

# The Judicial Branch



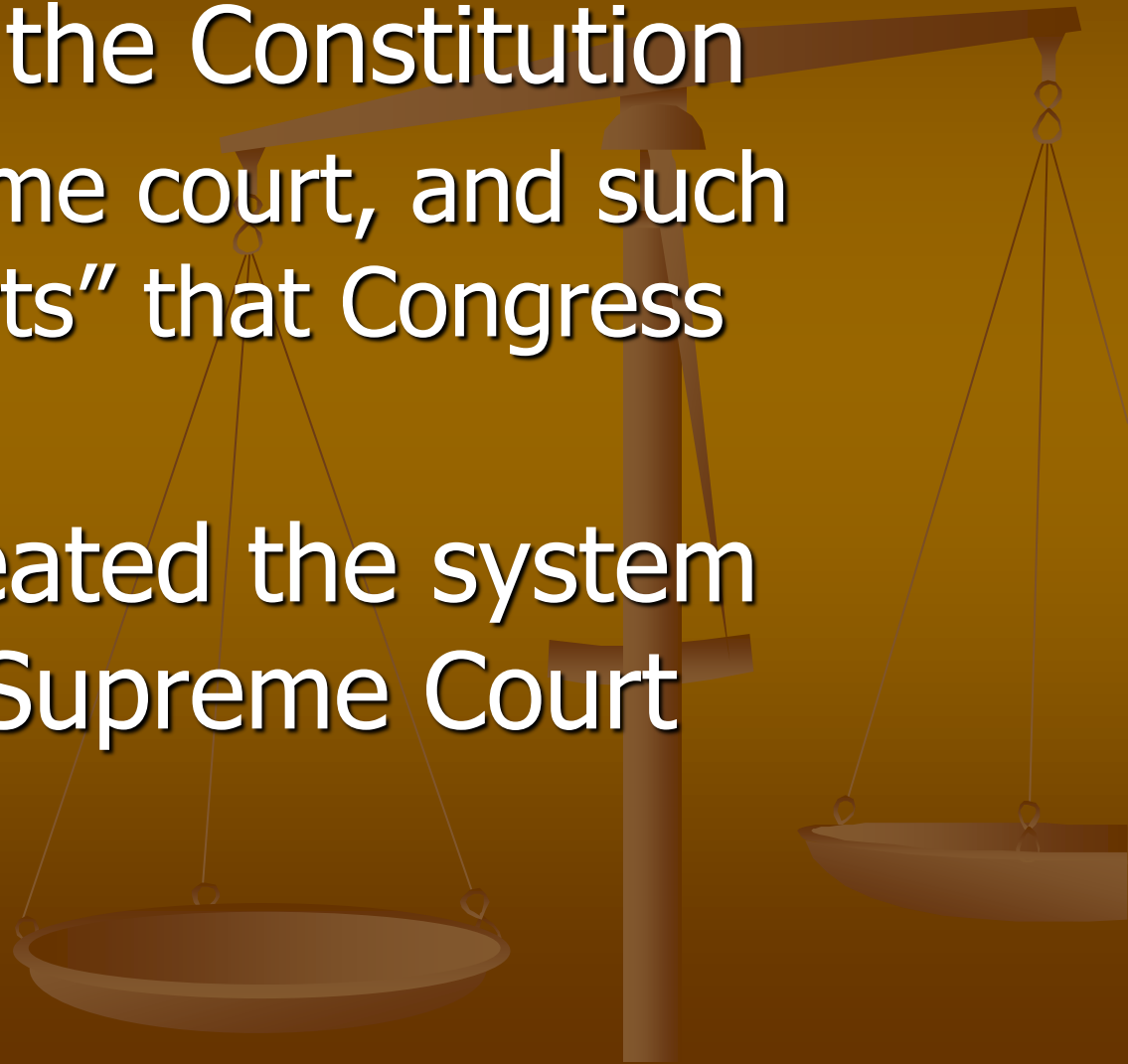
# The Role of the Judicial Branch



- To interpret and define law
- Hear individual cases and decide 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
  - “one supreme court, and such inferior courts” that Congress creates
- Congress created the system underneath Supreme Court



