

Unit: The Judicial Branch

Section One: The Federal Court System

Terms to Know

- The Constitution gave Congress the power to establish **inferior** courts- courts of lower authority.
- A **criminal case** is one in which a jury decides whether an accused person has committed a crime. Usually, it is heard in a state court.
- In a **civil case**, one party takes legal action against another because the two sides disagree about an issue.
- **Jurisdiction** refers to the authority to hear and decide a case.
- In a case in which the federal courts have **exclusive jurisdiction**, the case may be heard **ONLY** by the federal courts.
- **Concurrent jurisdiction** occurs in cases that can be heard by state courts or federal courts.

Introduction

- The Federal Court System now has 3 levels –the district courts (at the bottom), the appeals courts (in the middle), and the Supreme Court (at the top).
- Before the Constitution established the **Supreme Court**, there had been no national court system. Therefore, there was no nationwide standard of justice.
- The role of the judicial branch is to interpret laws and protect rights.

Criminal and Civil Cases

- The United States has 2 separate court systems: state courts and federal courts.
- The state courts hear the majority of the legal disputes. Most criminal cases are decided in a state court. Also, the state court decides most civil cases.

Federal Court Jurisdiction

- Federal courts have jurisdiction in the following cases involving:
 - federal laws, disputes in which the U.S. government is involved,
 - controversies between states,
 - controversies between citizens of different states,
 - maritime laws,
 - the Constitution,
 - and, disputes involving foreign governments.

Section Two: The Lower Federal Courts

- A federal lawsuit usually begins in a **district court**.
- **Original jurisdiction** is the authority to hear a case for the first time –district courts have original jurisdiction.
- A **magistrate** is the person who decides whether a case should be brought to trial.
- **Marshal**- arrests suspects, delivers defendants to court, and serves people with subpoenas.
- **Subpoena** is a court order requiring a person to appear in court.
- **Court of Appeals** is the court right above the district courts.
- **Appellate jurisdiction**- the cases come from the lower district courts or from federal regulatory agencies.
- A **circuit** is a particular geographic area assigned to an appellate court.
- **Remand**- return to a lower court for a new trial. Usually, by an appeals court.
- **Court-martial** is a trial for members of the armed services before a panel of military officers.
- Comparing appeals courts and district courts, one difference in appeals courts, there are no **juries**.

District Courts

- Most of the work of the federal courts is done in the **district courts –where they have original jurisdiction**.

United States Court of Appeals

- People take a case to the United States court of appeals when **they feel a verdict or penalty from a lower court is unfair**.
- Disputes involving decisions of federal regulatory agencies are heard in appeals court.
- Only has Appellate jurisdiction
- Judges are appointed for life. A panel of 3 judges (at least) hear cases –there are no juries. They do not rule on innocence or guilt. They decide if any rights have been violated or if the defendant received a fair trial.
- In an appeals case, judges decide whether an accused person received a fair trial.

Special Federal Courts

- The United States Court of Federal Claims, the United States Tax Court, the United States Court of Military Appeals, and the United States Court of International Trade are all **Special Federal Courts**.

Section Three: The United States Supreme Court

- The power of **judicial review** is the power to review laws (federal or state) to check their constitutionality.
- If a law is **unconstitutional**, it has been ruled to be in conflict with the Constitution. The Supreme Court can nullify (cancel) those laws.

Introduction

- The Supreme Court is the highest court in the land.
- Most Supreme Court cases involve appeals in cases originating in lower courts.
- The Supreme Court hears cases involving significant constitutional questions i.e. the Bill of Rights.
- To check the power of the Supreme Court, Congress can amend the Constitution.
- If the Supreme Court finds a law in conflict with the Constitution, it declares the law unconstitutional.
- Congress can get around an unfavorable ruling from the Supreme Court by changing the law that was nullified or by amending the Constitution.

The Power of the Supreme Court

- The executive branch and the legislative branch MUST follow the Supreme Court's rulings.
- The Supreme Court's power of **judicial review** was established by the case Marbury v. Madison (1803).
- Judicial review means that the Court can review ANY federal or state law to see if it is in agreement with the Constitution. If a law is **unconstitutional**, the Supreme Court can nullify (cancel) those laws.

Controversy and the Court

- The Supreme Court Case Plessy v. Ferguson (1896) established the 'separate but equal' doctrine that permitted segregation.
- The Supreme Court Case Brown v. Board of Education (1954) established that the 'separate but equal' doctrine was unconstitutional.
- When the Supreme Court ruled that the Constitution did not prohibit slavery, an amendment abolishing slavery was added to the Constitution.
- The Supreme Court Case Roe v. Wade (1973) legalized a woman's right to an abortion under certain circumstances.
- The Supreme Court Case Miranda v. Arizona (1966) ruled that police officers must inform suspects of their rights at the time of arrest.

- The Supreme Court Case Gideon v. Wainwright (1963) declared that a person accused of a major crime had the right to legal counsel during a trial.

Supreme Court Justices

- Supreme Court appointments are made by the President and approved by the Senate. Also, federal judges are appointed by the President with Senate approval.
- There are eight associate justices on the Supreme Court and one chief justice.
- To explain why the justices on the Supreme Court make a decision, the Court issues a majority opinion.
- When cases come before the Supreme Court, the justices may decide to handle them in the following ways: order a new trial for the defendant; decide not to hear the case; give the case a full hearing and review.
- Thurgood Marshall was the first African-American justice of the Supreme Court. Clarence Thomas is currently a Supreme Court Justice and he is also African American. Also, there were two women on the Supreme Court: Sandra Day O'Connor and Ruth Bader Ginsburg. Recently, Sandra Day O'Connor retired and was replaced by Samuel Alito. Now, there is only one woman on the high court.

Section Four: The Court at Work

Introduction

- The Supreme Court conducts its business each year from October until the following June or July. During this time, they hear arguments, announce what cases they've decided to hear, discuss and vote on current cases, and announce decisions on cases.
- A **brief** is a written argument prepared by an attorney for a case.
- During the two week recess, justices decide which cases to hear, research the cases, and write opinions.

Deciding Which Cases to Hear

- A **docket** is a calendar of events for a court.
- Most Supreme Court cases:
 - involve questions concerning the Constitution
 - or are of great public interest and concern
 - in most cases, such cases center around the Bill of Rights and other amendments or issues like free speech, equal protection of the laws, or fair trials.
- **Adversaries** are people who are on opposing sides in a case or argument.
- Justices usually take cases involving legal issues rather than political questions.

- Finally, the justices tend to select cases that are of importance to the entire country rather than just to the individual or groups involved.

How Cases Reach the Court

- **Writ of certiorari** is a request that a lower court send its records on a case to the Supreme Court for review. This happens if one of the parties involved in a case claims that the lower court made an error in the case.
- Sometimes a lower court will ask the Supreme Court to make a ruling in a case because it is not sure how to apply the law to the case.

How Cases Reach the Court

- When the Supreme Court is in session:
 - it hears arguments in a case;
 - votes on cases;
 - or announces decisions.

Court Decisions and Opinions

- Opinions are given in order of the justices' time on the Court, with the longest-serving justice first and the newest justice last. Then, a vote is taken with the newest justice voting first and ending with the chief justice.
- A majority vote of the justices determines the outcome of a Supreme Court case.
- A justice who agrees with the majority decision but has different reasons writes a **concurring opinion**.
- Usually, the chief justice will ask a justice who voted with the majority to write the **majority opinion** – an explanation as to why the justices made this decision.
- A justice who disagrees with the outcome of a case will often write a dissenting opinion.
- Dissenting opinions sometimes become majority opinions in later cases.