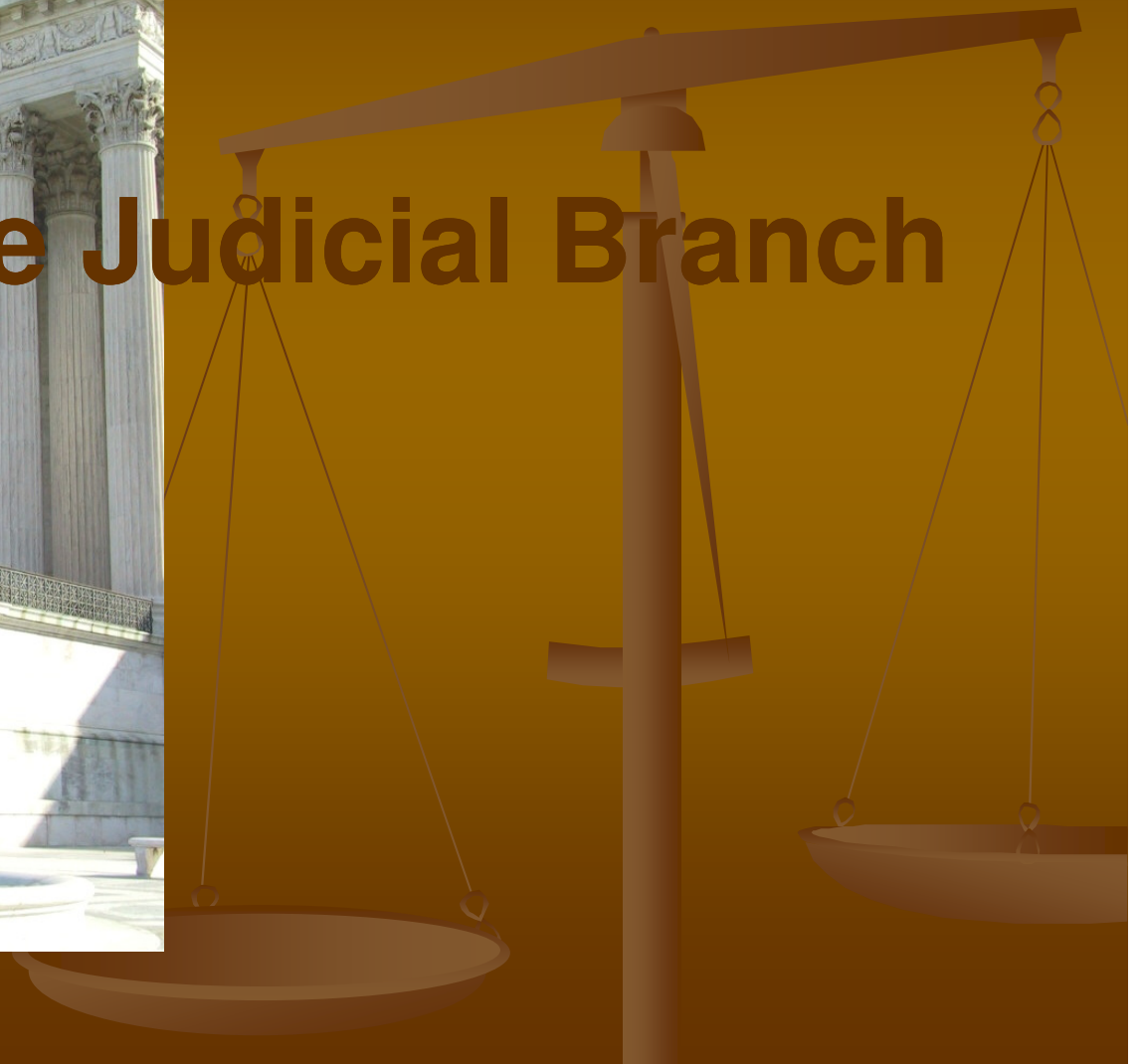




# The Judicial Branch



# The Judicial Branch



- Article III
- Interprets the laws
- Determines Constitutionality
- Protects our Rights guaranteed under the Constitution



# Federal Court System – 3 levels

## District, Appeals, Supreme



### Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases



### Courts of Appeal

- Intermediate level in the federal system
- 12 regional “circuit” courts, including D.C. Circuit
- No original jurisdiction; strictly appellate



