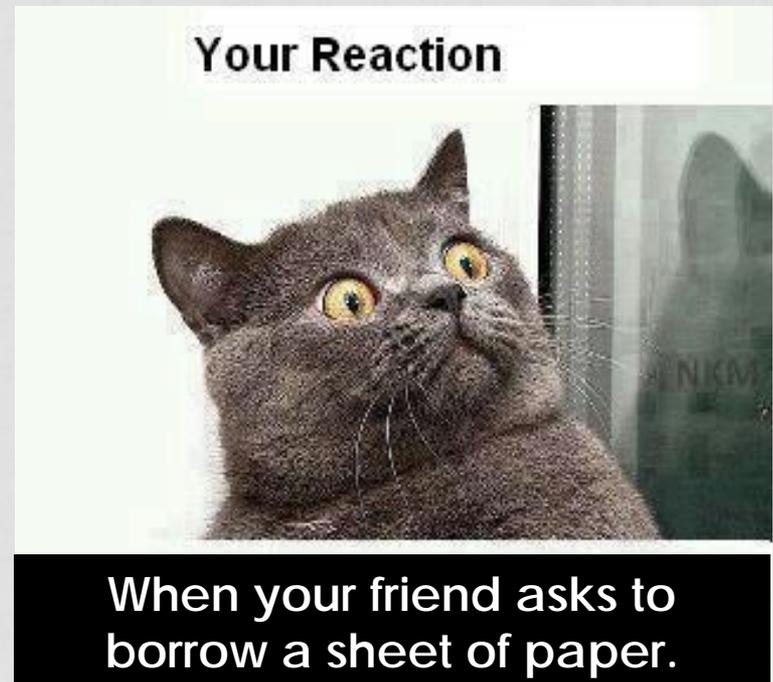


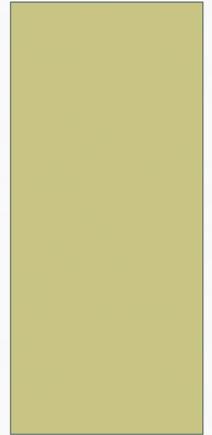
# INTRO TO POLI SCI - 11/30/15

- Objective: SWBAT describe the type of court system in the US and how the Supreme Court works.
- Agenda:
  - Turn in Late Work
  - Judicial Branch Notes



