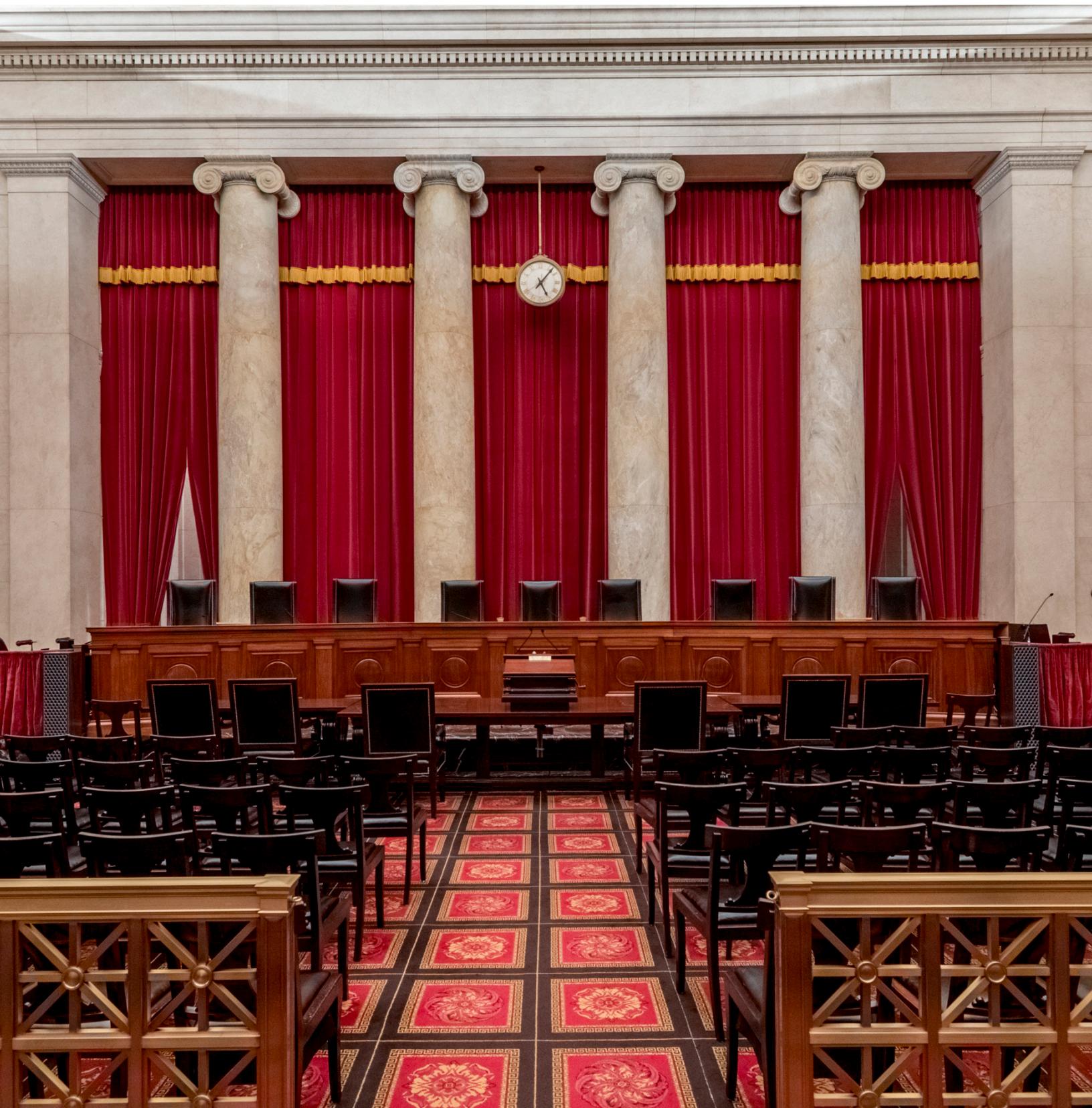


Supreme Court of the United States

Supreme Court 101: A Student's Guide

Recommended for ages 13+

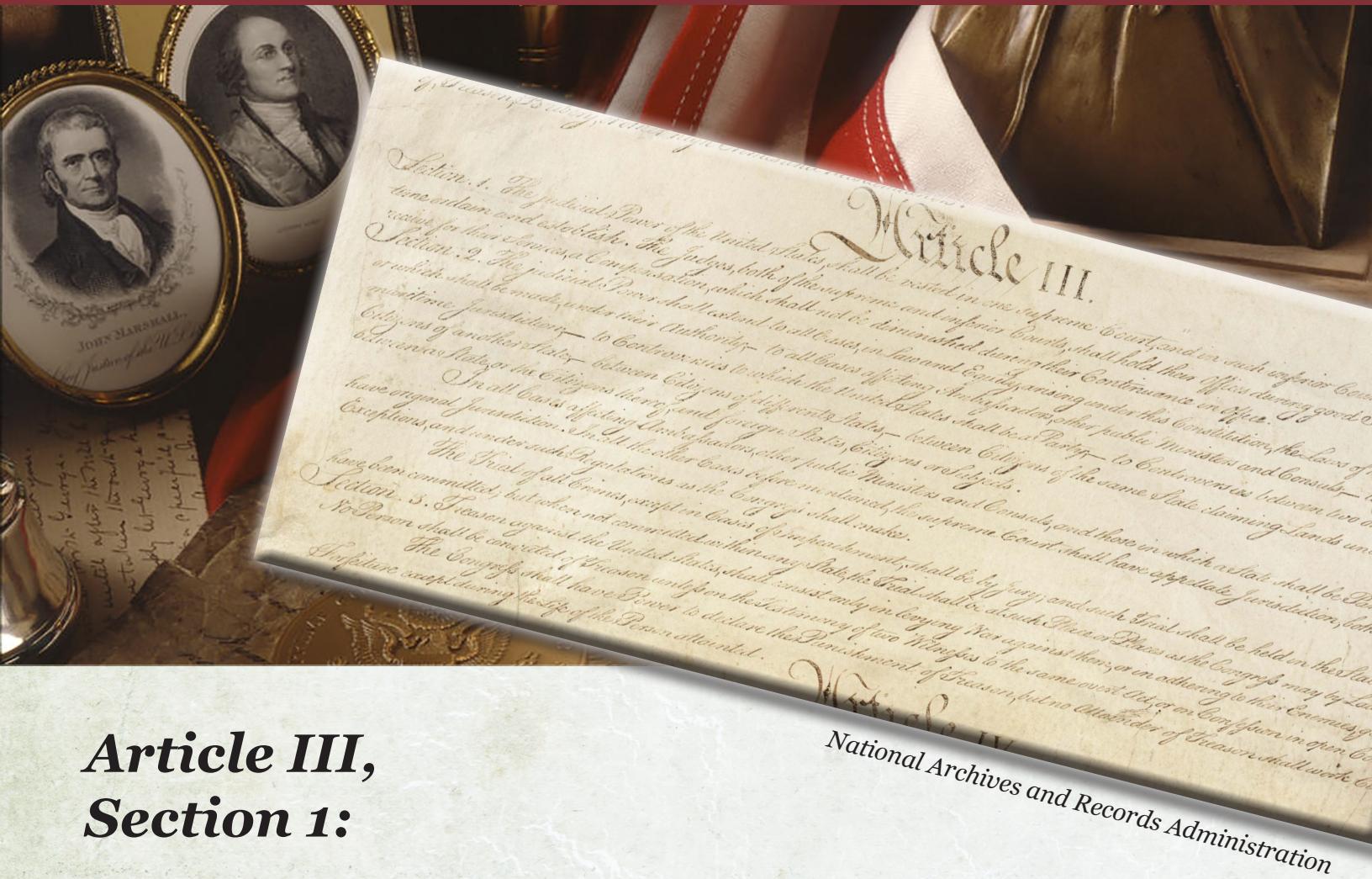


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Article III of the U.S. Constitution

What created the Supreme Court?



Article III, Section 1:

*“The judicial power of the United States, shall be vested in **one supreme Court**, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the **supreme** and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.”*



Article III of the U.S. Constitution

Test Your Knowledge

Based on the text of Article III, Section I of the U.S. Constitution, answer the following questions **True** or **False**.

1. Article III established that there would be one Supreme Court. *T* *F*

2. The Supreme Court has the power to create lower, or inferior, courts. *T* *F*

3. Judges of the Supreme Court and all Article III federal lower courts hold their offices during “good Behaviour.” *T* *F*

4. Unless they are removed from office as a result of the impeachment process, Judges of the Supreme Court hold their offices until they resign, retire, or die. *T* *F*

5. Congress can decrease the Compensation (salary) of Judges while they hold office. *T* *F*

Did You Know?



The Constitution does not specify the number of Justices that make up the Supreme Court. This power was left to Congress. The Judiciary Act of 1789 set the number of Justices at six: one Chief Justice and five Associate Justices. This number has varied over time from as many as ten to as few as five. Since 1869, there have been nine Justices.

The Justices

Meet the Justices of the Supreme Court of the United States



