

Chapter 9- The Federal Courts: Our Judicial Branch

Lesson 1: The Federal Courts

1. The judicial branch has two main jobs
 - a. Tries to ensure laws are fairly enforced/ Treat everyone equally
 - b. Interprets the laws
2. Two types of cases heard
 - a. Criminal- people accused of a crime appear in court for a trial
 - i. Judge or Jury decides a verdict
 - b. Civil- Disputes between parties who feel that their rights have been harmed
 - i. Three kinds of civil disputes:
 1. between two private parties
 2. between a private party and the government
 3. between the U.S. government and state or local government
3. Origin of the Federal Court System
 - a. Under the Articles of Confederation- no national court system
 - i. States had own laws and own court system
 - b. Framers created a federal judiciary to solve these problems
 - i. Article III under the Constitution
 1. Established a national Supreme Court
 2. Gave Congress the power to make lower federal courts
 - c. Judiciary Act of 1789- established two types of lower courts
 - i. District/ Trial
 - ii. Circuit Courts/ Court of Appeals/ Circuit Court of Appeals
4. Dual Court System- Federal courts exist alongside 50 separate state court systems
5. Federal Court Jurisdiction
 - a. Article III of the Constitution gives federal courts authority to hear cases in certain instances
 - i. The Constitution and Federal Law
 - ii. Disputes between States or Parties from Different States
 - iii. Admiralty and Maritime Laws
 - iv. The Federal Government
 - v. Cases with Foreign Governments and U.S. Diplomats
6. Types of Jurisdiction
 - a. Exclusive Jurisdiction
 - b. Concurrent Jurisdiction

Lesson 2: The Lower Courts

1. District Courts (lowest court)
 - a. Also known as the trial court
 - b. Hears criminal and civil matters
 - c. Original Jurisdiction
 - d. Judge/Jury
2. U.S. Court of Appeals (middle court)
 - a. Also known as the circuit court of appeals
 - b. Reviews cases from lower courts
 - c. Appellate Jurisdiction
 - i. Affirm, Reverse, or remand the decision
 - d. Panel of judges (usually 3)

- e. 12 U.S. Court of Appeals has jurisdiction over a circuit or geographic region
 - i. 1982 Congress created a 13th court (Court of Appeals for the Federal Circuit)
 - 1. Patent laws, International Trade, other civil suits against the U.S.
- 3. Opinions and Precedents
 - a. Opinion is a detail explanation of the legal thinking behind a court's decision
 - b. Precedent is basis for a decision later in a similar court case
 - i. Courts/ Judges follow precedents in nearly every case
- 4. Principles of the Legal System
 - a. May not initiate action
 - b. Judge/ Justice may not seek out an issue
 - c. Wait for litigants, or parties to a lawsuit
- 5. Federal Court Judges
 - a. Process of becoming a judge
 - i. Appointed by the President, approved by the Senate
 - b. Federal judges are appointed for life
 - i. Vacancies- death, retire, resigns, or impeached for misconduct
 - ii. Tenure- to be free from political and public pressure

Lesson 3: The Supreme Court

- 1. The Supreme Court's main job is to determine whether laws are allowed by the US Constitution.
- 2. Jurisdiction
 - a. Original (RARE!)
 - i. Disputes between 2 or more states
 - ii. Cases involving diplomats from foreign countries
 - b. Appellate
 - i. Final authority in appeals cases
- 3. Court only hears a VERY small percentage of cases appealed to it
- 4. 9 Justices
 - a. 8 associate justices and 1 chief justice
 - b. Number of justices set by Congress
 - c. No Constitutional qualifications, but all justices have had legal training
 - d. Nominated by president and confirmed by Senate
- 5. Powers and Limits
 - a. Judicial Review
 - i. Created by *Marbury v. Madison*
 - ii. Allows Supreme Court to determine if a law fits within the Constitution
 - 1. If it doesn't the court nullifies the law
 - b. Can only hear cases appealed to it (passive system)
 - c. Cases taken MUST be legal disputes
 - d. Cases can only involve federal questions
 - e. Does not deal with political matters
 - f. Carrying out decisions is left entirely up to other branches
 - g. Constitution can be amended to change rulings

Lesson 4: Supreme Court Procedures and Rulings

- 1. Procedures

- a. Court meets for about 9 months a year
 - b. Once a case reaches the Supreme Court, it must receive a Writ of Certiorari to be called up to the Justices
 - i. This brings up all records from lower courts
 - c. Justices look for cases that have key constitutional questions
 - i. Also look for cases that will affect entire country
 - d. once a case is accepted, it goes on the docket
2. Rulings
- a. Process of Supreme Court
 - i. Briefs are prepared for justices
 - ii. Each side has 30 minutes to make their case
 - iii. Conference
 - 1. These meetings take place in secret
 - 2. Presentations proceed in order of seniority
 - 3. At least 6 justices must be present to vote on a ruling
 - 4. Majority vote decides a case
3. Factors Influencing Decisions
- a. Facts and law that apply to a case are the basis for a decision
 - b. Precedents
 - c. Nations social atmosphere
 - i. Changes in social conditions, technology, public ideas
 - d. Justices' own views
 - i. Justices are humans and see the world based on their own life experiences
 - e. Guiding principal is a stare decisis
 - i. Using earlier court cases to decide a case
 - ii. Make the law predictable
4. Writing Opinions
- a. Set precedents for lower courts to follow
 - b. Landmark cases are grouped into 4 categories (Civil Liberties, 1st Amendment Rights, Federal Power, Rights of the Accused)
 - c. In major cases the court issues at least 1 written opinion
 - d. Majority opinion states the facts and gives the ruling
 - i. Explains the court's decision in reaching its decision
 - ii. Draws on precedents
 - e. A justice may choose to write a separate statement, but agree with majority decision
 - i. Concurring opinion
 - f. A justice may oppose the majority decision
 - i. Dissenting opinion
 - g. Unanimous Decision: All justices agree with majority decision