

The Federal Court System

or

How I learned to love
Article III of the Constitution!



The National Court System

- Constitutional Courts
- Special Courts - military appeals, veterans, tax courts, etc.
- Jurisdiction
 - original - where a case is first heard
 - appellate - court that hears case on appeal from a lower court

- Civil Cases – Lawsuits, often times for \$
- Criminal Cases - The State (The United States or California) brings the case

Federal Judges & Court Officials

- Judges are appointed for life -except in some special courts
- Wages - Supreme Court - \$246,800
Chief Justice - \$258,100
- Federal Appeals Judges - \$213,300
- Federal District Judges - \$201,100
- Clerks, Bailiffs, Magistrates, and Marshalls



The Inferior Courts

- The Federal District Court - 91 districts
678 Judges handle 80% of all Federal cases
- original jurisdiction for any U.S. law from kidnapping to counterfeiting to tax evasion (to destruction of mail boxes)
- jury trials
- Federal District Court is in Sacramento

- The Courts of Appeals of the United States

12 courts in 11 circuits

appellate jurisdiction only

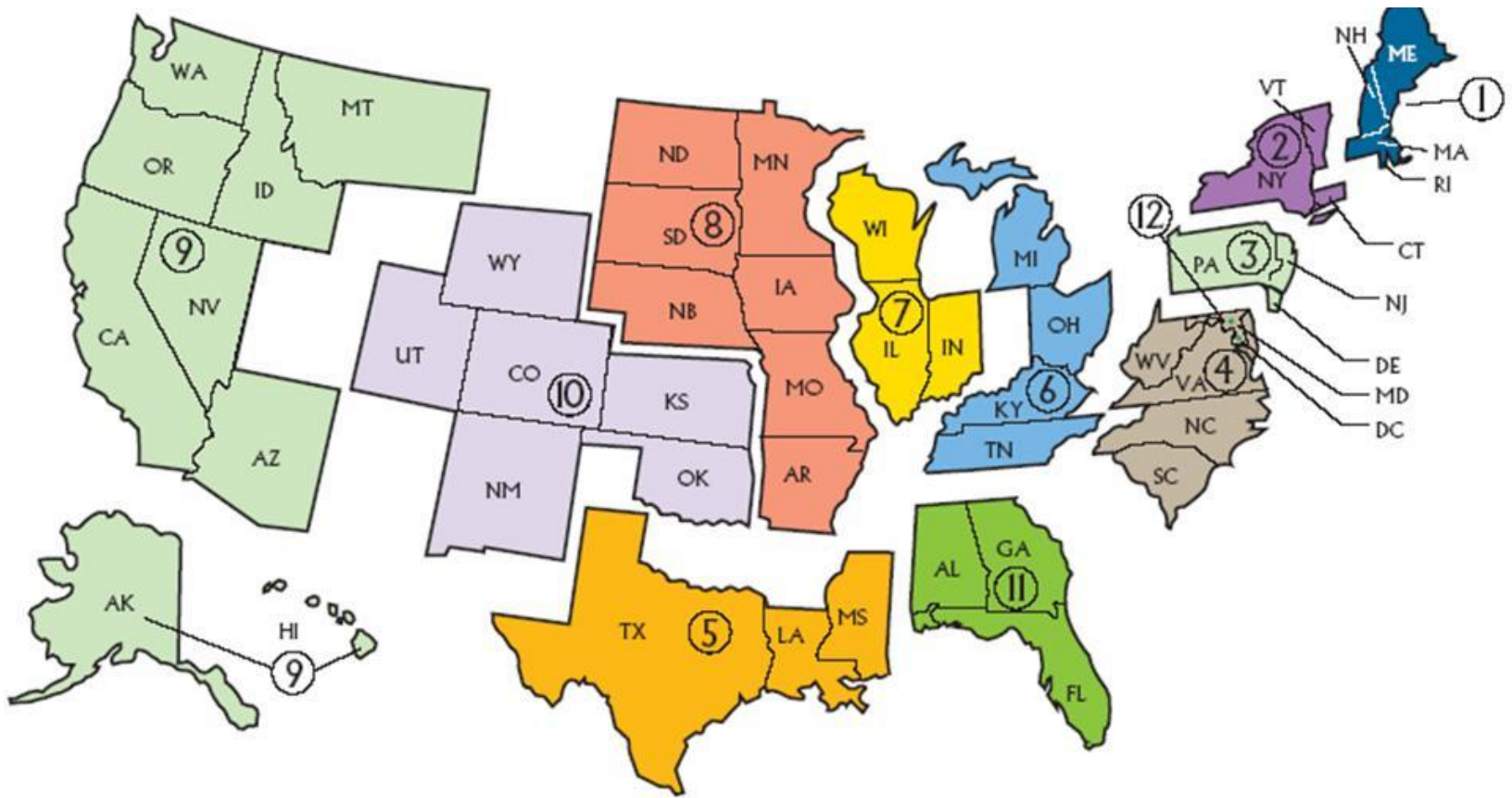
Seated in panels of three

These courts hear 40,000 cases per year

most decisions are final but may be appealed

We are in the 9th Circuit Court of Appeals

Circuits of Appeal





The Supreme Court

- Nine Justices (number is set by Congress)
- Court sits in Washington, D.C.
- Jurisdiction is both original and appellate
- The Court of Last Resort - no appeal
- A case reaches the court on appeal by writ of certiorari - up to 6,000/yr.
- The Court acts on about 100 cases/yr.

The Process in the Supreme Court

- Four Justices have to agree to accept a case
- If the full court hears a case there are:
 - Briefs that are filed - before arguments
 - Oral Arguments - 30 minute time limit
- The Conference - closed meeting of all Justices where they talk out the case.
- Opinions-Majority / Unanimous / concurring
These affirm or set legal precedent for the time

- dissenting opinions - “ an appeal to the brooding spirit of the law, to the intelligence of some future day.”

Marbury v. Madison

Judicial Activism, and Restraint

- Judicial Restraint- stick to the letter and original intent of the Constitution
 - Now Conservatives tend to want to limit judges interpretation of the law, but...
- Judicial Activism- adapt laws and precedent (Stare Decisis) to current conditions and philosophies
 - Now Liberals tend to want power to improve society- courts are the last resort for people

But...

- What's a Conservative?
- What's a Liberal?
- How can a Conservative be an Activist jurist?
- How can a Liberal be a restrained jurist?
- Based on Social Contract balance point-security v. freedom and on political bias