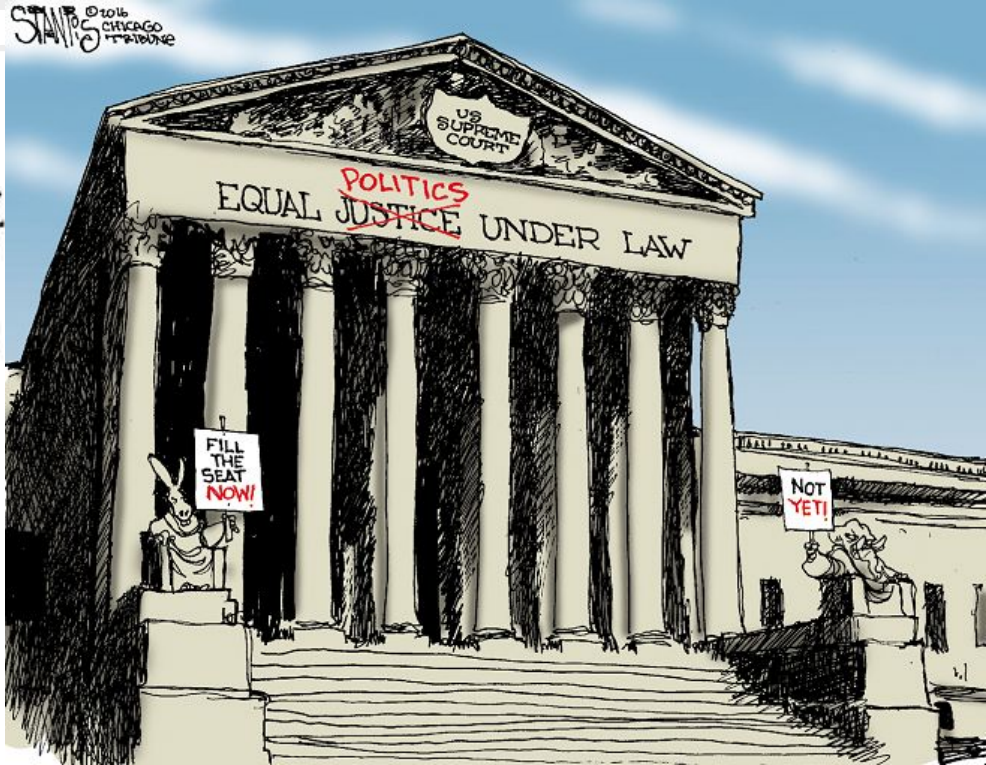
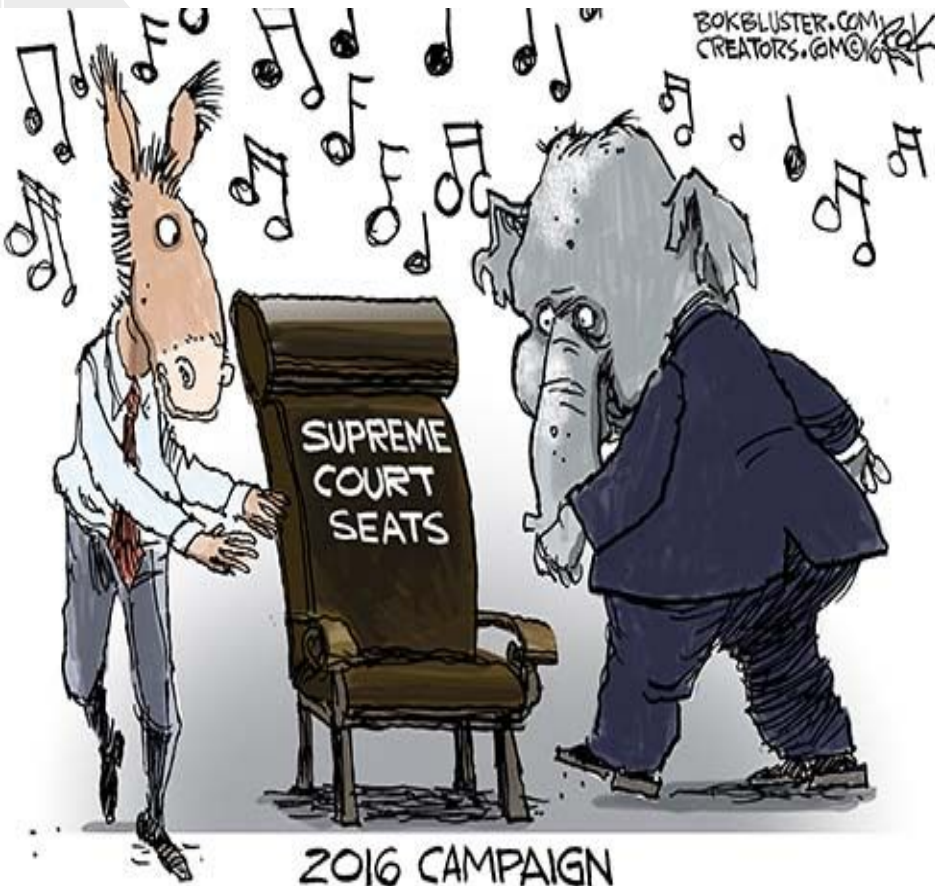


