

Presentation Pro

# American Government

## *The Federal Court System*

# Creation of a National Judiciary

- The Framers created the national judiciary in Article III of the Constitution.
- There are two court systems in the United States: the national judiciary that spans the country, and the courts run by each of the 50 States.
- The Constitution created the Supreme Court and left Congress to establish the **inferior courts**—the lower federal courts. There are two types of federal courts: (1) constitutional courts and (2) special courts.



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# Types of Federal Courts

The Constitution created only the Supreme Court, giving Congress the power to create any lower, or “inferior,” courts as needed.



## The Inferior Courts

### The Constitutional Courts

Also called Article III Courts or Regular Courts. As permitted by the Constitution, Congress created these courts, which exercise the broad “judicial Power of the United States,” as stated in Article III.



### The Special Courts

Also called the Legislative Courts or Article I Courts. Created by Congress under the power given to it in Article I “to constitute Tribunals inferior to the supreme Court,” these courts have narrowly defined powers.



\* in Guam, the Virgin Islands, and the Northern Marianas, similar to local courts

\*\* including the district and appeals courts, which also act as constitutional courts



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# Federal Court Jurisdiction

- **Jurisdiction** is defined as the authority of a court to hear (to *try* and to *decide*) a case.
- Article III, Section 2 of the Constitution provides that the federal courts may hear a case because either:
  - (1) the subject matter or
  - (2) the parties involved in the case.



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# Types of Jurisdiction

## Exclusive and Concurrent Jurisdiction

- Some cases can only be heard in federal courts. In that case, federal courts have **exclusive jurisdiction**.
- Many cases may be tried in a federal court or a State court. In such an instance, the federal and State courts have **concurrent jurisdiction**.

## Original and Appellate Jurisdiction

- A court in which a case is first heard is said to have **original jurisdiction** over that case.
- A court that hears a case on appeal from a lower court has **appellate jurisdiction** over that case.
- The Supreme Court exercises both original and appellate jurisdiction.



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# Appointment of Judges

- The power to appoint judges to federal courts falls on the President.
- The President nominates Supreme Court justices, as well as federal court judges, who are then subject to the approval of the Senate.
- Most federal judges are drawn from the ranks of leading attorneys, legal scholars and law school professors, former members of Congress, and State courts.



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# Terms and Pay of Judges

- Judges appointed to the constitutional courts, including the Supreme Court, are appointed for life.
- Judges of constitutional courts may only be removed by their own will or through impeachment. Only 13 federal judges have ever been impeached, and of them, seven were convicted.
- Judges who sit in the special courts are appointed for terms varying from 4 to 15 years.
- Congress determines salaries for federal judges.



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# The District Courts

## Federal Judicial Districts

- The 94 federal judicial districts include at least one district in each State, the District of Columbia, and Puerto Rico.
- Larger and more populous States are divided into two or more districts, reflecting the larger amount of judicial work done there.

## District Court Jurisdiction

- District courts have original jurisdiction over most cases that are heard in federal courts.
- The district courts hear a wide range of **criminal cases** and **civil cases**.
- A criminal case, in the federal courts, is one in which a defendant is tried for committing some action that Congress declared by law to be a federal crime. A federal civil case is one which involves noncriminal matters.



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# The Courts of Appeals

The courts of appeals were created in 1891 to handle much of the burden that the Supreme Court faced in ruling on appealed cases.

## Appellate Court Judges

- Altogether, 179 circuit judges sit in the 12 appeals courts.
- A Supreme Court justice is also assigned to each of the circuits.

## Appellate Court Jurisdiction

- The courts of appeals only have appellate jurisdiction, hearing cases on appeal from lower federal courts.



