

America's Federal Court System



I.) Judges vs. Legislators

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A.) Legislator:

1. Elections: every 2/6 years

keep close to constituents

2. Law Making: create and make laws



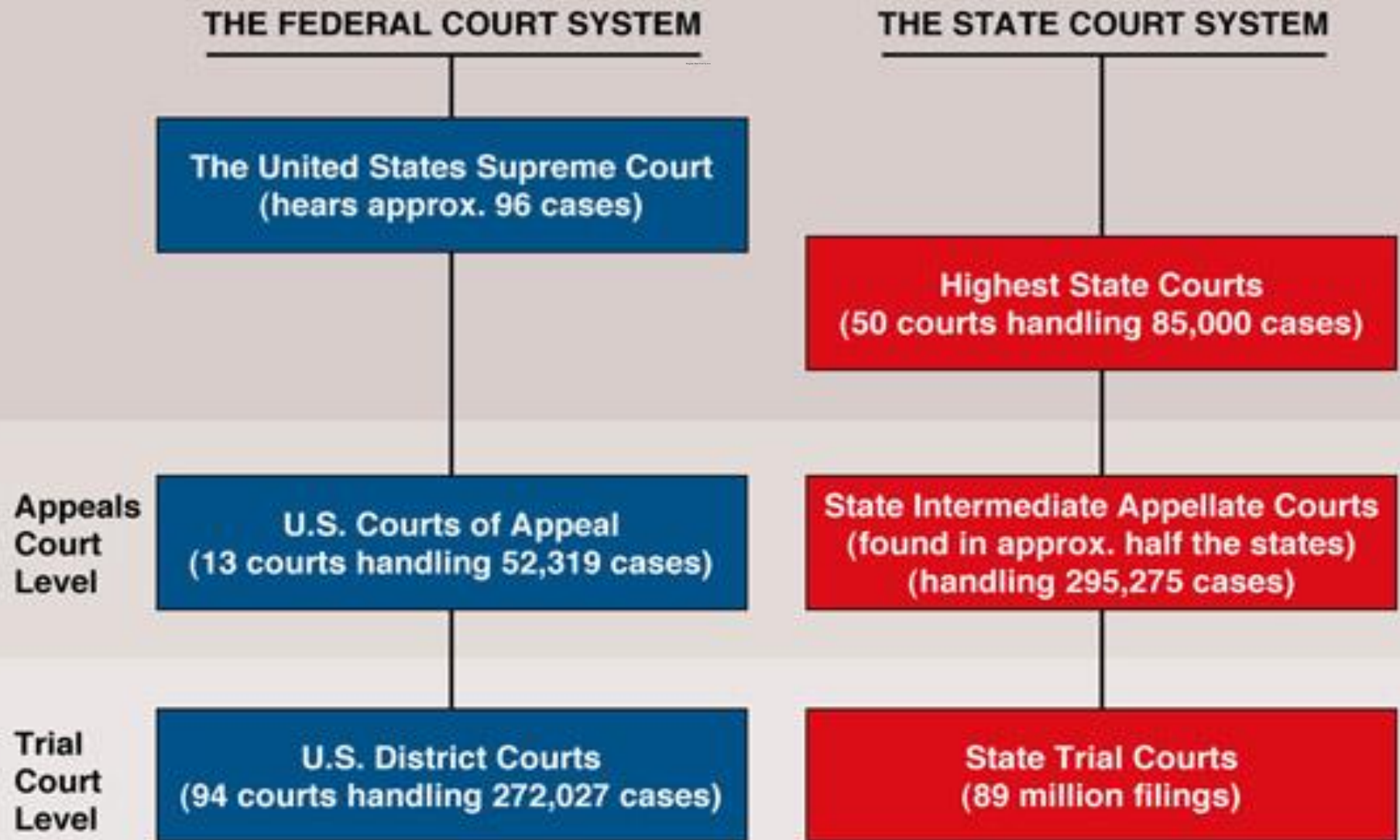
B.) Judge

1. Life Terms: no influence

2. Cases: rules on laws



Figure 10.1 The Dual Structure of the American Court System



This figure illustrates the dual nature of the national court system.

