project that you will complete with one or more other students, working together to reach a specific goal. Throughout this course, you have already interacted with one another in discussions on various topics. The teacher will assign everyone to a group with 3 to 4 members and a Court to research. Groups will be posted to the Project Discussion1. Think about which topic and role sounds most interesting to you and make suggestions to your group members via the discussion. By the end of this lesson, you will have selected a topic related your group’s Court and a group role and submitted them to your teacher on the form provided.

What are the Expectations and Requirements?

You will also want to know what you are expected to do for this project. Here are the requirements:

* + Project topics and individual research role
  + Rough Draft of PowerPoint Presentation
  + A PowerPoint Presentation with 10 to 15 Slides Total

**Part 1** The first portion will contain a title slide followed by the research from each group member on their assignment (individual research should include at least 2 to 3 slides)

**Part 2** The final slide will list your sources in MLA format three (or more) Make sure to follow these       guidelines.

* + A completed form listing your contribution to the assignment
  + Internet sources in MLA format
  + Project Discussion Posts including final project post.

What are the Research Topics?

The history of the Supreme Court can be studied according to courts or cases. The Court has traditionally been named after the Chief Justice on the bench during a particular period. Later in the unit, you will study Supreme Court      , or cases that establish an important new legal principle or change the interpretation of an existing law. There are a few Supreme Court Chief Justices whose courts have had a major impact on our government due to the number and/or significance of landmark decisions handed down in their Court. Your group will be assigned one of the following Courts to research the Chief Justice and landmark cases:

Marshall Court (1801-1836)

Warren Court (1953-1969)

Burger Court (1969-1986)

Rehnquist Court (1986-2005)

What can I find more information?

Study the court cases below. Each case was selected for you to consider because of its long term impact on American society.

* [Marbury v. Madison](http://www.oyez.org/cases/1792-1850/1803/1803_0)
* [McCulloch v. Maryland](http://www.oyez.org/cases/1792-1850/1819/1819_0)
* [Gibbons v. Ogden](http://www.oyez.org/cases/1792-1850/1824/1824_0)
* [Wallace v. Jaffree](http://www.oyez.org/cases/1980-1989/1984/1984_83_812)
* [Bush v. Gore](http://www.oyez.org/cases/2000-2009/2000/2000_00_949)
* [Texas v. Johnson](http://www.oyez.org/cases/1980-1989/1988/1988_88_155)
* [Tinker v. Des Moines](http://www.oyez.org/cases/1960-1969/1968/1968_21)
* [Reno v. ACLU](http://www.oyez.org/cases/1990-1999/1996/1996_96_511)
* [Mapp v. Ohio](http://www.oyez.org/cases/1960-1969/1960/1960_236)
* [Brown v. Board](http://www.oyez.org/cases/1950-1959/1952/1952_1)
* [Miranda v. Arizona](http://www.oyez.org/cases/1960-1969/1965/1965_759)
* [Gideon v. Wainwright](http://www.oyez.org/cases/1960-1969/1962/1962_155)
* [U.S. v. Nixon](http://www.law.cornell.edu/supremecourt/text/418/683)
* [Wyatt v. Stickney](http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-2375)
* [Powell v. Alabama](http://www.oyez.org/cases/1901-1939/1932/1932_98)
* [Roe v. Wade](http://www.oyez.org/cases/1970-1979/1971/1971_70_18)

What will you need to include?

Your group will research the court you have chosen and create a collaborative PowerPoint presentation worth a total of      .

Each group should research the following topics for their court.

* Summary of the key cases in the period (2 or 3 cases depending on the number of members in your group) including a breakdown of the votes and the outcomes.
* Biography research on the Chief Justice including an assessment of the judicial philosophy over that period
* Overall conclusions about the importance of that court.

**2 to 3 group members** will research landmark cases of the court

**1 group member** will research the Chief Justice

     will contribute to overall conclusions about the importance of the court and assessment of the judicial philosophy and to the set-up and review of the PowerPoint Presentation.

**Your project will be due**      **.**

**Tab 1: Judicial Branch**

Judicial Branch Overview

Article III of the Constitution gives judicial power of the United States to the Supreme Court and any lower courts that may be established by Congress. Our judicial branch is comprised of two court systems: federal and state. The       deals with the       of a law. The U.S. Federal Courts include the Supreme Court, U.S. Courts of Appeals, U.S. District Courts or Trial Courts, and other special courts. The       can deal with anything from criminal cases to family law cases.

The Supreme Court and Judicial Review

While Article III of the Constitution gives Congress the authority to create the lower federal courts, the Constitution specifically creates only one court, the      . The Supreme Court is the highest court in the country and its main responsibility is to interpret the laws. In other words, the Court’s number one job is      which is the power to decide if a law or government action violates the constitution.

The power of judicial review was established with the landmark case       in 1803. Because of this power, the Supreme Court plays the vital role of referee between the other branches of the Federal government and between federal and state governments. The Supreme Court is the final authority on constitutionality and the meaning of the Constitution.

Checks and Balances by the Judicial Branch

The power of judicial review is a vital aspect of the system of checks and balances. The power of both the executive and legislative branches of government is checked by the judicial branch’s authority of judicial review. In other words, the judicial branch can declare laws made by Congress and actions of the President unconstitutional. In addition, judges appointed by the President serve for life.

Limits on Judicial Power

While the power of judicial review provides the judicial branch with a powerful check on the other branches, the Constitution also provides the other branches the means to limit the power of the courts.

The judicial branch is limited by the legislative branch’s power to:

* Refuse judicial appointments
* judges
* Create lower courts
* Propose constitutional amendments to overrule Supreme Court decisions
* Control the Supreme Court’s

In addition, the judicial branch is limited by the President’s power to appoint judges. The President also has the power to grant reprieves and pardons to those who have been convicted of federal offenses.

How Cases Reach the Supreme Court

Though there are a few exceptions, most cases do not start in the Supreme Court. The Court can have       in cases involving two or more states and ambassadors or foreign officials. However, Supreme Court cases usually start in a lower court and are      , or tried again, to a higher court.

The higher courts are called      in the state court system. The federal court system has lower courts called       and higher courts called      . If the higher and lower courts agree on the decision and the case involves federal or Constitutional law, the losing party may ask the Supreme Court to grant a      , an order to review the case.

Selection of Supreme Court Cases

The Supreme Court only hears about 100 out of the approximately 8,000 cases that are sent each year. So, how does the Court decide which cases will be placed on the      , or schedule of cases to be heard?

At least four of the nine Supreme Court Justices must decide to hear a case based on whether it is worthy and involves a pressing constitutional issue and its possible impact on lower courts.

After the Court decides to hear a case, the Justices read and study the      , or written summary of arguments presented by each side.

Arguing Cases Before the Supreme Court

After the Justices have studied the briefs, the lawyers from each side are allowed one-half hour to present their      . Justices may interrupt oral arguments at any time to ask probing questions.

After oral arguments, the Chief Justice leads the other Justices in conference, private meeting to discuss the case. It takes a      , or at least five of nine Justices to represent a ruling in a case. The Chief Justice decides who will write the opinion if he is in the majority. However, if the Chief Justice is in the minority, the Justice in the majority with the most seniority on the Court decides who will write the opinion.

The Supreme Court convenes, or meets, beginning on the first Monday of October and decides all cases argued during a term before the end of June when they recess for the summer.

Review and Practice

Complete [**How a Case Goes to the Supreme Court**](https://app.discoveryeducation.com/player/view/assetGuid/D7928B00-7B64-49A0-B8E0-EB4EBCC9208A) Skill Builder from Discovery Learning to practice what you have learned about the Supreme Court.