



The Judicial Branch

Primary Goal of the Legal System

The goal of the legal system is equal justice under the law

This goal can be difficult to achieve.

Why is the goal of equal justice under the law difficult to achieve?

METALLICA



...AND JUSTICE
FOR ALL

Civil or Criminal

Courts settle civil disputes between private parties, a private party and the government, or the United States and a state or local government. Each side presents its position. The court applies the law and decides in favor of one or the other.

Courts also hold criminal trials for people accused of crimes. Witnesses present evidence and a jury or a judge delivers a verdict of guilt or innocence.

The Accused

All accused people have the right to a public trial and a lawyer. If they cannot afford a lawyer, the court will appoint and pay for one. (Gideon v. Wainwright, 1963)

Accused people are considered innocent until proven guilty. They may ask for a review of their case by a higher court if they think the court has made a mistake. This review is called an appeal.

Federal Courts

What kinds of cases can a federal court hear?

The court must have jurisdiction:

“The power, right, and authority to interpret the law.”

Two types of federal-court jurisdiction:

Federal-question jurisdiction

Diversity jurisdiction

Federal Question Jurisdiction

Case involves:

Federal statute or law (United States Code-USC)

U.S. Constitution

Examples:

Wisconsin vs. Yoder

Legitimacy of laws (i.e. satanic music)

Diversity Jurisdiction

Federal courts can hear questions of state law, IF:

- 1) The parties are citizens of different states, **AND**
- 2) The value of the case EXCEEDS \$75,000 (the “amount in controversy” requirement).

Judicial Branch Structure (Federal)

The United States Federal Courts

**SUPREME
COURT**

**UNITED STATES
SUPREME COURT**

**APPELLATE
COURTS**

U.S. Courts of Appeals

12 Regional Circuit Courts of Appeals
1 U.S. Court of Appeals for the Federal Circuit

**TRIAL
COURTS**

U.S. District Courts

94 judicial districts
U.S. Bankruptcy Courts

U.S. Court of International Trade

U.S. Court of Federal Claims

**FEDERAL COURTS
AND OTHER ENTITIES
OUTSIDE THE
JUDICIAL BRANCH**

Military Courts (Trial and Appellate)

Court of Veterans Appeals

U.S. Tax Court

**Federal administrative agencies
and boards**

U.S. District Courts

District courts are the federal courts where trials are held and lawsuits are begun.

All states have at least one.

For all federal cases, district courts have original jurisdiction, the authority to hear the case for the first time.

District courts hear both civil and criminal cases.

They are the only federal courts that involve witnesses and juries.

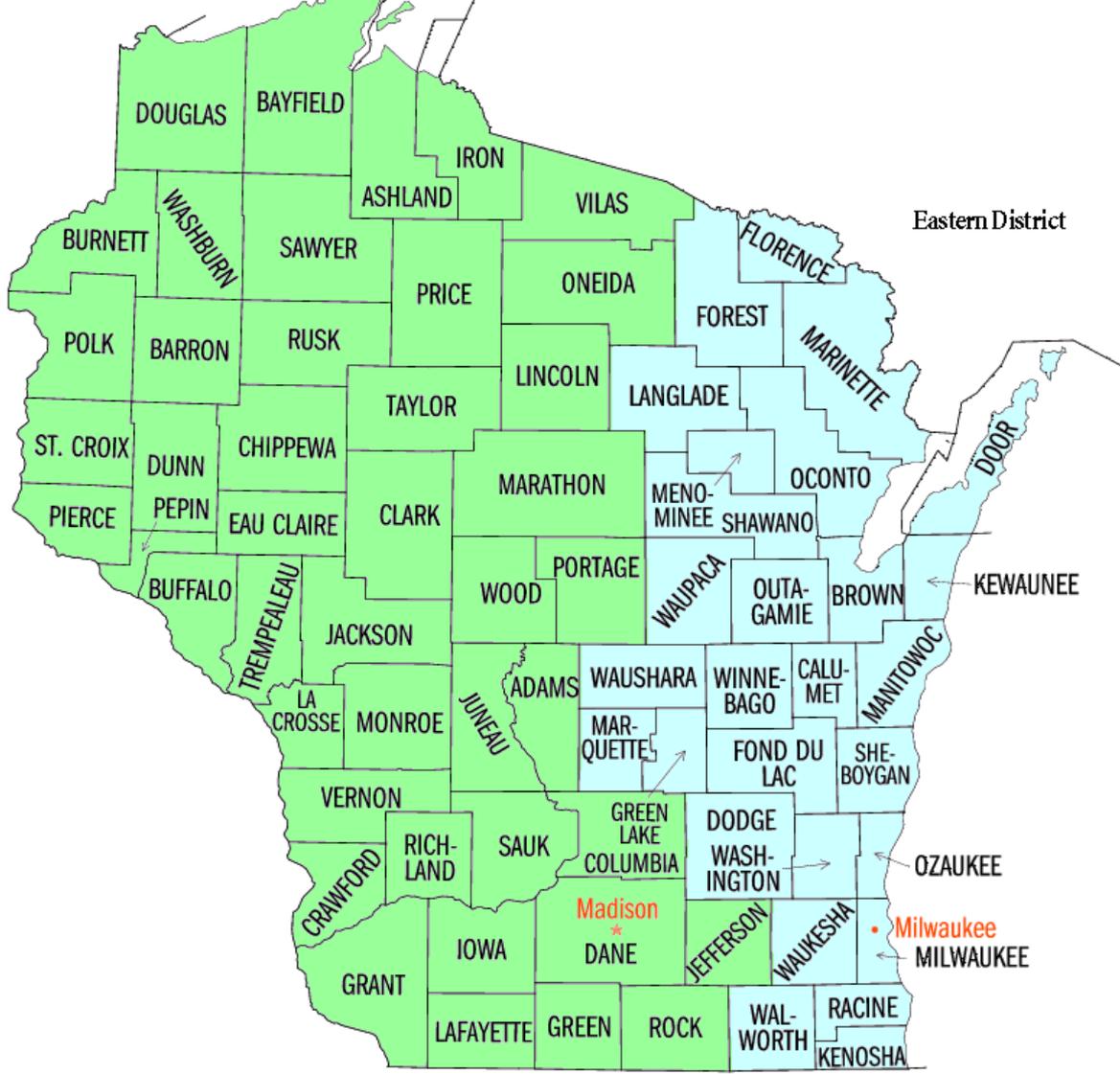
U.S. District Courts (Wisconsin)

