

# **Magruder's American Government**

## CHAPTER 18 *The Federal Court System*

***Modified by Frank Schneemann, Bonita Vista High School***

# The Federal Court System

**SECTION 1** The National Judiciary

**SECTION 2** The Inferior Courts

**SECTION 3** The Supreme Court

**SECTION 4** The Special Courts

# Section 1

## The National Judiciary



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# The National Judiciary

- Why did the Constitution create a national judiciary?
- What is the structure of the national judiciary?
- What criteria are used to determine the jurisdiction of a federal court case?
- How are federal judges appointed, and what are their terms and salaries?
- What are the roles of federal court officers?





# Section Summary

- [Section 1 The National Judiciary](#)
- The Framers created a national judiciary consisting of a Supreme Court and inferior courts to be created by Congress.
- The federal courts have exclusive or concurrent and original or appellate jurisdiction over the cases they hear.
- Federal judges are appointed by the President, subject to confirmation by the Senate.
- Supreme Court and inferior court judges serve for life, removable only by impeachment, while special court judges serve 15-year terms; Congress sets the salaries of federal judges.
- Federal court officers, such as magistrates, U.S. attorneys, bailiffs, and clerks, serve in administrative and judicial roles

# Creation of a National Judiciary

- The Framers created the national judiciary in Article III of the Constitution.
- There are two court systems in the United States: the national judiciary that spans the country, and the courts run by each of the 50 States.
- The Constitution created the Supreme Court and left Congress to establish the **inferior courts**—the lower federal courts. There are two types of federal courts: (1) constitutional courts and (2) special courts.



# Types of Federal Courts

The Constitution created only the Supreme Court, giving Congress the power to create any lower, or “inferior,” courts as needed.



## The Inferior Courts

### The Constitutional Courts

Also called Article III Courts or Regular Courts. As permitted by the Constitution, Congress created these courts, which exercise the broad “judicial Power of the United States,” as stated in Article III.



### The Special Courts

Also called the Legislative Courts or Article I Courts. Created by Congress under the power given to it in Article I “to constitute Tribunals inferior to the supreme Court,” these courts have narrowly defined powers.



\* in Guam, the Virgin Islands, and the Northern Marianas, similar to local courts

\*\* including the district and appeals courts, which also act as constitutional courts



# Federal Court Jurisdiction

- **Jurisdiction** is defined as the authority of a court to hear (to *try* and to *decide*) a case.
- Article III, Section 2 of the Constitution provides that the federal courts may hear a case because either:
  - (1) the subject matter or
  - (2) the parties involved in the case.



# Types of Jurisdiction

## Exclusive and Concurrent Jurisdiction

- Some cases can only be heard in federal courts. In that case, federal courts have **exclusive jurisdiction**.
- Many cases may be tried in a federal court or a State court. In such an instance, the federal and State courts have **concurrent jurisdiction**.

## Original and Appellate Jurisdiction

- A court in which a case is first heard is said to have **original jurisdiction** over that case.
- A court that hears a case on appeal from a lower court has **appellate jurisdiction** over that case.
- The Supreme Court exercises both original and appellate jurisdiction.



# Appointment of Judges

- The power to appoint judges to federal courts falls on the President.
- The President nominates Supreme Court justices, as well as federal court judges, who are then subject to the approval of the Senate.
- Most federal judges are drawn from the ranks of leading attorneys, legal scholars and law school professors, former members of Congress, and State courts.



# Terms and Pay of Judges

- Judges appointed to the constitutional courts, including the Supreme Court, are appointed for life.
- Judges of constitutional courts may only be removed by their own will or through impeachment. Only 13 federal judges have ever been impeached, and of them, seven were convicted.
- Judges who sit in the special courts are appointed for terms varying from 4 to 15 years.
- Congress determines salaries for federal judges.



