



# The Judicial Branch

Created by Article III of the Constitution

# Basic Terminology



- ◆ Trial: A legal examination in which the disputing groups meet in court and present their positions to an impartial decision maker
- ◆ Original Jurisdiction: First one to hear the case
- ◆ Appellate Jurisdiction: Can only hear a case on appeals. The type of jurisdiction the SC usually has
- ◆ Exclusive Jurisdiction: Only federal courts have authority to hear, state courts cannot
- ◆ Concurrent Jurisdiction: Federal or state courts can hear

# Basic Terminology



- ◇ Defendant: The person accused of the wrongdoing or crime
- ◇ Plaintiff: The person or designated government official accusing the defendant
- ◇ Criminal law cases: Disputes in which the government charges an individual with committing a crime and violating a law that protects another's safety
- ◇ Civil law cases: Disputes among individual citizens and government officials over property or money
- ◇ Dual Court system - The U.S. court system is divided into two separate systems, federal courts & state courts

Each state has its own court system that settles disputes involving its own state laws

- ◆ The state court system is organized into three levels of authority
  
- ◆ Level One:
  - ◆ Superior or district courts
  - ◆ Trial courts that handle cases throughout the state



# Level Two



- ◇ State courts of appeals
- ◇ Separated into regions
- ◇ Reviews a superior or district court's decision when requested
- ◇ Presided over by a panel of judges (usually three)
- ◇ Three options
  - ◇ Agree with the lower court
  - ◇ Disagree with and overrule the lower court
  - ◇ Order a new trial in the lower court

# Level Three



- ◇ State supreme court
  - ◇ Reviews courts of appeals cases
  - ◇ Also involves a panel of judges
  - ◇ Decision is final unless the losing party is able to convince the Federal Supreme Court to take the case



GA Supreme Court Justices

# Federal Courts



- Established by Article III of the Constitution; left the development up to Congress
- The Judiciary Act of 1789 established the federal district courts and the circuit courts of appeals
- Have jurisdiction (authority to hear cases) over such federal crimes as:
  - Mail fraud
  - Counterfeiting
  - Smuggling
  - Bank robbery
  - Illegal interstate commerce



