

Chapter 18: The Federal Court System

Section 3

Lecture Notes

AMERICAN GOVERNMENT

PEARSON

► Objectives

1. Define the concept of judicial review.
2. Outline the scope of the Supreme Court's jurisdiction.
3. Examine how cases reach the Supreme Court.
4. Summarize the way the Court operates.

▶ Key Terms

- **writ of certiorari:** an order by the Supreme Court telling a lower court to send it a specific case to review
- **certificate:** a request by a lower court for the Supreme Court to certify the answer to a question about proper procedure or rule of law in a case
- **brief:** detailed written statements about a case that are filed with the court

▶ Key Terms, cont.

- **majority opinion:** the official ruling of the Supreme Court on a case, explaining how the majority decision was reached
- **concurring opinion:** a separate opinion that agrees with the majority opinion but offers a different reason for making that ruling
- **dissenting opinion:** an opinion written by a justice who disagrees with the ruling of the majority in a case

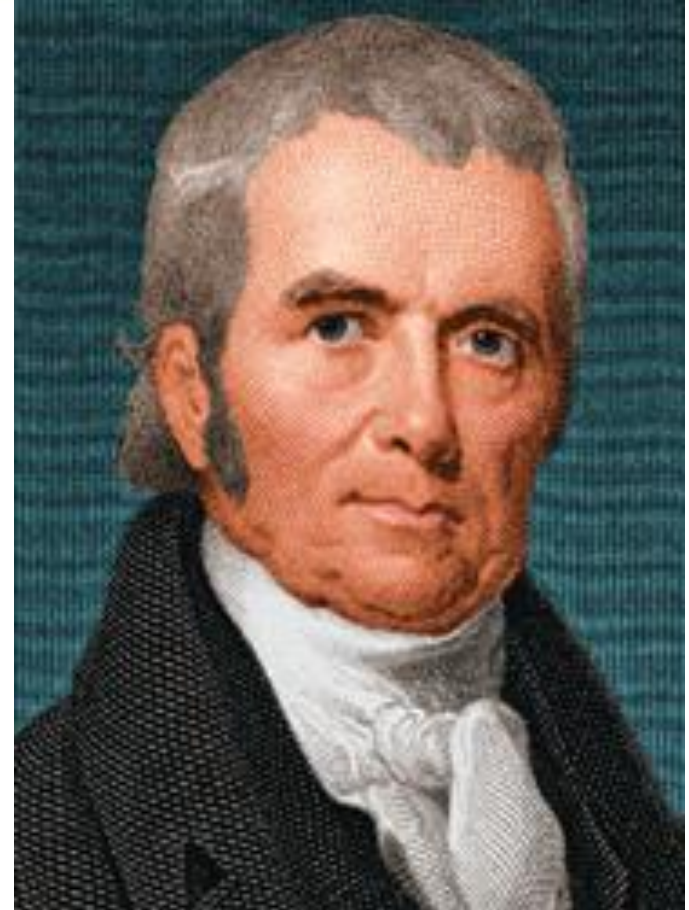
- What is the Supreme Court's jurisdiction, and how does the Court operate?
 - The Court hears few original cases.
 - Most of the Court's cases are appeals of rulings made by lower courts. The Court may ask to hear these cases or be asked by lower courts to hear them.
 - The Court hears oral arguments, studies written briefs, and reaches a majority decision.

▶ The Court's Influence

- The Supreme Court is the final authority on legal questions dealing with the Constitution, acts of Congress, and U.S. treaties.
- This authority comes largely from the power of **judicial review**, which lets the Court interpret the meaning of the Constitution.

► The Court's Influence, cont.

- The Court also interprets the meaning of many federal laws and rules on how they should be applied.
- Chief Justice John Marshall laid the foundation for Courts role in interpreting laws.



John Marshall, Chief Justice of the United States, 1801—1835

► Packing the Court

- The Judiciary Act of 1789 created a Supreme Court of six justices, including the Chief Justice.
- The Court's size has changed over time, reaching its present size of nine in 1869.
- In 1937, President Franklin Roosevelt asked Congress to increase the size of the Court.

► Packing the Court, cont.

- While FDR claimed that his plan would make the Court more efficient.
- The proposal was really born out of the fact that the then-current Court had several key pieces of New Deal legislation to be unconstitutional.
- His plan was widely defeated in Congress.



▶ *Marbury v. Madison*, 1803

- President Jefferson wanted to block William Marbury from accepting a judgeship granted by the outgoing President Adams.
 - Jefferson asked the Supreme Court to hear the case under the authority granted to the Court by a recent congressional law.
 - Marshall ruled that the law passed by Congress was unconstitutional, so the Court had no jurisdiction to hear the case.

▶ *Marbury v. Madison*, cont.

- Checkpoint: What is the significance of the case *Marbury v. Madison*?
 - Marshall ruling affirmed the Court's power of judicial review, which is not stated in the Constitution.
 - Judicial review gave the judicial branch a key role in the development of American government.

