

The Federal Courts

Creation

- Article III
 - Supreme Court
 - Congress may create inferior courts
- Dual Courts
 - Federal
 - State



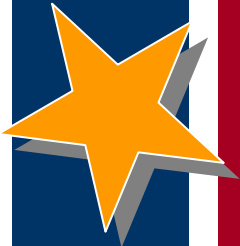


Federal Courts

- Underneath Supreme Court
- Two Types
 - Constitutional
 - exercise judicial power of U.S. - regular courts
 - Supreme Court, Court of Appeals, District Courts & Court of International Trade
 - Special Courts
 - hear only cases arising out of certain expressed powers of Congress
 - Court of Military Appeals, Claims Court, Tax Court, Territorial Courts, D.C. courts

Constitutional Courts

- Jurisdiction - authority to hear a case
 - two reasons cases will be heard in federal courts
 - Subject matter
 - deals with Constitution, federal law, or treaty
 - question of admiralty or maritime law
 - Parties Involved
 - U.S. officials or agencies
 - ambassador, consul or other representative of a foreign government
 - States suing another State, citizen of another State, or foreign government or one of its citizens
 - citizen of one State suing citizen of another State
 - U.S. citizen suing foreign government or a citizen thereof
 - 2 citizens suing under land grants from 2 different States





Types of Jurisdiction

- Exclusive
 - only in federal court
- Concurrent
 - Federal or State court
- Original
 - hear case first
- Appellate
 - hear cases on appeal

Judges

- Selection
 - appointed by the President and approved by the Senate
- Term
 - Constitutional court judges are appointed for life
 - May only be removed by impeachment
 - Legislative court judges have terms of varying lengths
- Compensation
 - \$175,239 CJ, \$172,770 AJ, down to \$136,718



Court Officers

- Clerk
 - holds seal; keeps record of proceedings
- U. S. Magistrates
 - issues warrants, decides to send to grand jury, set bail, can try minor offense cases.
- Bankruptcy Judge
 - at least 1 per district
- U.S. Attorney
 - 1 per district - prosecute cases -- 4 yr. term
- U.S. Marshal
 - 1 per district - like sheriff - 4 yr. term



District Courts

- Federal trial courts
 - 80% of federal caseload
- Created by Judiciary Act of 1789
 - 91 courts - 1 in each of 89 districts in the states and 1 in Puerto Rico and District of Columbia
- Jurisdiction
 - Original jurisdiction over most federal cases
 - Use grand and petit juries



Court of Appeals

- Created 1891
 - Relieve Supreme Court of cases
 - 12 courts in 11 districts and 1 in D.C. – 179 circuit judges as well 1 SCJ assigned to circuit
- Jurisdiction
 - Appellate only
 - Hear appeals from district courts, Tax Court, territorial courts, and regulatory agencies

Other Constitutional Courts

- Court of International Trade
 - 9 judges – one of whom is chief judge
 - Hears cases arising out of the tariff and other trade related laws
- Court of Appeals for the Federal Circuit
 - 12 judges
 - nationwide jurisdiction
 - Hears appeals from Trade Court, special courts, and appeals from district courts that involve patents



Supreme Court

- Only court specifically created by the Constitution
- Made up of 1 chief justice and eight associate justices
- On an equal footing with the President and the Congress
- Court of last resort in all questions of federal law



Judicial Review

- Supreme Court is the final authority on on the meaning of the Constitution
- Established in Marbury v. Madison, 1803
- Court also interprets federal laws and acts as umpire between the States and the Federal government

Jurisdiction

- Original
 - State is a party
 - Those affecting ambassadors, consuls, ministers
- Original and Exclusive
 - Disputes between two States
 - Cases involving ambassadors and consuls
- Appellate
 - Those cases it chooses to hear from lower federal courts



How Cases get to the Court

- Rule of 4
- Writ of Certiorari
 - Order for lower court to send up record

Certificate

- Lower court asks for SC to certify answer to a question



Work of the Court



- Court sits from first Monday in October to June or July
- Oral Arguments
- Briefs
- Solicitor General
- Conference



Decisions of the Court

- Unanimous Decision
- Split Decision
 - Majority
 - Dissenting
 - Concurring
- Importance of Opinions
 - Precedents
 - Clarify ruling for lower courts that will make rulings in the future



The Special Courts

- U.S. Federal Claims Court
 - 16 Judges with 15 year terms
 - Hear suits against the federal government
- Territorial Courts
 - Courts for Guam, Virgin Islands, and Northern Marianas
- Courts of the District of Columbia
 - District and Court of Appeals



The Special Courts

- **Court of Appeals for the Armed Forces**
 - Chief judge and four associate judges – 15 year terms
 - Reviews more serious court-martial convictions
- **Court of Veteran's Appeals**
 - Chief judge and up to 6 associate judges
 - Hears cases arising out of claims against the VA
- **United States Tax Court**
 - 19 judges- one is chief judge – 12 year terms
 - Hears civil cases generated by IRS