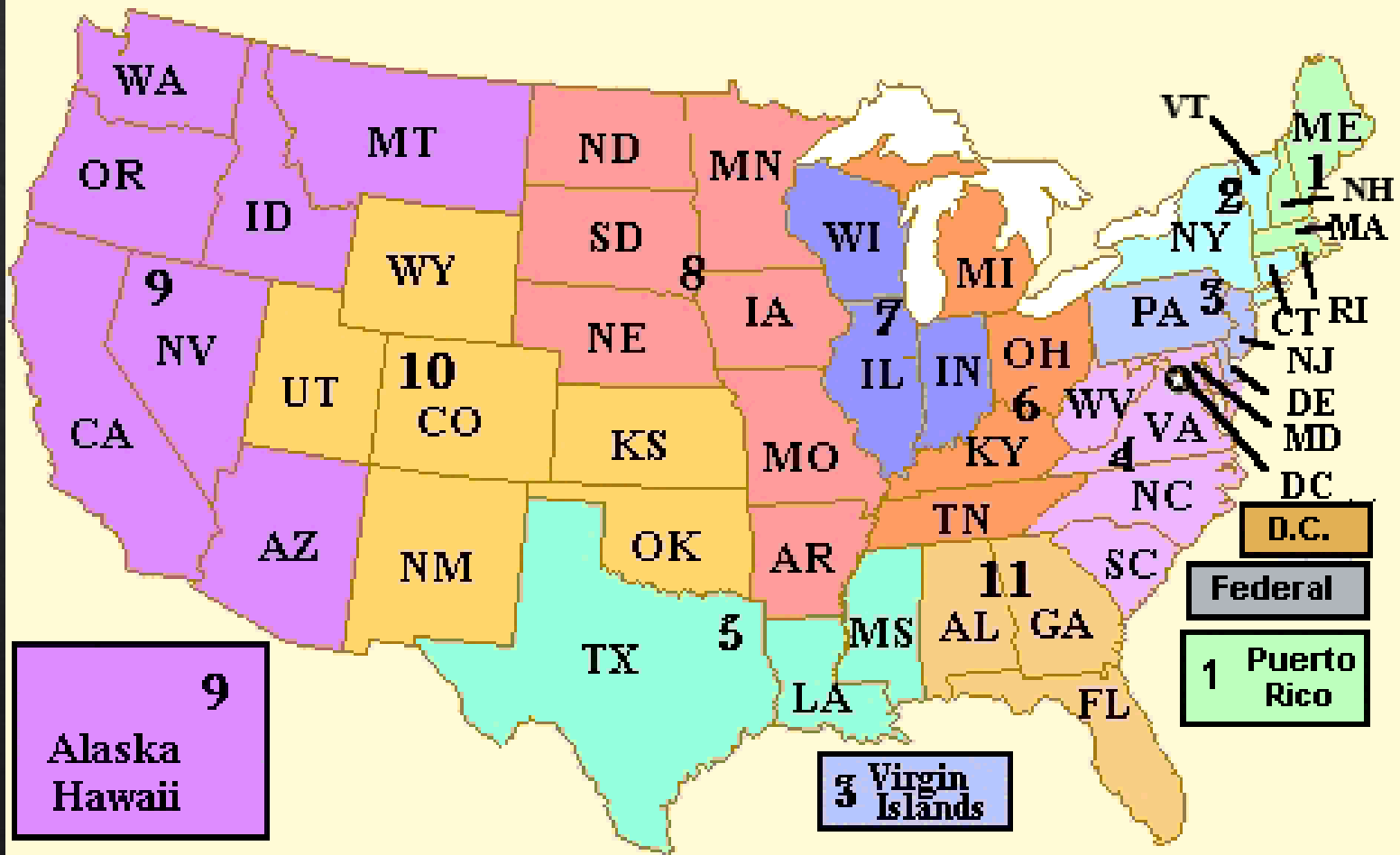
# Federal Courts



- ◆ Separated into district courts
  - ◆ Each state has at least one district
  - ◆ Each court has 2-28 judges, appointed to life terms by the president
  
- ◆ The US is divided into 12 judicial circuits, each with its own court of appeals
  - ◆ Georgia belongs to the 11<sup>th</sup> judicial circuit
  
- ◆ Each circuit court has between 6 and 28 permanent judges that hear cases in panels of three



# The Federal Judicial Circuits



# The U.S. Supreme Court



The final authority for interpreting the Constitution.

