



You know the legislative branch...

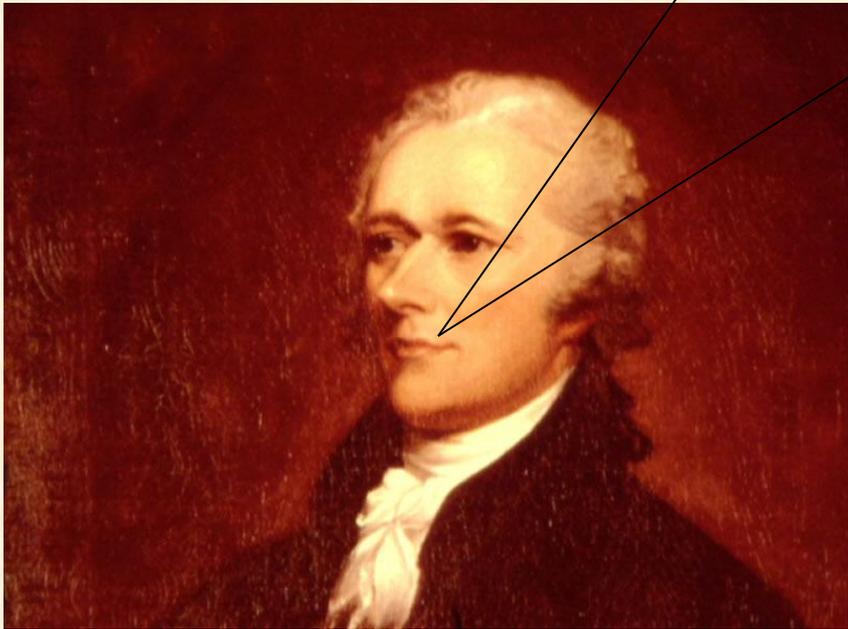
... and the executive branch...but you don't know...





The Judicial Branch!!!

“Laws are a dead letter without courts to expound and define their true meaning and operation”



