

The Judicial Branch

The Role of the Judicial Branch

- To interpret and define law
- This involves hearing individual cases and deciding how the law should apply
- *Remember federalism – there are federal courts for federal law, and state courts for state laws!*

Where Do the Courts' Jurisdiction Come From?

- Article III of the Constitution creates “one supreme court, and such inferior courts” that Congress creates
- Thus, Congress creates the system underneath Supreme Court

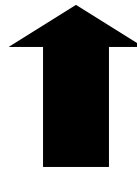
3 Major Steps in the Federal System

Courts Judges

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Supreme Court

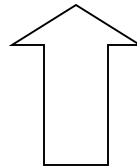
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Court of Appeals

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District Court

1

Jurisdiction

- Jurisdiction – the authority of a court to hear (try and decide on) a case
- 4 Types of Jurisdiction:
 - Exclusive Jurisdiction – only federal court has authority to hear, state court cannot

Jurisdiction

- Concurrent Jurisdiction – federal or state court could hear
- Original Jurisdiction – court is the first one to hear a case
- Appellate Jurisdiction – court can only hear a case on appeal

Jurisdiction

- U.S. District Courts have original jurisdiction
- The Court of Appeals has appellate jurisdiction
- Supreme Court has both

Appointment of Judges

- President nominates someone to become a judge
- Senate majority vote confirms
- Remember –
 Senatorial Courtesy!
- Judges serve for life



Why Life Terms?

- Founding Fathers wanted an independent judiciary

District Court

- District Court is the principal trial court in the system (first trial for the vast majority of federal cases)
- 94 Districts divided geographically
- Hears both criminal and civil cases

Process of a Criminal Case

- U.S. attorney gathers up all the evidence against you
- Presents it to a *grand jury*, 16 to 23 people who decide whether there is enough evidence to indict you
- If they vote to *indict* you, trial begins with a new jury

Process of a Criminal Case

- If you lose your trial, you have the option to appeal to a higher court
- The higher court does not have to hear your case, they will only take it if there is a significant problem with the lower court decision
- Higher courts have the option to overturn or modify lower court decisions

Supreme Court

- The “Court of Last Resort” – highest court in the country
- Has power of judicial review



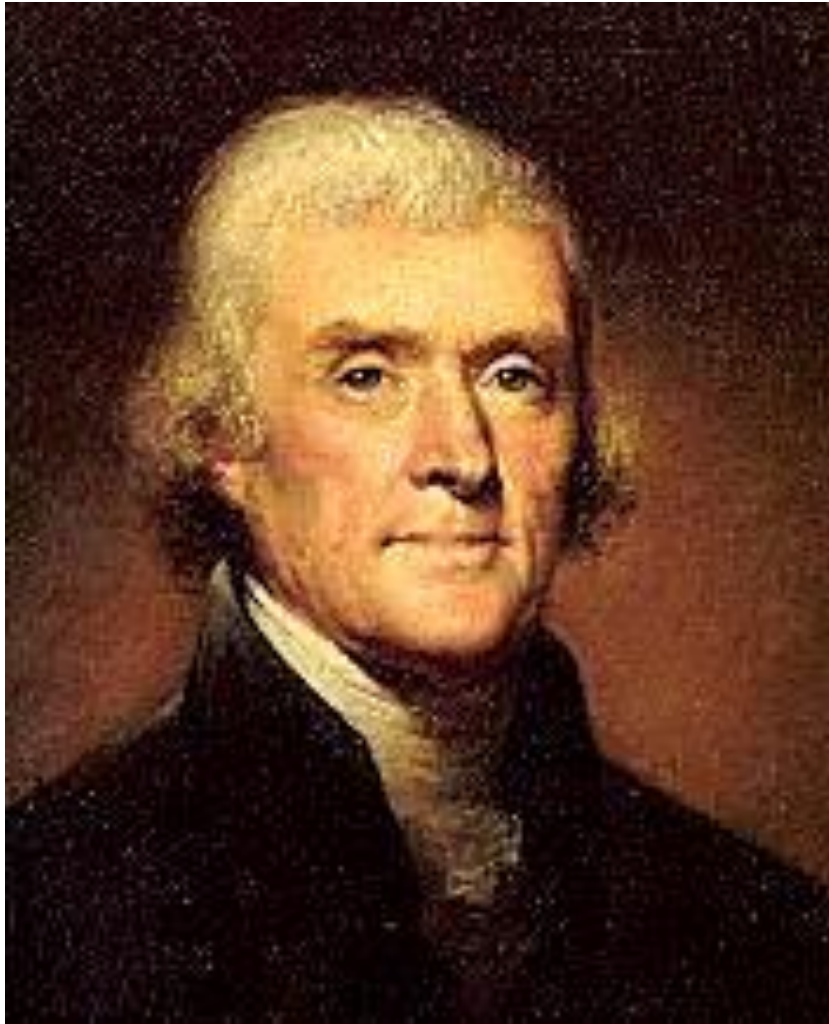
Judicial Review

- Judicial Review – the power to declare acts of government unconstitutional, thus eliminating them
- All comes from the case of Marbury v. Madison

