

CHAPTER ONE - Jurisdiction and Organization of the Federal Courts

The Judicial Power

Fifty-Two Judicial Systems

- courts of the United States comprise of 52 separate courts: the court systems of the 50 states plus the District of Columbia and the court system of the national government
- the latter two, called **federal courts**, exist because of acts of Congress
- the **state courts** derive their existence from the constitution and statutes of their respective states
- almost everyone is simultaneously within the jurisdiction, or reach, of the two judicial systems.

- **jurisdiction** refers to the authority a court has to decide a case
- term has two basic dimensions: who and what

- according to Article III, federal judicial power extends to:
 - cases arising under the constitution, the laws of the United States, and treaties made under the authority of the United States
 - admiralty and maritime cases
 - controversies between two or more states
 - controversies to which the United States is a party
 - suits between citizens of different states
 - cases begun by a state against a citizen of another state or against another country

- the Constitution vests this judicial power of the United States in "one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish"

- system of lower courts consists of:

- a court of appeals for each other 11 judicial circuits, plus one for DC
- 98 district courts -- 89 in the 50 states plus one in DC and one in Puerto Rico
- other courts, such as the Court of Appeals for the Federal Circuit

- the Supreme Court, courts of appeals, and the district courts are known as **Article III Courts**
- their judges are appointed by the president and confirmed by the senate, enjoy lifetime appointment, and have no reduction in salary
- specialized courts such as the Court of Federal Claims are **Article I Courts**
- they were created by Congress in furtherance of a power granted by Article I
- Congress has full power over the salary and tenure of these judges, and may assign legislative duties

Jurisdiction of District Courts

- the district courts are the trial courts of the federal judicial system
- their original jurisdiction includes cases that raise a federal question and cases that involve more than \$75,000 where parties are citizens of different states
- a court has **original jurisdiction** when a case begins or originates there
- **appellate jurisdiction** is when a case involves review of a decision of a lower court
- a **federal question** is one that involves the meaning or application of the constitution, statute, or treaty
- two independent bases of jurisdiction are provided:
 - the first is defined by the nature of the question
 - the second (**diversity jurisdiction**) is defined by the citizenship of the parties and the amount at stake
- district courts also have supervisory powers over bankruptcy courts within each district and appellate jurisdiction with respect to a few classes of cases tried before magistrate judges
- **magistrate judges** are judicial officers who issue search warrants and conduct arraignments of persons charged with federal crimes and perform other duties assigned by their district court

Jurisdiction of the Court of Appeals

- have jurisdiction in appeals taken from the district courts within their respective circuits
- may also review cases from the district courts in territories (e.g. Guam)
- for federal circuit, has more specialized jurisdiction; hears appeals in patent, trademark, and copyright cases, and in certain administrative law matters from district courts in all circuits, and in specified administrative bodies

Jurisdiction of the Supreme Court

- two parts: original and appellate
- original jurisdiction cannot be diminished or enlarged by Congress
- it includes four kinds of disputes:
 - cases between one of the states and the national government
 - cases between two or more states
 - cases involving foreign ambassadors, ministers, or consuls
 - cases begun by a state against a citizen of another state or against another country
- today, only cases between states qualify exclusively as original jurisdiction cases; for all others, Congress has given concurrent jurisdiction to the lower federal courts
- as a result, almost all of the Court's cases come from its appellate jurisdiction
- the supreme court has appellate jurisdiction "in all other cases both...as to law and fact, with such exceptions, and under such regulations as the Congress shall make"
- Congress decides which categories of cases in the lower courts qualify for review by the Supreme Court
- the major change in appellate jurisdiction of the Supreme Court since 1789 has been in the proportion of cases qualifying for obligatory as opposed to discretionary review
- **Judiciary Act of 1789** allowed Supreme Court review of certain cases from the state and lower federal courts by way of a writ of error
- passage of the **Circuit Courts of Appeals Act** allowed justices to gain some discretion over the cases they would decide
- the **Judges Act of 1925** further reduced the mandatory jurisdiction
- as a result, most cases raising a federal question reached the Court on *certiorari* ("to make sure")
- review in this category was discretionary; justices could select cases they thought worthy of their time
- small number of cases came to the court on *appeal*
- these cases qualified by statute for obligatory review without regard to the importance of the issue raised or its impact on the government or the general public
- in 1988, the Court's jurisdiction became almost entirely discretionary
- now nearly every case comes to the Court on certiorari
- mandatory appeal category is basically abolished, except for decisions by three-judge district courts
- these cases reach the Court on *direct appeal*, bypassing the courts of appeals