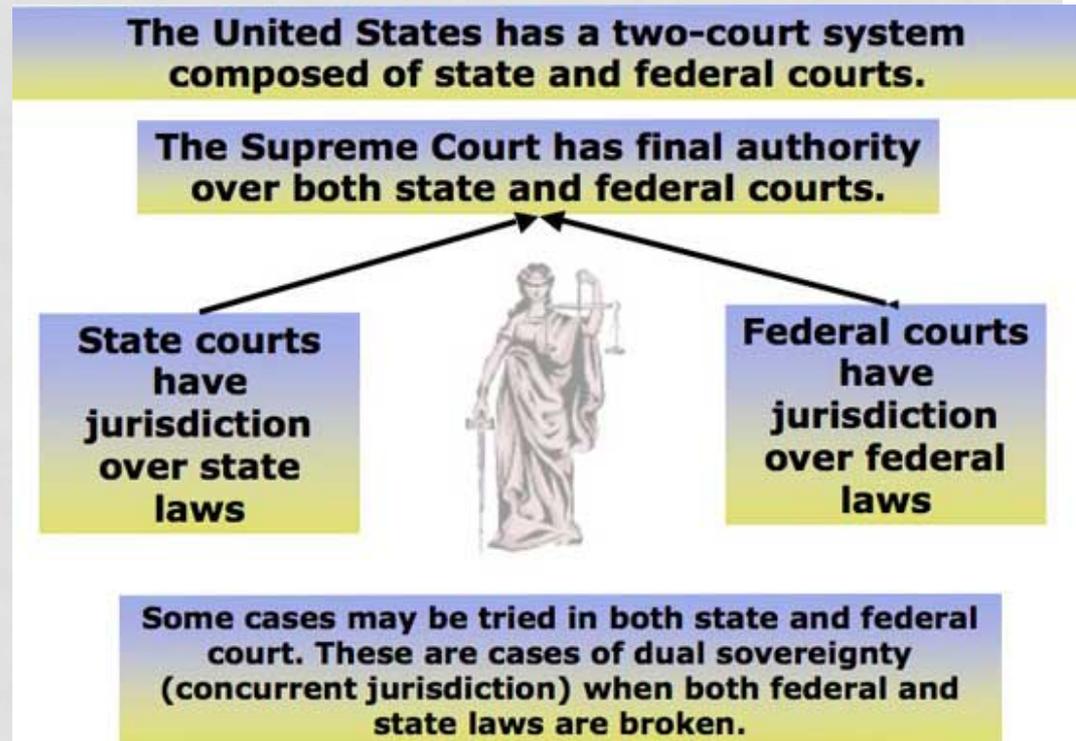


# THE JUDICIAL BRANCH: THE FEDERAL COURTS



# DUAL COURT SYSTEM

- There are really two court systems in the United States
  - National judiciary that extends over all 50 States
  - Court systems found in each State (most cases are heard here)
- We are going to be focusing mainly on one part of the national judiciary, the Supreme Court





# CONSTITUTIONAL COURTS (REGULAR COURTS)



- **Types of Federal Courts**
  - **Examples**
    - District Courts (94 of them)
    - Court of International Trade
    - Courts of Appeal (12 of them)
    - U.S. Supreme Court (only 1)
  - **Most Federal Cases are heard in one of these courts**





# SPECIAL COURTS (LEGISLATIVE COURTS)



- **Types of Special Courts**
  - **Examples**
    - Appeals for the Armed Forces
    - Veterans Appeals
    - Claims Court
    - Tax Court
    - Court for Washington DC.





## The Inferior Courts

### The Constitutional Courts

Also called Article III Courts or Regular Courts. As permitted by the Constitution, Congress created these courts, which exercise the broad "judicial Power of the United States," as stated in Article III.



### The Special Courts

Also called the Legislative Courts or Article I Courts. Created by Congress under the power given to it in Article I "to constitute Tribunals inferior to the supreme Court," these courts have narrowly defined powers.



\* in Guam, the Virgin Islands, and the Northern Marianas, similar to local courts

\*\* including the district and appeals courts, which also act as constitutional courts

- We will get to SCotUS in a moment...
- First, some vocab...

# PLAINTIFF V. DEFENDANT



- The one who brings a case/lawsuit is the Plaintiff.
- The one being charged/sued in a case is the Defendant.

- How do we decide where cases go?
  - State or Federal?

# JURISDICTION



- Definition: The right to hear a case
- Types of Jurisdiction:
  - Exclusive (only federal)
  - Concurrent (state or federal)
  - Original (case started there)
  - Appellate (rules on appeal of original decision)
- Federal courts can hear cases for two reasons:
  - Subject Matter (certain topics)
  - Parties Involved (certain people/organizations)

# EXCLUSIVE JURISDICTION

- ⦿ Cases only heard in federal court
- ⦿ Would include cases involving
  - › The USA or its officials
  - › Ambassadors
  - › Disputes between states
  - › Disputes between citizens of separate states
  - › US citizens suing foreign citizens or foreign countries
  - › Citizens of the same state suing about property in another state.



# CONCURRENT JURISDICTION



- ◎ A case that may be tried in either the state or federal court system.
- ◎ Disputes between parties of different states involving \$50,000 or more are usually tried in Federal District Court!

# ORIGINAL JURISDICTION



- ◉ Where a case originally was heard
- ◉ Local Courts (part of state system), Federal District Courts, and the Supreme Courts (state and U.S.) are all courts of original jurisdiction!

