



# **CIVICS CHAPTER 10**

## **The Judicial Branch**

**<http://www.youtube.com/watch?v=FBfpkEw866g&feature=related>**

# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- The Judicial branch of the federal government is made up of the Supreme Court and more than 100 other federal courts. The most important members of the judicial branch are the judges.



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- Laws and Courts

- Disputes involving laws are resolved in the legal system.



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- What Courts Do
  - Legal conflicts in our country are resolved by courts of law. All courts perform the same basic function **to apply the law to an actual situation.**
  - Courts can interpret the law and then determine how to apply the law to a given situation.



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- Courts in our legal system resolve two kinds of legal conflicts
  1. Criminal - Example
  2. Civil – Example
  
- Both kinds of cases can find their way to the Supreme Court



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

## ○ Civil Case

- **Plaintiff:** an individual or group of people who bring a complaint against another party.
- **Defendant:** an individual or group that *answers* a complaint in court.
- When referencing a civil case, the name of the plaintiff is listed first and the defendant is listed last.

<http://www.youtube.com/watch?v=FBfpkEw866g&feature=related>



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

## ○ Criminal Cases

- **Prosecution:** a government body that brings a criminal charge against a defendant who is accused of breaking one of its laws.
- The prosecution is referred to as “The People” and is represented by a government lawyer known as a prosecutor.
- When referencing a criminal case, the prosecution is listed first and the defendant is listed last.

<http://www.youtube.com/watch?v=8hGvQtumNAY>



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- The Members of the Court
  - The job of a judge is to apply the law to the conflict between the plaintiff or the prosecution and the defendant. This means determining which side's argument is most in keeping with the law.
  - Many legal cases also involve a jury, which decides the facts of a case – such as what happened and who did it.



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- Interpreting the Law
  - In the process of hearing a case, a court may have to decide what the law in question means.  
\*example?
    - A court may also have to decide if the law is allowed by the Constitution



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- A court's decision can establish a **precedent**, a guideline for how all similar cases should be decided in the future.
- A precedent makes the meaning of a law or the Constitution clearer. It also determines how the law should be applied, both inside and outside the legal system.

Example – Brown v. Board of Education



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- State Courts and Federal Courts
  - Our legal system is made up of two separate but interconnected court systems – those of the states and those of the federal government. Decisions that establish the broadest precedents are made in the highest federal courts.



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- Each state has courts at different levels of government and courts for different purposes, such as traffic courts and juvenile courts. Municipal courts operate on the city level and hear cases involving small sums of money or misdemeanors like traffic violations.



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- Jurisdiction
  - **Original jurisdiction**, the authority to hear a case first. A court with original jurisdiction determines the facts in a case.
  - Because they hold trials to resolve cases, courts with original jurisdiction are also called trial courts.



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- **Appeal**, to ask a higher court to review the decision and determine if justice was done.
- In each state, there are appeals courts set up to hear cases appealed from lower state courts. These courts have **appellate jurisdiction**, the authority to hear an appeal.



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- Appeals court reviews the legal issues involved and then determines whether the law was applied fairly and whether due process of law was followed.
- An appeals court may decide to affirm, or to let stand, the lower court's decision. However, if it decides that the trial was unfair, it may reverse the lower court's decision. Then that happens, the appeals court may order another trial.
- When the plaintiff is declared innocent the prosecution may not appeal.



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- The appeal process may go beyond the first appeals court. In most states, the final court of appeals is the state supreme court. Although the state court systems differ, most have three levels:
  - Trial courts
  - Appeals courts
  - A final court of appeals



# SECTION 1: THE ROLE OF THE FEDERAL COURTS

- Cases Heard by Federal Courts
  - They hear cases involving federal laws and issues beyond the authority of individual states.
  - They hear cases appealed from state supreme courts. These cases must involve a federal law or constitutional issue. They are only heard by Supreme Court.



## SECTION 2: THE ORGANIZATION OF THE FEDERAL COURTS

- One of the first acts passed by the First Congress in 1789 was the Judiciary Act. It created the district courts and courts of appeals.



## SECTION 2: THE ORGANIZATION OF THE FEDERAL COURTS

### ○ The District Courts

- The workhorses of the federal court system are the 94 district courts scattered across the United States.
- Each state has at least one district court.
- The number of judges in one district court ranges from 1 to 28, depending on the size of the district and its workload.
- As courts of original jurisdiction, the district courts are the first to hear cases.
- Like a state trial court, witnesses are called. A jury normally decides the facts in the case. One judge directs the proceedings and applies the law.



## SECTION 2: THE ORGANIZATION OF THE FEDERAL COURTS

- Courts of Appeals
  - At the next highest level of the federal court system are the 12 United States courts of appeals. The **courts of appeals** handle appeals from the federal district courts.
  - Each court of appeals takes cases from a group of district courts within a particular geographic area. This area is called a circuit. In fact, the courts in appeals are often called **circuit courts**.



## SECTION 2: THE ORGANIZATION OF THE FEDERAL COURTS

- A court of appeals has no jury, calls no witnesses, and does not examine any evidence. Instead, lawyers for the defendant and the plaintiff or prosecution make arguments in front of a panel of three judges.
- The judges decide either to affirm the lower court's decision or to reverse it. Like state appeals courts, the courts of appeals are not concerned with the guilt or innocence. They are only concerned with whether the original trial was fair and whether the law was interpreted correctly.