Standing, from left: Associate Justices Amy Coney Barrett, Neil M. Gorsuch, Brett M. Kavanaugh, and Ketanji Brown Jackson

Seated, from left: Associate Justices Sonia Sotomayor and Clarence Thomas, Chief Justice John G. Roberts, Jr., and Associate Justices Samuel A. Alito, Jr., and Elena Kagan

The Supreme Court is composed of a Chief Justice and eight Associate Justices. They are appointed by the President and confirmed with the advice and consent of the U.S. Senate. Justices hold their offices during “good Behaviour” and can only be removed through impeachment, a process that involves both the U.S. House of Representatives and the U.S. Senate.

The Chief Justice is considered “First Among Equals.” He has administrative responsibilities as the head of the Supreme Court and the judicial branch of the federal government but does not have greater power or influence than his colleagues in the decisions made by the Court.

Seniority & The Bench

Where do the Justices sit on the Bench?



The Justices sit on the Bench in order of seniority. The Chief Justice is always considered the most senior Justice, regardless of age or length of service, and sits in the center. The most senior Associate Justice sits to the Chief Justice's right. The next most senior Justice sits to the Chief Justice's left. Seating continues in this manner, alternating from the Chief Justice's right to left. The most junior Justice sits to the Chief Justice's far left.

Based on your understanding of seniority, can you list the Justices from most senior to most junior? Fill in the blanks.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____

The Work of the Court

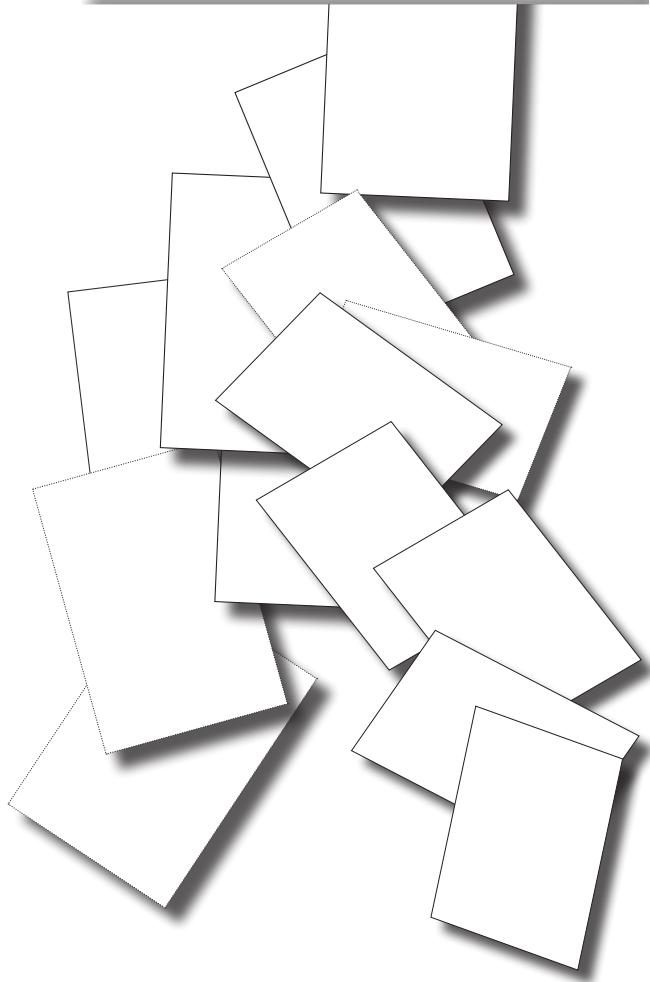
How do cases reach the Supreme Court?