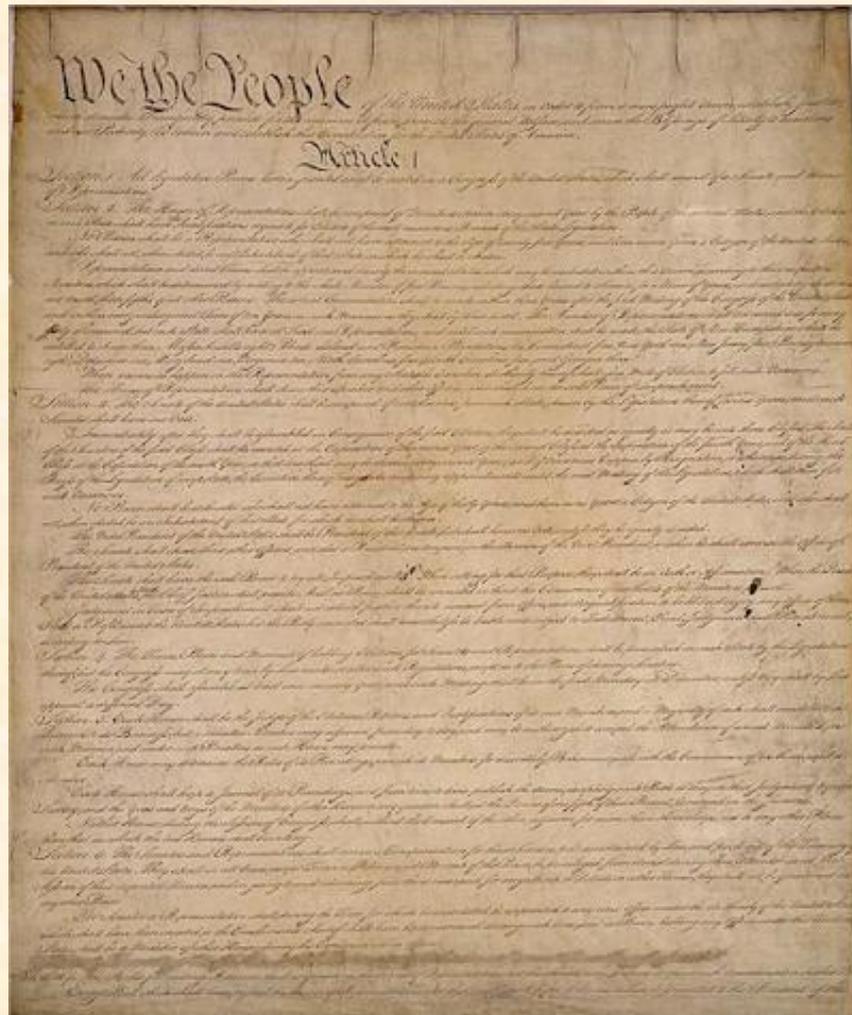
Alexander Hamilton

So they created a Judicial Branch. The last of the three branches we are learning about. The one with courts in it and stuff.



A Little History First

- Article III of the Constitution vests the judicial power in “one supreme Court, and in such inferior courts as the Congress may from time to time establish.”
- This means that apart from the Supreme Court, the organization of the judicial branch is left in the hands of Congress.



- The framers of the Constitution envisioned a separate judicial branch lying between the executive and legislative branches.
- By keeping the judiciary separate, the framers hoped that it would act as a check on the other branches.
- separation of the judicial branch from the executive and legislative branches was intended to ensure judicial independence from political pressures.

- Beginning with the Judiciary Act of 1789, Congress created several types of courts and other judicial organizations,
- which now include lower courts, specialized courts, and administrative offices to help run the judicial system.



- The judicial branch has the authority to:
 - decide the constitutionality of federal laws
 - resolve other disputes over federal laws
 - but judges depend upon the executive branch to enforce court decisions

- Because the judiciary lacked the lawmaking or enforcement powers of the other branches **its authority would rest solely on the quality of its judgments.**

- The judicial branch has proved to be the least powerful branch but it has played a larger role in United States history than predicted.

The Role of Congress

Congress has three basic responsibilities that determine how the courts will operate.

First, it decides how many judges there should be and where they will work.

Second, through the confirmation process, Congress determines which of the President's judicial nominees ultimately become federal judges.

Third, Congress approves the federal courts' budget and appropriates money for the judiciary to operate. The judiciary's budget is a very small part - substantially less than one percent - of the entire federal budget

There are two types of court systems

- National - Federal courts have a leading role in interpreting laws, rules, and other government actions, and determining whether they conform to the Constitution.
- State

Most crimes that you would commit (not that you would commit any) would be tried in a State court

We are just focusing on National courts

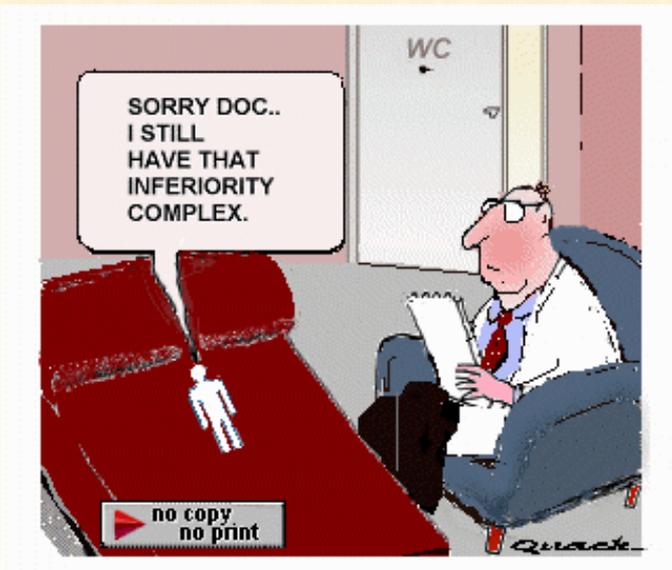
There are two kinds of federal courts

Supreme Court

is the boss. We will deal with that later.