(7.1) The National Judiciary: Intro to the Judicial Branch

U.S. Government and Politics

Essential question for this unit

- *How should we handle conflict?*



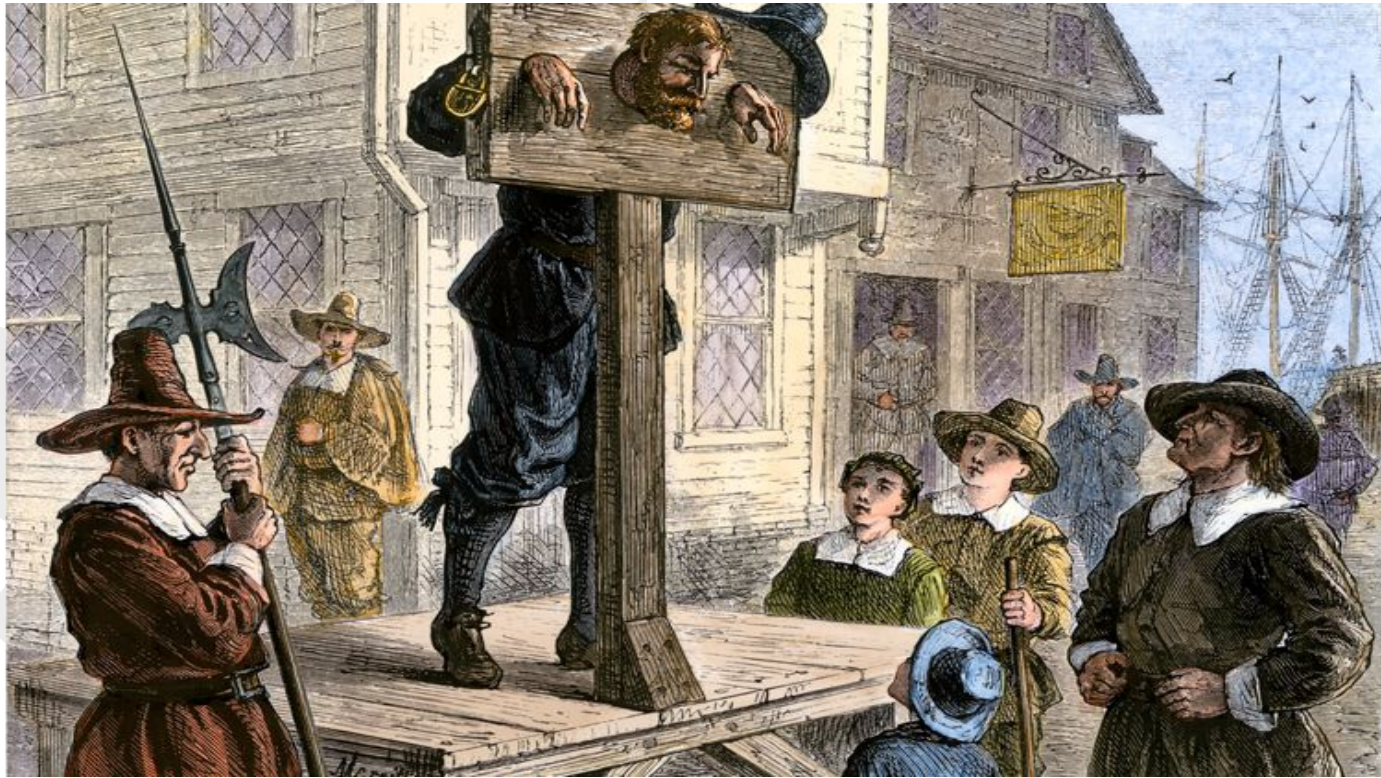
Political Cartoons and the Supreme Court

The Courts and Democracy

- As the ideas of self-government and fundamental civil liberties began to emerge in colonial America, colonists had a critical eye on the court system.
- Corrupt, tyrannical leaders throughout history had used many tactics to maintain control, and inequalities in the legal process.