A.) The Constitution & National Judiciary

1.) Creation:

2.) Article III

3.) Intent

4.) Judicial Review

American Legal System: The Federal Court System

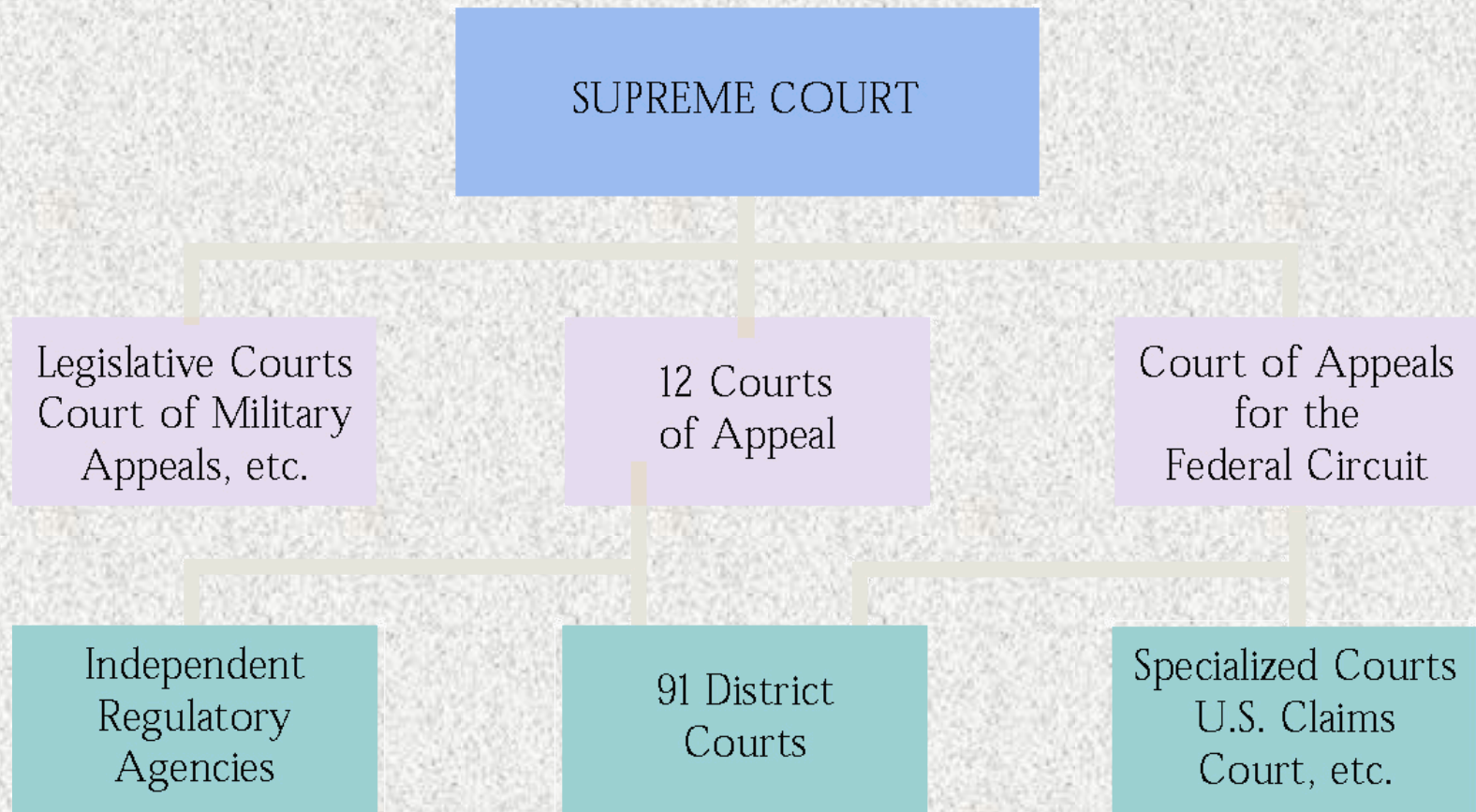


Figure 16.1

Major Steps in the Federal System

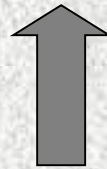
Courts

Judges

1

Supreme Court

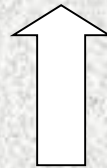
9



13

Court of Appeals

3



94

District Court

1

C.) Federal District Courts

1. General Notes:

2. Jurisdiction:

3. Criminal Cases:

4. Civil Cases:

Extent of the Jurisdiction of Lower Courts

The lower courts hear cases in which

- a person is accused of disobeying the U.S. Constitution,
- a person is accused of violating a U.S. treaty,
- a person is accused of breaking federal laws passed by Congress,
- the U.S. government or a U.S. citizen is charged with an offense by a foreign nation,
- a person is accused of committing a crime on a U.S. ship at sea,
- a U.S. ambassador or other foreign-service official is accused of breaking the laws of the country in which he or she is stationed,
- a person is accused of committing a crime on certain types of federal property, and
- a citizen of one state brings a lawsuit against a citizen of another state.



U.S. Federal Court Circuits and Districts

- 1st Circuit
- 2nd Circuit
- 3rd Circuit
- 4th Circuit
- 5th Circuit
- 6th Circuit
- 7th Circuit
- 8th Circuit
- 9th Circuit
- 10th Circuit
- 11th Circuit
- Washington, D.C. (D.C. Circuit and Federal Circuit)
- District court boundaries
- Middle district

There are currently 94 federal judicial districts in the 50 states, Washington, D.C., Puerto Rico (which is under U.S. control), and the U.S. territories. Each state has between one and four districts, depending on the state's population and the number of cases filed there.



Indiana has a northern and southern district within the Seventh Circuit Court.



Northern Mariana Islands

Guam

HI

Puerto Rico

Virgin Is.

D.) Courts of Appeals (“circuit courts”)

1.) Background: ONLY RULES ON DECISIONS OF TRIAL COURTS FOR ERRORS OF LAW.



2. Regional jurisdiction- decisions only affect that court's region



3. Jurisdiction: Appellate- hears cases on appeals

4. Appealing a case:



Figure 10.2 The Federal Court System

This map shows the locations of the U.S. Circuit Courts of Appeal and the boundaries of the federal district courts in states with more than one district.