Inferior Courts

includes Constitutional courts and special courts. These are what we will focus on today. **ANYTHING THAT IS NOT THE SUPREME COURT IS AN INFERIOR COURT.**



Inferior Courts

- 12 Regional Circuit Courts, broken into 94 District Courts
- Each district court is a trial court (organized into 12 regional circuits) that hears testimony about the facts of a case.
- Each district also has a bankruptcy court
- 12 US Courts of Appeals (one for each regional circuit)
- After a district court hears the facts of a case and issues a decision, the decision can be appealed to the second tier in the judicial branch, the courts of appeals.
- The appeals courts can consider **only questions of law and legal interpretation**, and in nearly all cases must accept the lower court's factual findings.
- **An appeals court cannot consider whether the physical evidence in a case was enough to prove a person was guilty. Instead, the appeals court might consider whether the district court followed appropriate rules in accepting evidence during the trial.**

The Thirteen Federal Judicial Circuits

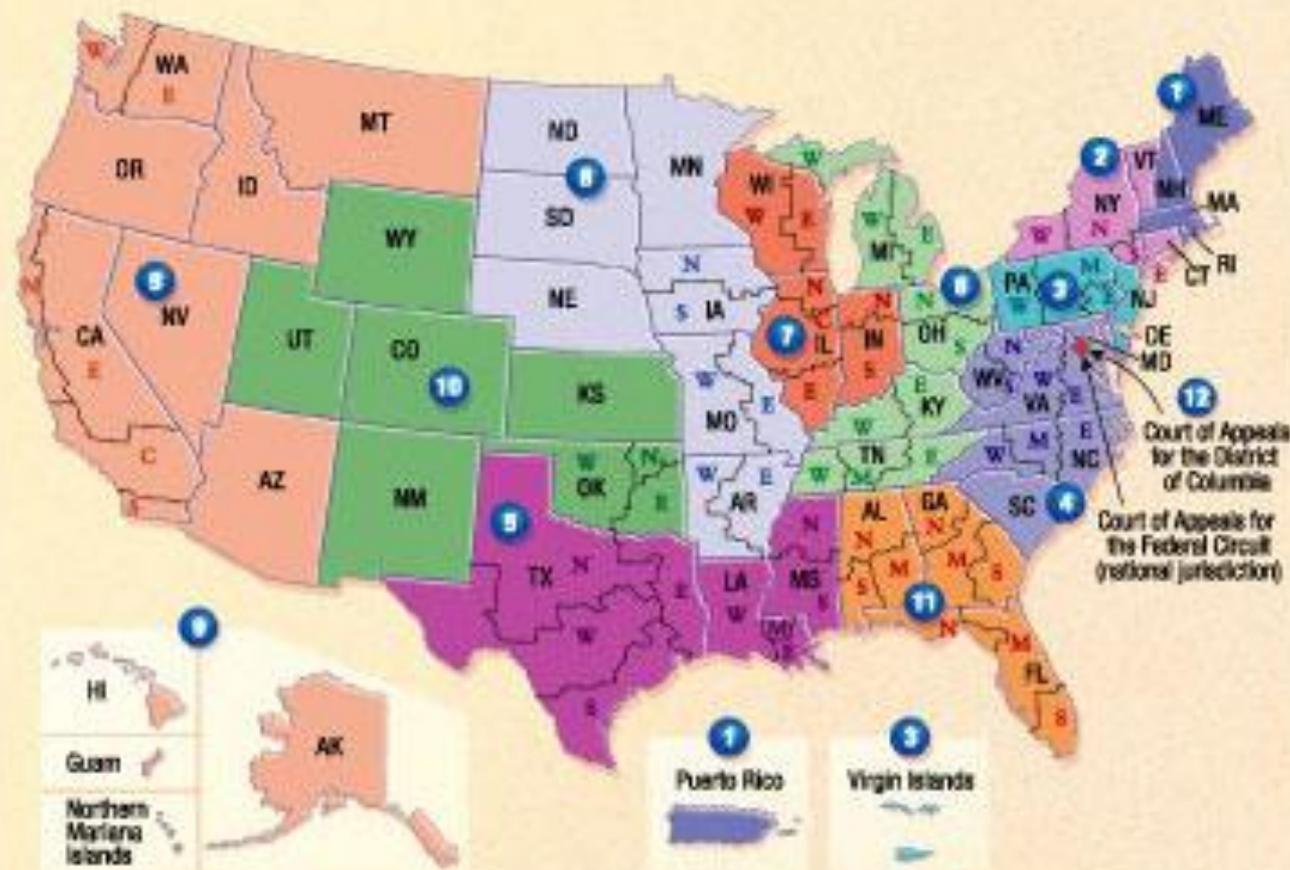


D.C. Circuit
Washington, D.C.

