

Chapter Summary

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The Judicial Branch

Lesson 1 *Federal Courts*

- The judicial branch of the federal government is made up of courts. The role of the courts is to interpret laws and make sure they are enforced fairly.
- Article III of the Constitution established the Supreme Court, the nation's highest court.
- The Constitution gives Congress the right to establish lower federal courts: district courts to handle trials and circuit courts to handle appeals. The Supreme Court handles final appeals.
- The United States has a dual court system. Each state has its own court system that is separate from the federal court system.
- The goal of the court system is "equal justice under law." Every person must be treated the same, and everyone is presumed innocent until proven guilty.
- Federal courts have jurisdiction, or authority, to hear only certain kinds of cases so that they do not interfere with state courts.
- Federal courts have jurisdiction over cases involving constitutional issues, federal crimes (such as kidnapping and tax evasion), disputes between states or between people from two different states, and incidents that occur at sea.
- Issues that involve the federal government, foreign governments, or U.S. diplomats go to federal court.
- When either a federal or state court could hear a case, as when state and federal laws overlap, the two courts have concurrent jurisdiction.

Lesson 2 *The Federal Court System*

- District courts are the lowest level in the federal system. They have original jurisdiction—they hear cases for the first time—for criminal and civil cases.
- The federal circuit courts of appeal serve twelve specific geographic areas. A thirteenth circuit court hears special cases involving patent law, international trade, and other civil cases brought against the United States.

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The Judicial Branch

Lesson 2 *The Federal Court System, Cont.*

- Circuit courts hear cases appealed from lower courts. They review decisions made in the lower courts to decide whether mistakes were made. Mistakes might include how the judge applied or interpreted the law.
- A party who loses a civil case may ask the circuit court to review the decision. In a criminal case, only an accused who is found guilty may appeal.
- Appeals are decided by a panel of three or more judges. They can uphold the trial court's decision, reverse the trial court's decision, or send the case back to the trial court to be tried again.
- One judge writes an opinion explaining the court's reasoning. Opinions are used as a precedent, or basis for future decisions, by the district courts in the circuit. These opinions form what is called case law.
- All courts must follow precedents set by the Supreme Court.
- The president appoints federal judges with the consent of the Senate. Federal judges hold their positions for life unless they are impeached.

Lesson 3 *The Supreme Court*

- The Supreme Court hears cases that have been appealed from circuit courts and from regulatory agencies. It has original jurisdiction in cases between states and between states and foreign diplomats.
- The Supreme Court has final authority on cases that involve constitutional issues, acts of Congress, and treaties with other nations.
- There are nine justices on the Supreme Court. The chief justice acts as the Court's leader.
- The Supreme Court has the power of judicial review—the power to decide if a law or action that has been challenged is allowed by the Constitution. If a law is unconstitutional, the Court can nullify, or legally cancel, the law.

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The Judicial Branch

Lesson 3 *The Supreme Court, Cont.*

- The Court may only hear cases that are brought before it. The cases must involve actual legal disputes and federal questions.
- The Supreme Court lacks the power to enforce its rulings. However, the executive and legislative branches usually follow Supreme Court rulings.

Lesson 4 *Supreme Court Procedures and Decisions*

- The Supreme Court meets for one nine-month term each year beginning the first Monday of October. It may hold special sessions for urgent matters.
- The Supreme Court receives over 10,000 appeals annually. The Court carefully selects only about 75 to 80 cases to hear each term. At least four of the nine justices must agree to place a case on the Court's docket.
- The Supreme Court selects cases that involve important Constitutional questions or that will affect many citizens. It also accepts cases that the lower courts cannot resolve.
- Lawyers on each side of a case write briefs that contain their legal arguments. Then they argue the case before the justices.
- The justices decide the outcome of each case by a majority vote. The chief justice presides, and at least six justices must be present.
- Supreme Court decisions may rely on precedent, but they may also overrule prior decisions.
- The majority opinion states the court's decision and explains its reasoning. Justices who disagree with the decision may write a dissenting opinion. Justices who agree with the decision, but disagree with the reasoning, may write a concurring opinion.