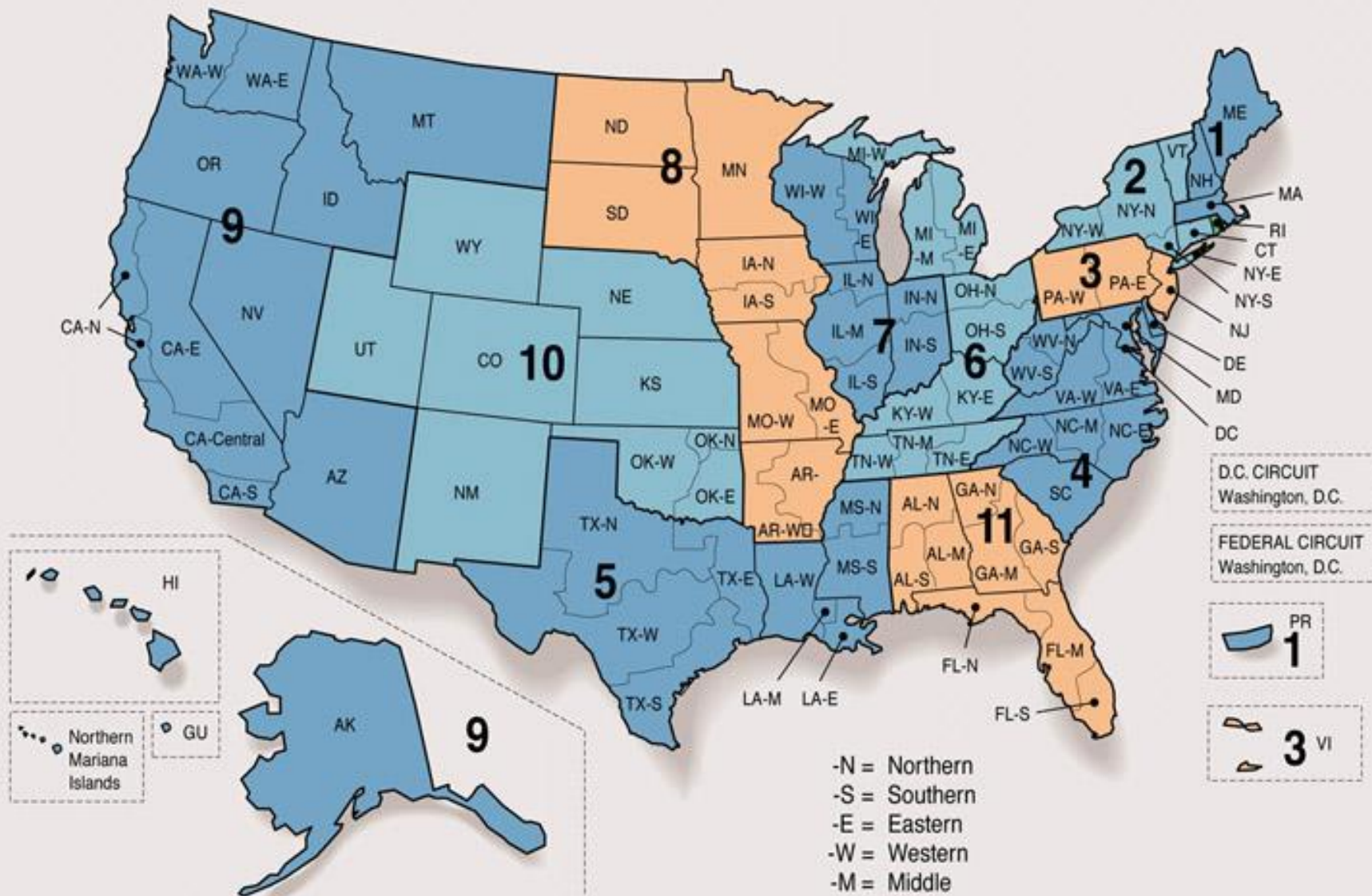