## SECTION 2: THE ORGANIZATION OF THE FEDERAL COURTS

- The Supreme Court
  - The major purpose of the Supreme Court is to serve as the final court of appeals for both the state and federal court systems.
  - The Supreme Court, however, does have original jurisdiction over a few special kinds of cases. These include cases involving representatives of foreign governments and disputes between state governments.
  - There are also many additional federal courts. These special courts include the Court of Claims, the Court of Customs, and Patent Appeals, and the Tax Court.



## SECTION 2: THE ORGANIZATION OF THE FEDERAL COURTS

- Federal Court Judges
  - A judge must be impartial
  - All federal judges are appointed by the President and confirmed by the Senate. They serve life terms and can be removed from office by the impeachment process.
  - They must balance the rights of individuals with the interests of the nation as a whole.
  - Of all federal judges, the nine Supreme Court justices have the most responsibility. Their decisions may have very important consequences for the nation.



## SECTION 3: THE SUPREME COURT

- Lower state and federal courts make rulings in cases that involve constitutional issues. However, their rulings are not necessarily final. Only the Supreme Court has the final say about what the Constitution means and what laws it will allow. A Supreme Court decision establishes the broadest and longest-lasting kind of precedent in our legal system.



## SECTION 3: THE SUPREME COURT

- Judicial Review
  - One of the most important powers of the Supreme Court is **judicial review**, the power to overturn any law that the Court decides is in conflict with the Constitution.
  - Judicial review gives the judicial branch the final say over whether any law is valid.
  - A court can interpret law only as it relates to the specific case it is hearing. The Supreme Court could not simply declare one day that it had the power of judicial review. It had to do so in relation to one particular case... *Marbury v. Madison*



## SECTION 3: THE SUPREME COURT

- The Justices
  - The president chooses a justice from among the most respected judges, lawyers, and legal scholars in the country. Then, the Senate must approve the President's appointment.
  - The Supreme Court is made up of the Chief Justice of the United States, whose office is established by the Constitution, and eight associate justices.



## SECTION 3: THE SUPREME COURT

- The Work of the Supreme Court
  - Selecting Cases: Each year, the Court chooses which cases to hear. By law, it must hear certain kinds of appeals from federal government or federal law. It must also hear the cases over which it has original jurisdiction, such as cases involving representatives of foreign governments and all the disputes between state governments.
  - The remainder of the cases the Court hears each year are chosen from among the more than 8,000 requests for appeal it receives from lower courts.



## SECTION 3: THE SUPREME COURT

- Hearing Arguments
- Making a Decision
- Writing Opinions: Most Supreme Court decisions are accompanied by an **opinion**, a written statement explaining the reasons for the decision. A Supreme Court opinion shows exactly how the law must be applied, or how the Constitution must be interpreted in a specific situation.
- The Court's opinion = the majority opinion



## SECTION 3: THE SUPREME COURT

- Influences on Judicial Decision Making
  - The justices firmly believe that the laws and the Constitution reflect the will of the people. Therefore, it is their responsibility to make sure they apply the laws appropriately when making decisions.
  - They must consider all related precedents that have been established by any court.
  - A basic principle of the American legal system is to respect past judicial decisions.
  - When making decisions on cases that come before the Court, the justices try to determine the intentions of lawmakers at the time they made a particular law.



## SECTION 3: THE SUPREME COURT

- Presidents usually try to appoint to the Court people who agree with their political views. Presidents know that the personal views of Supreme Court justices can affect their decisions. A President hopes that if the appointee becomes a justice, he or she will favor the President's position on important issues. Because Supreme Court justices serve for life, presidential appointments to the Court can influence the Court's decisions for many years.
- Justices should NOT be influenced by what the President wants.



## SECTION 3: THE SUPREME COURT

- A Changing Court
  - **Miranda v. Arizona:** The Court ruled that when a person is arrested, police must inform him or her of the constitutional rights to remain silent and to have the advice of a lawyer.
  - This is an example of **judicial activism**, an effort by judges to take an active role in policymaking by overturning laws relatively often.
  - **Judicial Restraint:** an effort by judges to avoid overturning laws and to leave policymaking up to the other two branches of government. (Roe v. Wade)



## SECTION 3: THE SUPREME COURT

- The Court and Other Branches of Government
  - The President's Power: One of the checks on the Supreme Court is the President's power to appoint justices. This power can be exercised only when a justice dies or retires, creating an opening on the Court. A President who is able to have justices confirmed who share his views can exercise great power long after his term has ended.



## SECTION 3: THE SUPREME COURT

- The Power of Congress: The Senate can check the power of the President and the Supreme Court by refusing to confirm presidential appointments to the Supreme Court. In this way, the Senate can weed out appointees who it believes are unsuited for the job.
- Congress can also check the power of the Court through a constitutional amendments. If ratified by the states, an amendment proposed by Congress can nullify, or cancel out, a Supreme Court decision. When the 14<sup>th</sup> Amendment was ratified in 1868, for example, it nullified the Supreme Court's decision in the Dred Scott case.



## SECTION 3: THE SUPREME COURT

- Citizen Participation: Citizens have several avenues through which they can influence policies. If the Supreme Court makes a decision that goes against the wishes of the majority, citizens can always turn to Congress and the amendment process. They can elect a President who promises to appoint justices whose ideas they like.

