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 knows 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)
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. Nation's 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