

THE JUDICIARY

Topic 2.8-2.11

What article of the constitution focuses on the Judiciary? And which federalist paper?



I. The Judicial Branch

How does the principle of judicial review check the power of the other branches and state government?

- A. Constitutional authority
 - Article III: terms, jurisdiction, treason, and jury
- B. 3 level system
 - A. District courts
 - trial court
 - What makes something a federal crime?
 - B. US circuit court of Appeals- What does it do?
 - C. Supreme Court



Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases

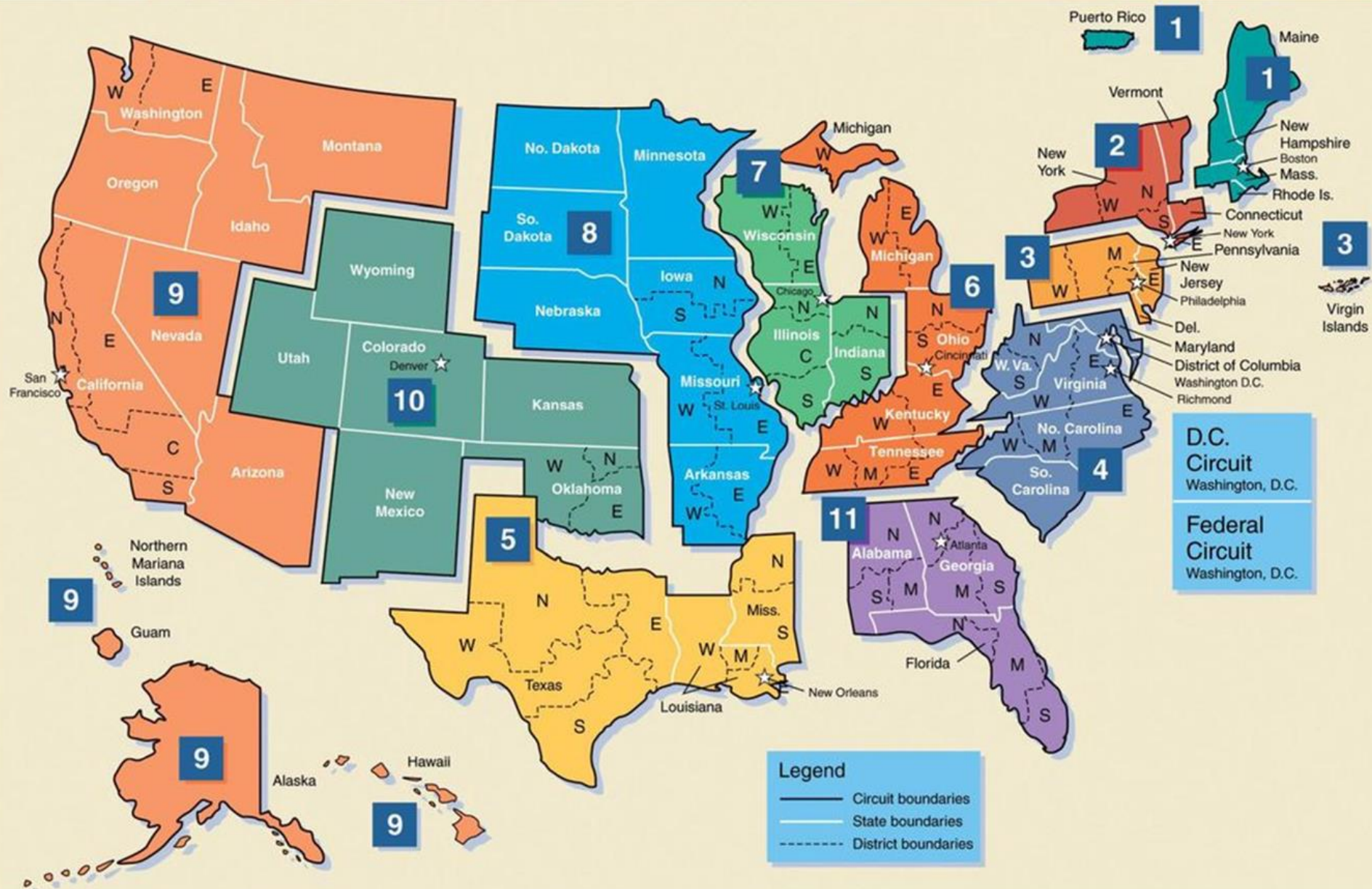
Courts of Appeal

- Intermediate level in the federal system
- 12 regional "circuit" courts, including D.C. Circuit
- No original jurisdiction; strictly appellate

District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
 - No appellate jurisdiction
- Original jurisdiction over most cases

The Eleven U.S. Circuit Courts of Appeal




OKLAHOMA COURT SYSTEM

The Oklahoma court system is made up of the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, 77 district courts and courts of limited jurisdiction.

LEGEND

 Judges on courts in blue are appointed by the governor

 Judges on courts in red are typically elected (some are appointed in special circumstances)



SUPREME COURT



COURT OF CRIMINAL APPEALS



COURT OF CIVIL APPEALS

Oklahoma is unique because we have two courts of last resort (meaning there are no higher courts) - the Supreme Court and the Court of Criminal Appeals.

Appellate COURTS

All civil appeals are decided by the Supreme Court or Court of Civil Appeals. The Supreme Court also hears challenges to state laws and changes to the Oklahoma Constitution. The Oklahoma Court of Criminal Appeals decides all criminal appeals. Not all cases are automatically appealed. In a civil case, either party may appeal to a higher court. In a criminal case, only the defendant has a right to an appeal.