Article III, Section 2:

“The judicial Power shall extend to all Cases, in Law and Equity arising under the Constitution, the Laws of the United States, and Treaties made, of which shall be made, under their Authority...”

It is the role of the federal courts to ensure that all laws and the government actions under them are consistent with the Constitution.

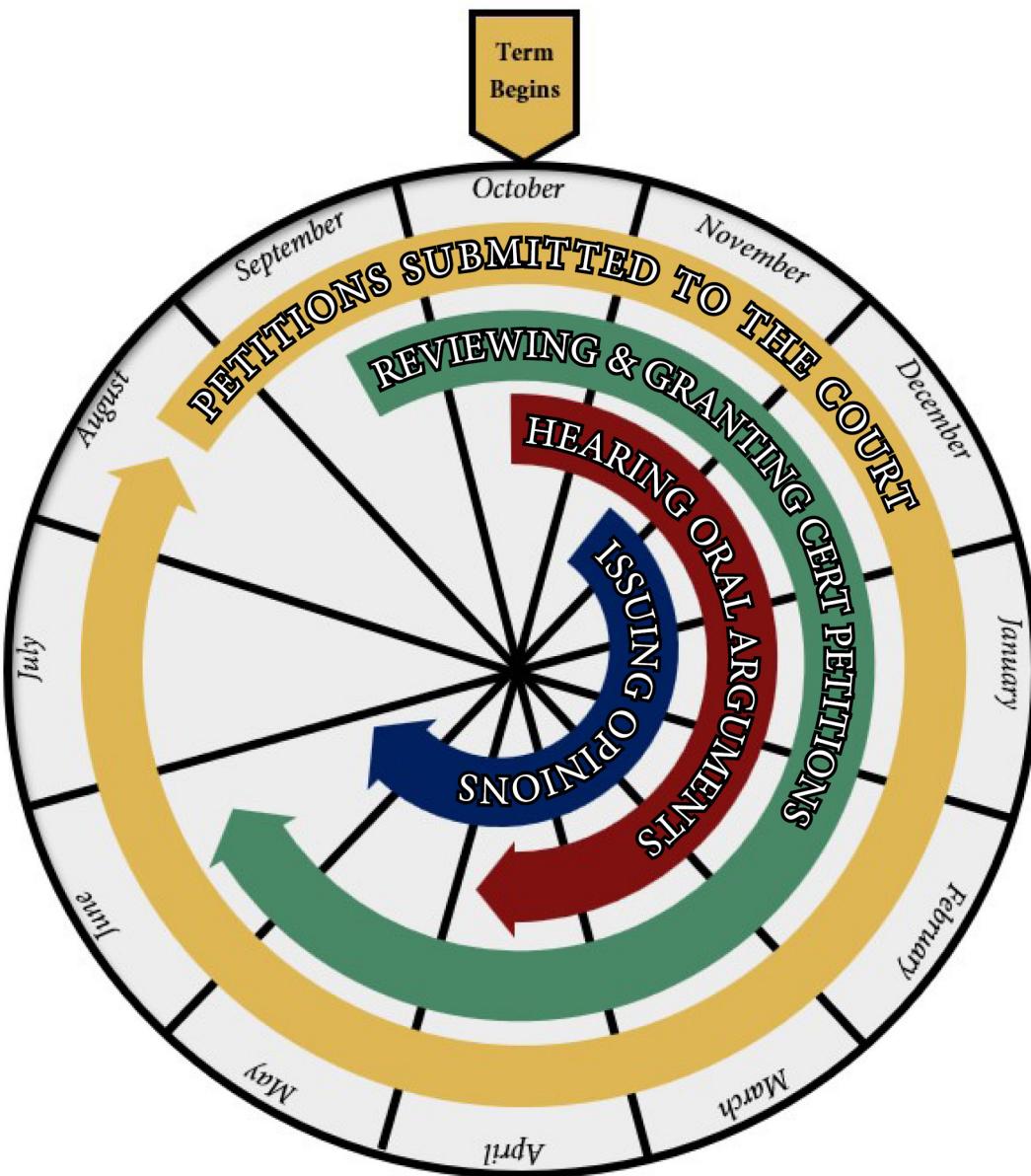
Article III, Section 2 describes the Supreme Court's **jurisdiction**, meaning the Court's power or authority to hear certain cases. The Court's jurisdiction falls into two categories: **original**, when a case comes directly to the Court without first passing through a lower court; and **appellate**, when the Court reviews the decisions of a lower court. Appellate cases are far more common. They typically come by way of a petition for a **writ of certiorari**, a filing asking the Court to take a look at a lower court ruling. The Court receives about 5,000 to 7,000 of these petitions each year.



The Justices meet privately in their conference room to review petitions and decide which cases to accept. It takes only four “yes” votes to grant a petition. This process of discretionary review is known as the **“Rule of Four.”**

The Work of the Court

The Term at a Glance



By law, the Supreme Court Term begins on the first Monday in October and lasts for one calendar year. The graphic above illustrates the continuous nature of the Justices' work and the four primary activities that occur throughout the Term. Year round, petitions are submitted to the Court. Starting in late September through the end of June, the Justices review and vote on petitions, generally accepting about 70 to 80 cases out of the 5,000 to 7,000 petitions received. From the first Monday in October through the month of April, the Court meets to hear oral arguments. Opinions are typically issued or "handed down" between November and late June or early July.

