

THE CONSTITUTION

CONSTITUTIONAL ORIGINS

- Supreme Court is only court required
- Congress creates all other federal courts
- Supreme Court hears cases under constitution, fed law + treaties
- Also appeals from state + lower fed. courts with issues of fed. law
- Also disputes among states cases

REACHING A DECISION

- JUNE
- ORAL ARGUMENTS
- QUORUM of 6
- TIE = LOWER COURT DECISION STANDS (STATUS QUO)
- 5-4 Decision = Controversial
- UNANIMOUS = 9-0
- DISSENTING = Disagrees w/opinion
- CONCURRING = Agrees for different reason
- MAJORITY = official verdict

- RESTRAINT = Based on Previous Law
- ACTIVISM = Create Law/policymaker
- JURISPRUDENCE = Theory of Law

JUDICIAL ACTIVISM VS RESTRAINT

ARTICLE III JUDICIAL

MARBUY V MADISON (1803)

- Establishes JUDICIAL REVIEW OR POWER TO DECLARE LAW UNCONSTITUTIONAL
- MADE Judicial Equal to other two
- gave Judicial BRANCH FINAL WORD ON A LAW
- 1789 JUDICIARY ACT ESTABLISHED Federal COURT SYSTEM

Supreme Court Session

- OCT to JUNE Each Year
- ABOUT 150 Cases Each Year
- ORIGINAL + Appellate Cases
- MOST Appellate JURISDICTION
- WRIT OF CERTIORARI petitions COURT
- Rule of 4 ACCEPTS THE CASE
- AMICUS CURIAE (FRIEND OF COURT)
- BRIEFS = FORMAL DOCUMENTS
- DOCKET = Calendar

JURISDICTION

- POWER TO HEAR A CASE
- ORIGINAL = 1st TIME WITH A JURY
- APPELLATE = REVIEW CASE + UPHOLD OR REVERSE LOWER COURT RULING

LIMITS ON JUDICIARY

- Courts can decide only cases that come before them
- Judges have no power to act on their own
- "shall hold their offices during good behaviour"
- Appointed for life
- Subject to Senate Impeachment
- 13 Fed judges removed since 1789
- AMENDMENTS Can OVERTURN Supreme COURT Decisions
- ↳ 14th Amend 1868 overruled 1857 DRED SCOTT V SANDFORD

US COURT SYSTEM