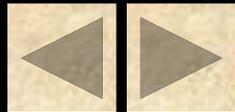
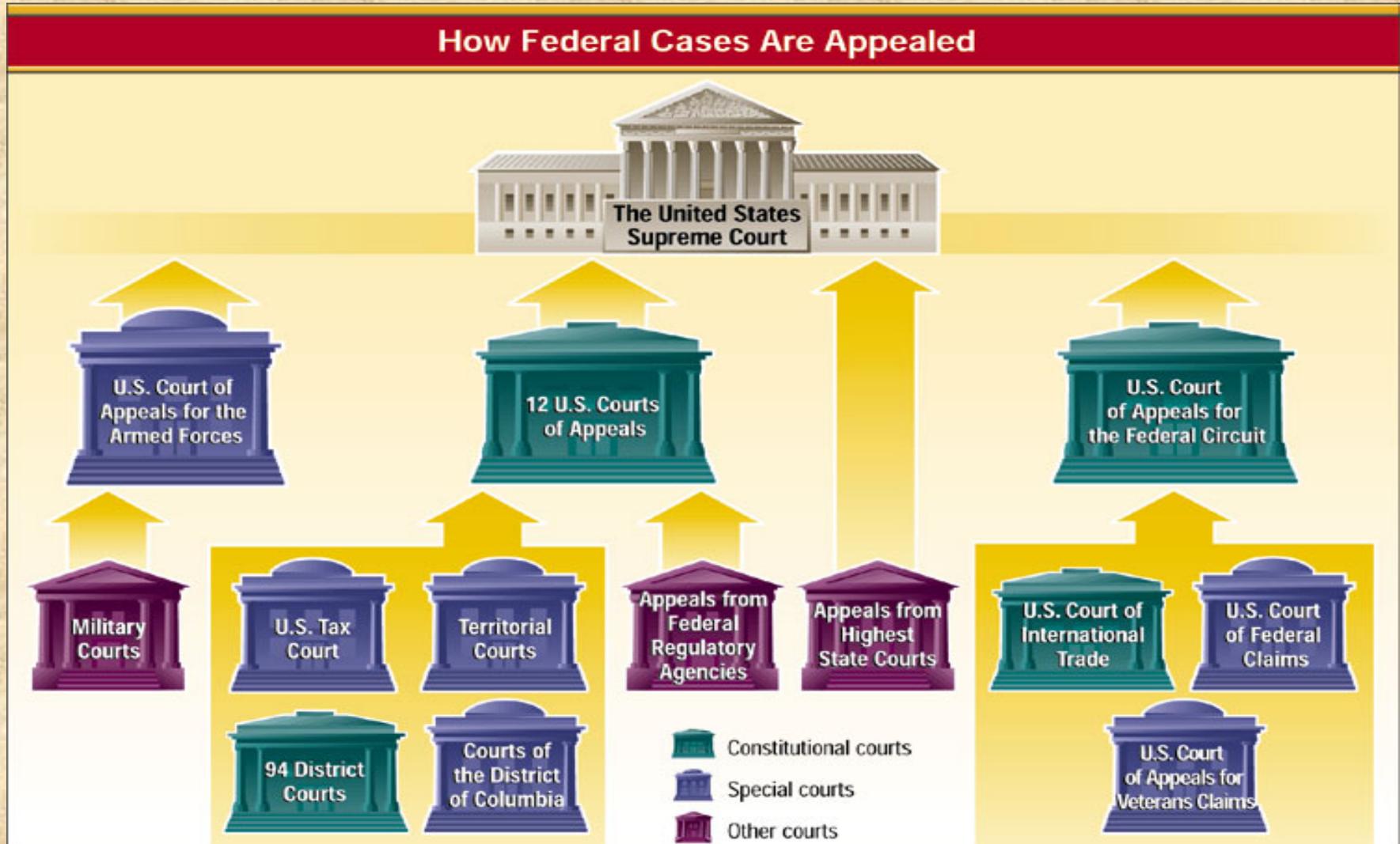
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# How Federal Cases Are Appealed



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# Judicial Review

- Judicial review refers to the power of a court to determine the constitutionality of a government action.
- The Supreme Court first asserted its power of judicial review in the case of *Marbury v. Madison* (1803).
- The Court's decision laid the foundation for its involvement in the development of the American system of government.



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# Supreme Court Jurisdiction

- The Supreme Court has both original and appellate jurisdiction.
- The Court has original jurisdiction over cases involving two or more States and all cases brought against ambassadors or other public ministers.
- Most cases heard by the Court are appeals cases. The Court hears only one to two cases in which it has original jurisdiction per year.