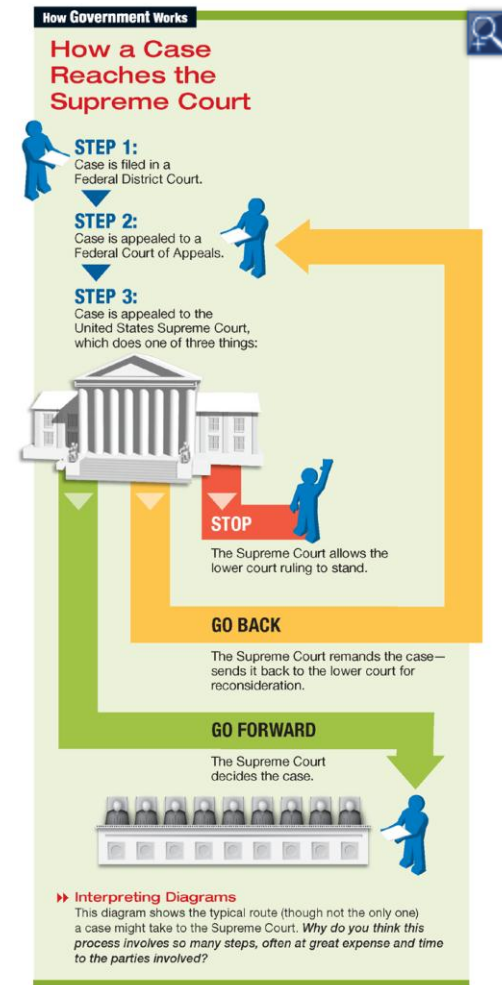
- The Supreme Court has original jurisdiction over cases:
 - Involving two or more states
 - Affecting ambassadors and public ministers
- Almost all cases come to the Court on appeal from lower courts.
- Most cases reach the Supreme Court from the highest state courts and the Federal Courts of Appeals.

► Choosing Cases

- More than 8,000 cases are appealed to the Supreme Court each term, but it accepts only a few hundred.
 - At least four justices must agree to accept a case.
 - Refusing to hear a case does not mean the Court agrees with the lower court's decision.
 - Over half of the accepted cases are remanded—returned to a lower court without the Court ruling on them.

► Choosing Cases, cont.

- Either party in a case may petition the Court to issue a writ of certiorari agreeing to review that case.
- A few cases reach the Court by certificate--when a lower court asks the Supreme Court to rule on a confusing issue.



▶ Hearing Cases

- Each term of the Supreme Court lasts from the first Monday in October to sometime the following June or July.
- Justices receive written briefs for each case that detail each side's legal arguments.
 - Sometimes interested parties are allowed to submit their own *amicus curiae*, or friend of the courts, briefs supporting or opposing one side in the case.

▶ Hearing Cases, cont.

- After reading the briefs for several cases, the justices hear oral arguments for those cases.
 - Each side gets 30 minutes to present their case and answer questions from the justices.
- The solicitor general represents the United States in cases before the Supreme Court.
 - He or she also decides what cases the government should ask the Court to review.

▶ Deciding Cases

- After hearing oral arguments, the justices recess to consider the cases.
- Then they meet in conference to discuss the cases.
 - Each justice presents their own views and conclusions in conference.
 - A majority must decide which party wins or loses a case.
 - The justices are often divided in their views of a case.

▶ Issuing Opinions

- Checkpoint: What happens once a case has been decided?
 - The Court announces its decision and issues one or more written opinions.
 - The **majority opinion** sets out the facts of the case and explains the decision.
 - A **concurring opinion** agrees with the majority but cites different reasons for the ruling.
 - A **dissenting opinion** is written by a justice who disagrees with the Court's decision in a case. It does not become precedent.

▶ Who is on Today's Court?

- A President seeks to appoint justices who share his or her political stance, but justices' views may change over time in unpredictable ways.
- Today's Court has a conservative majority and is often divided in its decisions.

Justice	Age When Appointed	Appointed by (Year)	Previous Years as a Judge
Chief Justice John G. Roberts, Jr.	50	G.W. Bush (2005)	2
John Paul Stevens	55	Ford (1975)	5
Antonin Scalia	50	Reagan (1986)	4
Anthony M. Kennedy	51	Reagan (1988)	13
David H. Souter	51	G.H.W. Bush (1990)	13
Clarence Thomas	43	G.H.W. Bush (1991)	2
Ruth Bader Ginsburg	60	Clinton (1993)	13
Stephen G. Breyer	55	Clinton (1994)	14
Samuel A. Alito, Jr.	55	G.W. Bush (2006)	16



► Review

- Now that you have learned about the Supreme Court's jurisdiction and how it operates, go back and answer the Chapter Essential Question.
 - Does the structure of the federal court system allow it to administer justice effectively?