

Chapter 18 Federal Court System

- ✓ Article III of the Constitution
- ✓ Federal and State Courts
- ✓ Two kinds of federal courts
- ✓ Constitutional Courts- include the Supreme Court (only one created in the U.S. Constitution), Court of Appeals, District Courts and the Court of International Trade
- ✓ Special Courts- called the Legislative Courts, includes Court of Military Appeals, Tax Courts, Territorial courts

Jurisdiction

- ✓ Power of the Courts to try to decide a case
- ✓ Federal courts may hear a case either because of Subject Matter or the parties involved in the case
- ✓ Subject Matter
- ✓ Interpretation of the Constitution
- ✓ Question of admiralty (matters that arise on the high seas of the U.S.)

Parties

- ✓ United States or one of its officers
- ✓ Ambassador of a foreign government
- ✓ State suing another state
- ✓ Citizen suing a citizen of another state
- ✓ An American citizen suing a foreign government

✓

Types of Jurisdiction

- ✓ Exclusive Jurisdiction- those cases that can only be heard in the federal courts
- ✓ Concurrent Jurisdiction- cases that can be tried in either a state or federal court
- ✓ Plaintiff- the one who initiates the suit
- ✓ Defendant- the party who must defend against the state
- ✓ Original Jurisdiction- A court in which a case is heard first
District/Supreme
- ✓ Appellate Jurisdiction- A court that hears a case on appeal. Appeals Court and Supreme Court

Appointment of Judges

- ✓ Appointed by the President, with the help of the Attorney General, and approved by the Senate
- ✓ Appointed for life- until they resign, retire, or die in office
 - ✓ Can only be removed through impeachment
- ✓ Can retire at the age of 65 or 70 depending on the amount of service already put in. They receive their full salary after retirement.
- ✓ Congress sets the salary of federal judges \$194,200
- ✓ Chief Justice receives a salary of \$202,900

The Supreme Court

- ✓ The only Court specifically created by the U.S. Constitution
- ✓ Total of 9 judges
- ✓ 1 Chief Justice
- ✓ 8 Associate Justices
- ✓ Its decision IS final
- ✓ Has the power of Judicial Review- power to decide if any law passed by Congress violates the Constitution. Established with the Marbury v Madison decision

Who are they?

- John Roberts Jr.—Chief Justice
55 years old—Nominated by George W. Bush
- Elena Kagan—Associate Justice
50 years old—Nominated by Barack Obama
- Antonin Scalia—Associate Justice
73 years old—Nominated by President
Reagan

Cont'

- Anthony Kennedy--Associate Justice
- 73 years old—Nominated by President Reagan
- Sonia Sotomayor-Associate Justice
- 56 years old—Nominated by President Barack Obama
- Clarence Thomas--Associate Justice
- 61 years old—Nominated by President George H.W. Bush

Cont'

- Ruth Ginsburg--Associate Justice
- 76 years old—Nominated by President Clinton
- Steven Breyer--Associate Justice
- 71 years old—Nominated by President Clinton
- Samuel Alito--Associate Justice
- 59 years old—Nominated by George W Bush

The United States Federal Courts

**SUPREME
COURT**

**UNITED STATES
SUPREME COURT**

**APPELLATE
COURTS**

U.S. Courts of Appeals

12 Regional Circuit Courts of Appeals
1 U.S. Court of Appeals for the Federal Circuit

**TRIAL
COURTS**

U.S. District Courts

94 judicial districts
U.S. Bankruptcy Courts

U.S. Court of International Trade

U.S. Court of Federal Claims

**FEDERAL COURTS
AND OTHER ENTITIES
OUTSIDE THE
JUDICIAL BRANCH**

Military Courts (Trial and Appellate)

Court of Veterans Appeals

U.S. Tax Court

**Federal administrative agencies
and boards**

Federal Court

- U.S. Supreme Court
 - Top of the federal court system
 - Nine justices serve as the authority on federal law and the application of the Constitution
- U.S. Court of Appeals
 - Court w/in the second tier of the three-tiered federal court system, to which decisions of the district courts and federal agencies may be appealed for review
 - 13 federal appellate courts which are divided into 12 circuits with 3 judges per panel

Federal District Courts

- ✓ Most federal court cases are heard here- 80%
- ✓ Judiciary Act 1789- passed by Congress established these courts
- ✓ 94 total district courts in the U.S- each state has at least 1 district court
- ✓ Wisconsin has 3 District courts
- ✓ Milwaukee, Madison, and Green Bay
 - ✓ Two judges are assigned to each district
 - ✓ Most decisions are final at district courts
 - ✓ District courts use both grand and petit juries
 - ✓ District courts hear both criminal and civil cases.

