

# The Judicial Branch

7th Grade  
Civics

## Equal Justice Under the Law

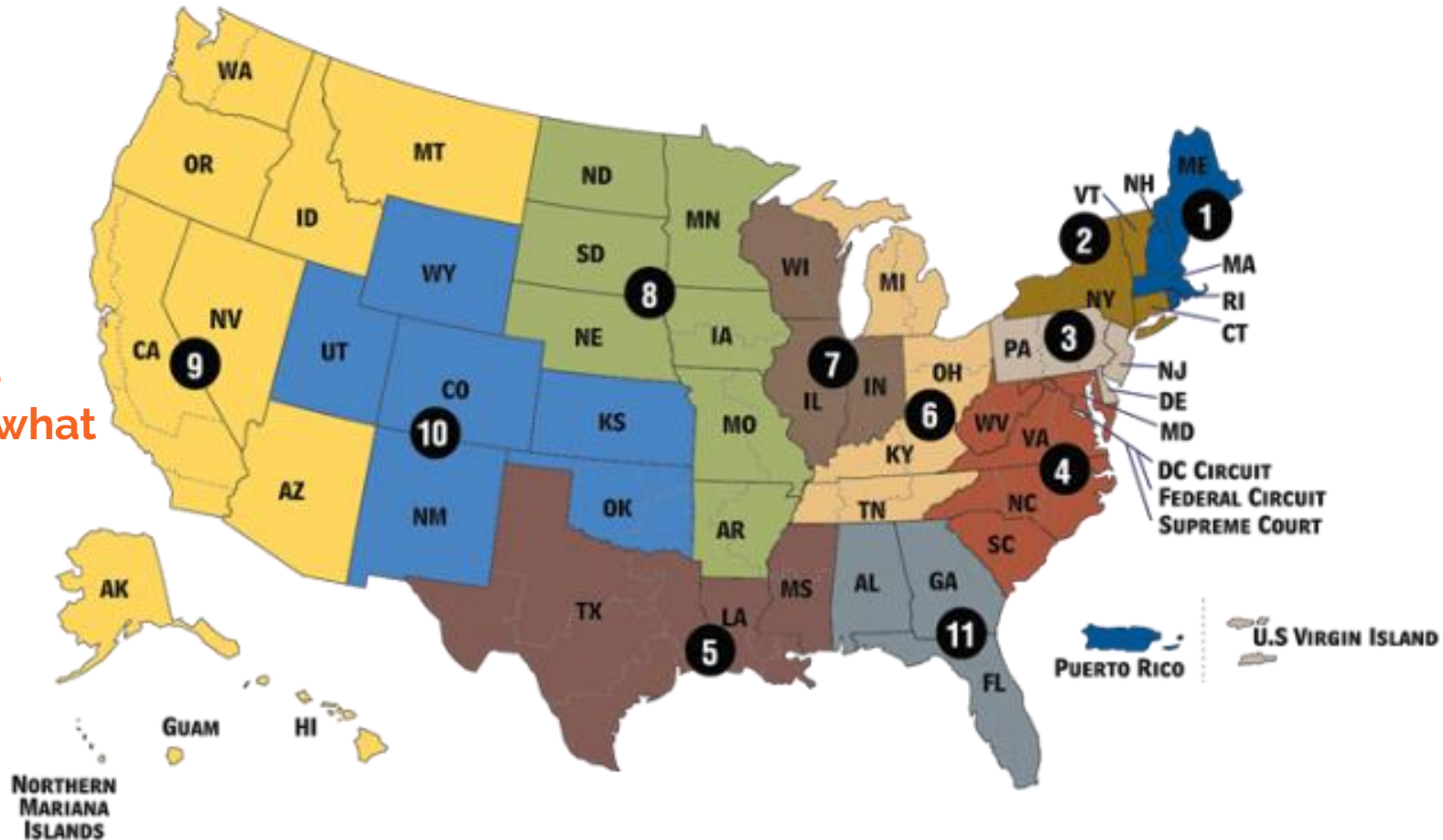
Courts use the law to settle civil disputes and decide guilt or innocence of the people accused of crimes.

**“Equal Justice Under the Law”**: Our legal system is based on this basic ideal. The goal being treat everyone the same no matter what.



