U. S. Courts: Interpreting the Contract

Judiciary Act of 1789
legislative act of Congress;
structure of federal judiciary

2 Types of Jurisdiction… the court's authority to hear cases
- ⇒ original—hear facts & evidence; reach a verdict
- ⇒ appellate—decision on legal or procedural error lower court

The Supreme Court (8 justices & 1 chief justice)—
original jurisdiction (cases with ambassadors/ diplomats/states involved)
& *appellate jurisdiction* (all other cases)

Courts of Appeal (3 judges)—
13 regional/circuit courts
only *appellate jurisdiction*

Federal District Courts (1 judge)—
94 courts in 50 states and territories
original jurisdiction

Rule of Four
4 of 9 justices decide to hear a case—**writ of certiorari** (request for review)

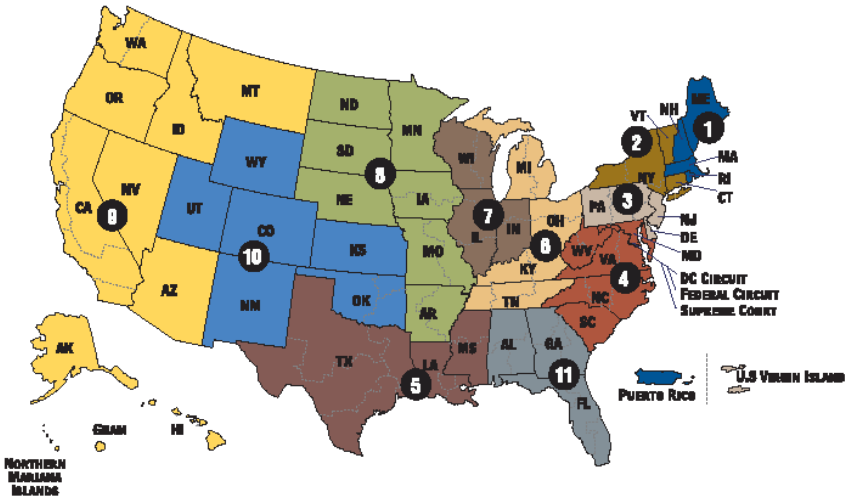
Marbury v. Madison (1803)

exercise of judicial review
Supreme Court may review actions
of legislative and executive branches as part of checks and balances, may review state actions, etc.; examine constitutional legitimacy of laws, rules, regulations, actions

Miranda v. Arizona (1966)

Supreme Court determines how an individual must be informed about the rights they retain in situations where they are arrested and placed in government custody

Geographic Boundaries
of United States Courts of Appeals and United States District Courts



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Class Notes...

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What are the 2 kinds of cases seen in our court system?

Criminal law cases are related to violations of specific laws/ codes such as the prohibition of murder, arson, robbery, etc.; individuals cross a line and encroach on the life, liberty or property of another

Civil law cases are disputes between parties which define relationships such as divorce, mergers, violations of civil rights laws, and etc.; individuals have a disagreement about a contractual relationship

Legal Terms to Remember…

- judiciary—judicial authority, courts, judges, justices
- checks & balances—courts protect the *Constitution* from breaches by other branches of government
- due process—equal treatment in the judicial system/procedure
- precedent—court rulings/decisions; preceding decisions help inform future decisions
- docket—list of cases scheduled on the Court's calendar
- brief—short argument explaining each party's view of the case
- oral argument—formal hearing of each sides position
- solicitor general—lawyer representing the federal government
- amicus curiae—friend of the court; brief to add point of view, attempt to influence court decision

- opinions
  ⇒majority—written decision of at least 5 of 9 justices
  ⇒dissenting—any justice that disagrees with the majority
  ⇒concurring—agreement with either majority decision but not necessarily their reasoning

- stare decisis—let the decision stand; affirm
- verdict—opinion or judgement of guilt or innocence/criminal
- preponderance of evidence—opinion on weight of evidence/civil procedure

- writs
  ⇒mandamus—mandate, command, or compel an action
  ⇒certiorari—request that lower court send record of case for review

- standing—serious interest; material damage suffered
- tort—civil injury committed by another
- justiciable dispute—capable of being decided by legal methods/law
- judicial activism—actively influence policy through legal decision
- judicial restraint—defer decisions to elected branches of government
- docket—court agenda/calendar
- senatorial courtesy—influence on selection of judges in their state

- bench trial—judge acts as both judge and jury
- petit jury trial—random citizens decide verdict (jury duty)

Who are the players?

- **Attorney General**—head of US Dept. of Justice; chief law enforcement officer and chief lawyer of US government; cabinet level position; appointed by president & confirmed by Senate; advisor
- **US Attorneys**—represent the US government; large degree of independence & prosecutorial discretion
- **Solicitor General**—represents the US government before the Supreme Court; appointed by president & confirmed by Senate; files amicus curiae briefs on behalf of government interests; reviews cases for appeal

Class Notes...

Court's Decision (based on preponderance of evidence/argument)—affirm (agree), reverse (disagree), remand (send back)

Written Version of Decision—majority opinion; concurring opinion (agreement with majority or dissent); dissent (disagree with majority)

litigant—party to a court case
⇒petitioner—appeals lower court decision
⇒prosecutor/prosecution—processing cases against individuals accused of harming others
⇒plaintiff—brings civil suit/injury claim against another
⇒defendant—defends against criminal injury claim
⇒respondent—defends against civil injury claim