Self-Imposed Limitations on Judicial Power

- before a federal court will accept jurisdiction, there must be an actual *case or controversy*
- the conflict must be real, touching the parties who have adverse interests; must present a live dispute
- a case must be "ripe for review"; the *ripeness* requirement injects an element of timing in order to avoid premature adjudication; controversy must have reached a certain stage of maturity before the court will engage it
- case or controversy requirements also means the federal courts will not render advisory opinion
- an *advisory opinion* is a statement about a hypothetical situation or a statement indicating how a court would rule were litigation to develop
- "*standing to sue*" focuses attention on whether the litigant is the proper party to bring the lawsuit
- consists of three elements:
 - plaintiff must have suffered an "injury in fact"

- a "causal connection" must exist between the injury and the conduct complained of
- it must be "likely" and not merely "speculative" that the injury will be redressed by a favorable decision

- absence of a live controversy, ripeness, standing, or jurisdiction makes a case **nonjusticiable**, or inappropriate for settlement by court
- justiciability in turn merges into the **political question doctrine**
- a **political question** is one that the court believes should be decided by the "political branches" of the government--Congress or the presidency
- **judicial activists** are those more eager to intervene and to substitute their views for policy-makers
- they tend to gloss over matters of nonjusticiability as "technicalities"
- **judicial restraintists** are those inclined to defer to decisions made elsewhere in the political system
- frequently avoid a decision on the merits by insisting the litigant has run afoul of one or more rules

Supreme Court Decision-Making

- Article III establishes "the judicial power of the United States" in one Supreme Court
- since 1869, the size has been nine justices
- justices reject more cases for review than they decide

Justices at Work

- the work of the Supreme Court proceeds through five stages
- agenda setting
- briefs on the merits
- oral argument
- conference
- opinions and decisions

Agenda Setting

- petitions for review from litigants who lost in lower courts arrive in the form of **briefs** that demonstrate why the Court should accept the case for decision arrive; litigants who won file briefs in opposition
- the **rule of four** states a minimum of four justices must vote to accept a case
- (in capital cases, prisoner needs five votes to prevail)
- at this stage, the United States is represented by the **solicitor general**, third ranking official in justice dept
- when an agency of the national government has lost a case in a court of appeals, it is the solicitor general who makes the call whether to seek review in the Supreme Court
- Chief Justice makes a "discuss list," and if cases don't make the list, they are denied

Briefs on the Merits

- once the justices accepted a case, opposing counsel submit another round of briefs
- focus not on why the Court should hear the case, but on the substantive issues the case presents
- persons, governments, and organizations interested in but not parties to the case may file their own briefs as **amici curiae**, or "friends of the Court"
- non-governmental entities filing amici curiae must obtain permission of the opposing parties
- the court may also grant permission

Oral Argument

- Court listens to **oral argument**, each side getting a half hour except in extraordinary circumstances
- gives the justices a chance to ask questions and clear up uncertainties
- oral arguments are open to the public

Conference

- Wednesday and Friday are **conference** days
- time set apart primarily for confidential discussion and decision of cases argued during the week
- all cases are decided on by majority vote; the **rule of five**

Opinions and Decisions

- write an ***opinion of the court*** representing the consensus of the majority
- explains and applies the legal principles applicable to that case
- when a majority of justices are unable to agree on a single opinion, a ***plurality opinion*** announces the judgement of the court and explains the views of the plurality
- the dissenters file one or more ***dissent opinions*** explaining their differences with the majority
- justices may also write a ***concurring opinion*** to indicate their acceptance of the majority decision but either an unwillingness to adopt all the reasoning contained in the opinion, or desire to say additional
- through this process, justices are assisted by ***law clerks***

Reading a Supreme Court Decision

- students often outline cases called ***briefing a case***
- in cases that reach the Court on certiorari the ***petitioner*** brings the case against the ***respondent***
- in cases on appeal, the ***appellant*** brings the case against the ***appellee***
- court can ***affirm*** or ***reverse*** the judgement of the lower court
- when reversing, the justices will often ***remand*** (send back) a case to a lower court for action consistent with the Court's decision