# 3 Major Steps in the Federal System

Courts

Judges

1

Supreme Court

9



13

Court of Appeals

3



94

District Court

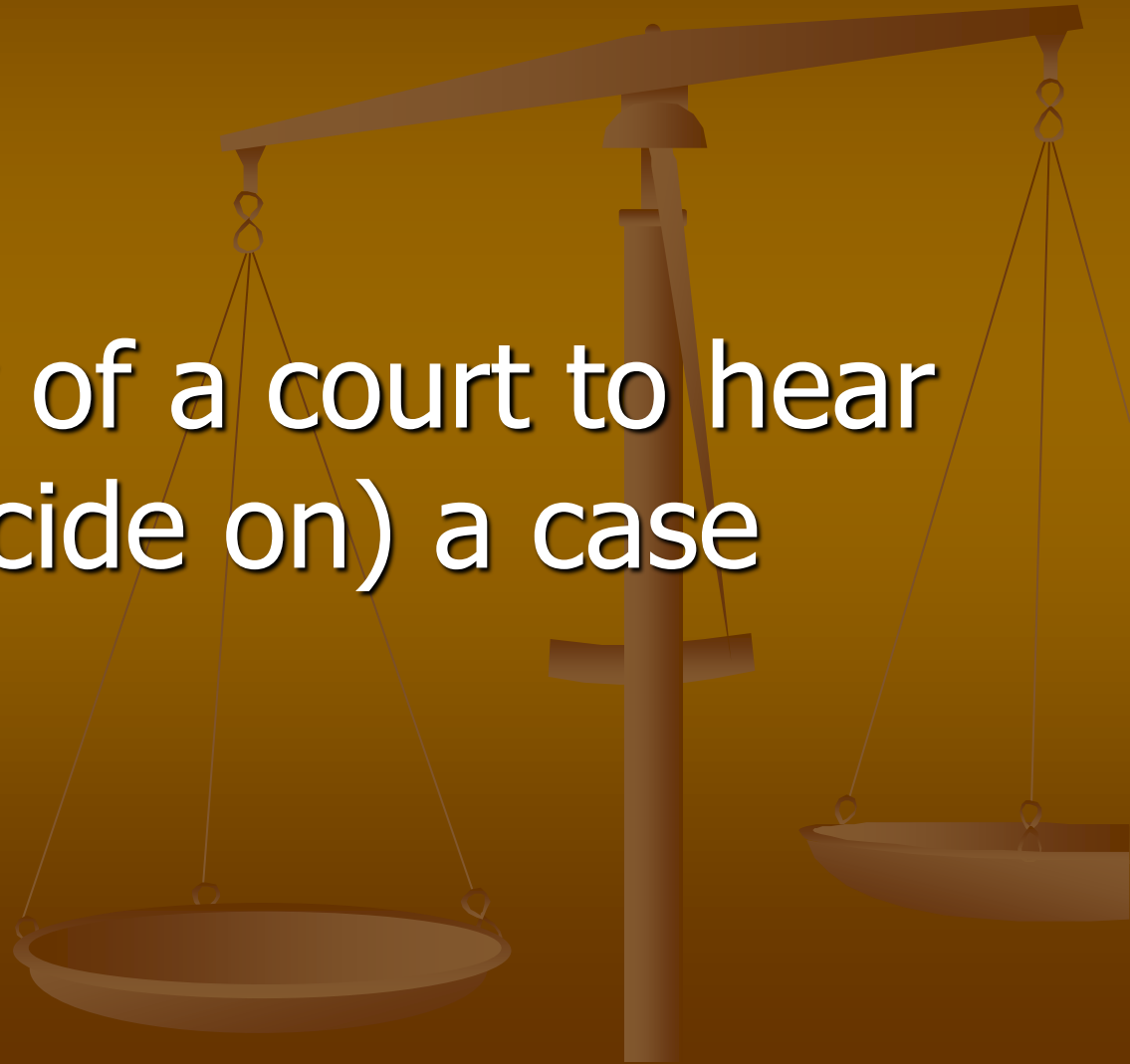
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# Jurisdiction

- Jurisdiction

the authority of a court to hear  
(try and decide on) a case



# Jurisdiction: 4 Types of Jurisdiction



1. **Exclusive Jurisdiction** – only federal court has authority to hear, state court cannot
2. **Concurrent Jurisdiction** – federal or state court could hear
3. **Original Jurisdiction** – court is the first one to hear a case
4. **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 Supreme Court Judges

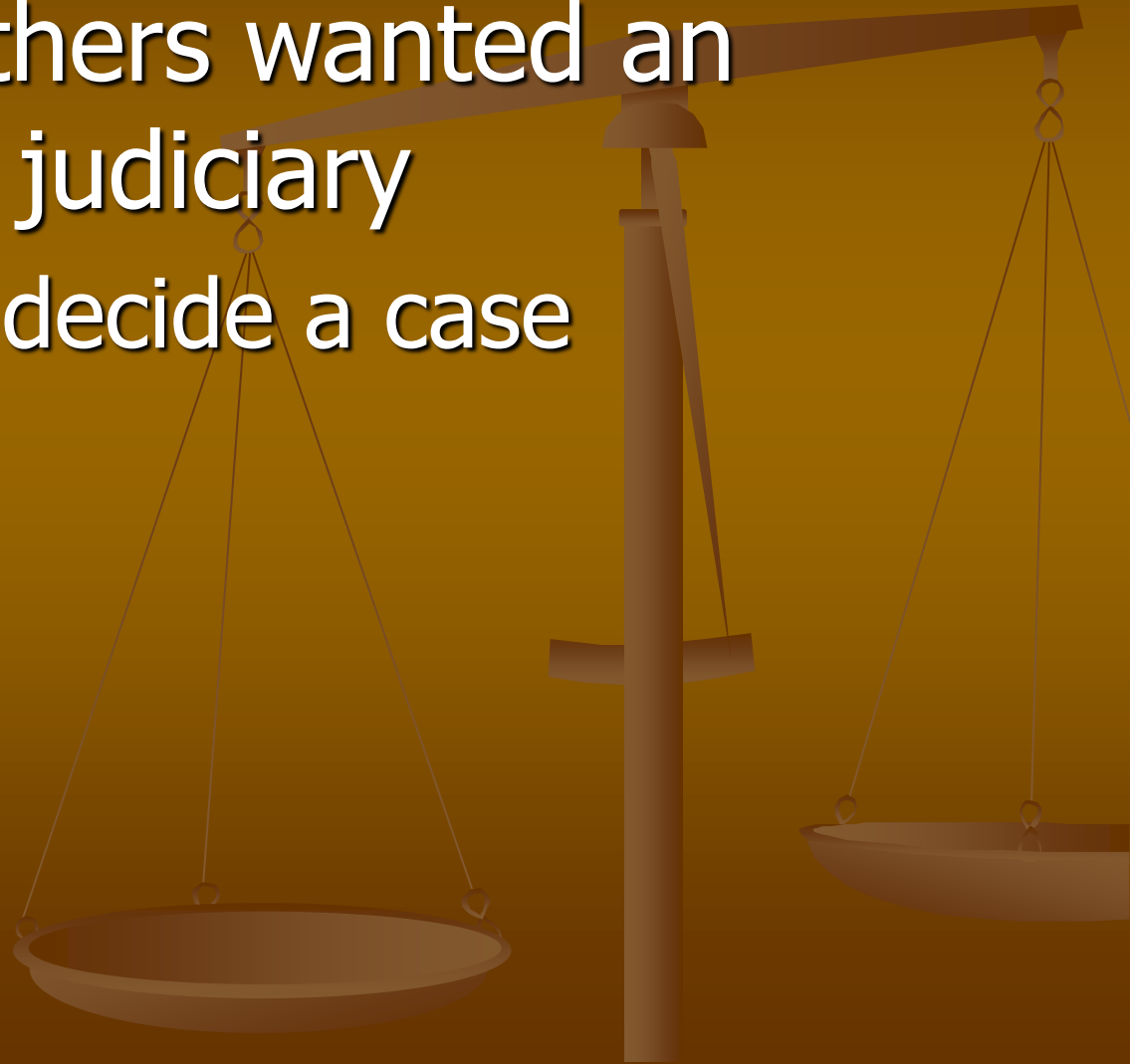
- President nominates someone to become a Supreme Court Judge
- Senate majority vote confirms
- Judges serve for life