The Work of the Court

Vocabulary Review

Terms to Know



JURISDICTION - the Court's power or authority to hear a case. The Supreme Court has two types of jurisdiction: original and appellate.

ORIGINAL JURISDICTION - the power of the Court to hear a case directly (without the case having first passed through a lower court). These cases usually involve disputes between two or more states and typically occur once or twice each Term.

APPELLATE JURISDICTION - the power of the Court to review the decision of a lower court, usually by way of a petition for a writ of certiorari. These cases comprise the vast majority of the Court's caseload.

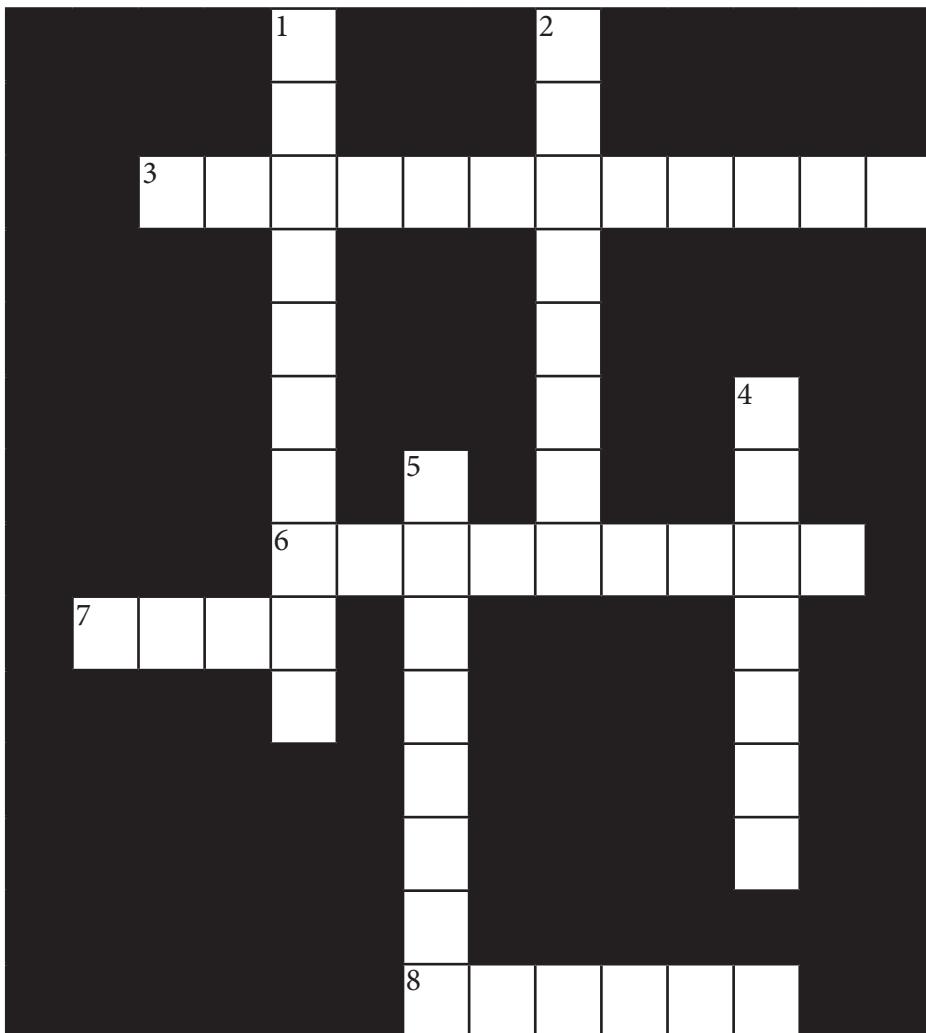
PETITION FOR A WRIT OF CERTIORARI -

Certiorari is a Latin term that means "to be informed." A party filing a petition for a writ of certiorari is asking the Justices to review a case heard in a lower court.

RULE OF FOUR - The Justices have almost total discretion to decide which cases to hear. Four "yes" votes are required to grant a petition for a writ of certiorari. This process is known as the "Rule of Four."

The Work of the Court

Test Your Knowledge: Crossword Clues



ACROSS

3. The Supreme Court has two types of _____ : appellate and original.
6. _____ jurisdiction is when the Supreme Court reviews the decisions of a lower court.
7. Number of “yes” votes required to grant a petition for a writ of certiorari.
8. Original jurisdiction cases usually involve disputes between _____ .

DOWN

1. Latin term meaning “to be informed.”
2. The type of case heard directly by the Supreme Court without first passing through lower courts.
4. The Supreme Court Term begins on the first Monday in _____ .
5. _____ are typically issued or “handed down” from November through late June/early July.

Did You Know?



Library of Congress

*Ellis Island Immigration Station
circa 1905*

New Jersey v. New York, a 1998 original jurisdiction case, settled a longstanding dispute over Ellis Island, the port of entry for more than 12 million immigrants that is now part of the Statue of Liberty National Monument. New Jersey sued New York, claiming that the two states shared sovereignty over Ellis Island. The Supreme Court agreed with New Jersey. So, when you visit Ellis Island, you can stand on the border between the two states!

Oral Arguments

Participants and Courtroom Seating

The Justices

The Justices enter the Courtroom through three curtained areas behind the Bench. The Chief Justice and two senior Associate Justices enter through the center, while three Associate Justices enter through each side. They sit on the Bench in order of seniority with the Chief Justice in the middle and the others alternating from left to right. The most junior Associate Justice sits on the far right.

The Clerk

The Clerk of the Court sits to the left of the Bench. The Clerk is responsible for keeping track of all cases filed at the Court and notifies Court personnel when an opinion is ready to be released to the public. At the start of each Court session, the Clerk swears in new members of the Supreme Court Bar.