Marbury v. Madison

- Adams has just lost to Jefferson in the election of 1800
- To preserve his legacy, Adams has Federalists in Congress create loads of new judgeships
- Adams appoints Federalist party members to all the new positions

Marbury v. Madison



- Jefferson was very upset
- Jefferson ordered Madison not to deliver the commissions
- Marbury, who was to be a judge, sued Madison

Decision in Marbury v. Madison

- Judiciary Act of 1789 gave Supreme Court original jurisdiction in disputes about judgeships
- Article III of the Constitution gives Supreme Court appellate jurisdiction in those cases

Decision in Marbury v. Madison

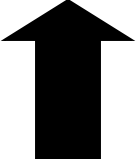
- Therefore, Judiciary Act of 1789, and Marbury's lawsuit are...

Unconstitutional!!

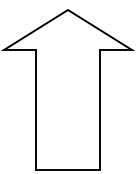
- First time Supreme Court struck down an act of government as unconstitutional

Another Route to Supreme Court

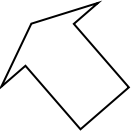
Supreme Court



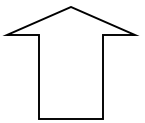
Court of Appeals



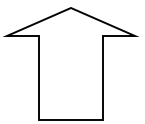
District Court



Arizona Supreme Court



Arizona Court of Appeals



Superior Court

How a Case Reaches Supreme Court

- Court will issue a *writ of certiorari* (acceptance of a case) if 4 of the 9 justices wish to hear it
 - Called the “Rule of 4”
- Or, court will issue a *certificate* if a lower court says they don’t know how to decide on it

Trial Process at Supreme Court

- Trial does not function like principal trial courts
 - No “evidence” presented, or witnesses questioned, etc.
- Rather, one attorney for each side presents his arguments for 30 minutes, while being questioned by justices

Trial Process at Supreme Court

- Once arguments are over, justices will write opinions on the case, and each justice chooses which opinion to sign his/her name to
 - Majority Opinion – final decision on the case, signed by at least 5 justices
 - Becomes *precedent* for how future similar cases should be decided

Trial Process at Supreme Court

- **Dissenting Opinion** – written or signed by any justice who disagrees with the majority
 - It's important because it can become the logic for a future group of justices to overturn this decision

Trial Process at Supreme Court

- Concurring Opinion – written by a justice who votes with the majority, but disagrees with their reasoning as to why
- If a justice has a conflict of interest in a case, he/she may *recuse* himself (stay off of the case)

Most Important Historical Cases

- *Marbury v. Madison (1804)* – established precedent of judicial review
- *McCulloch v. Maryland (1819)* – allowed Congress to use implied powers under “necessary and proper clause”
- *Gibbons v. Ogden (1824)* – allowed Congress to regulate all commercial interactions under “commerce clause”

Most Important Historical Cases

- *Dred Scott v. Sanford (1857)* – people of African descent imported into the U.S. were not and could never be considered citizens (pushed U.S. closer to Civil War due to outcry after the case)
- *Plessy v. Ferguson (1896)* – said segregation was constitutional as long as both races had equal facilities
- *Brown v. Board of Education (1954)* – overturned Plessy decision on the grounds that “separate is inherently unequal”