### District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
  - No appellate jurisdiction
- Original jurisdiction over most cases

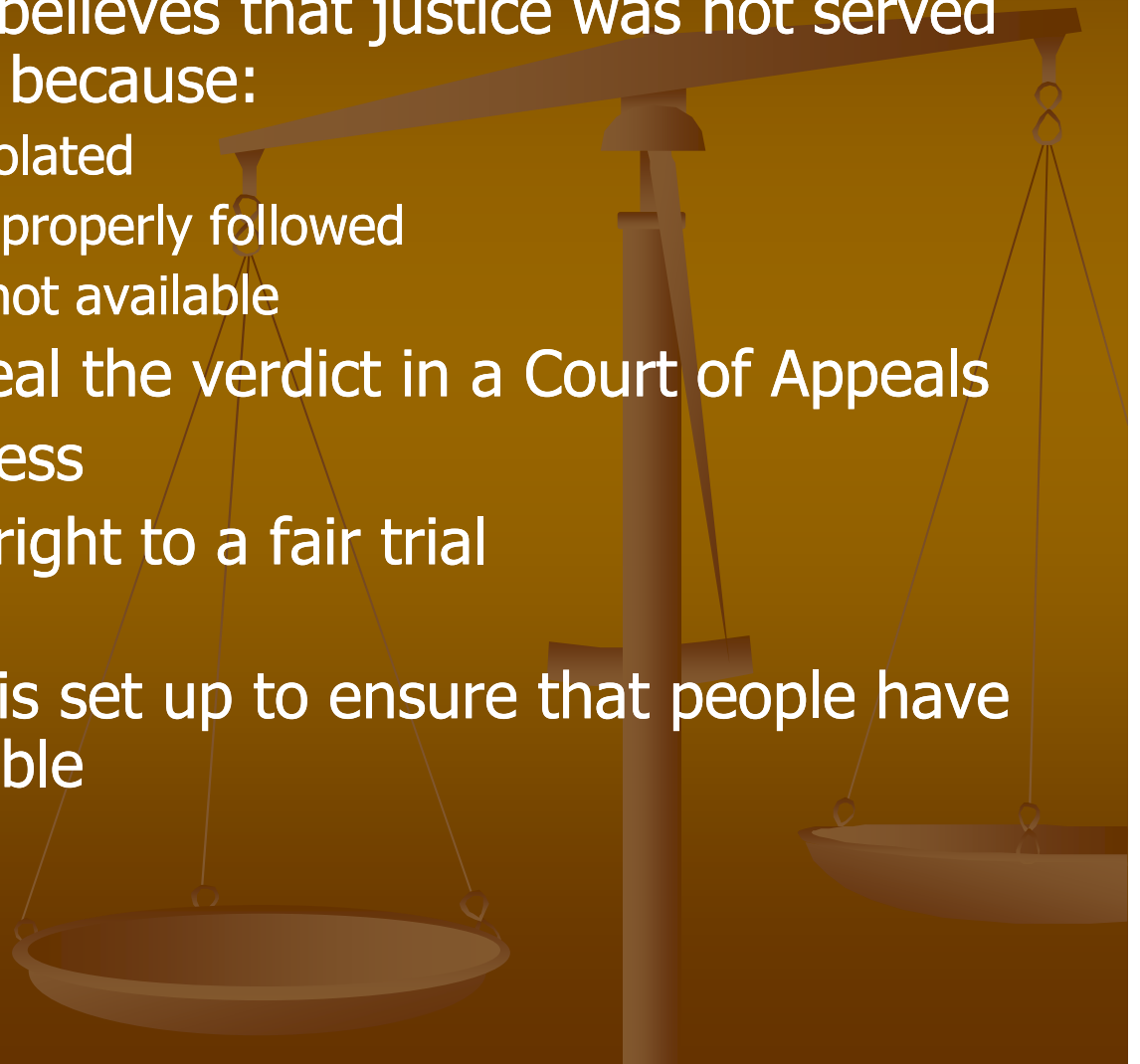
# District Courts

- Established by Congress
- Usually has original jurisdiction
- Lowest court in Federal system
- At least one court in every state
  - 2 Federal Districts in Indiana
  - Our closest district court is in Hammond



