**Civics**

**Court information**

**Fluharty**

**Day one**

Reading :

You probably already know about the Supreme Court, the highest court in the United States . And perhaps you have heard about people in your community going to local courts. But you might not know that between those two institutions is an extensive court system with many different levels.

There are two main sides of the court system: the state side and federal (national) side. Both sides have multiple levels of courts. Federal courts deal with cases that involve federal law, while state courts deal with cases that involve state laws. On the state side, the lowest level are local courts. The local court system handles issues like traffic violations, divorces, and local crimes. Most of these cases are resolved in local courts. Sometimes, though, the people involved in a local court case will appeal the decision, which means that they ask a higher-ranking court to look at the case themselves. When this happens, the case moves to what is called a court of appeal. The highest level of appeals court in each state is the state Supreme Court, which has the final say in that state.

The federal side of the court system only deals with cases that involve federal laws. Common examples of federal cases are immigration cases, lawsuits between two people who live in different states, and federal drug crimes.  Only a small percent of all law cases in the United States are in the federal court system.  The lowest level of federal courts are district courts. There are 94 district courts in the United States. Like state cases, federal cases can be appealed up to courts of appeal. There are 13 federal appeals courts, or “circuit” courts.

The U.S. Supreme Court is the final court of appeals for both the federal and state sides of the court system. The Supreme Court is “the highest court in the land,” which means that its decisions are final and cannot be appealed any further. The nine judges on the Supreme Court, called “justices,” are not required to hear all the cases that are appealed to them. In fact, the Supreme Court only hears about 1% of requests. When the Supreme Court decides not to hear a case, the decision of the lower court who last heard the case remains in place.

Though high-ranking courts mostly hear appeals, there are times when a case will start at a high-level court. One example of this is the 1998 case New Jersey v. New York, about which state owned [**Ellis Island**](https://www.nps.gov/elis/index.htm). This case went directly to the U.S. Supreme Court because it was a dispute between two state governments.

Most court decisions in the United States do not affect more people than those who are directly involved with the case. Sometimes, though, a court decision will change an entire law. One example is the 1967 case Loving v. Virginia, which was appealed up to the U.S. Supreme Court. All nine justices agreed that Mildred and Richard Loving, an interracial couple, could legally marry in the state of Virginia because Virginia’s ban on interracial marriage went against the U.S. Constitution. As a result, the many states who had similar bans could also not continue to prevent interracial marriages. Loving v. Virginia is one example of the wide effect that a court decision can have.

Because of the effectiveness of some court cases, activists will use lawsuits to try to change the law. Many people in U.S. history have used this process of litigation. Of course, anyone attempting to change the law through the court system can fail if the court does not agree with them. The litigation process is also long and can be expensive. When it is successful, though, litigation is a powerful way to create change. Unlike other ways of changing the law, litigation does not require support from lawmakers. So, the U.S. Supreme Court can make a ruling that would not pass as a bill in Congress. Legal cases also set “precedent,” which means that a court’s decision in a case is supposed to influence future courts in their decisions.

Questions:

1. How is the federal court system different from state court systems? How is it similar?
2. What is an example of a case that would begin in a federal district court? Why would this case not begin in a state court?
3. What is an example of a court case that results in a law being changed? What is an example of a court case that does not result in a law being changed?
4. Why is litigation an effective way to change the law?
5. How does the Supreme Court “check,” or limit, the power of the president and Congress?

**Day Two**

**Researching How Crimes are Classified**

The classification of different crimes in the United States is not set in stone. Certain offenses have been classified differently at different times. For instance, extreme animal cruelty only became a federal offense, instead of a state one, in 2019. Research a current effort to reclassify an offense, working either individually or in small groups. Possible topics include:

* Making lynching a federal crime
* Making crossing the border between ports of entry (crossing illegally) a civil offense, not a crime
* Making nonviolent drug offenses misdemeanors instead of felonies

Using credible online sources, find three reasons that people have given in support of reclassifying the offense. Possible sources include (but are not limited to) news articles, nonprofit organizations’ publications, and quotes and press releases from politicians. According to activists, what is the main problem with the existing classification? What positive effects do they believe that reclassification would have?

Share their findings with the class. Only include the most important information and to explain concepts that some people may not understand.

#### Day Three

#### Researching Your State Supreme Court

Every state, district, and territory in the United States has its own Supreme Court. Using the internet, research the answers to the following questions. Make sure to use credible online sources.

1. How many judges serve on the court?
2. How do judges join the court?
3. How long are the judges’ terms?

4 What is a case that the court has decided? Describe in a few sentences what the case was about.

5 What is an interesting fact about the court or any of its current judges?

**Wrap up Questions:**

1. Why might the way our court system be structured matter to you or the people around you, like your family, friends, or community?
2. How do you think this court system helps or hurts people bringing cases to court?
3. What does learning about the judicial system make you wonder or want to learn more about?