# Why Life Terms?

- Founding Fathers wanted an independent judiciary
  - Freedom to decide a case impartially



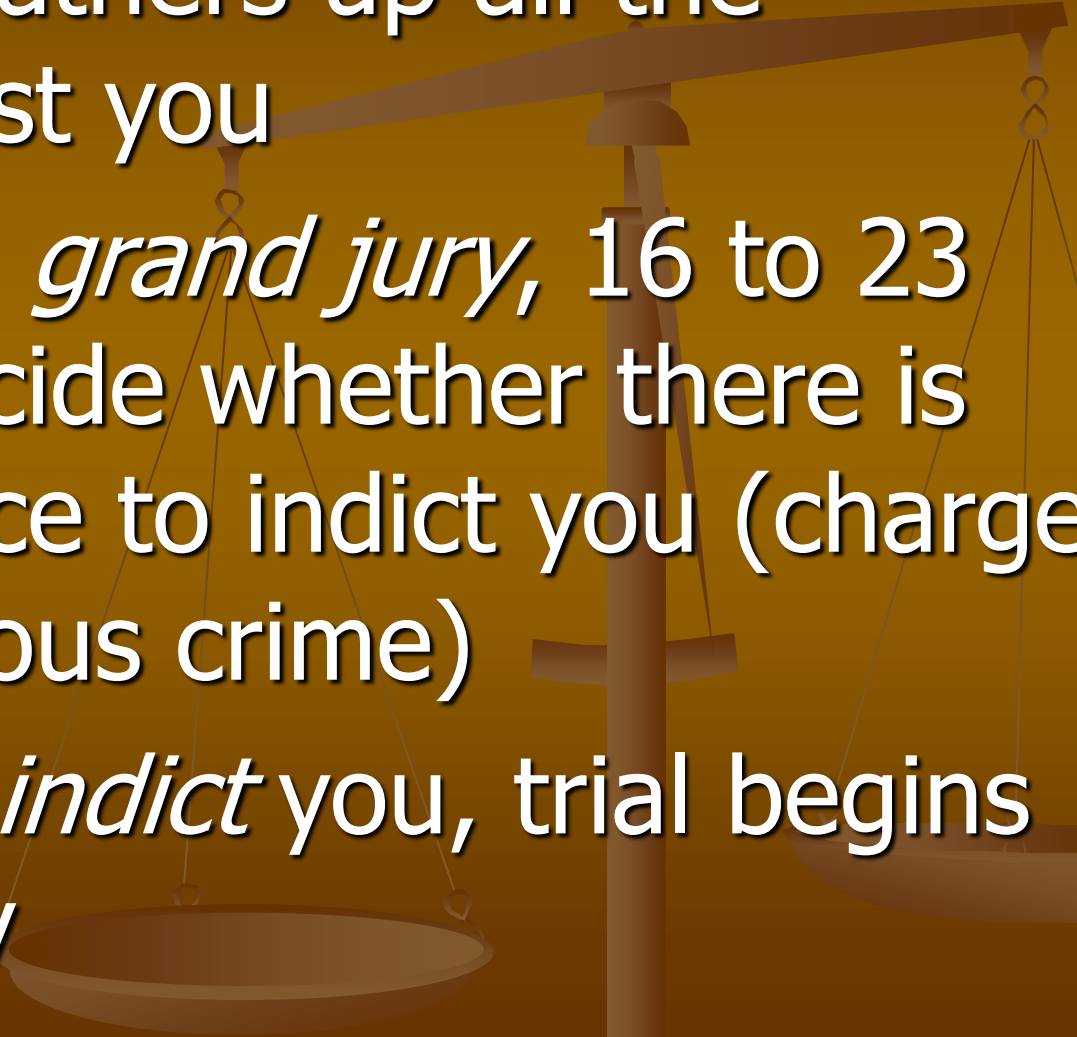
# District Court



- District Court is the first trial for the vast majority of federal cases
- 94 Districts divided geographically
- Hears both criminal and civil cases