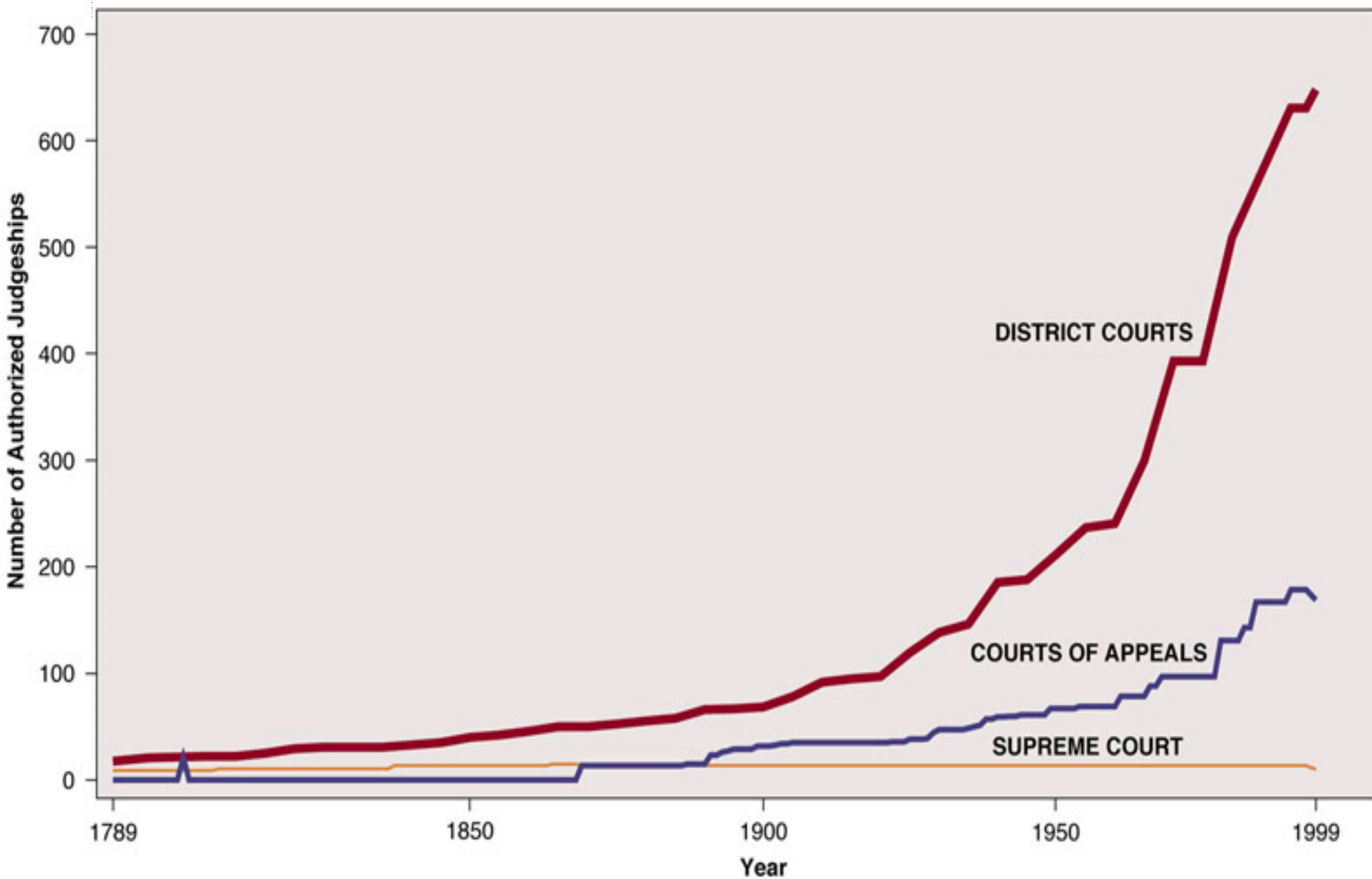