Federal Circuit
Washington, D.C.

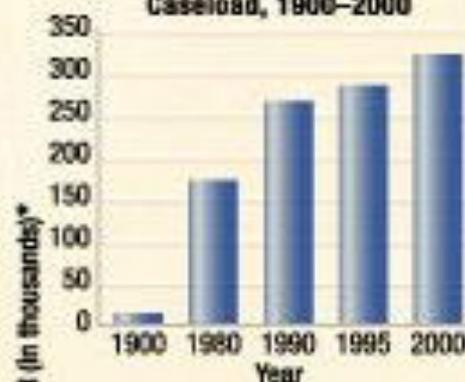


U.S. Federal Court Districts and Circuits

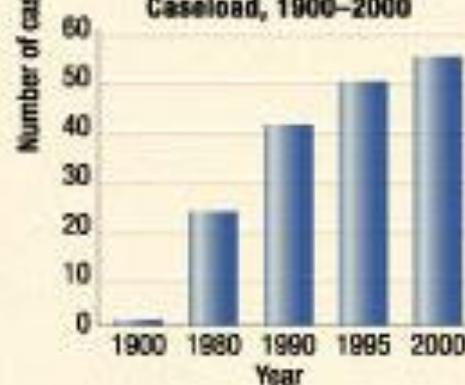


KEY
 1 Judicial circuit - - - - District court regions NESWCM northern, eastern, southern, western, central and middle districts

Federal District Court Caseload, 1900-2000



Federal Appeals Court Caseload, 1900-2000



*Total civil and criminal cases
 SOURCE: Administrative Office of the U.S. Courts

- US Court of Appeals for federal circuit has nationwide jurisdiction over major federal questions.
- US Court of International Trade addresses cases involving international trade and customs issues