# Court Officers

## Federal judges have many levels of support in order to fulfill their roles:

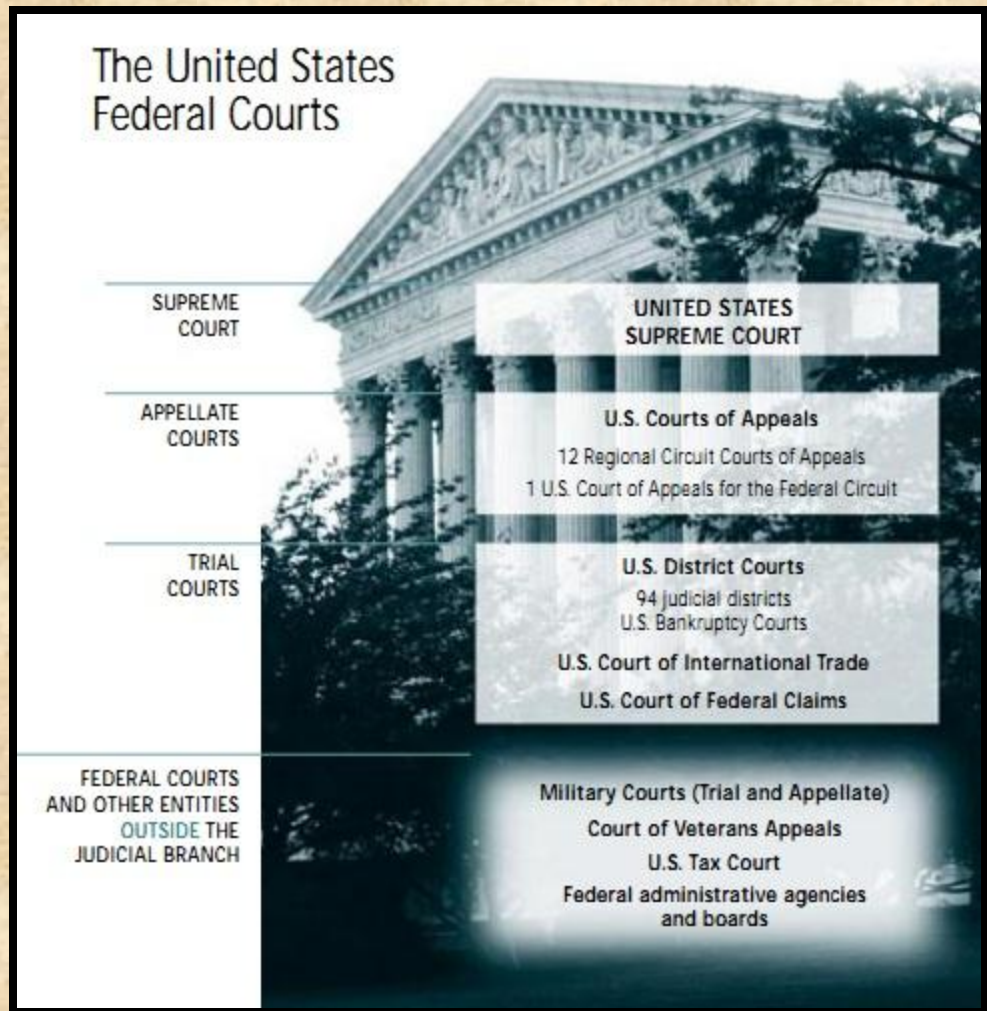
- United States magistrates are appointed by each federal district court judge to handle duties ranging from issuing warrants to setting bail in federal criminal cases.
- Each federal district judge appoints one bankruptcy judge for their district.
- The President nominates, and the Senate approves, a United States attorney for each federal judicial district.
- The President and the Senate also select a United States marshal to serve each of the district courts. Marshals act much like county sheriffs in regard to federal crimes.





## Section 2

# Inferior Courts



# Section 2 Overview

- [Section 2 The Inferior Courts](#)
- The 94 U.S. district courts handle about 80 percent of the federal caseload; they have original jurisdiction over most federal criminal and civil cases.
- The 12 federal appeals courts have appellate jurisdiction only.
- The Court of International Trade hears tariff and trade cases; the Court of Appeals for the Federal Circuit has nationwide appellate jurisdiction from various federal courts.

# The Inferior Courts

- What is the structure and jurisdiction of the federal district courts?
- What is the structure and jurisdiction of the federal courts of appeals?
- What is the structure and jurisdiction of other constitutional courts?