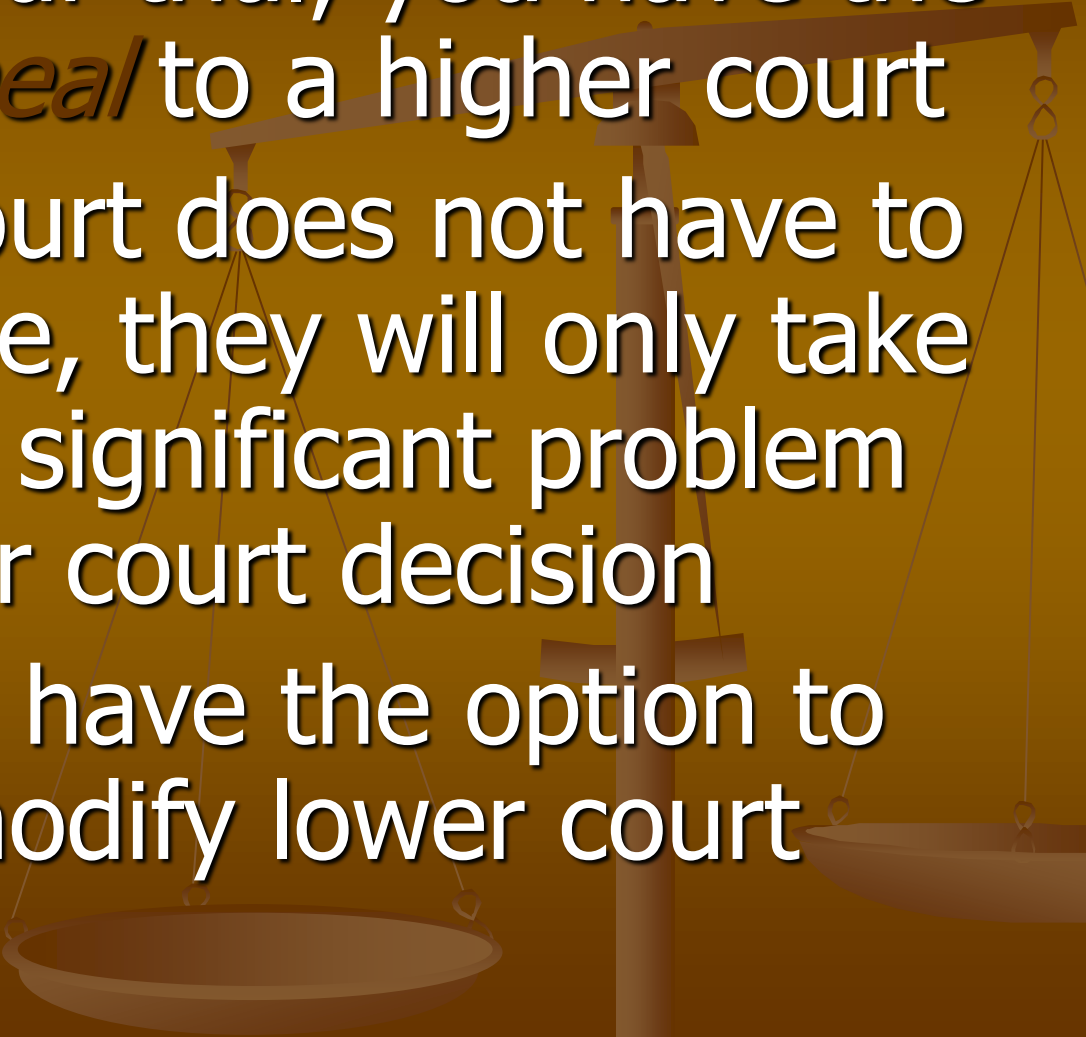
# Process of a Criminal Case

*\*do not write \**

- 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 (charge you with a serious crime)
  - If they vote to *indict* you, trial begins with a new jury
- 

# Process of a Criminal Case

\*do not write \*

- 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
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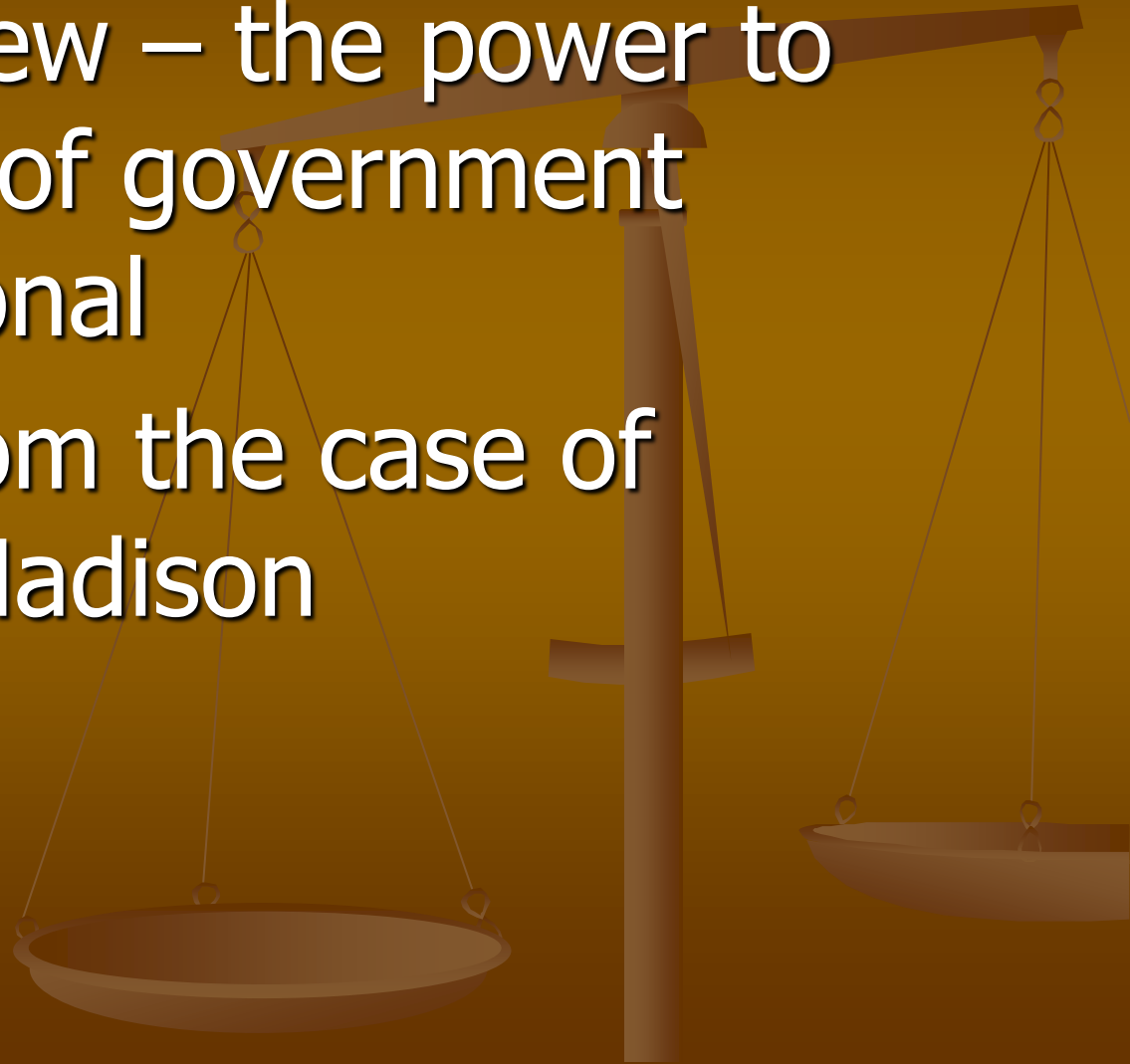
# Supreme Court