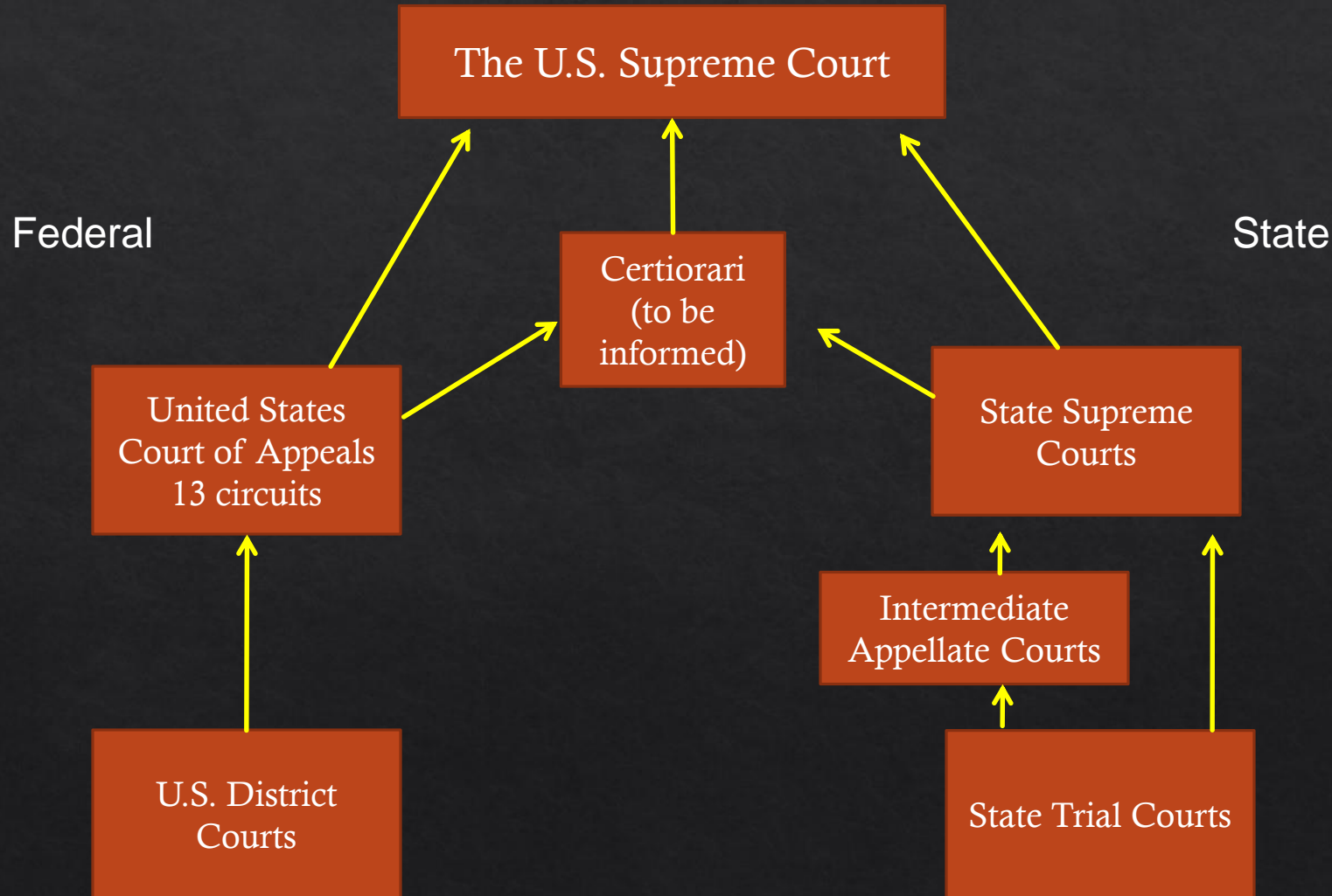
Also known as the court of final resort.

# The Supreme Court



- ◆ Heads the Judicial Branch
- ◆ Reviews court cases – Usually those that are controversial
- ◆ Reviews legislative and executive decisions that raise Constitutional questions (Judicial Review)

# How Cases Reach The Supreme Court





# Supreme Court Justices

- ◇ Nine Justices
- ◇ Appointed by the president to life terms
- ◇ The Chief Justice is in charge of the court; the other eight are associate justices

# Important Facts



- ◆ A writ of certiorari is a request for review based on important constitutional and legal issues raised by the court's decision.
- ◆ Under the rule of four, only four justices must agree to place a case on the docket (their schedule of cases to review)
- ◆ The Supreme Court receives more than 7,000 requests each year, but places fewer than 100 on their docket.



# In Court



- ◇ Begins the first Monday in October each year
- ◇ Lawyers for both sides file *briefs*, written documents that contain facts and legal issues involved in the appeal; often hundreds of pages long
- ◇ Present their case directly through *oral arguments*; only have 30 minutes
- ◇ The court's decision is the *majority opinion*—what five or more justices thought
- ◇ The minority is the *dissenting opinion*

# Judicial Philosophy

- ◇ Judicial Restraint - encourages judges to limit the exercise of their own power. It asserts that judges should hesitate to strike down laws unless they are obviously unconstitutional.
- ◇ Judicial Activism – refers to judicial rulings that are suspected of being based on personal opinion, rather than the constitution. Judges are accused of making laws from the bench.
- ◇ Judicial Decisions (7:13) - <https://www.youtube.com/watch?v=QjLcLguoKC4>