# The District Courts

## Federal Judicial Districts

- The 94 federal judicial districts include at least one district in each State, the District of Columbia, and Puerto Rico.
- Larger and more populous States are divided into two or more districts, reflecting the larger amount of judicial work done there.

## District Court Jurisdiction

- District courts have original jurisdiction over most cases that are heard in federal courts.
- The district courts hear a wide range of **criminal cases** and **civil cases**.
- A criminal case, in the federal courts, is one in which a defendant is tried for committing some action that Congress declared by law to be a federal crime. A federal civil case is one which involves noncriminal matters.



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# The Courts of Appeals

The courts of appeals were created in 1891 to handle much of the burden that the Supreme Court faced in ruling on appealed cases.

## Appellate Court Judges

- Altogether, 179 circuit judges sit in the 12 appeals courts.
- A Supreme Court justice is also assigned to each of the circuits.

## Appellate Court Jurisdiction

- The courts of appeals only have appellate jurisdiction, hearing cases on appeal from lower federal courts.



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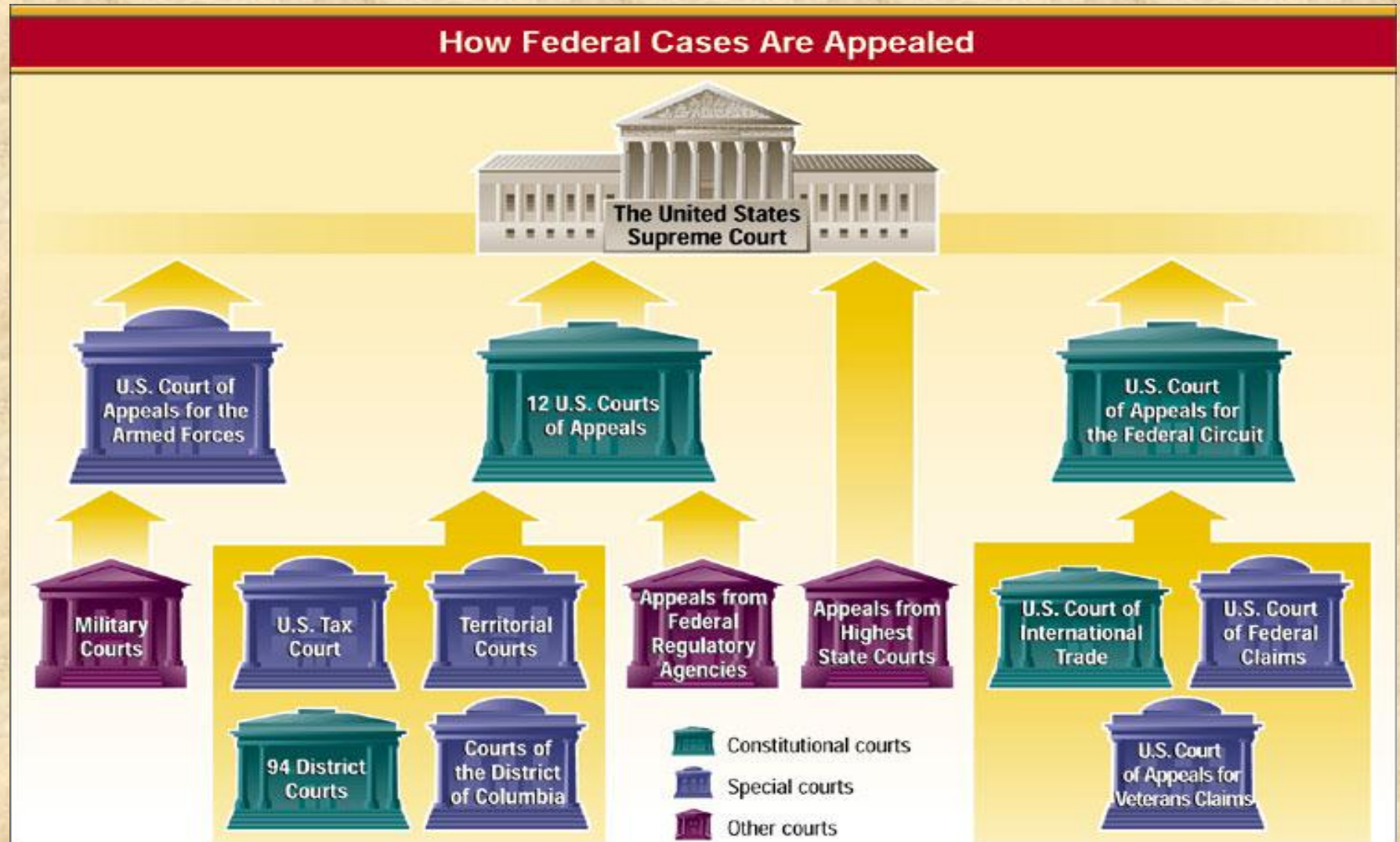
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# How Federal Cases Are Appealed