# APPELLATE JURISDICTION

- Case taken on appeal from a lower court to a higher court
- The Federal and State Courts of Appeal and the Supreme Courts all have appellate jurisdiction!
- Can uphold, modify, or overrule a decision



- Now that we're done with the basic intro to the court system...
  - What is the Supreme Court?
  - What does it do?
  - How does it work?

# WHERE IN THE CONSTITUTION IS THE SUPREME COURT?

- Article III of the Constitution sets up the Supreme Court
- The Supreme Court was designed to be as powerful as Congress or the President (checks and balances!).
- The Supreme Court is the FINAL authority on law in the United States.



# JUDICIAL REVIEW - (1 OF THE SIX PRINCIPLES)

- The Supreme Court has the final say on what the Constitution actually means.
- This ability to interpret the Constitution, and thusly declare laws constitutional or unconstitutional, is known as *judicial review*.
- This power of judicial review is NOT written in the Constitution. It was established in the 1803 case *Marbury v. Madison*.

**An Early Supreme Court Drama: *Marbury v. Madison***

The Players	The Case	The Decision	The Impact
<p><i>John Adams</i>, outgoing Federalist President of the United States <i>Thomas Jefferson</i>, incoming Democratic-Republican President of the United States <i>James Madison</i>, incoming secretary of state <i>William Marbury</i>, appointed a justice of the peace for the District of Columbia <i>John Marshall</i>, Chief Justice of the United States Supreme Court</p>	<ol style="list-style-type: none"><li>1. The night before leaving office, Adams signs several judicial commissions.</li><li>2. Angered by Adams' actions, Jefferson orders Madison to withhold any commissions not yet delivered.</li><li>3. Hoping to force Jefferson to give him the judgeship, Marbury files suit in the Supreme Court. He argues that the Judiciary Act of 1789 allows him to take his case directly to the high court.</li></ol>	<p>Marshall, writing for a unanimous court, declares that the Judiciary Act violates Article III, Section 2 and is therefore unconstitutional. Marbury loses, having based his case on an unconstitutional law.</p>	<p>The case established the Supreme Court's power of judicial review—its power to determine the constitutionality of a governmental action. The power extends to the actions of all governments in the United States—national, State and local. The Court's decision in <i>Marbury</i> assured the place of the judicial branch in the system of separation of powers.</p>



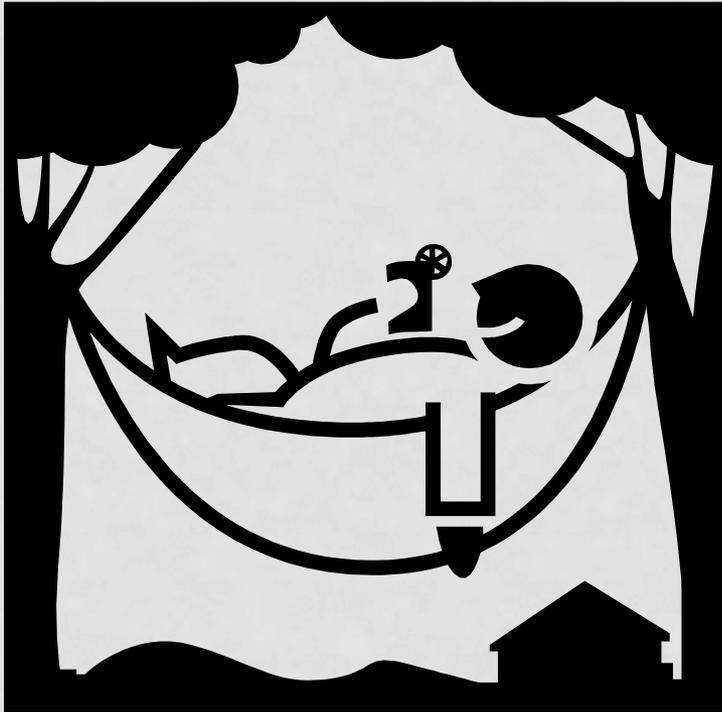
**Interpreting Charts** In the landmark case *Marbury v. Madison*, the Supreme Court ruled against William Marbury because he had based his case on a part of the Judiciary Act of 1789, which was found to be in conflict with the Constitution. **How did the Court's decision affect the role of the judicial branch in our system of government?**

