



*Judicial Branch: SS.7.CG.3.9 Structure,
Functions & Processes of the
Judicial Branch*
VIDEO #4 SCRIPT



Judicial Branch Video

1. The judicial branch has an important role in making the government of the United States work. But, what does the judicial branch even do?
2. That's a pretty big question to start with, so let's jump in. After watching this video, you will understand some of the main powers of the judicial branch, specifically:
 - ✓ Granting writs of certiorari,
 - ✓ the power of judicial review, and
 - ✓ Handing down court orders, including summary judgments.
3. As you may have already learned, the legislative branch is described in Article I (one) of the US Constitution, while Article II (two) covers the executive branch. In Article III (three), we'll find the judicial branch.
4. The judicial branch includes the U.S. Supreme Court and all lower federal courts. Article III of the U.S. Constitution names only the Supreme Court and allows Congress to create all other federal courts.
5. The Supreme Court is the highest court in the nation. In most court cases, the Supreme Court has appellate jurisdiction, which means it has the power to review cases that have already been decided in lower courts.
6. Sometimes, though, the U.S. Supreme Court has original jurisdiction, which means the Court has the power to be the first to hear a case. For example, cases involving disagreements between two states would be first heard by the U.S. Supreme Court.
7. One thing to remember is that there are thousands of requests for appeals to be heard by the Supreme Court each year. Fewer than 100 are likely to be accepted. \
8. If the Court decides to hear a case, it will issue a writ of certiorari. A writ of certiorari orders a lower court to deliver its files on a case so that the higher court may review it. An appeals court has the power to review cases and this writ is the formal process by which that power gets used. The U.S. Supreme Court uses this process to pick most of the cases that it hears.

9. Let's check in. Try to answer this question: What is a writ of certiorari?

10. ANSWER TO QUESTION

Did you get that? Great!

10. So let's take a look and review what we've learned so far. Article III, remember, covers the judicial branch, and this branch includes the US Supreme Court and lower courts established by Congress. The Supreme Court has both appellate and original jurisdiction, and the court issues a writ of certiorari if it will hear a case on appeal.

11. In 1803, we had a very important case, Marbury v. Madison. Marbury vs Madison established the principle of judicial review. You can learn more about this case by watching the Landmark Supreme Court Cases video under the Legal System topic area, but for now, just know that it established judicial review.

12. So Marbury vs Madison established judicial review, just what is this concept of judicial review? Judicial review is the power of the court to determine whether the actions of the other two branches conflict with the Constitution. They can review laws that have been put in place, executive orders that have been signed, or actions that have been taken by either of the branches.

13. With the power of judicial review, the Supreme Court became the chief interpreter, or translator, of the U.S. Constitution. It also makes the judicial branch an equal branch to the legislative and executive branches. With the power of judicial review, the judicial branch can check the actions of the legislative and executive branches and made sure their actions are in line with the Constitution.

14. Since Marbury v. Madison in 1803, the U.S. Supreme Court has used the power of judicial review to make sure that government actions are constitutional.

15. So we've learned a lot so far, so let's take a quick check in. Try to answer this question: How is judicial review a check on the power of the executive and legislative branches?

16. ANSWER TO QUESTION

We've learned a lot so far, but let's learn one more thing. Let's talk now about this idea of court orders.

16. A court order is a legal document where a court tells a person or group to perform a specific action, prohibits, or stops, a person or group from performing an action, sets a court date, or legally establishes something.

17. For example, a court order may require an individual to pay a specific amount of money to another party. It may also stop a person from doing something, such as walking across another person's property. And some court orders are used to set a date explaining when parties involved in a case are expected to appear in court.

18. Depending on the type of case, a person may suffer consequences for failing to follow the instructions in a court order. For example, a person may lose a case automatically if that person fails to show up in court at the date and time specified in a court order. And if a defendant, who is somebody on trial, fails to appear for the trial, the defendant may be arrested and even put in jail.

19. One commonly issued type of court order is a summary judgment. A summary judgment is a decision made by a trial court judge without the case going to trial. After a lawsuit is filed, the plaintiff, the one who sues, or the defendant, the one who is being sued, can file a motion for a summary judgment. This would occur when either the plaintiff or the defendant claims that there is no need for a trial because the facts and evidence are so one-sided, making it clear who would actually win. If a judge orders a summary judgment, it is viewed as a final judgment and can be appealed to a higher court.

20 So let's take a look and review what we've learned so far. Article III, remember, covers the judicial branch, and this branch includes the US Supreme Court and lower courts established by Congress. The Supreme Court has both appellate and original jurisdiction, and the court issues a writ of certiorari if it will hear a case on appeal.

21. And don't forget Marbury vs Madison, which established the idea of judicial review. Remember that this is the power of the judicial branch to determine if the actions of the other two branches are actually constitutional. Court orders are legally binding orders that set trial dates, legally establish something, or require or forbid an action by a person or a group. And summary judgements are decisions, or court orders, made by a judge without going to trial because the evidence is so one-sided.

22. We've learned a lot with the judicial branch today, so let's recap our learning by seeing if we can answer a pretty important question connected to everything we learned.

23. Based on what you have learned, what role does the judicial branch play in the system of checks and balances?

24. ANSWER TO QUESTION

25. We've learned a lot about the judicial branch today. Just remember that the judicial branch is the one that ultimately interprets the Constitution and determines whether the actions of the President or Congress are constitutional.