Chapter 7 “The Judicial Branch” “The Federal Court System”

• The Federal Court System

- The role and powers of our federal court system are discussed in Article III of the U.S. Constitution.
- This article gives Congress the power to establish lower courts
 - In 1789, Congress passed the Judiciary Act which created district courts and circuit courts of appeals.
 - In 1891, Congress created a federal system of appeals courts

• Cases heard in Federal Courts

- Jurisdiction is the court’s authority to hear a case.
- Article III of the Constitution gives our federal courts the jurisdiction to hear eight different kinds of cases.
 1. **Cases involving the U.S. Constitution:** Any case where a person believes that a constitutional right has been violated.
 2. **Violations of Federal Laws:** Any case where the government accuses a person of a federal crime.
 3. **Controversies between States:** Any case where state governments have disagreements are settled in federal court.
 4. **Disputes between Parties of Different States:** Any case where citizens of different states have disagreements are settled in federal court.
 5. **Suits Involving the Federal Government:** Any case where the Federal Government sues any party (individuals or companies) or is sued by any party.
 6. **Cases Involving Foreign Governments and Treaties:** Any case where there is a dispute between the Federal Government (or American private party) and a foreign government.
 7. **Cases Based on Admiralty and Maritime Laws:** Any case that concerns accidents or crimes on the high seas (“exclusive jurisdiction”)
 8. **Cases Involving U.S. Diplomats:** Any case that concerns an American diplomat working in a U.S. Embassy overseas is heard in Federal Court.

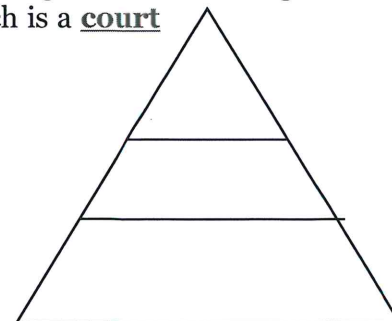
“How Federal Courts are Organized”

• The Federal Court System

- Federal Judges
 - Federal judges are appointed by the President and confirmed by the Senate
 - Federal judges serve for life.
 - However, judges can be impeached and removed from their position.
- Justice Department
 - The Attorney General is the head of the Justice Department.
 - The Attorney General is in charge of each district’s US Attorney, who represents the government and prosecutes cases for the United States.
 - U.S. Marshals (appointed by the President) also assist by making arrests, collecting fines, taking convicted people to prison, and serving subpoenas (which is a court order) requiring witnesses to appear in court.
- The federal court system is a pyramid with three levels of federal courts:
 - Bottom: District Courts
 - Middle: Appeals Courts
 - Top: United States Supreme Court

• US District Courts

- District courts have original jurisdiction which means that **cases must begin there**.
- District courts are where criminal trials are held and civil lawsuits begin.
- District courts are responsible for determining the facts of a case.
- District courts are the only courts where witnesses testify, juries hear cases and verdicts are reached.



- Each state has at least one district court and sometimes more, with a total of 94 Districts.
 - Each district has at least 2 judges
- **US Court of Appeals (aka Appeals Court, Appellate Court, Circuit Court of Appeals)**
 - A large percentage of people who lose their cases in a district court appeal to the next highest level
 - The job of the appeals court is to review the decisions made in a lower district court
 - Appeals courts have appellate jurisdiction, allowing them to review the rulings and decisions from lower courts
 - You may only appeal if:
 - The judge applied the law incorrectly
 - The judge used the wrong procedure
 - New evidence turns up
 - When rights were violated at some point in legal process
 - There are 12 US Courts of Appeals
 - Appeals courts have from 6-27 judges
 - Florida is in the 11th Appeals Circuit, a particular geographic area
 - There is a 13th Appellate Court, The Court of Appeals for the Federal Circuit, which has nationwide jurisdiction
 - **How Appeals Courts Make Decisions**
 - Appeals courts do not hold trials
 - A panel of **three or more judges** review the record of the case being appealed
 - An Appeals Court makes decisions by a majority vote and may do one of three things:
 - Uphold original decisions
 - Reverse that decision
 - Remand or return the case to the lower court.
 - The appeals court decision is final unless it is appealed to the U.S. Supreme Court
 - ***Appeals judges do not decide guilt or innocence***, they decide if the defendant's rights have been protected and whether or not they received a fair trial
 - **Announcing the decision**
 - When a decision is made, one judge writes an opinion, which is a detailed, legal explanation
 - The decision in this appeal sets precedent, which gives guidance for future cases

“The US Supreme Court”