- 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
- All comes from the case of Marbury v. Madison



# Another Route to Supreme Court

Supreme Court



Court of Appeals



District Court

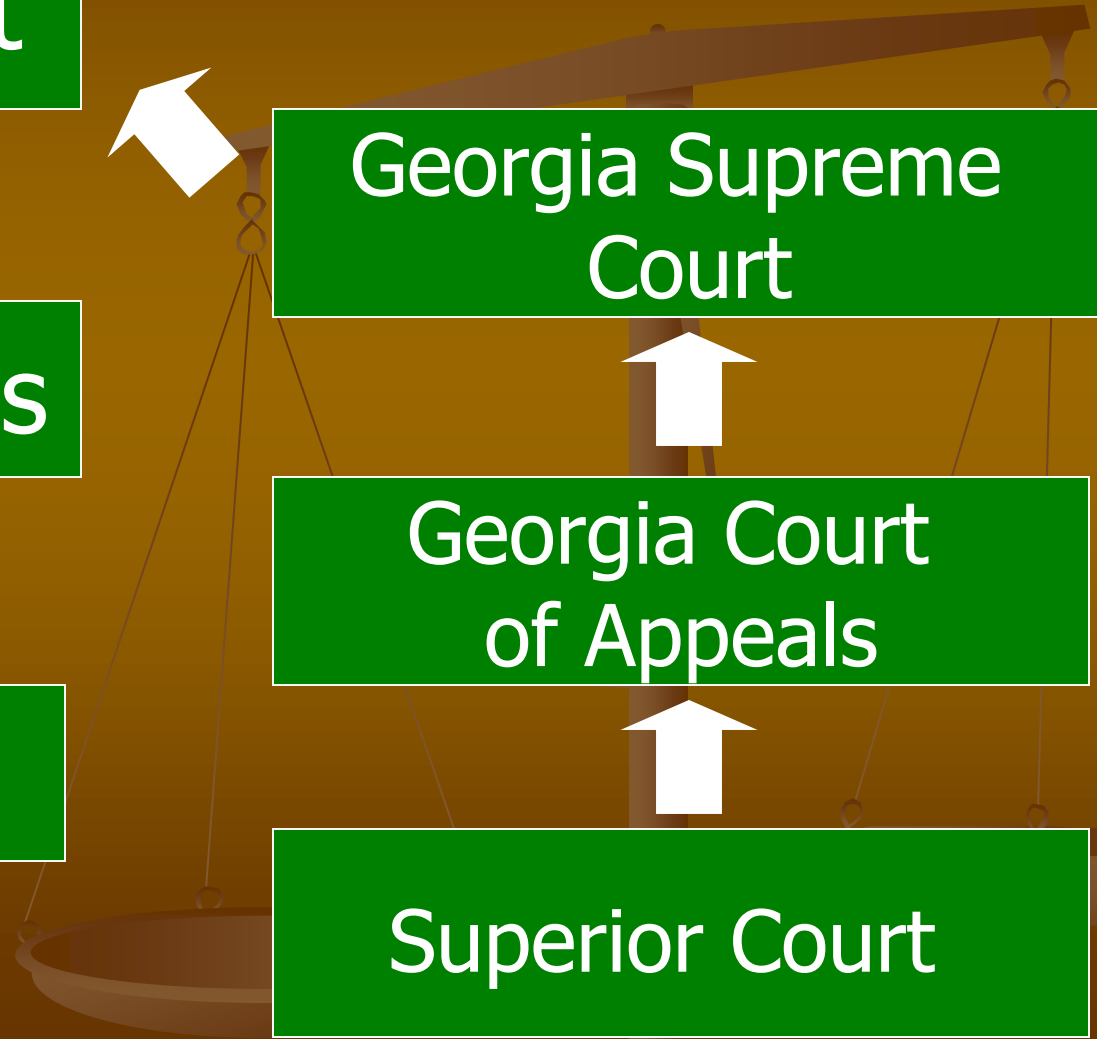
Georgia Supreme Court



Georgia Court of Appeals