News Media

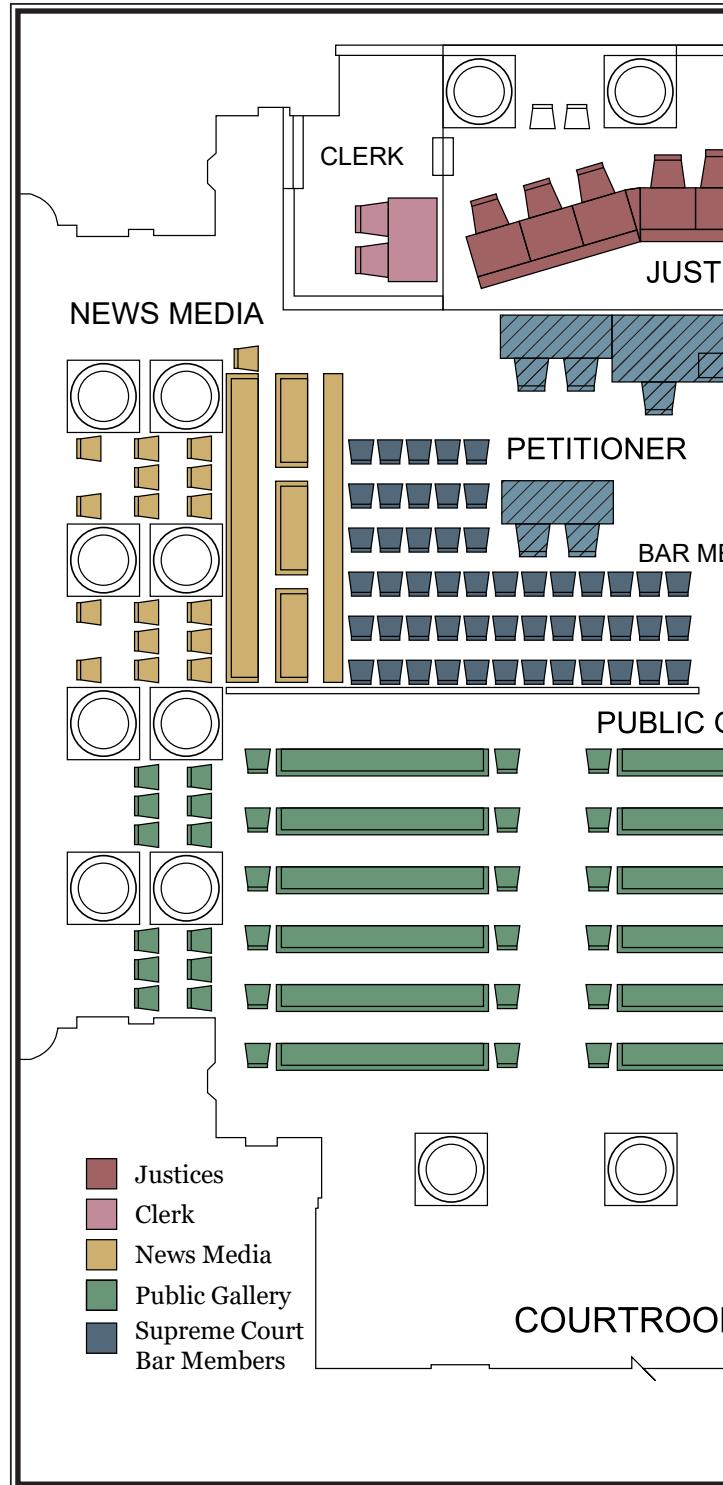
Members of the press sit to the left of the Bench in benches and chairs. Since cameras and recording devices are not permitted, journalists take notes on the proceedings by hand.

Public Gallery

Oral arguments are open to the public, but seating is limited. Seats may be obtained by entering an online lottery or by joining a first-come, first-seated line that forms outside of the Supreme Court Building.