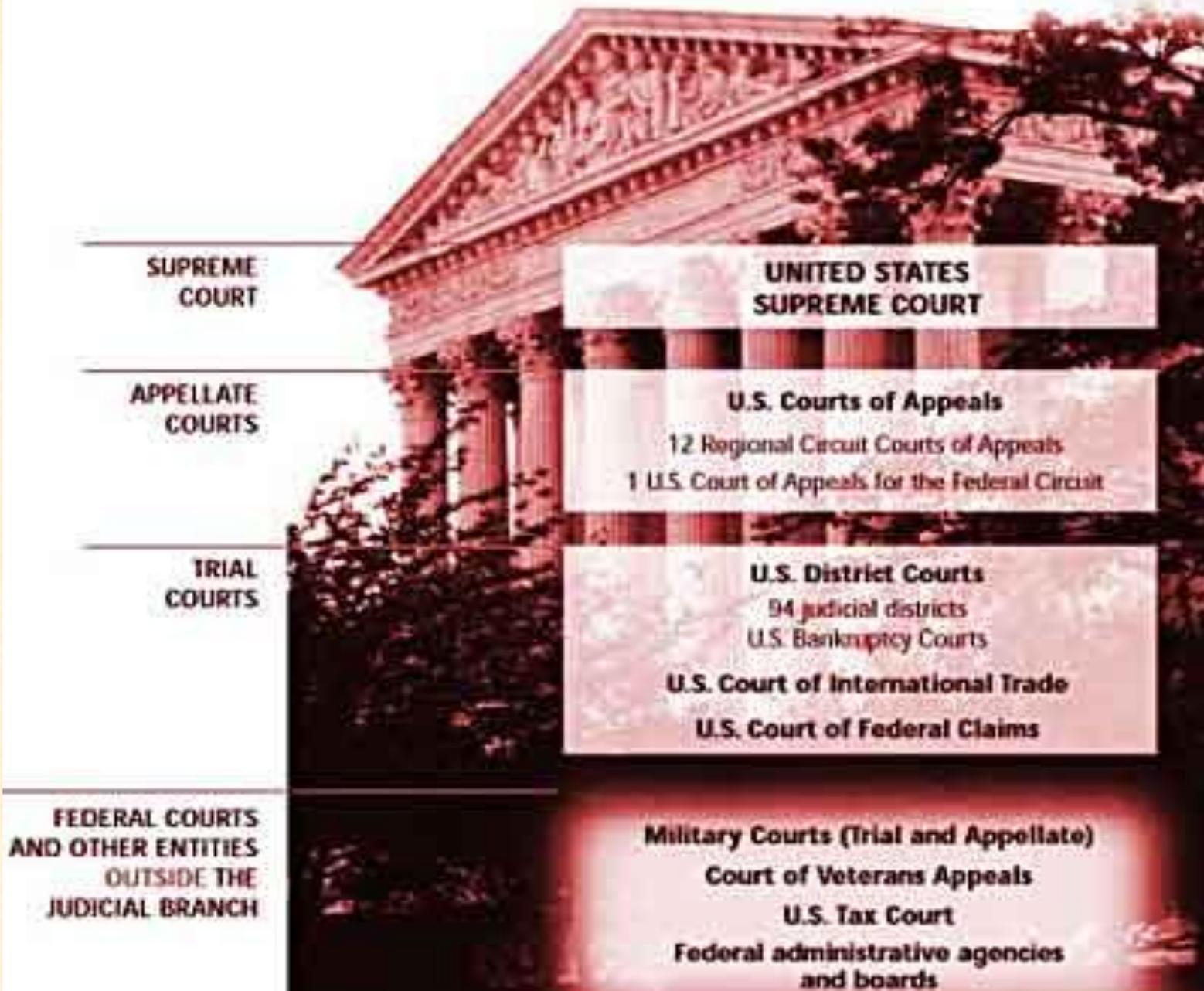
Other courts

- Military Courts
- Appeals from federal regulatory agencies



Special Courts

- US Court of Appeals for the Armed Forces- in the armed forces the final appeals court for court-martial convictions
- US Tax Court- tries and decides cases involving federal taxes, tax exemptions for charities, and other tax-related matters.
- Territorial Courts
- Courts of the District of Columbia
- US Court of Federal Claims- hears cases of people who file claims against the government and seek money as a result
- US Court of Appeals for Veterans claims



Notice the courts at the bottom are outside of the judicial branch- but military appeals are in the judicial branch?