# SO, WHO MAKES UP THE SUPREME COURT?

- The Supreme Court is made up of nine judges, who are called by the title "Justice"
  - The number of Justices is not specified in the Constitution.
  - One Chief Justice
  - Eight Associate Justices
- These Justices are appointed by the President. These appointments must be approved by the Senate.
- Justices serve a life term.



# PAY AND RETIREMENT



- Chief Justice of the USA \$258,100/year
- Associate Judges \$246,800/year
- Retire with full pay after 15 years at age 65 or after 10 years at age 70.
- Justices may lose their position for reasons like death, impeachment, resign, retire

# WHO ARE THE JUSTICES??

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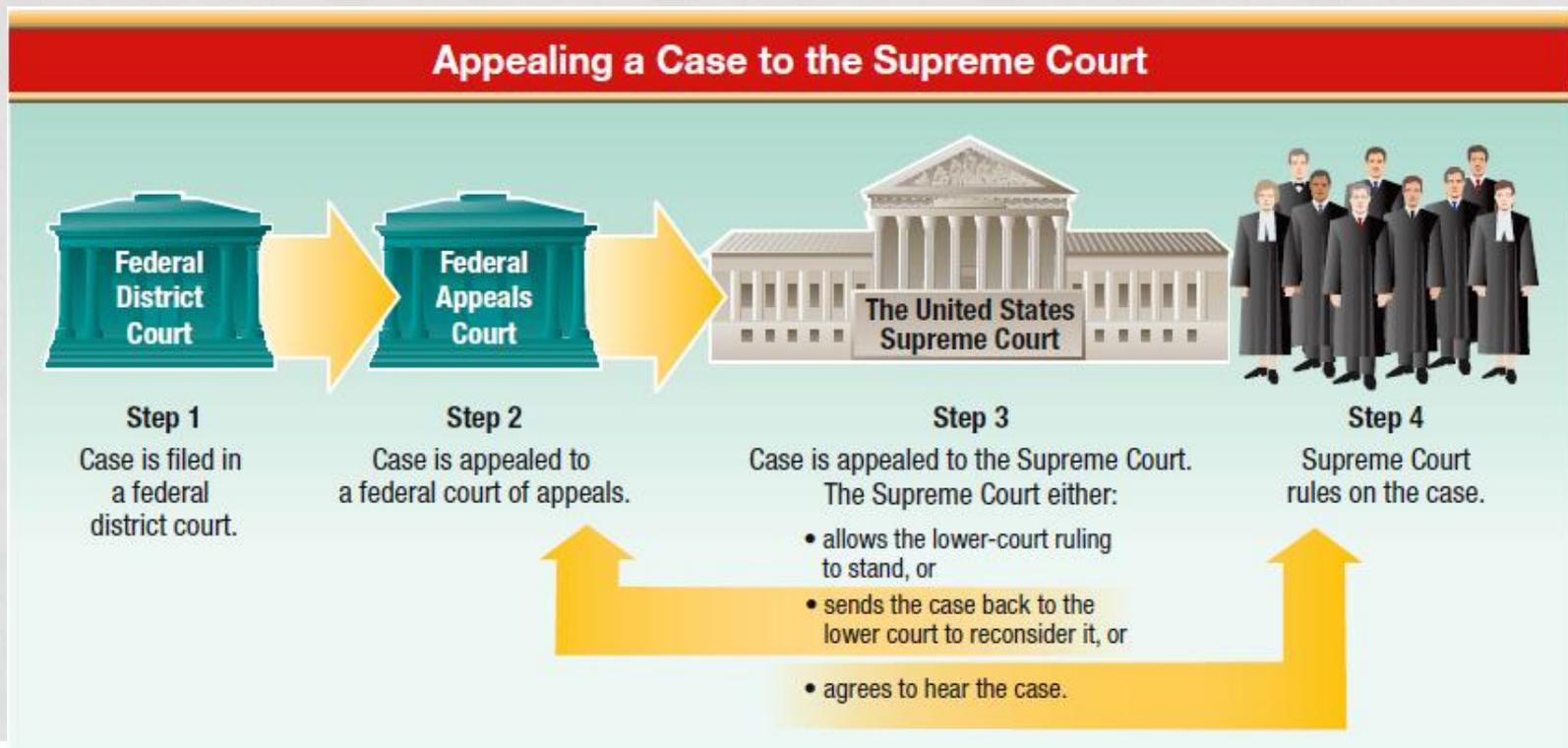
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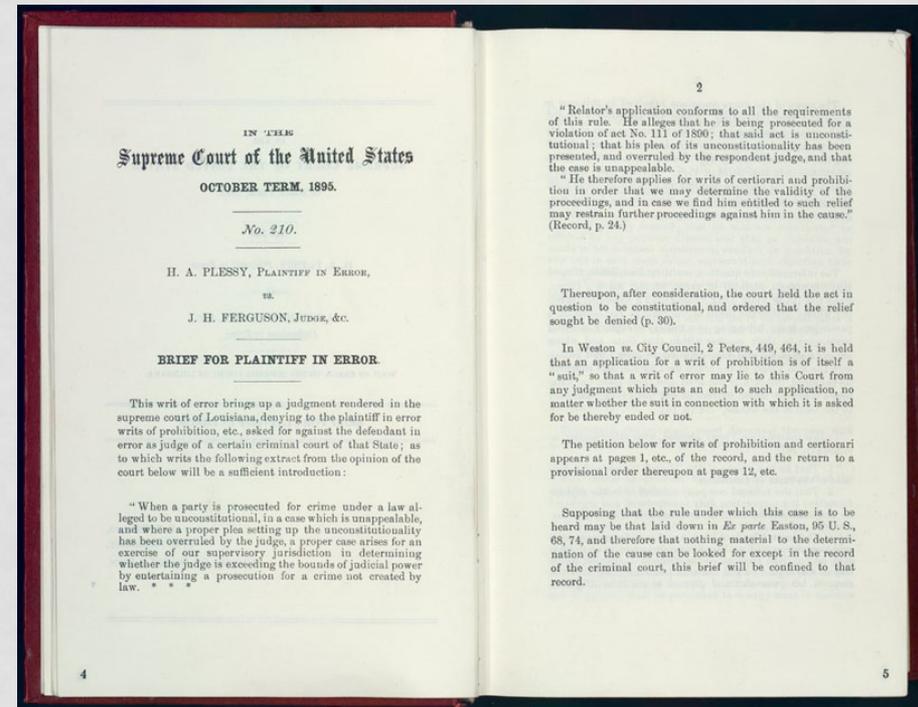
# HOW DO COURT CASES REACH THE SUPREME COURT?

- Most court cases reach the Supreme Court through what is called *writ of certiorari*.
  - This writ is an order by the Supreme Court for a lower court to send up the records on a given case for review. (Appellate Jurisdiction)
  - The Supreme Court decides what cases it will hear.



# HOW DOES THE SUPREME COURT OPERATE?

- Step One: Briefs
  - No, we're not talking about the Justices' choice in underwear.
  - Briefs are written documents filed with the court before arguments begin.
  - They state one side's argument.
  - They are filed by the lawyers on each side of the case.



- Step Two: Oral Arguments

- Lawyers for both sides argue their case to the Justices. Their presentations are limited to 30 minutes.
- These arguments happen in two week cycles from October to early May.