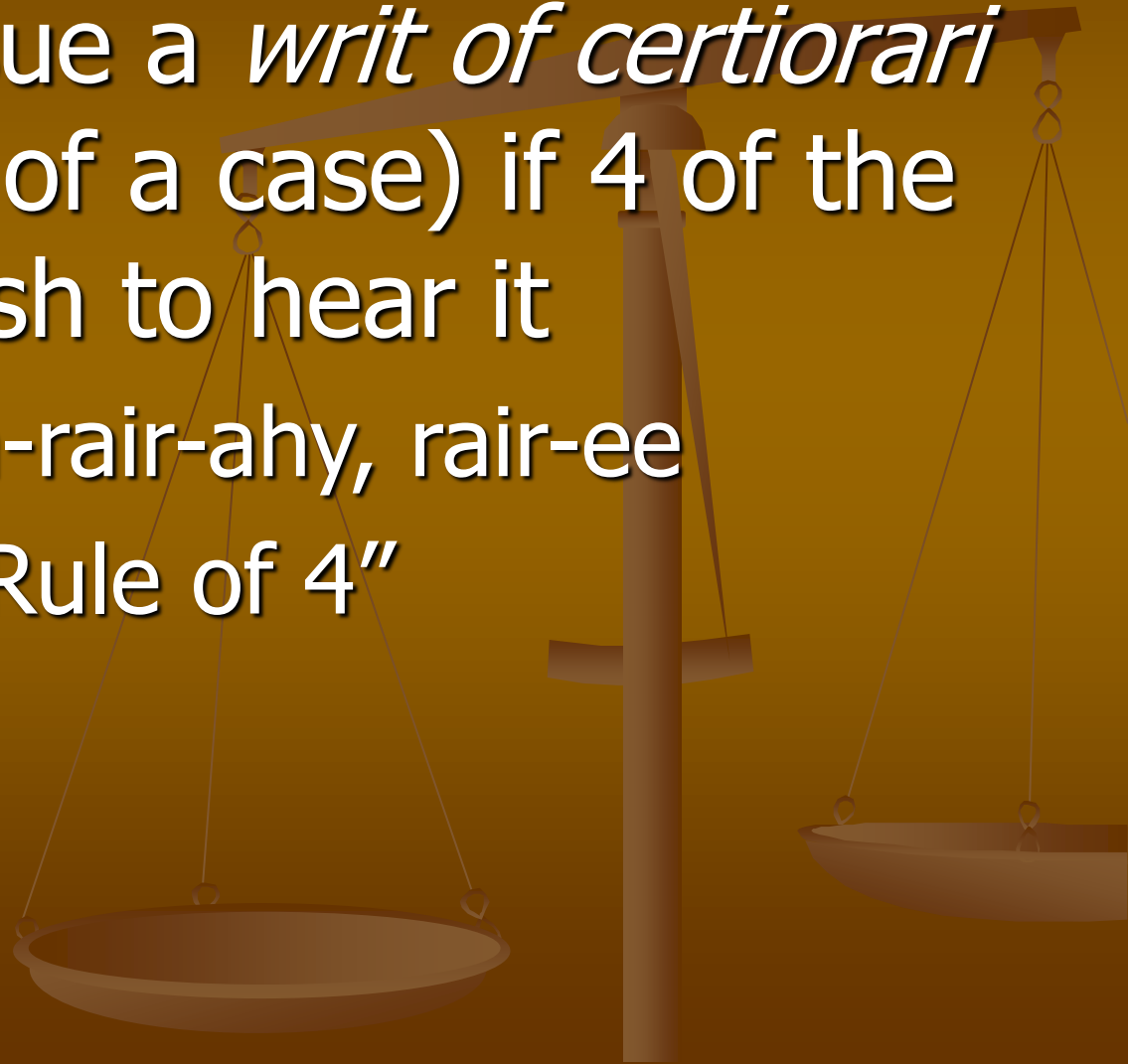


Superior Court



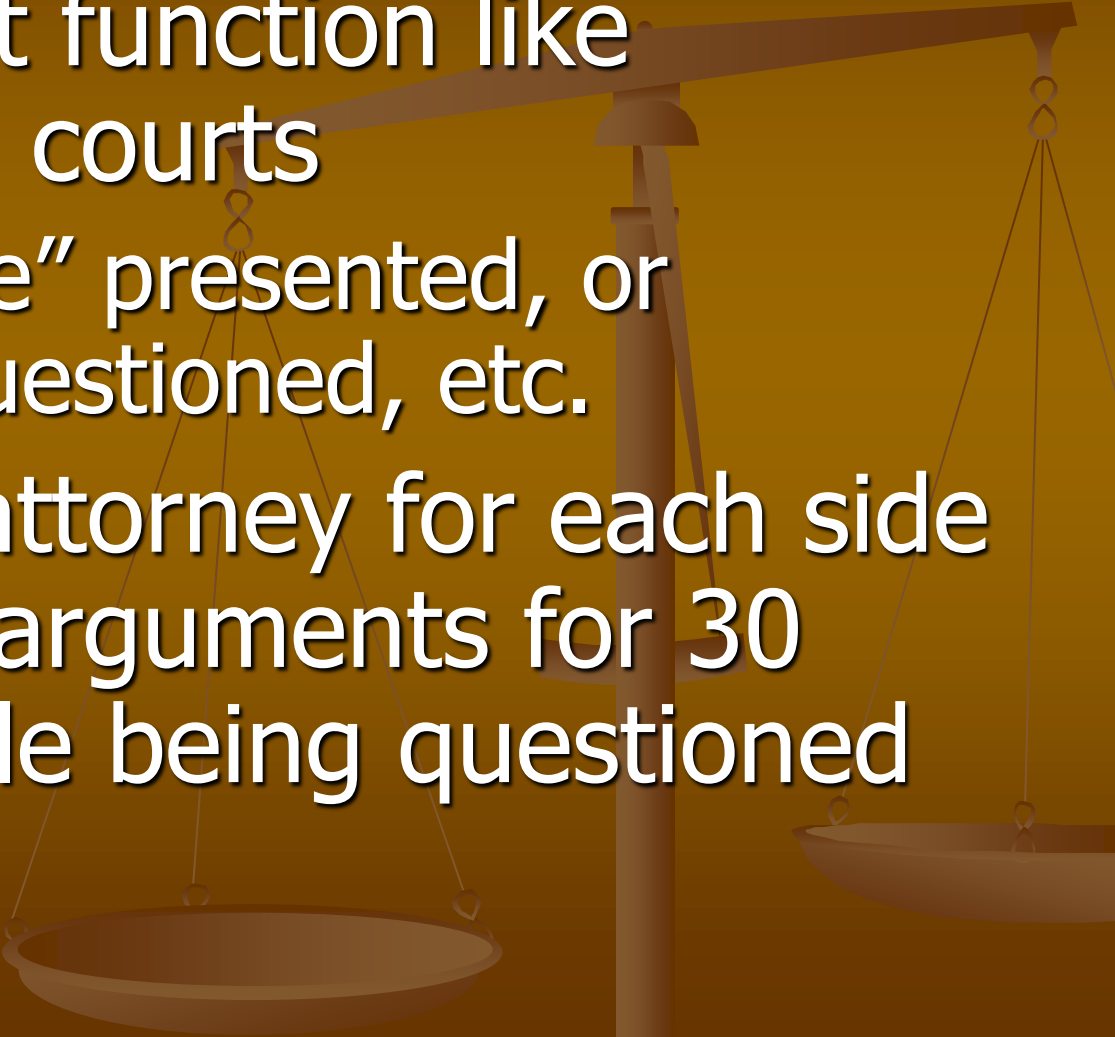
# How a Case Reaches Supreme Court

- Court will issue a *writ of certiorari* (acceptance of a case) if 4 of the 9 justices wish to hear it
  - Sur-shee-uh-rair-ahy, rair-ee
  - Called the “Rule of 4”