Two Other Constitutional Courts

- ✓ **Court of International Trade-** only **civil** cases arising out of tariff disputes
- ✓ **Court of Appeals for the Federal Circuit-** created in 1982 to centralize the appeals process in certain types of civil cases. Has national jurisdiction.
- ✓ Hears appeals from the Trade Courts, Court of Veteran Appeals, District Courts, Tax Courts and the Merit Systems Protection Board and federal regulatory agencies

Court Officers

- ✓ 94 Federal district courts
- ✓ U.S. Magistrate- serve 8 year terms
- ✓ Issue warrants of arrest and also set bail in federal criminal cases
- ✓ Bankruptcy Judge- serve 14 year terms
 - ✓ U.S. Attorney at each federal court they represent the U.S. in cases
 - ✓ 4 year terms
 - ✓ Marshal- make arrests and keep order in the courtroom
 - ✓ 4 year terms

Marbury vs. Madison

✓ 1803

✓ Federalists lost both the presidency (John Adams) and Congress; Before they left office, Congress passed laws that created new judges

✓ William Marbury was picked as one of these justices

✓ New president Thomas Jefferson told his Sec. of State James Madison not to deliver the commissions

✓ Marbury went to the Supreme Court demanding his job

✓ Based his argument on the Judiciary Act 1789- law that gave the Supreme Court original jurisdiction on such cases

✓ John Marshall ruled the S.C. didn't have original jurisdiction- it has the right to declare acts of congress unconstitutional

✓ The Constitution is the supreme law of the land

Supreme Court Has Original Jurisdiction In 2 areas

- ✓ Controversies between states
- ✓ Cases brought against ambassadors

How Cases Reach The Court

- ✓ 5,000-6,000 cases appealed each year to the Supreme Court
- ✓ Only about 100 are heard a year
- ✓ Most cases reach the S.C. by a writ of certiorari- an order by the Supreme Court telling the lower courts to send up the case records for review
- ✓ “Rule of Four”- 4 of the 9 justices must agree that the court should hear a case
- ✓ Some cases reach the court in another way- certificate- lower courts ask the Supreme Court to certify the answer to specific questions

Supreme Court at Work

- ✓ Court begins on the 1st Monday in October and goes through June or July
 - ✓ Oral Arguments
- ✓ 2 week cycles- hear cases for 2 weeks then recesses for 2 weeks to consider their cases
- ✓ Each lawyer is limited to 30 minutes
 - ✓ Briefs- written documents filed with the court before an oral argument
 - ✓ Solicitor General – lawyer who represents the U.S. in all cases to which it is a party in a Supreme Court case
 - ✓ The Conference –held on Fridays where justices discuss the case
- ✓ Met in secrecy; Chief Justice presides over the meeting; each associate justice summarizes his or her views

Opinions

- ✓ Courts opinion is called the majority
- ✓ Opinion – this announces the decision of the court
- ✓ Justices can also write concurring opinions – they agree with the decision but want to emphasize a point not in the majority opinion
- ✓ Dissenting opinions – may be written by justices who disagree with decision

Chief Justice

- ✓ John Roberts
- ✓ 1st African American – Thurgood Marshall
- ✓ 1st woman – Sandra Day O'Connor

Term

- ✓ Term of the Supreme Court begins on the 1st Monday in October
- ✓ Hears oral arguments Monday, Tuesday, and Wednesday for about two weeks of each month through April
- ✓ Then from May and June, the Supreme Court starts work at 10:00 am and they deliver opinions
- ✓ During the months of October – April, court starts at 10 and ends at 3 with a 1 hour recess starting at noon