

# JUDICIAL BRANCH REVIEW

## The Federal Court System

The Judicial Branch and the courts are discussed in Article III of the Constitution. Consists of the pyramid of courts going up from district court to Circuit (appeal) Court to Supreme Court. The district courts are where most cases start, they are the trial courts (or courts of original jurisdiction). The Circuit Courts are the courts of appeal, they review the trials to see if mistakes or errors were made. Judges are appointed by the POTUS and approved by the Senate. They have tenure, which means they cannot be fired or forced to rule a certain way by being threatened with loss of their job. In the Circuit Court, judges can affirm a case (or let the decision stand), reverse the case (rule the opposite way) or remand (send the case back to the lower court).

## The Supreme Court

The Supreme Court is mainly a court of appeals and it is the final chance to appeal a case. The Justices decide which cases they will hear, and they only choose a few from the many that apply. They usually pick cases that effect a large number of people. If they choose to not pick a case then the ruling of the lower court stands. They have original jurisdiction (or hear trial) in two instances: cases involving disputes between states and cases involving foreign diplomats.

A limit on Supreme Court power is that they must rely on the executive branch and state officials to enforce their decisions. The Judicial Branch lacks the power to make people follow their rulings. An example we studied was when President Andrew Jackson refused to follow a Supreme Court decision.

## Judicial Review

The Supreme Court power of judicial review was created in the case Marbury v. Madison which stated the Constitution was supreme over any law. Judicial review acts as a check on the legislative and executive branches by allowing the court to nullify (cancel) laws that are unconstitutional.

## State vs. Federal

Federal = anything to do with other countries, disputes between states, anything on the ocean (admiralty law), suits against the government

States = they deal with everyday matters, most crimes, disputes between people in the state

## LESSON 3 | THE SUPREME COURT



## ACTIVE NOTE-TAKING ACTIVITY

jurisdiction / original - trial  
or  
appellate - review

Jurisdiction and Duties				
Guiding Question: What is the jurisdiction of the Supreme Court?				
1. What are the two types of cases in which the Supreme Court has <u>original jurisdiction</u> ? p. 267	Cases involving other states		Cases involving foreign diplomats	
2. What three types of cases does the Supreme Court have final authority in? p. 268	The Constitution	Federal Laws	Treaties w/ other countries	
3. How many Supreme Court Justices are there? p. 268	Nine. <u>Tenure</u> - judges have their jobs for life			
4. What are the qualifications for a Supreme Court justice? What is the term of office? p. 268	No qualifications			
Powers and Limits				
Guiding Question: What powers are given to the Supreme Court?				
5. What is one of the <u>most important</u> powers of the Supreme Court? Explain what this is. p. 270	<u>Judicial Review</u> - The Supreme Court has the power to declare a law unconstitutional			
6. What is the significance of the <i>Marbury v. Madison</i> Supreme Court case? p. 271	Established Judicial Review ① Const. is supreme law ② No law can conflict w/ Const. ③ Supreme Court defends Const.			
7. What are 5 limits on the Supreme Court's power? p. 271-272	Can only hear actual cases	Case must go through process to reach it	No political issues	* No power to enforce its decisions ↑ Congress can change the Const. by amendment

Court declared an act of President Andrew Jackson unconstitutional, and he ignored them