

- Procedures of the U.S. Supreme Court**
- ▶ Grants "writs of certiorari" to few cases.
 - ▶ Oral argument
 - ▶ Majority and dissenting opinions

- Original Jurisdiction**
- ▶ All cases between U.S. states, with states acting as parties
 - ▶ All cases with foreign diplomats

- Appellate Jurisdiction**
- ▶ All other cases involving some federal issue

- Judicial Review**
- ▶ Power to declare a law unconstitutional
 - ▶ Established in *Marbury v. Madison* (1803)

Procedures of the U.S. Supreme Court

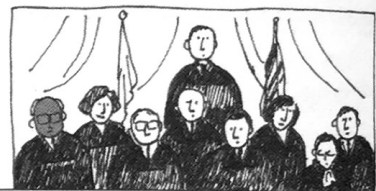
Jurisdiction of the U.S. Supreme Court



U.S. Supreme Court

The Judicial Branch

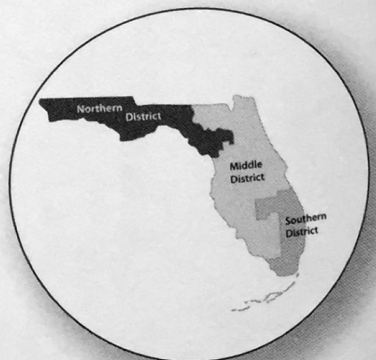
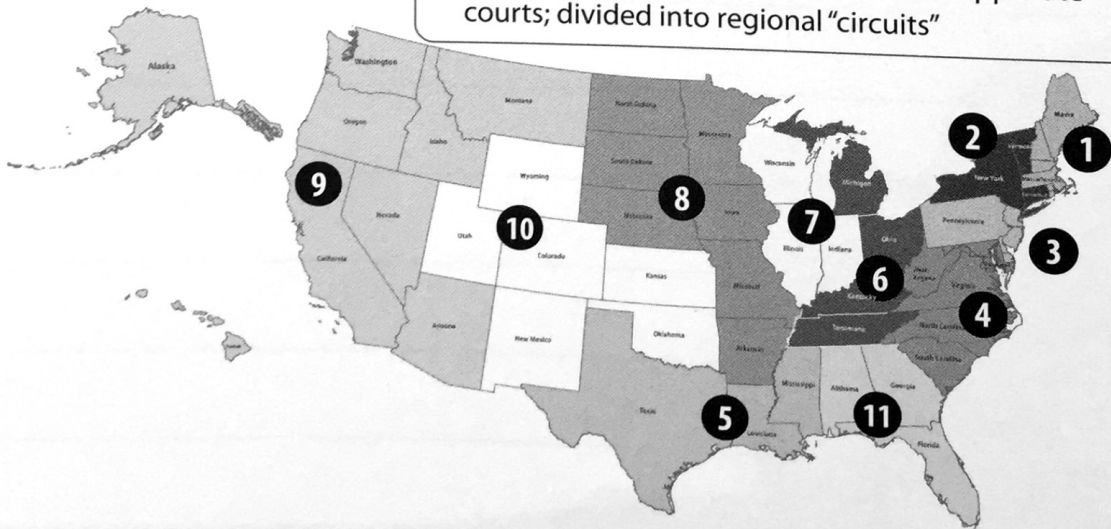
Lower Federal Courts



- 1 Chief Justice and 8 Associate Justices
- President nominates Justices and Senate confirms
- Federal judges have lifetime tenure
- But can be impeached for misconduct



- ▶ **U.S. District Courts:** federal trial courts; can have juries
- ▶ **U.S. Circuit Courts of Appeal:** federal appellate courts; divided into regional "circuits"