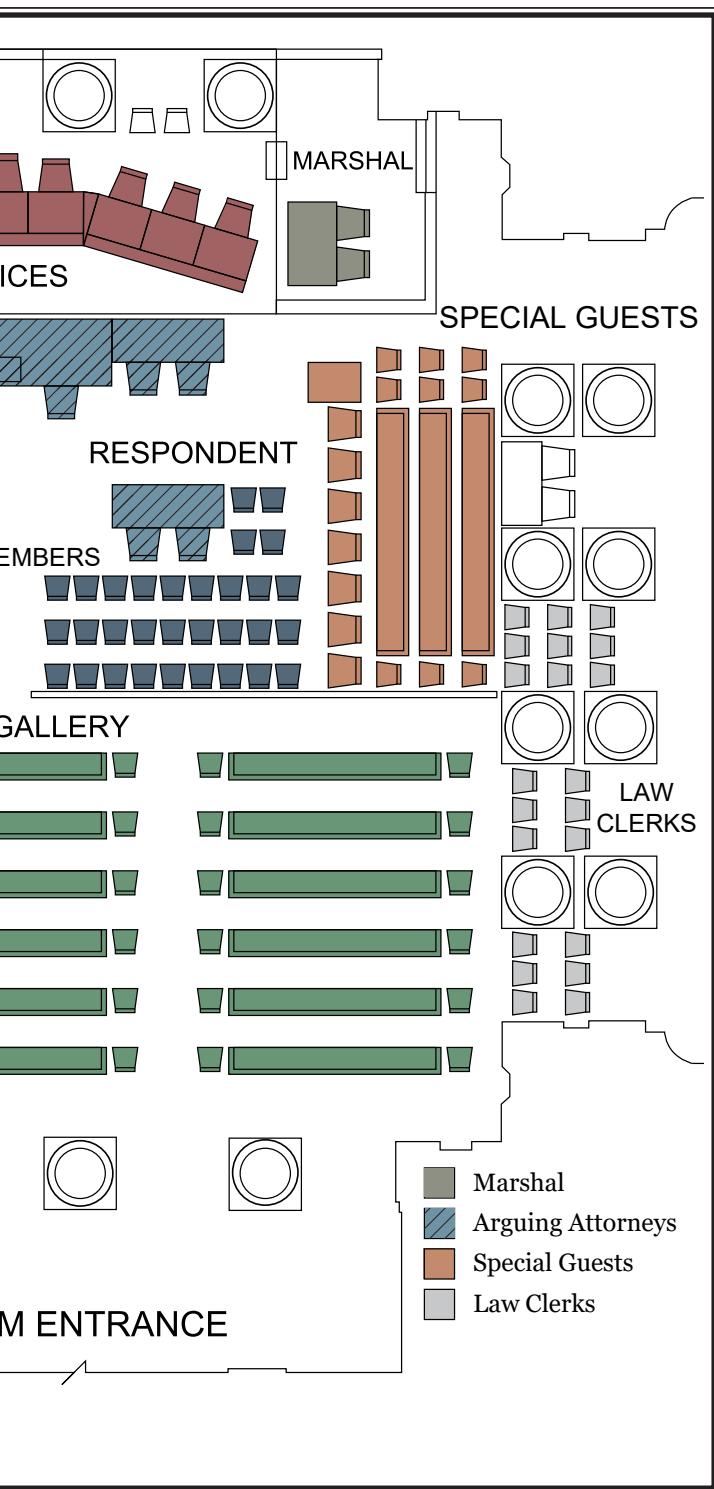
Supreme Court Bar Members

Attorneys who are admitted to the Supreme Court Bar may be seated in the chairs nearest the tables for arguing attorneys on a first-come, first-served basis. To argue a case before the Supreme Court, one must be a member of the Supreme Court Bar. However, the attorneys seated in this section are spectators only.



Oral Arguments

Participants and Courtroom Seating



The Marshal

The Marshal sits to the right side of the Bench. The Marshal calls the Court to order, maintains decorum in the Courtroom, records the audio portions of argument, and tracks the length of oral presentations so that attorneys do not exceed their time limitations.

Did You Know?

Contrary to popular belief, the Marshal is the only person in the Courtroom who uses a gavel. At right, a gavel used by Alfred Wong, Marshal of the Court from 1976 to 1994.



Arguing Attorneys: Petitioner & Respondent

The petitioner and respondent sit at the tables facing the Bench. The petitioner argues to overturn the lower court's ruling; the respondent argues that it should be upheld. Arguing attorneys will stand behind the lectern immediately in front of the Chief Justice. There are two lights on the lectern. During questioning, the white light indicates the attorney has five minutes remaining to argue. The red light indicates that the attorney has used all their allotted time.

Special Guests

Guests of the Justices sit in the benches to the right of the Bench in order of the seniority of the Justice who invited them. The row of black chairs in front of the guest section is reserved for retired Justices and Officers of the Court, such as the Reporter of Decisions or the Librarian, who attend oral argument from time to time.

Law Clerks

Each Justice may employ up to four law clerks. These clerks are law school graduates who have previously clerked for a federal judge on a lower court. The clerks often listen to oral arguments. They sit in the chairs flanking the Courtroom on the right.

Oral Arguments

Word Puzzle and Quiz

Find the terms!

Hidden in this puzzle are six terms related to Courtroom seating during oral argument. Can you find them?

Hint: You will use all of the letters only once, and terms can follow a combination of horizontal, vertical, diagonal, or zigzag paths. The lines forming the words will not cross one another, but some terms can be composed of two words. For an example, see "CLERK" in the puzzle.

R	E	L	C	S	O
K	B	A	R	T	R
M	R	S	N	A	L
A	H	A	E	U	A
P	E	L	M	G	R
T	I	T	D	N	R
I	E	R	E	O	E
O	N	T	N	P	S

Courtroom Seating Quiz

Fill in the blanks using the terms you found above.

1. The _____ "CLERK" _____ swears in new Supreme Court Bar Members and notifies appropriate Court personnel when an opinion is ready to be released.
2. The _____ maintains order in the Courtroom, including keeping track of the time allotted for each attorney.
3. Members of the Supreme Court _____ are the only attorneys permitted to argue before the Supreme Court.
4. The party who wants to convince the Justices to overturn the lower court's ruling is the _____. The _____ wants to convince them to affirm the lower court's ruling.
5. Members of the public may attend _____. They sit in the public gallery.

Oral Arguments

What is it like to argue a case at the Supreme Court?

Oral Arguments “101”

- The petitioner goes first, then the respondent. Petitioner is usually the party that lost in the lower court. Respondent is usually the party that won in the lower court.
- The attorney for each side has two minutes of uninterrupted time to speak before the Justices start asking questions.
- After an attorney's allotted time has expired, each Justice, beginning with the Chief Justice and proceeding in order of seniority, has the opportunity to question the attorney individually.
- Oral argument is the only time the Justices and attorneys engage in a face-to-face dialogue about the case.

Discussion Questions:

1. Prior to oral argument, the Justices read many written **briefs** submitted by the attorneys and other interested parties (the latter are called **amici curiae** briefs) that present their perspective on the case. How do you think these briefs influence the argument? Do you think it would be a good idea or a bad idea for an attorney to repeat information contained in the briefs? Why or why not?
2. How do you think attorneys prepare for oral arguments?
3. If you were a Justice, what kinds of questions do you think you would ask during oral argument?
4. Do you think it is usually easy or difficult for the Justices to agree about the outcome of a case?

Decisions

Discussing cases at the Supreme Court



View from the Chief Justice's seat in the Justices' Conference Room.

In the days following oral argument, the Justices meet privately in their conference room to discuss the cases heard that week. The Chief Justice presides and speaks first. Each Justice, in order of seniority, speaks without interruption before anyone speaks again. When discussions end, a preliminary vote is taken. It takes at least five Justices to form a majority. If the Chief Justice votes with the majority, he assigns the writing of the Court's opinion. If the Chief Justice is in the minority, the most senior Justice in the majority assigns the opinion. Opinion-writing is a lengthy process, with drafts privately circulated among the Justices until a final opinion is agreed upon. Although rare, at any point during this process, a Justice may change their vote.

Any Justice who agrees with the majority, but for different reasons, may author a **concurring opinion**. Any Justice who disagrees with the majority may author a **dissenting opinion**. When the Opinion of the Court is ready to be released, the Justice who authored it reads a brief summary from the Bench during the next Court sitting. Simultaneously, printed copies are made available in the Court's Public Information Office and the opinion is posted on the Court's website. Opinions are eventually published in bound volumes called the **U.S. Reports**. The **majority opinion** is binding on all lower courts; this means that lower courts are expected to respect and follow the Supreme Court's rulings.

