

COURTEYE



State v. Tate:
Presentation
Slides



STATE BAR
OF WISCONSIN

Chapter 8: The Judicial Branch



ARTICLE 3 IN CONSTITUTION

- Federal Courts – oversee federal crimes and lawsuits
- Judges are appointed by the President
- They are appointed for life



THE SUPREME COURT

- 9 Justices
- Chief Justice and Eight Associate Justices
- Chief Justice is John Roberts





- The Supreme Court Interprets the Meaning of Laws, especially the Constitution

- Judges chosen to be on Court must be approved by the Senate

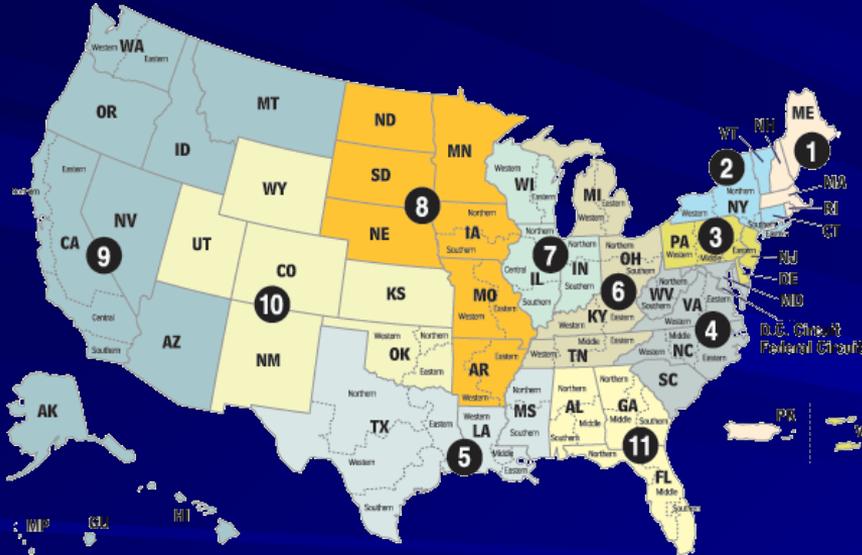
- This is called the Confirmation Process

- Sandra Day O'Conner – first woman Justice

- Thurgood Marshall – first African American Justice



U.S. DISTRICT COURTS



- 94 Federal Courts Throughout the U.S.
- Jurisdiction** – the court’s authority to hear and decide a case
- Original jurisdiction** which means they hear a case for the first time, decide criminal and civil cases, decisions are decided by juries

U.S. COURT OF APPEALS

- 12 Courts Throughout the U.S.
- A panel of judges review cases
- **Appeal** – to request a review of a lower court's decision
- **Appellate Jurisdiction** – authority of a court to hear a case appealed from a lower court



"The court denied your appeal, but they wished you luck in your future endeavors."

WHAT TYPES OF CASES DO FEDERAL COURTS HEAR?

- 1. Cases involving the Constitution
- 2. Violations of Federal Laws
- 3. Controversies between states
- 4. Disputes between parties of different states
- 5. Suits involving the Federal government
- 6. Cases involving foreign governments and treaties



OTHER COURT INFORMATION

- **Opinion** – the courts writing of the reasoning behind their decision
- **Majority Opinion** - the winning sides explanation
- **Dissenting Opinion** – a write up of why a judge did not agree with the majority
- **Equal Protection** – principle that says the law applies to everyone
- **Criminal Case** – someone has broken a law
- **Civil Case** – disagreement between people

Judicial Review

Most cases reviewed by the Supreme Court are appeals. The justices meet once a week to decide what cases they will accept. If they take a case it is placed on a **docket** which is a court calendar. They usually only try 200 cases a year

JUDICIAL REVIEW

- **Judicial Review** – the power to say whether any federal, state, or local law goes against the Constitution
- ***Marbury vs Madison 1803*** – opinion written by John Marshall:
 1. Constitution is supreme law of the land
 2. If there is a conflict between the Constitution and any other law the Constitution rules
 3. Judicial branch has duty to uphold the Constitution

SUPREME COURT PROCESS

1. **Written Argument** – this is a document explaining the position of each of two opposing sides in a court case, this document is called a **brief**
2. **Oral Argument** – a lawyer presents one side of a case to a judge/jury
3. **Conference** – the justices get together to discuss the case and make a decision
4. **Opinion Writing** – a justice writes up the explanation of the decision
5. **Announcement** – decision is announced to public

Judges follow **precedents** which means they look back on past court decisions when making a ruling, they follow the guiding principle of **stare decisis** which means “let the decision stand”