## How Federal Cases Are Appealed



# Other Constitutional Courts

## The Court of International Trade

- The Court of International Trade hears civil cases arising out of tariff and other trade-related laws.

## The Court of Appeals for the Federal Circuit

- This appellate court has nationwide jurisdiction and hears cases from several different courts.
- Most cases heard arise from the U.S. Court of International Trade, the U.S. Court of Federal Claims, and the U.S. Court of Appeals for Veterans Claims.



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## Section 3

# The Supreme Court



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# The Supreme Court

- What is the concept of judicial review?
- What is the scope of the Supreme Court's jurisdiction?
- How do cases reach the Supreme Court?
- How does the Supreme Court operate?

# Section Overview

- [Section 3 The Supreme Court](#)
- All federal and most State courts have the power of judicial review, deciding the constitutionality of an act of government.
- The U.S. Supreme Court has both original and appellate jurisdiction, but usually hears cases on appeal; the Court decides only a handful of cases each year.
- The Supreme Court is in session from October through June; it hears oral arguments, studies written briefs, meets in conference to discuss the cases, and renders majority, concurring, and dissenting opinions

# Judicial Review

- Judicial review refers to the power of a court to determine the constitutionality of a government action.
- The Supreme Court first asserted its power of judicial review in the case of *Marbury v. Madison* (1803).
- The Court's decision laid the foundation for its involvement in the development of the American system of government.



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# Supreme Court Jurisdiction

- The Supreme Court has both original and appellate jurisdiction.
- The Court has original jurisdiction over cases involving two or more States and all cases brought against ambassadors or other public ministers.
- Most cases heard by the Court are appeals cases. The Court hears only one to two cases in which it has original jurisdiction per year.



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# How Cases Reach the Supreme Court

For a case to be heard by the Court, four of nine judges must agree that it should be placed on the Court's docket.

## Writ of Certiorari

- Most cases reach the Court via **writ of certiorari**, an order to a lower court to send a record in a given case for its review.

## Certificate

- Cases can reach the Court by **certificate** when a lower court asks for the Court to certify the answer to a specific question in the matter.