# 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
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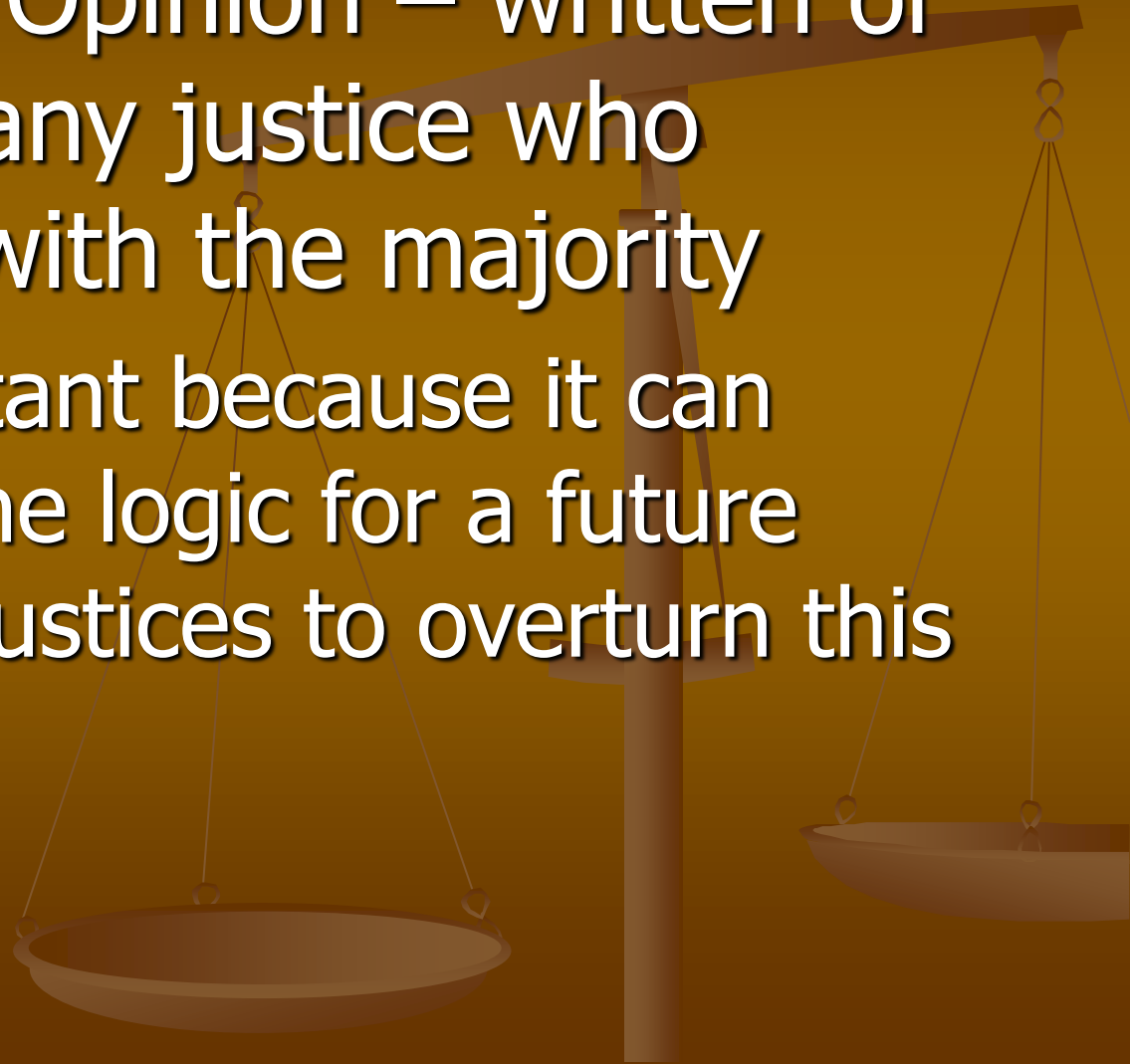
# Trial Process at Supreme Court



- 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)