Decisions

Vocabulary Review

Terms to Know



MAJORITY OPINION - the Court's official decision in a case, as agreed upon by a majority (at least five) of the Justices. Also called the Opinion of the Court.

CONCURRING OPINION - an opinion written by a Justice who voted with the majority but for different reasons than those expressed in the majority opinion.

DISSENTING OPINION - an opinion written by a Justice who disagrees with the majority opinion.

PER CURIAM OPINION - from Latin, meaning "by the Court." An unsigned opinion that does not identify its author but reflects the views of a majority of the Justices.

U.S. REPORTS - official publication of Supreme Court opinions. After an opinion is announced by the Justices, it goes through multiple levels of review and formatting by the Reporter of Decisions Office before being compiled into these bound volumes.

For more information about opinions, visit: <https://www.supremecourt.gov/opinions/opinions.aspx>

Decisions

Test Your Knowledge

Answer the following multiple choice questions about the opinion-writing and decision-making process.

1. The opinion that is binding on all lower courts across the United States is known as the:

- a. majority opinion (Opinion of the Court)
- b. dissenting opinion
- c. best opinion
- d. concurring opinion

2. When do the Justices meet in private Conference and take a preliminary vote on cases?

- a. two weeks after the cases were heard in oral arguments
- b. one month after the cases were heard in oral arguments
- c. within days of hearing the cases in oral arguments
- d. at the same time they hear the cases in oral arguments

3. In Conference, who speaks next after the Chief Justice?

- a. the most senior Associate Justice
- b. any Justice who raises their hand
- c. whomever the Chief Justice calls upon
- d. the most junior Associate Justice

4. When the Chief Justice votes with the minority, who assigns the writing of the majority opinion?

- a. the most junior Associate Justice voting with the majority
- b. the most senior Associate Justice voting with the majority
- c. the Chief Justice
- d. the most senior Associate Justice voting with the minority

Decisions

Test Your Knowledge (continued)

5. Any Justice who disagrees with the majority decision may author a:

- a. concurring opinion
- b. slip opinion
- c. per curiam opinion
- d. dissenting opinion

6. A Justice who agrees with the majority, but for different reasons than those stated in the majority opinion may author a(n):

- a. second majority opinion
- b. dissenting opinion
- c. concurring opinion
- d. unpopular opinion

7. Which of the following statements about the opinion-writing process is FALSE?

- a. the circulation of draft opinions is a lengthy process
- b. Justices may not change their votes
- c. when the Chief Justice votes with the majority, he assigns who will write the opinion of the Court
- d. any Justice who disagrees with the majority opinion may write a dissent

8. When an opinion is ready to be released to the public:

- a. the Justice who authored the opinion reads a summary from the Bench
- b. copies of the opinion are made available through the Public Information Office
- c. the opinion is posted on the Court's website
- d. all of the above

Court Traditions

Documenting History

The Group Court Photograph

In 1867, the Justices posed for a group portrait for what is believed to be the first time, marking the beginning of one of the Court's most enduring traditions—the group Court photograph. Since 1941, the group photograph has been taken in the Supreme Court Building. In addition to the formal group photo, as seen on page 4, the Justices also pose for an informal photograph without their judicial robes. The informal photograph below is of the current Court taken in the West Conference Room, a ceremonial meeting room in the Supreme Court Building.



Above: The Chase Court, photographed in February 1867 by Alexander Gardner.

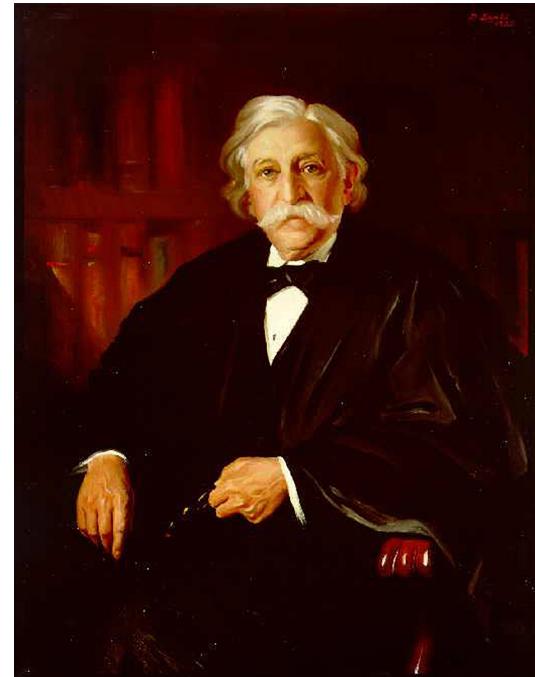
Left: The Roberts Court, photographed in October 2022 by Fred Schilling.