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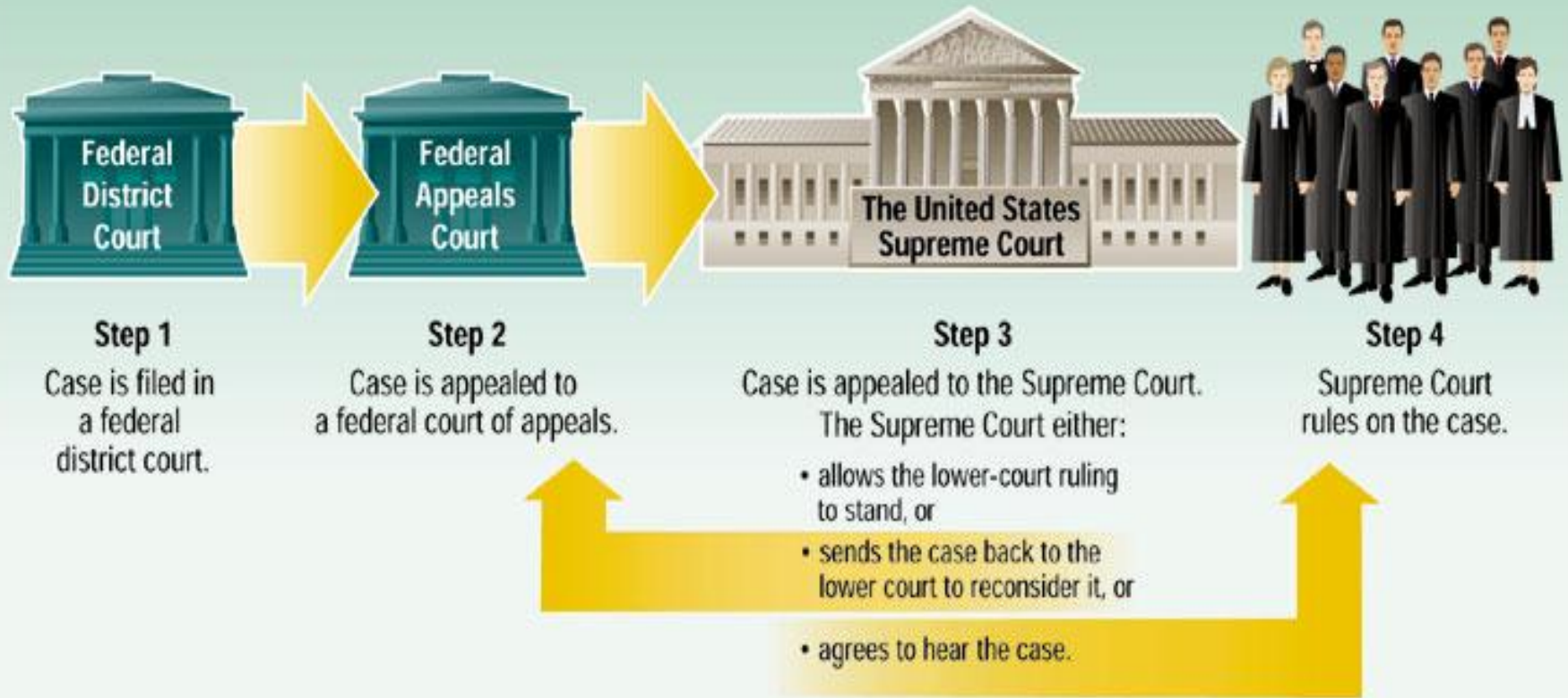
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# Appealing a Case to the Supreme Court

## Appealing a Case to the Supreme Court



# How the Supreme Court Operates

## Oral Arguments

- Once the Supreme Court accepts a case, it sets a date on which lawyers on both sides will present oral arguments.

## Briefs

- Briefs are written documents filed with the Court before oral arguments begin.

## The Court in Conference

- The Chief Justice presides over a closed-door conference in which justices present their views on the case at hand.



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# Opinions of the Court

Once the Court finishes its conference, it reaches a decision and its opinion is written.

## *Majority Opinion*

The **majority opinion**, formally called the Opinion of the Court, announces the Court's decision in a case and its reasoning on which it is based.

## *Precedents*

The majority opinions stand as **precedents**, or examples to be followed in similar cases as they arise in the lower courts or reach the Supreme Court.

## *Concurring Opinions*

**Concurring opinions** are sometimes authored by justices to add or emphasize a point that was not made in the majority opinion.

## *Dissenting Opinions*

**Dissenting opinions** are often written by those justices who do not agree with the Court's majority opinion.



## Section 4



# Special Federal Courts

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# The Special Courts

- How can citizens sue the government in the U.S. Court of Federal Claims?
- What are the roles of the territorial courts and of the District of Columbia courts?
- What functions do the U.S. Court of Appeals for the Armed Forces and the U.S. Court of Appeals for Veterans Claims have?
- What types of cases are brought to the U.S. Tax Court?



