



## Federal Judiciary Short Course



# The Judiciary





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# Sources of American Law

(federal and state constitutions, statutes passed by legislative bodies, administrative law, and case law)

## The Common Law Tradition

Judge made law that originated in England

stare decisis (“stand on decided cases) obligates judges  
Precedent

## Constitutions

## Statutes and Administrative Regulations

**Case Law** (decisions rendered by the court)



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### The Federal Court System

- Basic Judicial Requirements
  - Jurisdiction
  - Standing to sue
- Parties to Lawsuits
- Procedural Rules



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### Types of Federal Courts

- U.S. District Courts
- U.S. Courts of Appeals
- U.S. Supreme Court
- Administrative law tribunals
  
- Trial Court
  - General jurisdiction
  - Limited jurisdiction
- Appellate Court
  
- The FISA Court



# The Supreme Court at Work

- **Which Cases Reach the Supreme Court?**
  - Factors that bear on decision
    1. Differing lower court rulings
    2. Lower court ruling conflicts with prior Supreme Court decision
    3. Case has significance beyond the parties directly involved
    4. Solicitor General requests
      - Granting petitions for review
      - Writ of certiorari
      - Rule of four
- **Court Procedures**
  - Written brief
  - Oral arguments



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# The Supreme Court at Work

- Decisions and Opinions
  - Conference
  - 5 votes
  - Types of opinions
    - Affirmed
    - Reversed
    - Remanded
  - Publishing opinions
  - Court's dwindling caseload



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# The Selection of Federal Judges

- **Judicial Appointments**
  - Federal district court judgeship nominations
    - Senatorial courtesy
  - Federal courts of appeals appointments
  - Supreme Court appointments
- **Partisanship**



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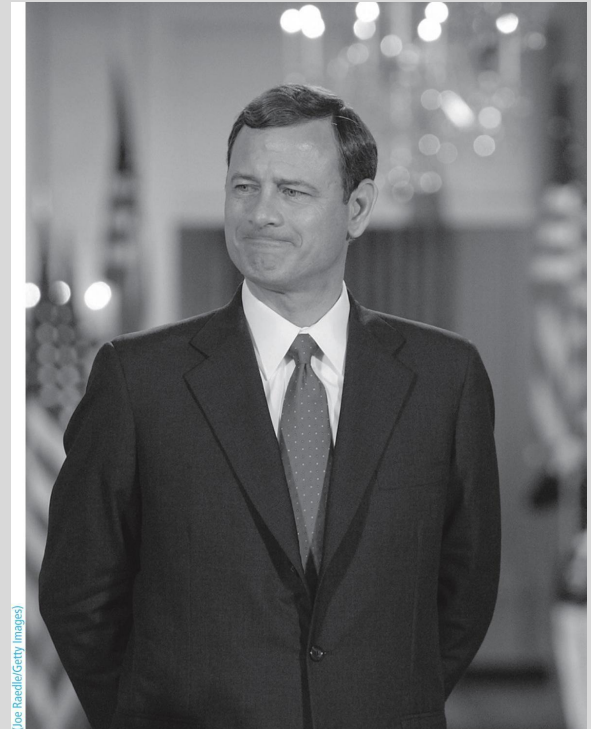




# Policymaking and the Courts

- Judicial Activism
- Judicial Restraint
- **Strict Construction**
- **Broad Construction**

John Roberts at his swearing-in ceremony at the White House. Because of his relative youth, he will remain chief justice for many years. How does someone become chief justice?





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# Policymaking and the Courts

- What Checks Our Courts?
  - Executive checks
  - Legislative checks
  - Public opinion



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**EPISODE 20**

# S.C.O.T.U.S. PROCEDURES

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