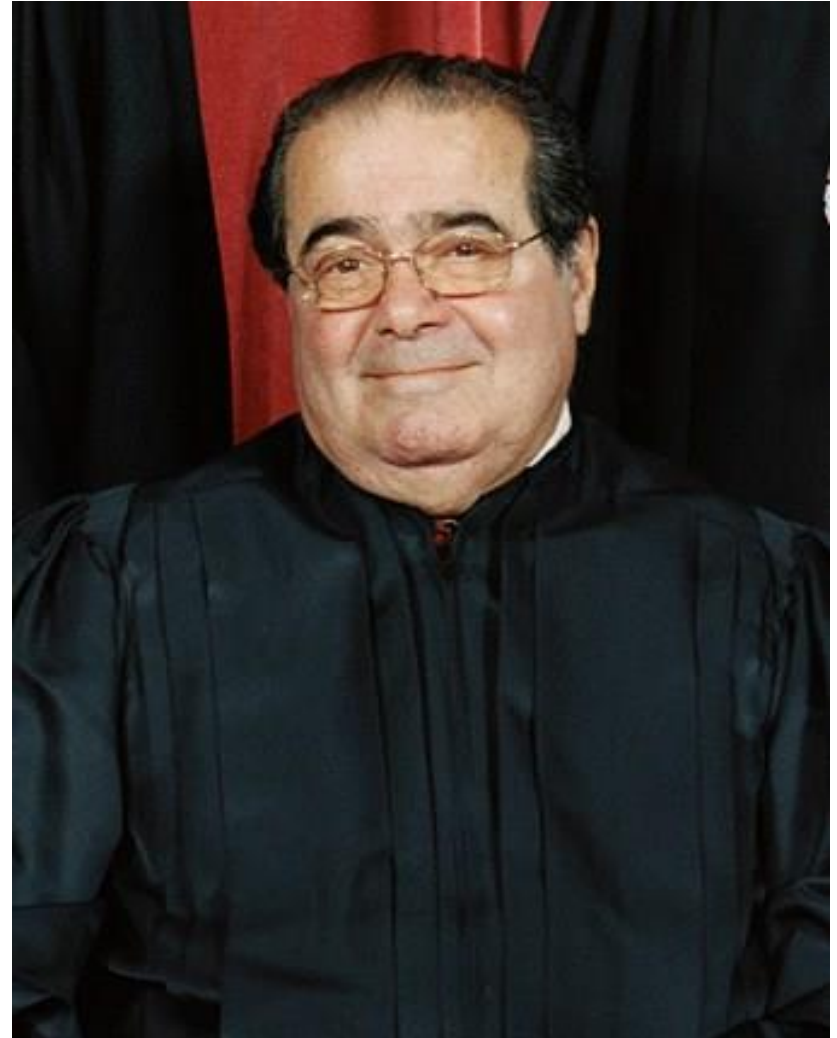
Current Supreme Court Justices

- Chief Justice John Roberts
- Appointed: Bush, 2005
- Age: 55
- Conservative



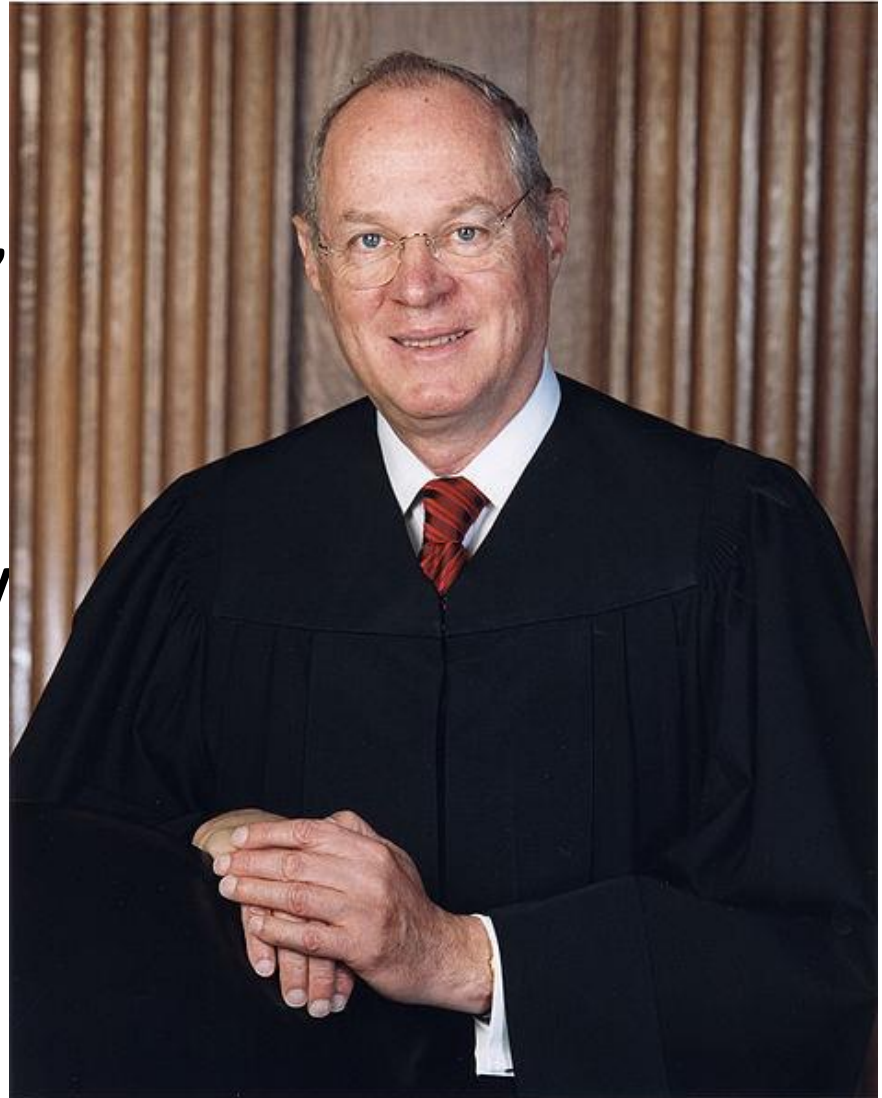
Current Supreme Court Justices

- Antonin Scalia
- Appointed:
Reagan, 1986
- Age: 74
- Strong
Conservative



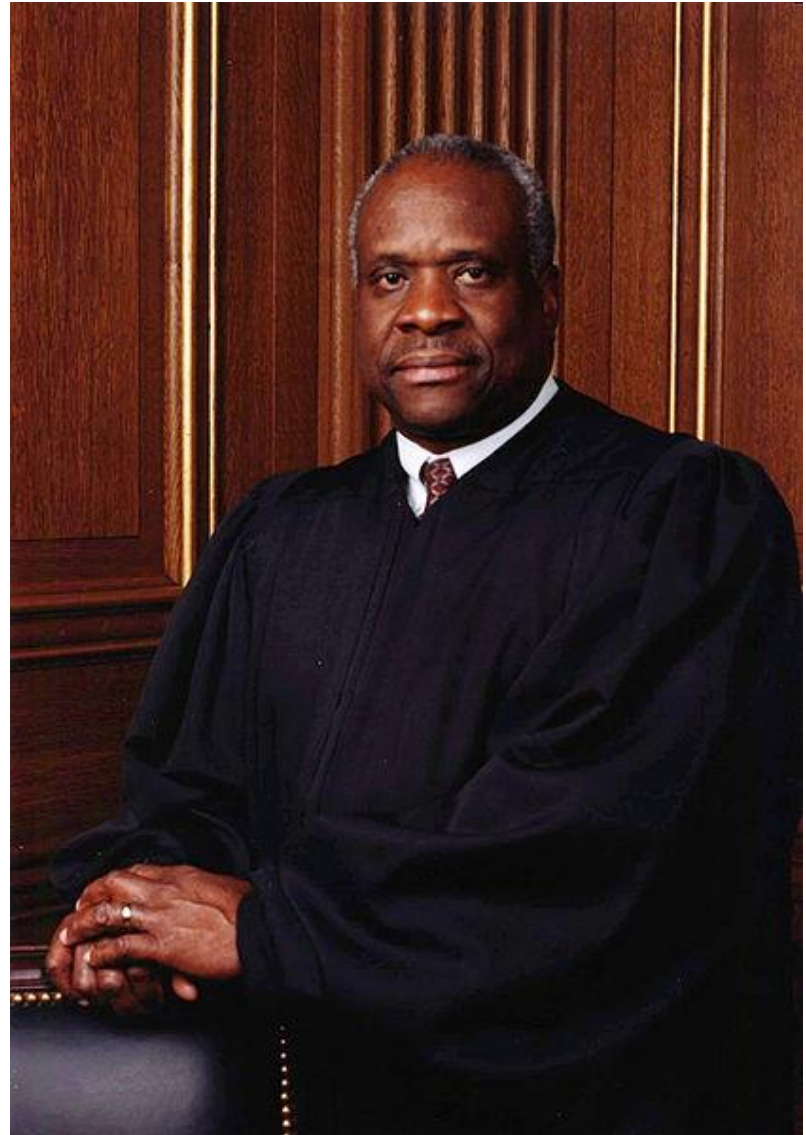
Current Supreme Court Justices

- Anthony Kennedy
- Appointed: Reagan, 1988
- Age: 73
- Swing Vote (Usually Conservative)



Current Supreme Court Justices

- Clarence Thomas
- Appointed: Bush, 1991
- Age: 61
- Strong Conservative



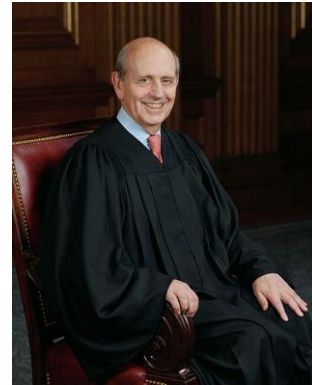
Current Supreme Court Justices

- Ruth Bader Ginsburg
- Appointed: Clinton, 1993
- Age: 77
- Strong Liberal



Current Supreme Court Justices

- Stephen Breyer
- Appointed:
Clinton, 1994
- Age: 71
- Liberal



Current Supreme Court Justices

- Samuel Alito
- Appointed: Bush, 2006
- Age: 60
- Conservative



Current Supreme Court Justices

- Sonia Sotomayor
- Appointed:
Obama, 2009
- Age: 55
- Strong Liberal



Current Supreme Court Justices

- Elena Kagan
- Appointed:
Obama, 2010
- Age: 50
- Liberal