# Courts of Appeals

- Sometimes a person believes that justice was not served in their District Court because:
  - His/her rights were violated
  - A rule of law was not properly followed
  - All the evidence was not available
- They could then appeal the verdict in a Court of Appeals
- Established by Congress
- US citizens have the right to a fair trial
  - 7<sup>th</sup> amendment
- The appeals process is set up to ensure that people have as fair a trial as possible



# Courts of Appeals

- The judge in the Court of Appeals may do two things
  - Agree with the appellant and overturn the District Court's decision
  - Agree with the District Court and uphold their decision



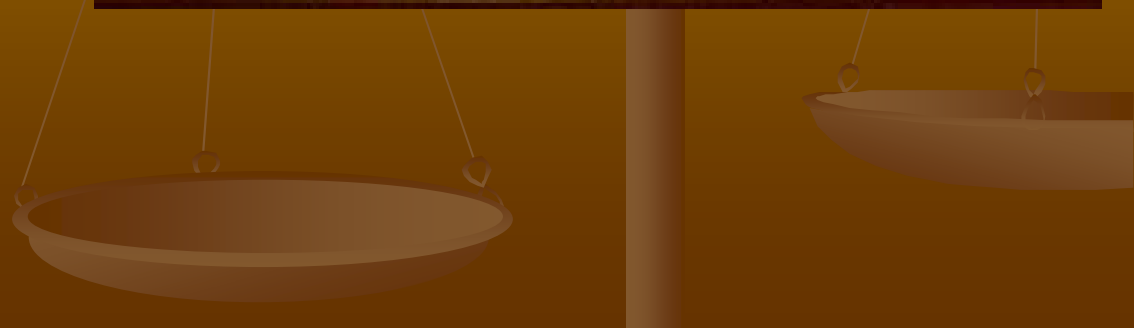
# Appealing to the Supreme Court



- If you *still* believe that justice was not served, you can appeal to the Supreme Court. However, it probably will not hear your case because...
  - It is very busy and needs to give sufficient time to each of its cases
  - It may decide in a preliminary review that the lower court made the right decision

# The Supreme Court

- The highest court in the land
- No one can overrule the Supreme Court
- 9 justices (judges)
  - Originally 6
  - Number set by Congress
  - 1 Chief Justice





# The Supreme Court - Justices

- Appointed by the President and confirmed by Congress
- No age, residency, or citizenship requirements
- No term limit
  - Serve for life
- Salary - \$213,900
  - \$223,500 Chief Justice