- **The US Supreme Court**
 - The main job of the U.S. Supreme Court is to decide whether laws are allowable under the U.S. Constitution.
 - Judges who serve on the Supreme Court are called justices
 - The Supreme Court has ***original jurisdiction*** in only 3 instances
 - Cases involving diplomats from foreign nations
 - Cases involving a dispute between states
 - Cases involving a state AND the federal government
 - **In all other cases, the Supreme Court is an appellate court.**
 - The decisions of the Supreme Court are binding in all cases and is the final authority in every case.
- **Powers of the Court**
 - The Supreme Court has the power of “judicial review,” which is the power to decide if any local, state, or federal law goes against the Constitution
 - They have the power to “nullify” (or cancel) that law if they determine it to be “unconstitutional.”
 - In 1803, the **Supreme Court** claimed this power of “judicial review” with the case of “**Marbury vs. Madison**”.
 - Prior to this case, this power was NOT granted to the Supreme Court and judicial review is not mentioned in the Constitution.
 - Now, The Supreme Court is the final authority on the US Constitution. What THEY say goes!
 - System of Checks and Balances
 - Judicial Check on Congress – can declare laws made by Congress as unconstitutional
 - Judicial Check on President – can declare Presidential actions as unconstitutional
- **Limits on the Court's Powers**
 - Legislative Check on Court

- Congress can make a new law to “get around” Supreme Court rulings.
 - Congress and state legislatures can try to add amendments to alter the Constitution and their ruling.
 - Congress also has the power to impeach and remove justices from the Supreme Court
 - Can only rule on cases that come to it via the appeals process.
- Executive Check on Court
 - The Supreme Court relies on the President and Congress to enforce their rulings. As a part of our system of limited government no one branch can force the other into doing one thing or another.
 - Example - In 1832, **President Andrew Jackson** refused to enforce the ruling in the case of “**Worcester vs. Georgia**”.
 - The Supreme Court ruled that Georgia could not regulate the Cherokee Nation as a result of laws and treaties – but Jackson refused to acknowledge their ruling.
 - The Supreme Court was powerless to do anything more...
- **The US Supreme Court Justices**
 - The Supreme Court is made up of 9 justices. (1 Chief Justice 8 Associate Justices)
 - Our current Chief Justice is: John Roberts
 - Main Duty of Supreme Court Justices: hear and rule on cases
 - Thousands of cases are appealed and they decide which cases they’d like to hear.
 - Selection of Justices
 - As a part of “checks and balances”, the President has the task of appointing Supreme Court justices.
 - Once appointed, all justices must be confirmed by the Senate.
 - **Background of the Justices**
 - All Supreme Court justices have been lawyers (practicing or teaching law) or judges in lower courts.
 - First African-American Justice: Thurgood Marshall
 - First Woman Justice: Sandra Day O’Connor
 - First Hispanic Justice: Sonia Sotomayer

Deciding Cases at the Supreme Court

- The Supreme Court is both a trial court and an appellate court.
- **Accepting to Hear a Case**
 - An attorney will file a petition to request that their case be heard.
 - 4 of 9 justices must agree to hear the case
 - If the Supreme Court agrees to hear the case, a writ of certiorari is issued.
 - If they agree to hear the case, it goes on the docket, or court calendar
 - Less than 200 out of more than 7,000 are accepted
 - They listen to constitutional and legal issues (not political issues) that affect the entire country
 - Most cases that are accepted involve important constitutional issues, such as freedom of speech, equal protection, etc.
- **Steps in Decision Making**
 - Once a case is accepted, each side prepares a brief or a written document explaining their position
 - Next, lawyers from each side have 30 minutes to present oral arguments (or to summarize their case)
 - Next, the justices conference to decide a case
 - They meet in secret
 - A majority is required to decide a case - at least 6 of 9 justices must be present
 - Lastly, justices announce ruling and present opinions to the public.
 - Opinions state the facts of the case, announces the ruling, and explains the reasoning
 - Majority Opinion: presents the views of the majority
 - Dissenting Opinion: disagree with the majority
 - Concurring Opinion: vote with the majority, but for a different reason

- **Reasons for Court Decisions**

- The Law

- May realize that the law must adapt to fit the times
 - Should consider precedent when making a decision
 - Must ***sometimes clarify the “meaning” of the Constitution***

- Social Conditions

- New interpretations arising from changes in society
 - i.e. Plessy v Ferguson **overturned** by Brown v Board of Education - the separate but equal precedent was now seen as violating equal protection under the 14th Amendment.

- Legal Views

- Varying views of the laws and the role of the Court
 - The Supreme Court acts as an **independent judiciary**, which means that their decisions should not be influenced by the other two branches of government.

- Personal Beliefs

- Despite their best efforts, justices are human beings and make decisions based on their experiences.