The Courts and Democracy

- Those who acted against these rulers would be arrested and jailed without a trial, for example, quite often without ever being charged with a crime.
- Even for those lucky enough to stand before the court, a guilty verdict was inevitable.
- By controlling the court system, corrupt leaders could control the people.



Corrupt leaders throughout history have used the legal system to exert control over the people.

The Courts and Democracy

- The framers believed that the law would rule (“***rule of law***”) - not tyrants.
- Wanted to create an “**independent judiciary**”
- Much of the Bill of Rights addresses the rights of the accused (4th thru 8th)
 - 4 - privacy amendment (prevent illegal searches)
 - 5 - due process under the law
 - 6 - trials by jury

Creation of a National Judiciary

- Under the Articles of Confederation:
 - there were no national courts - states did what they wanted, and
 - there was inequality between states
- **ARTICLE 3:** Constitution created one Supreme Court
 - Congress also given the power to create the rest of the federal court system
 - **Federal Judiciary Act 1789** - established the Federal judiciary of the U.S.

Creation of a National Judiciary

- Framers argued the need for a federal court - a **judicial branch** = who was in charge of deciding the meaning of laws, how to apply them to real situations, and whether a law breaks the rules of the Constitution.
 - *Remember Judicial review...*
- **National Judicial System**
 - *Supreme Court*
 - *Courts of Appeal*
 - *District Courts*



Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases



Courts of Appeal

- Intermediate level in the federal system
- 12 regional "circuit" courts, including D.C. Circuit
- No original jurisdiction; strictly appellate