Figure 10.3 A Growing Federal Judiciary



Since the 1950s the number of federal judges have been increased dramatically by Congress to help meet demands by litigants.

II.) The People, THE COURT , and Decisions

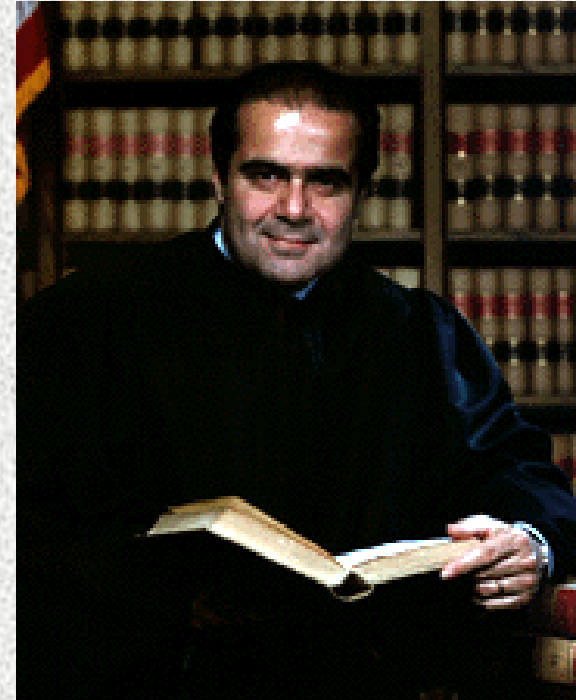
A.) Who are Federal Judges?