Wisconsin has 2 U.S. District Courts. There is an Eastern and Western District that represents selected counties.

The Eastern District main courthouse is located in Milwaukee. The U.S. Congress approved a judgeship in Green Bay as of 2001 but no permanent building has been constructed as of yet.

The Western District courthouse is located in Madison.

Western District



Eastern District

Madison *

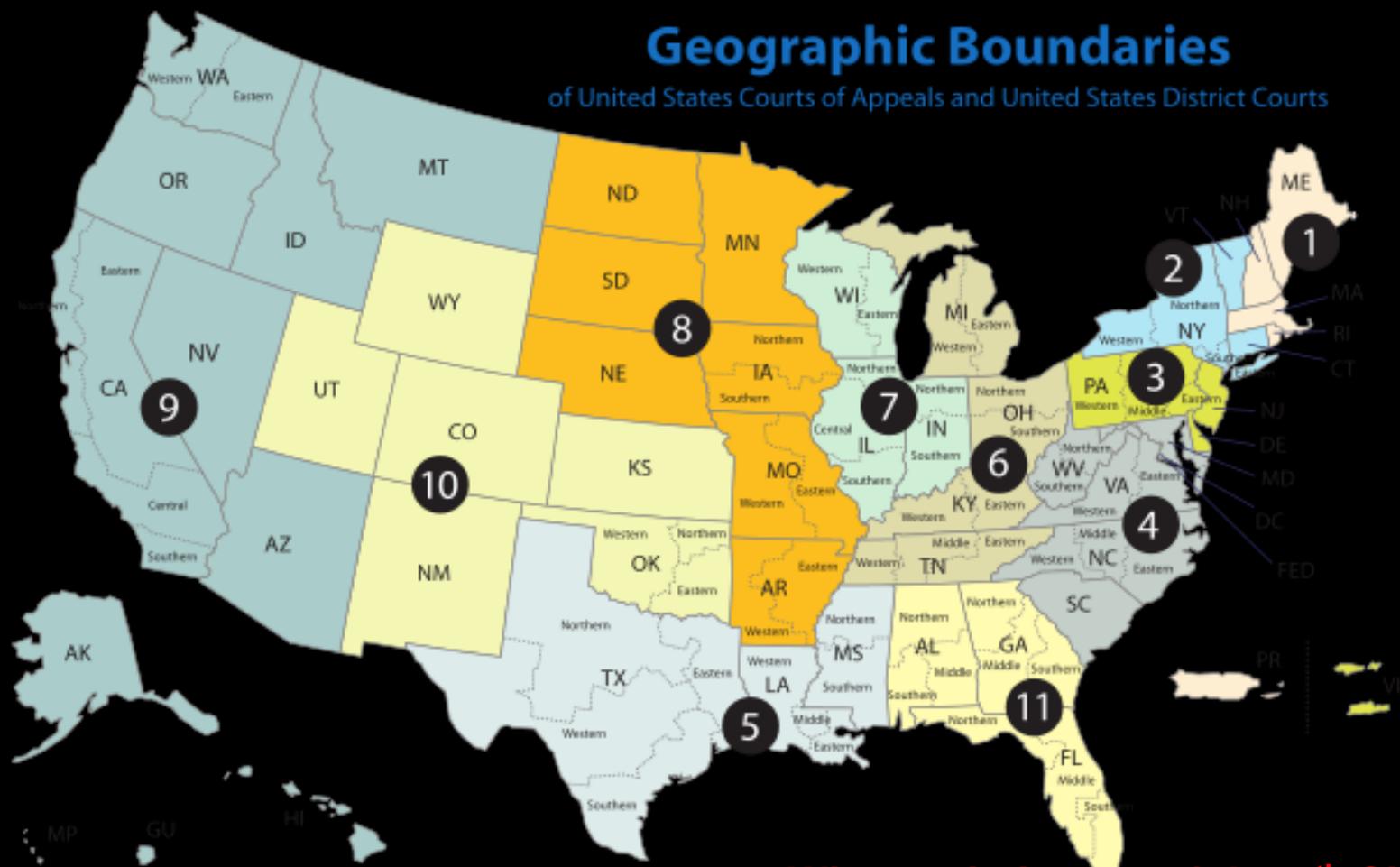
• Milwaukee
MILWAUKEE

U.S. Court of Appeals

People who lose in a district court often appeal to the next highest level—a U.S. court of appeals.

Appeals courts review decisions made in lower district courts. This is appellate jurisdiction—the authority to hear a case appealed from a lower court.

13 Appeals Court Circuits



DC Court of Appeals is #12

**Wisconsin is part of the 7th Circuit
located in Chicago, IL.**

13 Regional Courts of Appeals

Each of the 12 U.S. courts of appeals covers a particular geographic area called a **circuit**. A 13th appeals court, the **Court of Appeals for the Federal Circuit**, has nationwide jurisdiction over specific subject matters (i.e. patent dispute)

Appeals courts do not hold trials. Instead, a panel of judges (3) reviews the case records and listens to arguments from lawyers on both sides. No new evidence can be introduced and there is no witness testimony.

The judges may decide in one of three ways: uphold (agree) the original decision, reverse (disagree) the decision, or **remand** the case—send it back to the lower court to be tried again....usually with a set of instructions

Supreme Court

Loser in U.S. Court of Appeals may file a Petition for Writ of Certiorari.

Supreme Court does not have to hear the case (“cert. denied”). In this case the lower court ruling stands

If the accepted, 9 JUSTICES hear the appeal.

Supreme Court

The main job of the nation's top court is to decide whether laws are allowable under the Constitution.

The Supreme Court has original jurisdiction only in cases involving foreign diplomats or a state. All other cases come to the Court on appeal.

The Court chooses the cases it hears through the **Writ of Certiorari**.

The court has final authority on cases involving the constitution, acts of Congress, and treaties.