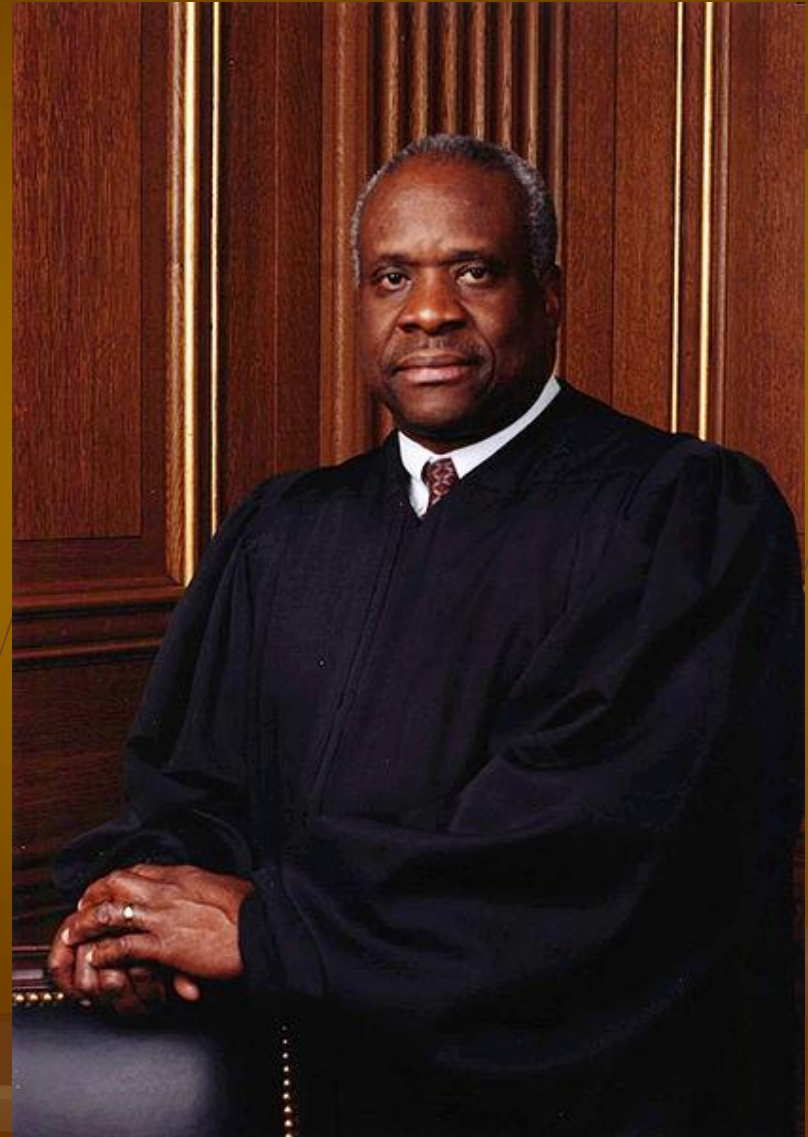
# Current Supreme Court Justices

- Chief Justice  
John Roberts
- Appointed:  
Bush, 2005
- Age: 62
- Conservative



# Current Supreme Court Justices

- Clarence Thomas
- Appointed: Bush, 1991
- Age: 68
- Strong Conservative



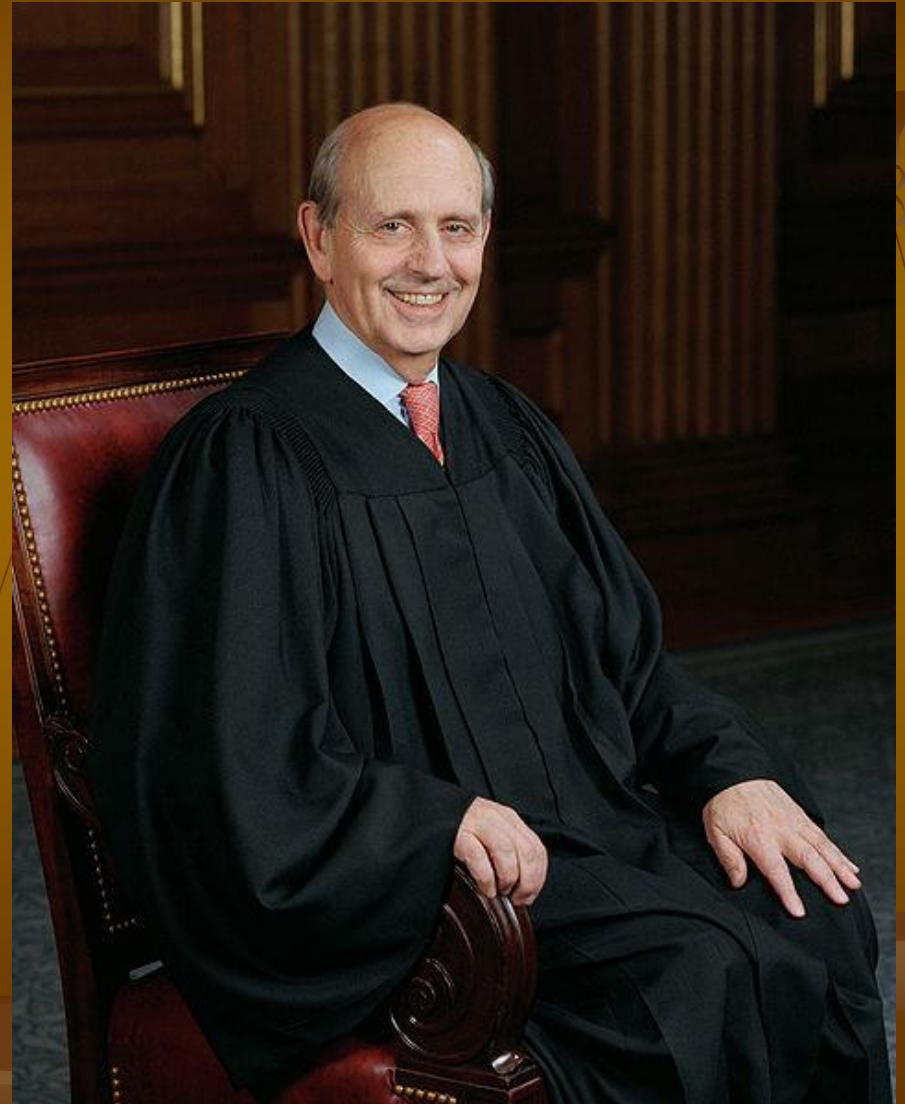
# Current Supreme Court Justices

- Ruth Bader Ginsburg
- Appointed: Clinton, 1993
- Age: 84
- Strong Liberal



# Current Supreme Court Justices

- Stephen Breyer
- Appointed:  
Clinton, 1994
- Age: 78
- Liberal





# Current Supreme Court Justices

- Samuel Alito
- Appointed:  
Bush, 2006
- Age: 67
- Conservative



# Current Supreme Court Justices

- Sonia Sotomayor
- Appointed: Obama, 2009
- Age: 62
- Strong Liberal



# Current Supreme Court Justices

- Elena Kagan
- Appointed:  
Obama, 2010
- Age: 57
- Liberal



# Current Supreme Court Justices

- Neil M. Gorsuch
- Appointed:  
Trump, 2017
- Age: 50
- Conservative



- Brett Kavanaugh
- Appointed:
  - Trump, 2018
- Age: 53
- Conservative