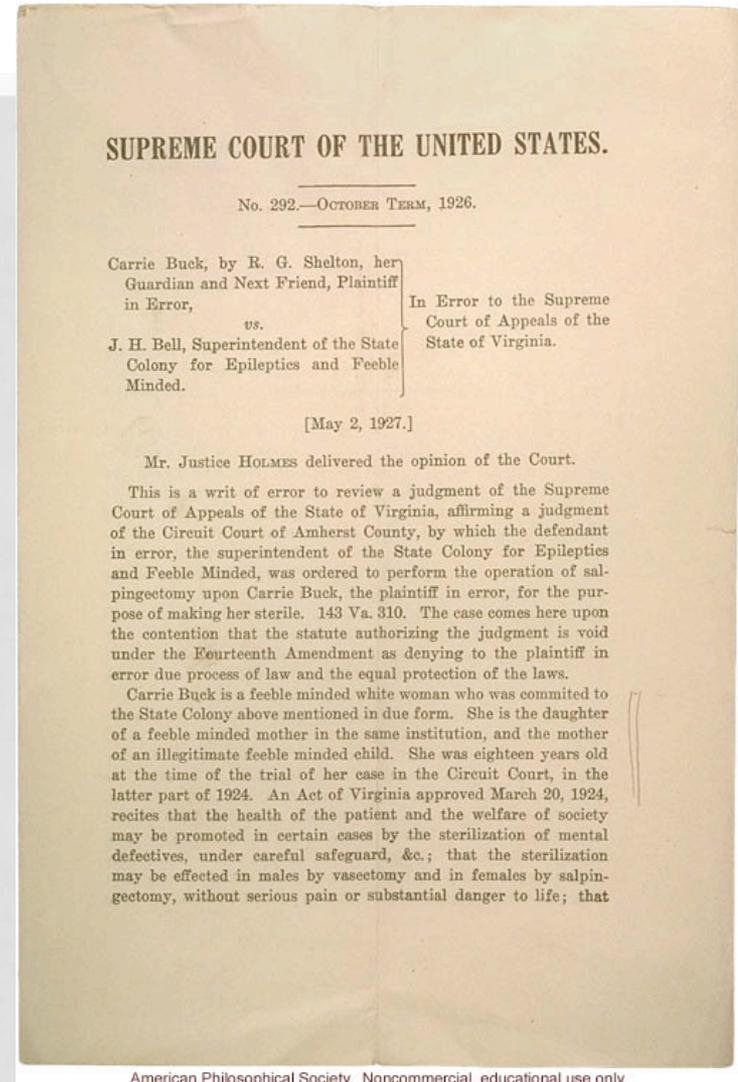
- Step Three: Conference

- Conferences start off by the Chief Justice stating how he feels about a case.
- Following this, each Associate Justice summarizes their viewpoints. This is done in order of seniority.
- After each Justice has spoken, they take a "poll" and then debate the case.



- Step Four: Making Decisions

- About a 1/3 of the decisions are unanimous. However, many Supreme Court decisions are split, due to the fact that the easy cases rarely make it up to the Supreme Court.
- When the Supreme Court makes their decisions, they are split into three types, and are written out:
  - Majority opinion: this is the decision that the most Justices sided with
  - Concurring opinion: this is for Justices for agree with the majority opinion, but for a different reason than stated.
  - Dissenting opinion: this is the decision written by the Justices who do not agree with the majority opinion.



- So, that's how SCotUS operates, but the justices are human, so they do have their own personal beliefs...
- Does that ever come into play in their decisions?