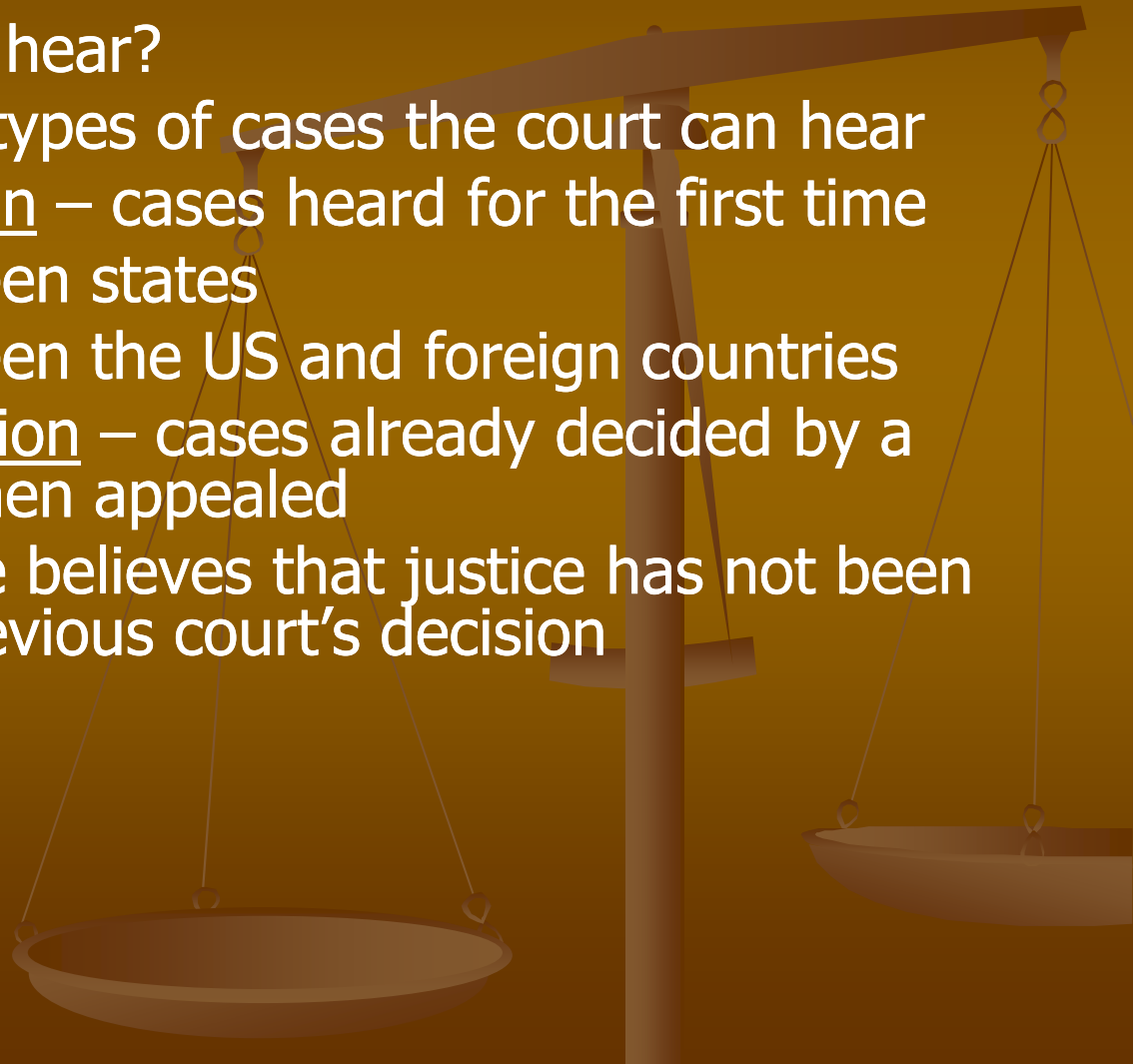
# The Supreme Court



- Court receives approximately 10,000 petitions per year
  - Only about 150 cases are heard by the Court
  - Petitions are sifted through by law clerks and then voted on by Justices themselves
    - 4 votes are required to hear the case
    - In deciding whether to review a case, the Court considers:
      - whether the legal question was decided differently by two lower courts and needs resolution by a higher court
      - whether a lower court decision conflicts with an existing Supreme Court ruling
      - whether the issue could have broader social significance beyond the interests of the two parties involved

# The Supreme Court

- What cases can they hear?
  - Jurisdiction – the types of cases the court can hear
  - Original Jurisdiction – cases heard for the first time
    - Disputes between states
    - Disputes between the US and foreign countries
  - Appellate Jurisdiction – cases already decided by a lower court and then appealed
    - When someone believes that justice has not been served by a previous court's decision



# The Supreme Court

- The court usually hears between one to three cases each day, on the Monday, Tuesday and Wednesday of each week.
- Each lawyer will get 30 minutes to argue before the court
  - They are faced with questions from justices
- Justices then vote
  - Sometimes several rounds of voting
- The most senior justice on the majority side assigns the majority opinion
  - Likewise for the minority



# The Supreme Court



United States Supreme Court

- Serve under “good behavior”
- Can be impeached by Congress
  - Samuel Chase only Justice to be impeached (1805)
  - No Supreme Court justice has ever been removed
    - Only a handful of Federal judges have been removed

# Checks and Balances On Legislative Branch



- On Congress
  - Can declare Laws passed by Congress unconstitutional
- Congress may nullify a Supreme Court decision by passing an amendment to the Constitution that is ratified by  $\frac{3}{4}$  of the states.

# Checks and Balances on Executive Branch

- On President
  - Can declare Presidential actions/orders unconstitutional
  - Chief Justice presides over Impeachment trials in the Senate



Chief Justice William Rehnquist presiding over President Clinton's Impeachment Trial

# Separation of Powers

