

# 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)



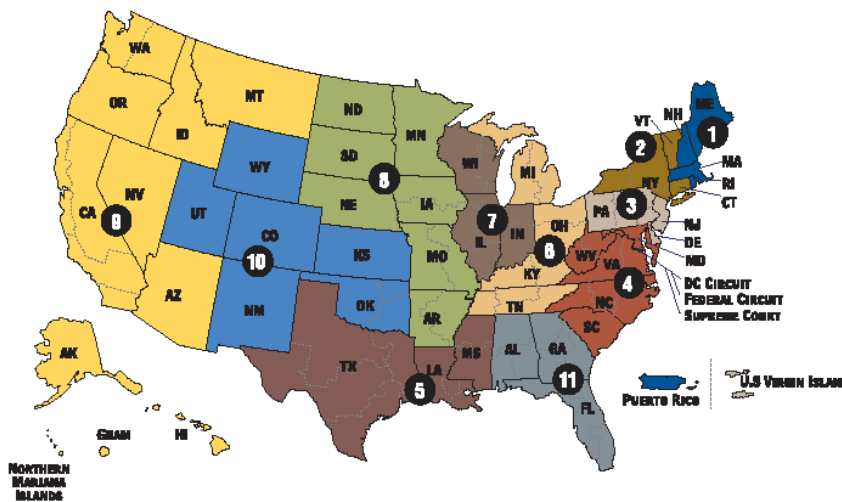
**Courts of Appeal** (3 judges)—  
13 regional/circuit courts  
only *appellate jurisdiction*

**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

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



<http://search.uscourts.gov/search?affiliate=uscourts.gov&locale=en&query=map>

**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

**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

Class Notes...

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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...

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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