Supreme Court

How does one become a S.C. justice?

The president appoints Supreme Court justices, with Senate approval.

Eight associate justices and one chief justice make up the supreme



Supreme Court

The Main Job

The Court's main job is to decide whether laws and government actions are constitutional, or allowed by the Constitution. It does this through judicial review—the power to say whether any law or government action goes against the Constitution.

The legislative and executive branches must follow Supreme Court rulings. The Court is supposed to be removed from politics (not elected positions) and the influences of special-interest groups. The parties involved in a case are supposed to get a fair hearing as a result. **Do you believe this?**

Marbury vs. Madison

The Constitution does not give the Supreme Court the power of judicial review. The Court claimed the power when it decided the case *Marbury v. Madison*.

As President **John Adams** was leaving office, he signed an order making William Marbury a justice of the peace. The incoming president, Thomas Jefferson, refused to carry out the order. Marbury took his case to the Supreme Court.

It's called Marbury vs. Madison because the Sec. of State, James Madison, was supposed to deliver the commissioned documents signed by Adams to D.C. Madison did not.

Judicial Review

In the Court's opinion, Chief Justice **John Marshall** set forth three principles of judicial review:

- (1) The Constitution is the supreme law of the land.
- (2) If a law conflicts with the Constitution, the Constitution wins.
- (3) The judicial branch has a duty to uphold the Constitution. Thus, it must be able to determine when a law conflicts with the Constitution and nullify that law.

Through its rulings, the Supreme Court **interprets** the meaning of laws, helping the police and other courts apply them.

Checking Judicial Power

Congress can get around a court ruling by passing a new law, changing a law ruled unconstitutional, or amending the Constitution.

The president's power to appoint justices and Congress's power to approve appointments and to impeach and remove justices serve to check the power of the Court.