Typically federal judges have:

- held previous political office such as prosecutor or state court judge
- political experience such as running a campaign
- prior judicial experience
- traditionally been mostly white males
- been lawyers

B.) The Nomination Process

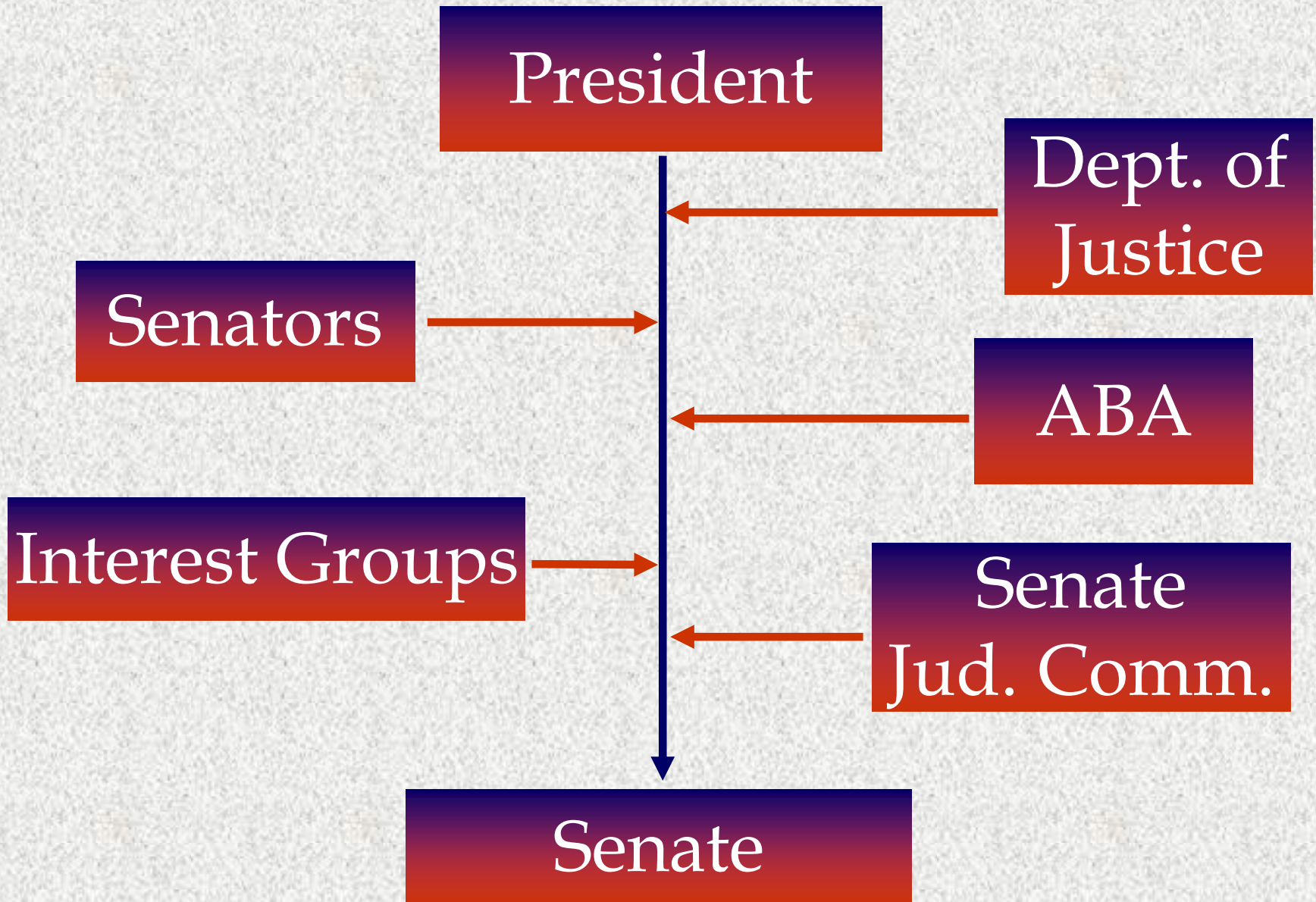
- No constitutional qualifications
- Competence
- Rewards
- Pursuit of Political Support
- Religion
- Race and gender
- Ideology/Policy Preferences
- Approximately 25% of SC judges stray from the philosophy that had been anticipated by the Presidents who appointed them