Court Traditions

A History of Collegiality

The Judicial Handshake

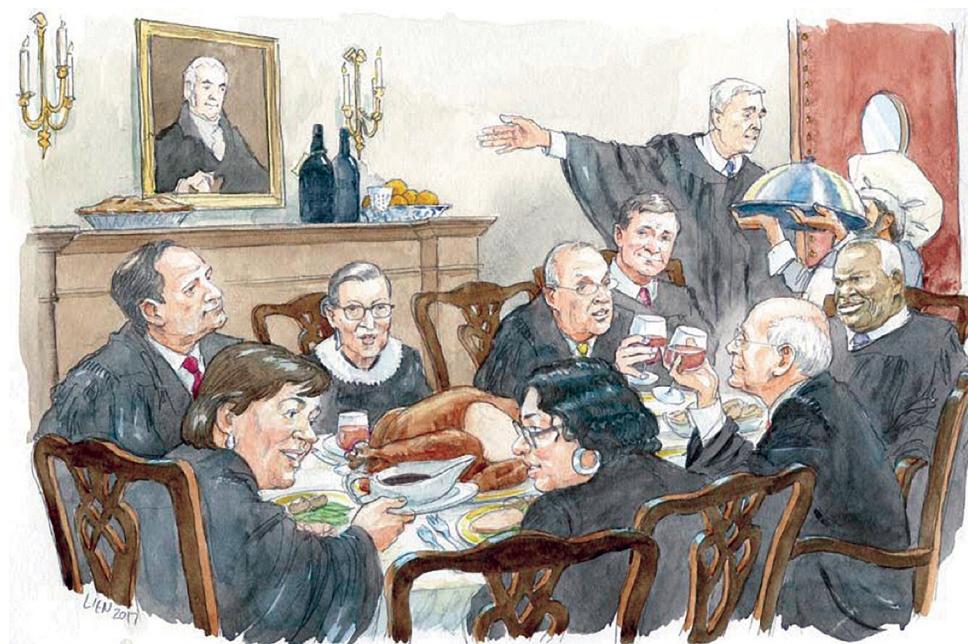
The “Judicial Handshake” has been a tradition since the days of Chief Justice Melville W. Fuller in the late 19th century. When the Justices assemble to go on the Bench and at the beginning of the private Conferences, each Justice shakes hands with each of the other eight. Chief Justice Fuller instituted the practice as a reminder that differences of opinion did not preclude overall harmony of purpose.



Lunch on Oral Argument and Conference Days

The Justices also have a longstanding tradition of eating lunch together in the **Justices’ Dining Room** on days when the Court hears oral arguments and meets in private Conference. One important rule? The Justices do not discuss cases. Discussions might include everyday topics of normal conversation such as family news, sports, the arts, books, or movies.

Chief Justice Melville W. Fuller is credited with starting the tradition of the “Judicial Handshake.”



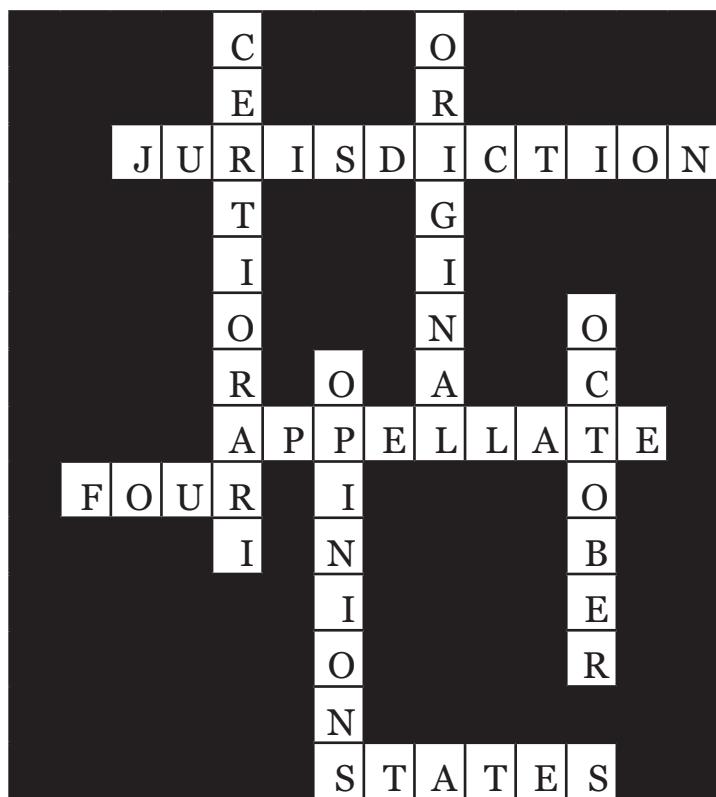
Humorous sketch of the Justices enjoying a Thanksgiving meal together.
Art Lien for the Supreme Court Historical Society.

Answer Key

Seniority & The Bench

1. Chief Justice Roberts
2. Justice Thomas
3. Justice Alito
4. Justice Sotomayor
5. Justice Kagan
6. Justice Gorsuch
7. Justice Kavanaugh
8. Justice Barrett
9. Justice Jackson

Crossword Clues



Article III: Test Your Knowledge

1. T
2. F
3. T
4. T
5. F

Great job learning about the Supreme Court!

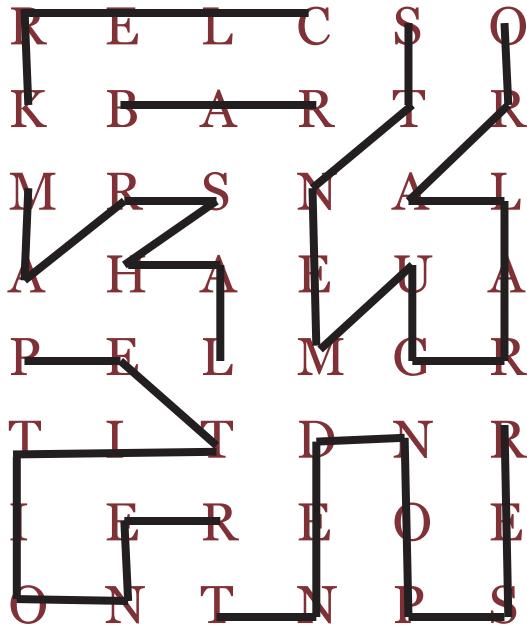
Decisions: Test Your Knowledge

1. A
2. C
3. A
4. B
5. D
6. C
7. B
8. D



Answer Key

Oral Argument Word Puzzle



Courtroom Seating Quiz

1. The CLERK swears in new Supreme Court Bar Members and notifies appropriate Court personnel when an opinion is ready to be released.
2. The MARSHAL maintains order in the Courtroom, including keeping track of the time allotted for each attorney.
3. Members of the Supreme Court BAR are the only attorneys permitted to argue before the Supreme Court.
4. The party who wants to convince the Justices to overturn the lower court's ruling is the PETITIONER. The RESPONDENT wants to convince them to affirm the lower court's ruling.
5. Members of the public may attend ORAL ARGUMENTS. They sit in the public gallery.



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Unless otherwise noted, all images are from the Collection of the Supreme Court of the United States.