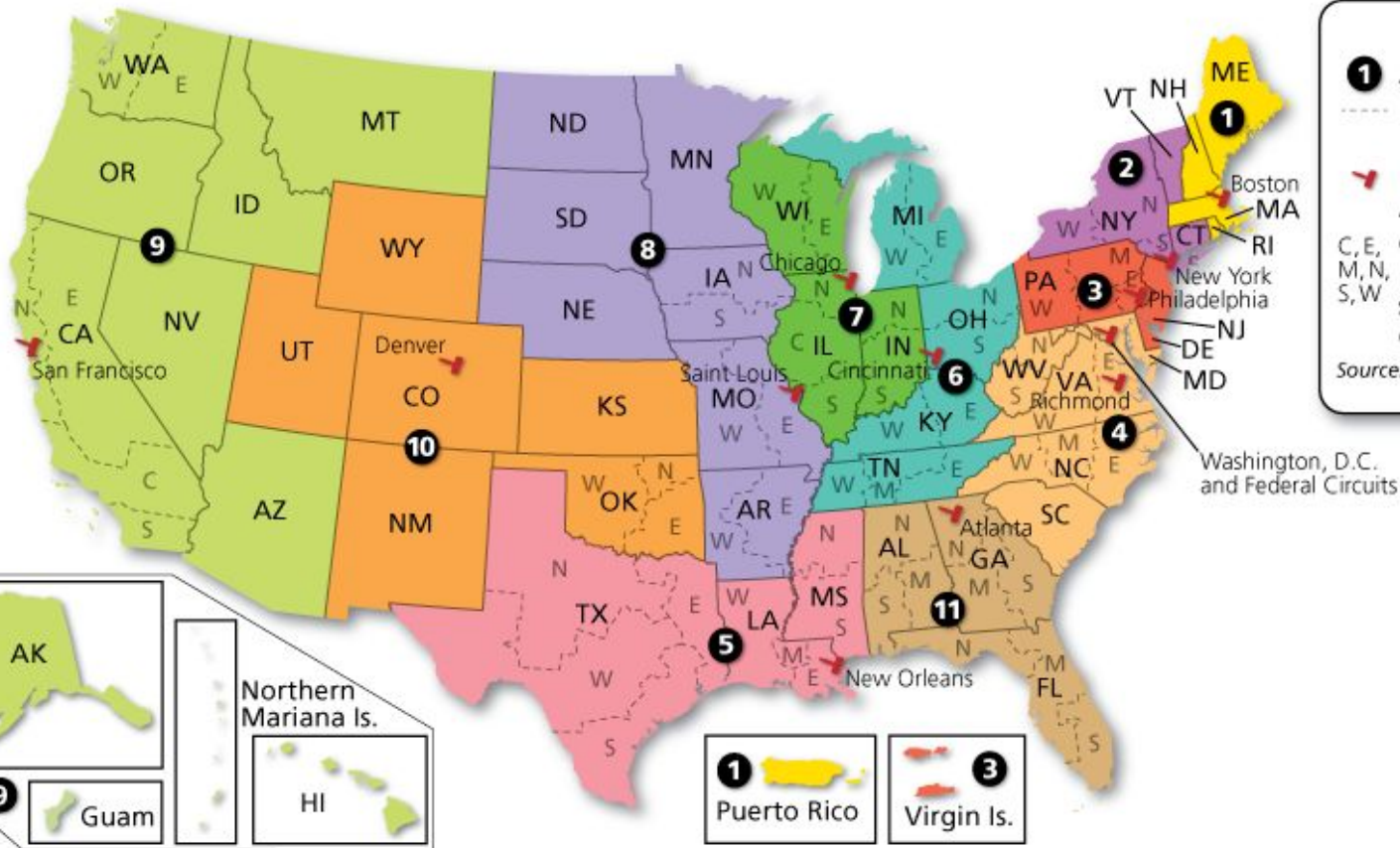


District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
 - No appellate jurisdiction
- Original jurisdiction over most cases

The Constitution creates the Supreme Court and gives Congress the power to create 'inferior courts.'

Federal Court Circuits and Districts



KEY

- 1** Judicial Circuit
- District Court boundaries
- District Court of Appeals
- C, E, Central, eastern, middle, northern, southern, western districts
- M, N, S, W

Source: *United States Courts, www.uscourts.gov*

1 Puerto Rico

3 Virgin Is.

Jurisdiction in the Federal Court System

So which court hear's what cases?

- **Jurisdiction** = the authority of a court to hear a case
 - **original jurisdiction**
 - power/right to hear a case for the first time
 - **appellate jurisdiction**
 - power/right to hear a case that is being appealed from a lower court

Jurisdiction in the Federal Court System

- **Jurisdiction and Federalism!**

- A dual court system

- federal AND state courts

- those cases not heard by the federal courts fall within jurisdiction of the state courts



Jurisdiction ex. = Dueling smartphones represent a lawsuit filed against Samsung Group by Apple Inc. in a California federal court. Since the suit alleged **patent infringement**, it had to be tried in **federal court**.

WHICH COURT?

SCENARIO

Citizen M robs a bank in California.

Citizen X of Michigan sues Citizen Y of Massachusetts for \$80,000 in damages caused as a result of a car accident.

Citizen Z of Ohio has her car repaired at AJ's, the local repair shop. Her car breaks down on her way home. She sues the repair shop for breach of contract.

JURISDICTION

Federal

Concurrent

State

WHY?

Bank robbery violates a federal law, regardless of the State in which the crime is committed.

When a citizen from one State sues a citizen of another State for damages greater than \$75,000, the case can be heard in either a federal or a State court.

This is a purely local matter. Nothing in the facts of the case support federal court jurisdiction.



Two separate court systems, federal and State, hear cases in the United States.

Appointment of federal judges

- The constitution lays out the manner in which judges are chosen, terms of service, and salaries.
- So who appoints federal judges according to the constitution?
 - President
 - approved by the senate
 - *Ex. Justice Gorsuch*

Roles of a case

- **plaintiff/prosecution**

- person who files the suit

- **defendant**

- person whom the complaint is made

Inferior Courts / District Court Cases

What is the difference between a criminal and a civil court case?

- **Criminal case**

- a defendant is tried for committing some action that Congress has declared by law to be a federal crime

- **Civil case**

- noncriminal matter -
- tend to be disputes between private parties

Conclusions / Takeaways

- Quick write and report out:
 - Summarize the organization of the national judiciary - make sure to use specifics!