# JUDICIAL PHILOSOPHIES OF JUDGES

## 2 Types:

### 1.) Judicial Activism

- The court should play a more active role in creating national policies and answering questions of conflict in society

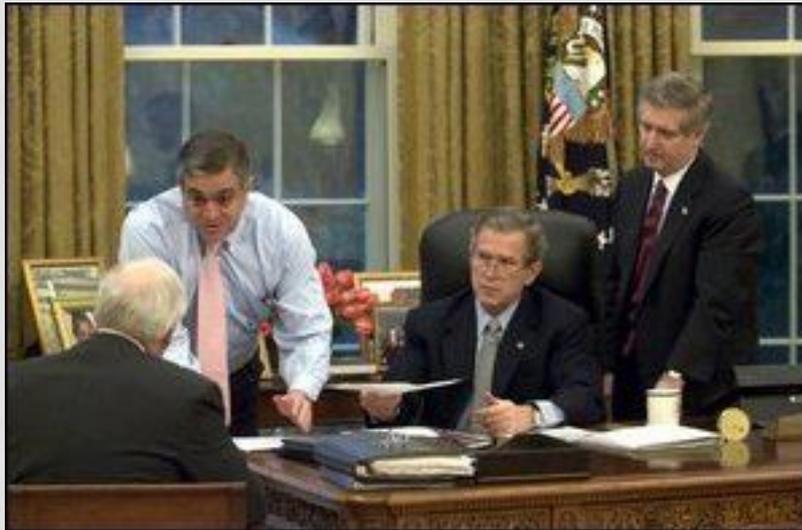
### 2.) Judicial Restraint

- The court should operate strictly within the limits of the Constitution and only answer questions if a clear violation of the Constitution is present. Policy making should be left up to the executive and legislative branches.

- How do you get a position on the Supreme Court?
  - There are no listed qualifications in the Constitution.

# U.S. SUPREME COURT CONFIRMATION PROCESS

## Stage 1 **Presidential Nomination**



White House photo by Eric Draper

1. White House staff reviews candidates and submits a short list to the president
2. FBI background investigation
3. Candidates submit financial disclosure forms
4. ABA grades candidates
5. Interest groups weigh in on candidates
6. President selects nominee

# U.S. SUPREME COURT CONFIRMATION PROCESS

## Stage 2

## Senate Judiciary Committee Hearings



Dennis Cook / AP file



1. Senate Judiciary members and their staffs review candidate's background (may conduct own investigation)
2. Interest groups may conduct campaigns for or against nominee (including TV ads)
3. Intense media attention to Senate hearings
4. Senate Judiciary Committee questions candidate on judicial philosophy, stands on key issues, etc.
5. Judiciary Committee votes up or down on nominee and sends recommendation to full Senate

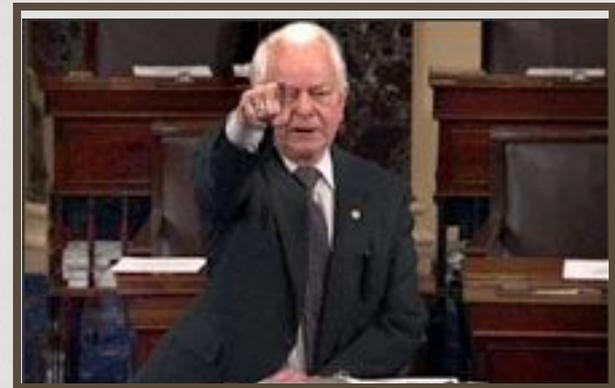
# U.S. SUPREME COURT CONFIRMATION PROCESS

## Stage 3

## Full Senate Vote



1. Floor debate on nominee
2. Confirmation vote by full Senate
  - Only needs 51 votes



# U.S. SUPREME COURT CONFIRMATION PROCESS

## Stage 4 Oath of Office



1. If confirmed by the Senate, nominee sworn in, usually by Chief Justice
2. Once on the Court, justices often make decisions on the bench very different from what the nominating President had anticipated



**independent  
judiciary**

# JUDICIAL BRANCH VIDEOS

- Judicial Branch Overview:  
<https://www.youtube.com/watch?v=9oLrXFmYQBo>
- SCOTUS Process/Overview:  
<https://www.youtube.com/watch?v=7sualy8OiKk&index=3&list=PLeURCQR8L83NtMwEZYXxy3sfvIDxcC6ad>