C.) Federal Selection Process

- The selection of judges is a very political process.
- Judges are nominated by the president and confirmed by the Senate.
 - Often presidents solicit suggestions from members of the House of Representatives, Senators, their political party, and others.
- Provides president opportunity to put philosophical stamp on federal courts

C.) Federal Selection Process



Recent Senate Actions

Senate has refused to act upon or has rejected ~20% of SC nominees in the 20th Century



Robert Bork

Federal Attorneys

- Attorney General
 - Appointed by the President with advice and consent of Senate
 - Head of the Justice Department
- Solicitor General
 - Appointed by the President with the advice and consent of the Senate
 - Represents the US government in Supreme Court
 - Decides which cases the federal government will appeal to the Supreme Court
 - Decides the Federal government's position in these cases
- U.S. Attorneys
 - At least one for each District Court (94 total)
 - Prosecutes federal criminal cases before the District Courts and the Courts of Appeals. Appointed by the President for 4-year terms

D.) Supreme Court “The court of last resort”

1. Jurisdiction/ other

a. “Writ of Certiorari”

i. appellate

ii. State

iii. original jurisdiction

Reviews less than 1% of over 10,000 cases filed annually.

2.) How The Supreme Court Justices Vote

a.) 9 Justices

1. 1 Chief Justice; 8 Associate Justices

b.) Rule of 4



c.) Legal Factors

1.) Judicial Philosophy

- Judicial Restraint - advocates minimalist roles for judges, and the latter
- Judicial Activism - feels that judges should use the law to promote justice, equality, and personal liberty.

2.) Precedent

- Prior judicial decisions serve as a rule for settling subsequent cases of a similar nature.

How Judges Decide: Extra-Legal Factors

•Behavioral Characteristics

–The personal experiences of the justices affect how they vote. Early poverty, job experience, friends and relatives all affect how decisions are made.

•Ideology

–Ideological beliefs influence justices' voting patterns.

•The Attitudinal Model

–A justice's attitudes affect voting behavior.

•Public Opinion

–Justices watch TV, read newspapers, and go to the store like everyone else. They are not insulated from public opinion and are probably swayed by it some of the time.

Flow Chart-How Supreme Court Decisions are Made

Case on the Docket
Approx 95

Briefs and Amicus
Briefs submitted

Oral Argument

Justices Conference
Cases discussed
Votes taken
Opinion Assigned

Opinions Drafted
and Circulated

Opinions Announced



Implementing Court Decisions

Judicial Implementation: how and whether court decisions are translated into actual policy

Interpreting Population: Judges & lawyers who must correctly understand the original intent of decision

Implementing Population: The people/agencies that must implement decision (carry it out like a law) i.e.- police, hospitals, corporations, etc.

Consumer Population People whom the decision affects must be aware of impact of the court decision

E. Brief History

a.) The Beginnings

b.) Marshall

1. Marbury v. Madison



b. Taney/Fuller-



c. 9 “old men”

d. Warren Era (1953-'69)-

1. Liberal court
2. Rights of the accused
3. Civil Rights (*Brown v Board*)



(AP PHOTO)

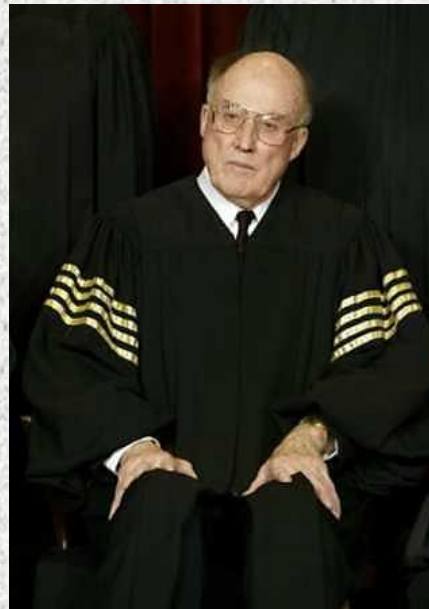


e. Burger Era (1969-'86)- return to.....the middle?