# Section Overview

- [Section 4 The Special Courts](#)
- The U.S. government may not be sued without its consent; those who seek damages must take their cases to the U.S. Court of Federal Claims.
- Congress has created federal courts for U.S. territories, as well as for the District of Columbia.
- The U.S. Court of Appeals for the Armed Forces is a civilian tribunal that hears appeals of court-martial cases.
- The U.S. Court of Appeals for Veterans Claims hears claims regarding veterans' benefits.
- The U.S. Tax Court hears civil cases concerning tax law.

# The Court of Federal Claims and the Territorial Courts

## The Court of Federal Claims

- The U.S. Court of Federal Claims handles all pleas against acts of the United States government.
- Those who have claims against the United States can possibly secure **redress**—satisfaction of a claim, usually through payment—through this court.

## The Territorial Courts

- Under its power to govern the territories of the United States, Congress created courts for the nation's territories.
- These courts are in places such as Guam and the Virgin Islands, and function much like the local courts in the 50 States.





# The District of Columbia Courts and the U.S. Tax Court

## The District of Columbia Courts

- As directed in the Constitution, Congress established a system of courts for the “Seat of Government of the United States.”
- The District of Columbia handles all local judicial matters for the district, including trials and appeals.

## The United States Tax Court

- The U.S. Tax Court was created by Congress in 1969.
- The Tax Court hears civil but not criminal cases involving disputes over the application of the tax laws.
- Its decisions may be appealed to the federal courts of appeals.



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# Military Appeals Courts

## The Court of Appeals for the Armed Forces

- This court is a **civilian tribunal**, a court operating as part of the judicial branch, entirely separate from the military establishment.
- The court reviews the more serious convictions of members of the armed forces at a **court-martial**, or trial involving military law.

## The Court of Appeals for Veterans Claims

- The Court of Appeals for Veterans Claims hears cases in which individuals claim that the Department of Veterans Affairs has denied or otherwise mishandled valid claims for veterans' benefits.



# Section 1 Review

- **Inferior courts**

The lower federal courts, beneath the Supreme Court.

- **Jurisdiction**

The authority of a court to hear a case

- **Exclusive jurisdiction**

Power of the federal courts alone to hear certain cases.

- **Concurrent jurisdiction**

Power shared by federal and State courts to hear certain cases



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# Section 1 Review continued

- **Plaintiff**

In civil law, the party who brings a suit or some other legal action against another (the defendant) in court.

- **Defendant**

In a civil suit, the person against whom a court action is brought by the plaintiff; in a criminal case, the person charged with the crime.

- **Original jurisdiction**

The power of a court to hear a case first, before any other court

- **Appellate jurisdiction**

The authority of a court to review decisions of inferior (lower) courts; see original jurisdiction



# Section 2 Review

- **Criminal case**

A case in which a defendant is tried for committing a crime as defined by the law.

- **Civil case**

A case involving a noncriminal matter such as a contract dispute or a claim of patent infringement.

- **Docket**

A court's list of cases to be heard

# Section 3 Review

- **Writ of certiorari**

An order by a higher court directing a lower court to send up the record in a given case for review; from the Latin meaning “to be more certain.”

- **Certificate**

A method of putting a case before the Supreme Court; used when a lower court is not clear about the procedure or rule of law that should apply in a case and asks the Supreme Court to certify the answer to a specific question.

- **Majority opinion**

Officially called the Opinion of the Court; announces the Court’s decision in a case and sets out the reasoning upon which it is based.

# Section 3 Review Continued

- **Precedent**

Court decision that stands as an example to be followed in future, similar cases

- **Concurring opinion**

Written explanation of the views of one or more judges who support a decision reached by a majority of the court, but wish to add or emphasize a point that was not made in the majority decision

- **Dissenting opinion**

Written explanation of the views of one or more judges who disagree with (dissent from) a decision reached by a majority of the court; see majority opinion

# Section 4 Review

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- **Redress**

Satisfaction of a claim payment

- **Court-martial**

A court composed of military personnel, for the trial of those accused of violating military law.

- **Civilian tribunal**

A court operating as part of the judicial branch, entirely separate from the military establishment



# The End

***One of the greatest gifts you can give to anyone is the gift of your attention.***

***Thanks***