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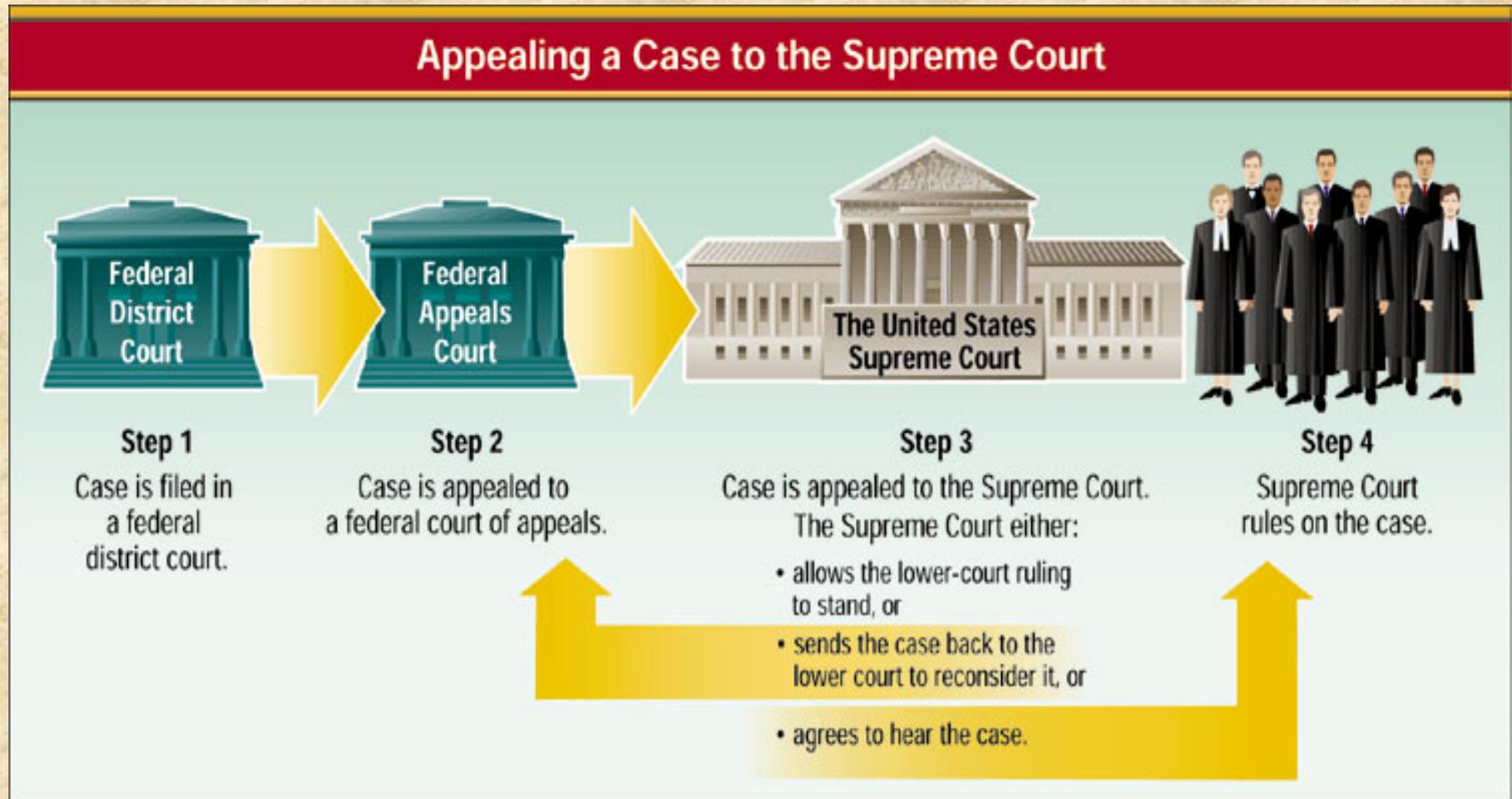
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# Appealing a Case to the Supreme Court



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# How the Supreme Court Operates

## Oral Arguments

- Once the Supreme Court accepts a case, it sets a date on which lawyers on both sides will present oral arguments.

## Briefs

- Briefs are written documents filed with the Court before oral arguments begin.

## The Court in Conference

- The Chief Justice presides over a closed-door conference in which justices present their views on the case at hand.



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# Opinions of the Court

Once the Court finishes its conference, it reaches a decision and its opinion is written.

## *Majority Opinion*

The **majority opinion**, formally called the Opinion of the Court, announces the Court's decision in a case and its reasoning on which it is based.

## *Precedents*

The majority opinions stand as **precedents**, or examples to be followed in similar cases as they arise in the lower courts or reach the Supreme Court.

## *Concurring Opinions*

**Concurring opinions** are sometimes authored by justices to add or emphasize a point that was not made in the majority opinion.

## *Dissenting Opinions*

**Dissenting opinions** are often written by those justices who do not agree with the Court's majority opinion.



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