How many  
judicial  
districts or  
circuits?

Alabama is  
located in what  
district?



# Establishing the Judicial Branch

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Based on Article III of the Constitution.

Article III gives Congress the power to establish a national supreme court and lower federal courts.

**Judiciary Act of 1789:** established federal district and appeals courts.

**Jurisdiction:** the court's' authority to hear and decide cases

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# Federal Court Jurisdiction

The Federal Courts have jurisdiction over eight kinds of cases.

Kind of Case	Example
1. Involving the Constitution	<i>McCulloch v. Maryland, 1819</i>
2. Violations of Federal laws	
3. Controversies between states	<i>New Jersey v. New York, 1998</i>
4. Disputes b/w citizens of diff. states	<i>South Carolina v. Katzenbach, 1966</i>

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## Jurisdiction (continued)

Kind of Case	Example
5. Involving the federal government	<i>U.S. v. Klein</i> , 1872
6. Involving foreign govt / treaties	Treaties with Native Americans, 1832
7. Involving admiralty / maritime laws	Exxon Oil spill of 2008
8. Involving U.S. Diplomats	

**Exclusive jurisdiction:** authority of only the federal courts to hear and decide on certain cases.

**Concurrent jurisdiction:** authority for both state and federal courts to hear and decide on certain cases.

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# Federal Court System

# Federal Court “Pyramid”



## Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases

## Courts of Appeal

- Intermediate level in the federal system
- 12 regional “circuit” courts, including D.C. Circuit
- No original jurisdiction; strictly appellate

## District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
  - No appellate jurisdiction
- Original jurisdiction over most cases



# The U.S. Supreme Court

# Original Jurisdiction

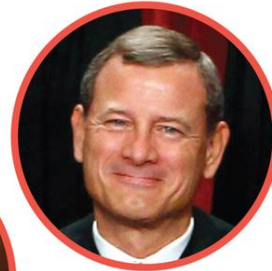
The Supreme Court has **original jurisdiction** in two instances:

1. When presiding over cases that involve diplomats from foreign countries
2. When cases have been appealed from lower district courts or federal regulatory agencies

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**Top:**

Stephen Breyer  
Ruth Ginsburg  
John Roberts  
(Chief Justice)  
Anthony Kennedy



**Bottom:**

Elena Kagan  
Sonia Sotomayor  
Clarence Thomas  
Samuel Alito



Nominee



**Confirmed**

**Nominee:**

Neil Gorsuch

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# Judicial Review

The President appoints SCOTUS justices with the consent of the Senate. They have the power of judicial review.

**Judicial Review:** power of the SCOTUS to say whether any federal, state, or local law or government action goes against the Constitution

## **Three Principles of Judicial Review:**

1. The Constitution is the supreme law of the land.
2. If there is a conflict between the constitution and any other law, the constitution rules.
3. The judicial branch has a duty to uphold the constitution. Justices must determine when a law conflicts with the constitution and nullify or cancel unconstitutional laws.

# Checks and Balances

**Interpreting laws:** the SCOTUS exercises the power to interpret anything that has the force of law and declare them unconstitutional

## **Limits to Court's Power:**

1. The court depends on the executive branch as well as state and local officials, such as government and police, to enforce its decision.
2. The court can only hear and make decisions on the cases that come to it.

# How Federal Courts are Organized



Cases reach the Supreme Court when they are appealed from a lower court or state court.

The SCOTUS uses a docket to determine what cases need to be heard.

**Docket:** calendar of accepted cases

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# Steps of the Decision-Making Process

## 1. Written Argument

Brief document explaining the case

## 2. Oral Argument

Lawyers present their arguments

## 3. Conference

First decisions on cases they were studying

## 4. Opinion Writing

The opinion states the facts, announces their ruling, and explains their reasoning for their decision

## 5. Announcement

The court's final decision



# Opinion Writing

A justice may have one of three opinions on a case:

1. **Majority** - opinion of majority of judges hearing the case
2. **Dissenting** - opinion of those not in the majority
3. **Concurring** - written by justices in the majority, agree with the result reached by the majority for a different reason

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# Four Influences on SCOTUS Decisions

Precedent

Judicial Philosophy (Legal Views)

Personal Beliefs

Public Opinion

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