Cases heard by federal courts

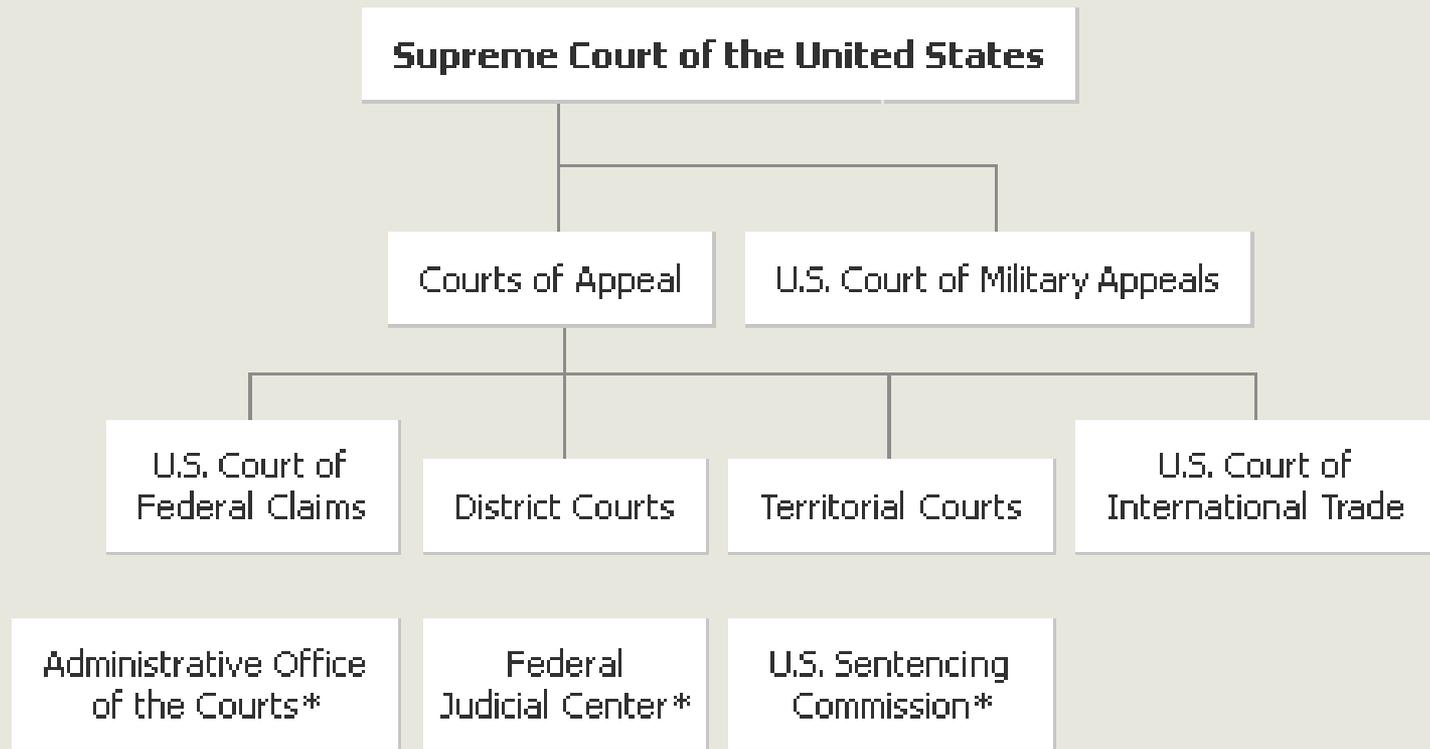
- involve the United States government,
- the United States Constitution or federal laws,
- controversies between states or between the United States and foreign governments
- between citizens of different states, or between United States citizens and those of another country

- **Examples of such cases might include a claim by an individual for entitlement to money under a federal government program such as Social Security, a claim by the government that someone has violated federal laws, or a challenge to actions taken by a federal agency (Katrina).**

KNOW THIS!!



- An important limit to jurisdiction is that only cases involving more than \$75,000 in potential damages may be filed in a federal court. Claims below that amount may only be pursued in state court.
- Federal courts also have jurisdiction over all bankruptcy matters
- state courts have jurisdiction over virtually all divorce and child custody matters, probate and inheritance issues, real estate questions, and juvenile matters, and they handle most criminal cases, contract disputes, traffic violations, and personal injury cases. In addition, certain categories of legal disputes may be resolved in special courts or entities that are part of the federal executive or legislative branches, and by state and federal administrative agencies.



* Quasi-independent agency

The Supreme Court of the United States leads the judicial branch. The Supreme Court usually hears cases only after they have been handled by lower courts.

Jurisdiction

Exclusive: can only be heard by a federal court

Concurrent: can be tried in State or federal court
(diverse citizenship)

Original: the court in which the case is first heard

Appellate: A court that hears a case on appeal from
a lower court

Civil vs. criminal cases

A civil case is a case that involved a non-criminal matter. Usually contractual, with one person bringing another person to court

A criminal case in the federal courts is one in which a defendant is tried for committing some action that Congress has declared a federal crime

The life of a Federal Judge

- The president of the United States appoints ALL federal judges, but these appointments are subject to approval by the Senate.
- Once confirmed by the Senate, federal judges have appointments for life or until they choose to retire.
- Federal judges can be removed from their positions only if they are convicted of impeachable offenses by the Senate, but this has happened on only a few occasions.
- The life-long appointments of federal judges makes it easier for the judiciary to stay removed from political pressure.
- The long terms mean that presidential appointees to federal courts will have an influence that lasts for decades, so the Senate closely scrutinizes many appointments, and sometimes blocks them altogether.
- Special courts are NOT appointed for life

What is judicial review?

- **Judicial review:** the power of a court to review a law or an official act of a government employee or agent
- **Example:** In many jurisdictions, the court has the power to strike down a law, to overturn an executive act, or order a public official to act in a certain manner if it believes the law or act to be unconstitutional or to be contrary to law in a free and democratic society.