1. *Roe v. Wade*- abortion

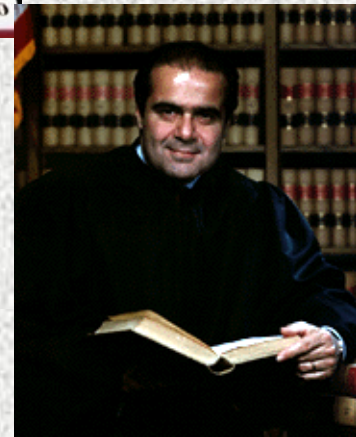
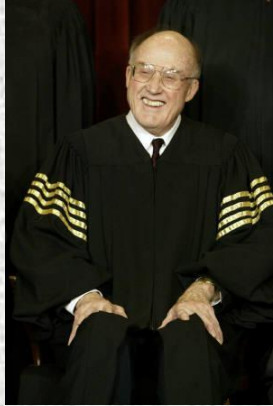
f. Rehnquist era (1986-2005)

- states' rights conservative court
- strengthened the legal position of the police
- paved the way for swifter executions,
- defined constitutional limits on federal power (Federalist 5)
- permitted indirect government funding of religious schools





f. Rehnquist-



g. Roberts Court



- Conservative Activist Court
- Bush appointee in 2005 to replace Rehnquist
 - Rare Political Case: *Bush v. Gore* (2000)
 - Campaign Finance: *Citizen's United v. FEC* (2010)
 - Obamacare: *National Federation of Independent Business v. Sebelius* (2012)
 - *Burwell v. Hobby Lobby* (2014)
 - Gay Rights: *Hollingsworth v. Perry* (2013) (Prop. 208 unconstitutional)
& *Romers v. Evers* (2013)- (overturned DOMA)
 - *Burwell v. Hobby Lobby* (2014)



Judge	Ap	Views	Age
Ginsberg	Clinton	Very Liberal	78
Sotomayor	Obama	Very Liberal	57
Kagan	Obama	Liberal	52
Breyer	Clinton	Moderately Liberal	73
Kennedy	Reagan	Moderately Conservative	75
Alito	Bush	Very Conservative	61
Roberts*	Bush	Very Conservative	56
Scalia	Reagan	Historically Conservative	75
Thomas	Bush (H.W)	Historically Conservative	63

F.) The Court Today and the Future



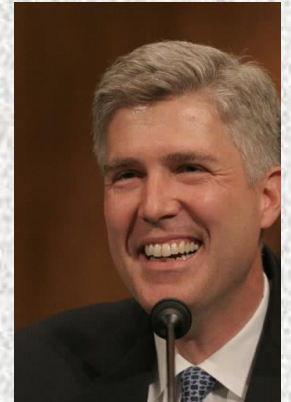
1.) Activist conservative court? (*Romero v. Evers*,
Obamacare?)

2.) 5-4 or 4-5? Kennedy/Roberts swing votes

3.) Neil Gorsuch's nomination

4. Age of justices: Kennedy:81; BIG RBG 84; Stephen
Breyer 79;

5. Executive Branch's relation with the Judiciary under President Trump?



Neil Gorsuch

QUICK REVIEW with CATI (case, term, individual)

1. Quickly move into the tri-group that you were in for the 3-court case activity. The teacher will give each group a letter.
2. Review notes, worksheets, readings and devise question based on CATI that would be significant to put on a test.
3. Write your question on paper with the answer below the question. Do this on 2 sheets.
4. Write your question on part of the board