

Court Paths and Power

Trace jurisdiction, appeals, and constitutional review.

CE.5.a “describing the system of state and federal courts including, but not limited to jurisdiction and judicial review;”

NAME _____

DATE _____

1 READ AND MARK _____ Read it twice

YOUR JOB Underline details about state-court jurisdiction, circle details about federal-court jurisdiction, and write JR beside the sentence that explains judicial review. These marks will help you compare what each court system does.

Two Court Systems

- ① Courts settle legal disputes by applying the Constitution, laws, and rules. The United States has two court systems: federal courts and state courts. Each system has jurisdiction, or authority to hear certain cases. State courts hear most cases, including disputes about state laws, family matters, traffic offenses, and many crimes. A state case usually starts in a trial court, where witnesses testify and evidence is presented. If a party challenges the decision, an appellate court reviews the trial court's work for legal errors.
- ② Federal courts have jurisdiction over cases involving the U.S. Constitution, federal laws, treaties, or disputes between states. They also hear certain cases involving people from different states when legal requirements are met. Most federal cases begin in a U.S. district court. Appeals generally move to a U.S. court of appeals. The U.S. Supreme Court is the highest federal court. It may choose to review appeals, especially cases involving important constitutional questions. A state court's final decision can also reach the Supreme Court when it raises a federal question.
- ③ Judicial review is the power of courts to decide whether a law or government action conflicts with the Constitution. In *Marbury v. Madison* (1803), the Supreme Court established this power. For example, suppose a state passes a law that bans a type of protected speech. A court hearing a challenge compares the law with constitutional protections. If the court finds a conflict, it can declare the law unconstitutional and refuse to enforce it. Courts do not write replacement laws, and their decisions can be appealed through the proper court system.

2 ANSWER WITH EVIDENCE _____ Use the passage

1 What does jurisdiction mean, and which court system hears most cases?

2 List the usual path of a federal case from its starting court to the highest federal court.

3 When can a final decision from a state court reach the U.S. Supreme Court?

4 In the protected-speech example, how does a court use judicial review, and what can the court do if it finds a conflict?

3 YOUR TURN _____ Your own words

Write four sentences about a person who challenges a state law that limits peaceful petitions. Explain a possible court path for the case and how judicial review could affect the law.

PART 1 • READ AND MARK

Underline details about state-court jurisdiction, circle details about federal-court jurisdiction, and write JR beside the sentence that explains judicial review. These marks will help you compare what each court system does. Accept any marking that follows this job and points at the right text.

PART 2 • ANSWERS

#	QUESTION	ANSWER
1	What does jurisdiction mean, and which court system hears most cases?	Jurisdiction is a court's authority to hear certain cases. State courts hear most cases.
2	List the usual path of a federal case from its starting court to the highest federal court.	A federal case usually begins in a U.S. district court, can be appealed to a U.S. court of appeals, and may be reviewed by the U.S. Supreme Court.
3	When can a final decision from a state court reach the U.S. Supreme Court?	It can reach the U.S. Supreme Court when it raises a federal question.
4	In the protected-speech example, how does a court use judicial review, and what can the court do if it finds a conflict?	The court compares the state law with constitutional protections. If the law conflicts with the Constitution, the court can declare it unconstitutional and refuse to enforce it.

PART 3 • YOUR TURN (SAMPLE ANSWER)

Jordan challenges a state law that limits peaceful petitions. The case could begin in a state trial court because it concerns a state law. If Jordan appeals, it could move through the state appellate system, and a final decision on the federal constitutional claim could reach the U.S. Supreme Court. The court uses judicial review to compare the law with the Constitution and may refuse to enforce it if it conflicts.

Accept equivalent descriptions of state and federal jurisdiction and appeal paths. For the open response, accept a federal-court path if the student correctly explains that the constitutional claim gives federal courts jurisdiction.