Review Cards: The Federal Courts

The Judicial Branch: The U.S. Supreme Court

- ▶ The **judicial branch** of our federal government is in charge of resolving disputes by interpreting and applying the law.
- ▶ The Constitution created our country's first national court, the **U.S. Supreme Court**.
- ▶ The Constitution also gave Congress the power to create "inferior" (lower) federal courts.
- ▶ The number of **Justices** on the Supreme Court has increased over time. There are now 8 **Associate Justices** and 1 **Chief Justice**. The Chief Justice presides over the Court and acts as its spokesperson. The Chief Justice also swears the President into office and presides over any Presidential impeachment trial.
- ▶ Supreme Court Justices are nominated by the President and confirmed by a majority vote in the Senate. Only 12 Presidential nominees have ever been rejected by the Senate—most recently Robert Bork.
- ▶ All federal judges are appointed for life, so long as they maintain "**good behavior**" (do not commit "high crimes" or other misconduct, for which Congress can impeach them) or until they resign. This is called "**life tenure**." Life tenure helps federal judges to act independently of popular or political pressures.
- ▶ No Supreme Court Justice has ever been removed from office (although Justice Samuel Chase was impeached).

Jurisdiction

- ▶ There are many different types of courts in the United States. The territory and type of cases over which a court exercises its authority is called its **jurisdiction**. The word *jurisdiction* comes from: "to say the law."
- ▶ Federal courts have **limited jurisdiction**. They can only decide (1) cases involving federal law; (2) cases involving the United States, individual states or foreign powers as parties; or (3) cases involving citizens from different states.
- ▶ The U.S. Supreme Court has **original jurisdiction** in all cases involving foreign representatives (ambassadors, consuls, and other diplomats) or states (such as Florida) as parties. In these cases, the Supreme Court is the original, or first, court that the parties can turn to. The Supreme Court considers the evidence in these cases and reaches its decision.
- ▶ In all other cases, the Supreme Court exercises **appellate jurisdiction**. It reviews appeals from other decisions by lower courts, rather than trying the case itself.

The "Lower" Federal Courts

- ▶ The Constitution permitted Congress to create "inferior"—or lower—federal courts. The **Judiciary Act of 1789** created U.S. District Courts and Circuit Courts. The number of these courts increased as the nation grew. Later, U.S. Courts of Appeals were introduced and then merged with the Circuit Courts.
- ▶ Today, there are 94 U.S. District Courts and 13 U.S. Circuit Courts of Appeals.

U.S. District Courts

- ▶ Each state has at least one U.S. District Court. Florida has three. These are the only federal trial courts, which can have juries. These courts resolve disputes over federal law. They can also resolve disputes based on state law when these are between citizens from different states.

U.S. Circuit Courts of Appeals

- ▶ The **U.S. Circuit Courts of Appeals** are appellate courts: they review cases, but do not try them.
- ▶ Each Circuit Court covers several U.S. District Courts. For example, the U.S. Court of Appeals for the 11th Circuit covers the U.S. District Courts for Florida, Alabama and Georgia. The Court of Appeals for the 11th Circuit reviews decisions from all the U.S. District Courts in those three states.

How a Case Proceeds through Federal Court

- ▶ First, the parties file the case in U.S. District Court.
- ▶ The losing party can appeal to the U.S. Circuit Court of Appeals.
- ▶ The appellate court may agree with the lower court or could reverse the lower court and send the case with instructions for a retrial.
- ▶ The party losing the appeal can petition for a writ of *certiorari* from the U.S. Supreme Court.

Review by the Supreme Court

- ▶ At first, the Supreme Court reviewed all appeals sent to it. Now, parties must first appeal to a U.S. Circuit Court of Appeals or to a state appellate court. Parties in both federal court and state court can later appeal to the U.S. Supreme Court, so long as the case involves some aspect of federal law (such as rights under the U.S. Constitution).
- ▶ Each year, the U.S. Supreme Court receives thousands of requests for review—called petitions for a **writ of certiorari**. Only about a hundred of these are usually granted.
- ▶ In a typical case, the Justices read briefs from both sides of the case. Then they hear **oral arguments** by the attorneys from both sides, where the Justices ask questions. The Justices then discuss the case among themselves and reach their decision. One Justice writes a **majority opinion**, which is published. Justices who disagree with the majority opinion may write their own separate, **dissenting opinions**.

Judicial Review

- ▶ In the case *Marbury v Madison* in 1803, Chief Justice John Marshall established the power of judicial review. This decision established the power of the U.S. Supreme Court and other federal courts to declare that a law or executive order is unconstitutional.
- ▶ Federal courts can only declare laws unconstitutional if they are brought before them in actual court cases.