A picture containing sketch, black, design, black and white

Description automatically generated



The third branch of government created by Article III of the U.S. Constitution is the judicial branch. The judicial branch includes the Supreme Court, **federal courts,** and **state courts**. Article III of the Constitution outlines the U.S. court structure.

The U.S. Supreme Court is the highest court in the nation. In most cases, the Supreme Court has **appellate jurisdiction**, which means it has the power to review cases already decided in lower courts. Sometimes the U.S. Supreme Court has **original jurisdiction**, which means it has the power to hear a case first. For example, cases involving disagreements between two states would be first heard by the U.S. Supreme Court.

There are thousands of requests for appeals to be heard by the Supreme Court each year. Fewer than 100 are likely to be accepted. Once the Supreme Court reviews an appeal, the Court decides whether or not to hear the case. The Court will issue a **writ of certiorari** if the Court decides to accept the case on appeal.

Because most cases that the Supreme Court accepts on appeal deal with constitutional questions, the Supreme Court uses its power of **judicial review**. Judicial review means that the Supreme Court can decide whether or not a law is constitutional. This power was not originally written into the U.S. Constitution. Instead, the Supreme Court interpreted the Constitution to mean that it does have this power in the ***Marbury v. Madison*** case (see SS.7.CG.3.11).

Courts use different processes to conduct their work. For example, courts issue **court orders**, which are documents requiring that someone do or not do something. Sometimes, the two opponents in a case may try to speed up the court process by requesting a **summary judgment**. A summary judgment is decided on the basis of evidence given to the court and keeps the case from going to trial.