DISTRICT COURTS

District COURTS

These courts, also called courts of general jurisdiction, hear the majority of cases, both civil (like divorces and lawsuits) and criminal.



MUNICIPAL COURTS

Courts of LIMITED JURISDICTION

These courts are limited to very specific cases, like municipal courts where you go for city citations and traffic tickets. Municipal judges are usually appointed by mayors.

Visit www.CourtFacts.org for more information.

II. Legitimacy of the judicial branch

How has the supreme court's use of judicial review in conjunction with life tenure led to debates about the legitimacy of the court?

- A. Common law and precedent
 - Binding Precedent V. persuasive precedent
 - John Marshall- defined federalism and the court
- B. Continuity and change over time
 - Plessy v. Ferguson/ Brown V. Board of education
- C. The supreme court today

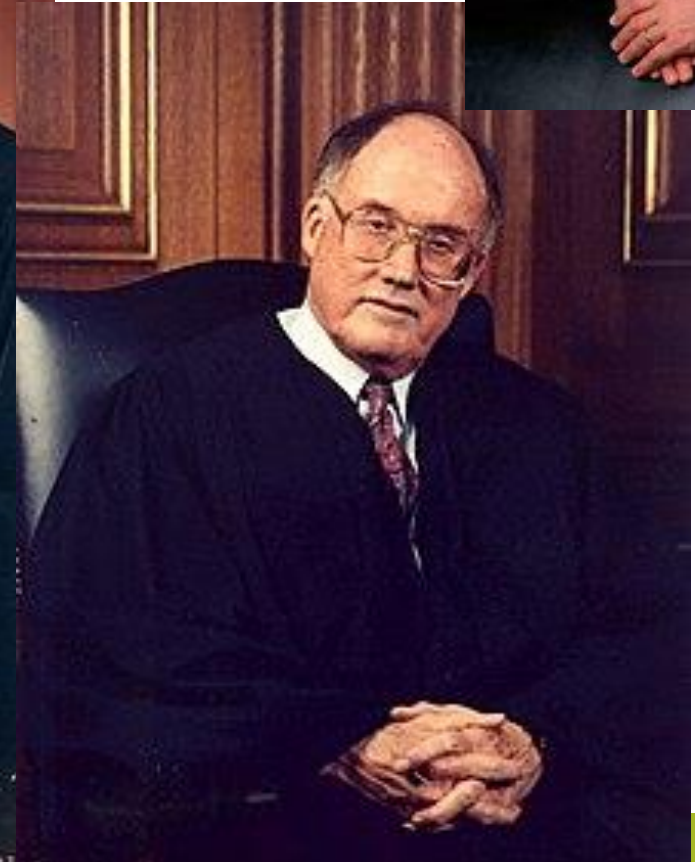
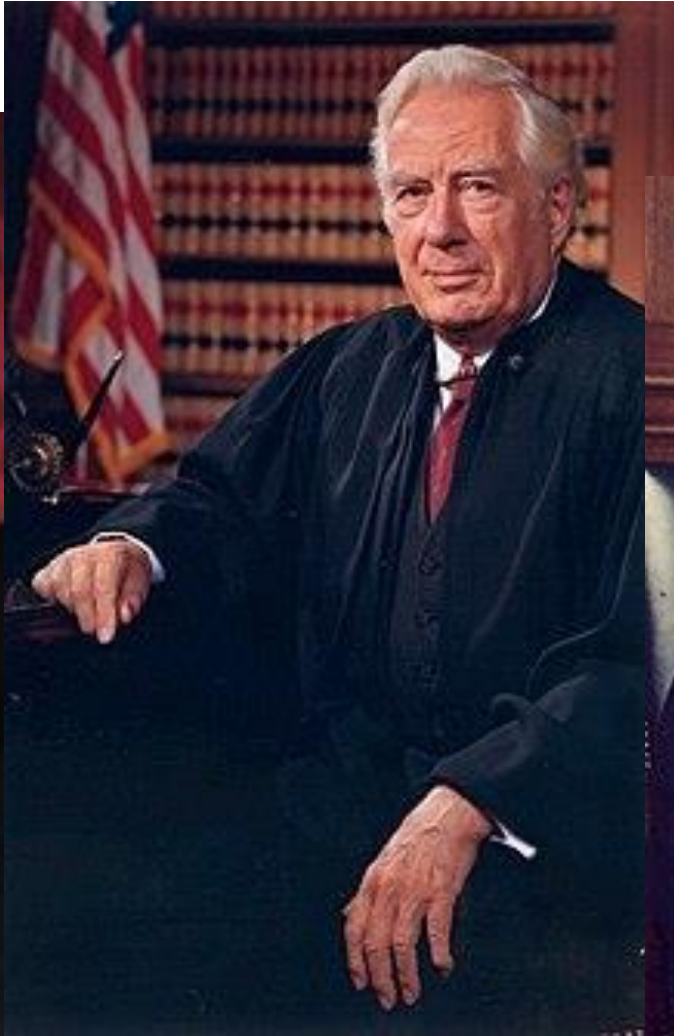


Who is on the court today?



- *Chief Justice John Roberts.
- *Justice Clarence Thomas.
- *Justice Stephen Breyer. ...
- *Justice Samuel Alito. ...
- *Justice Sonia Sotomayor. ...
- *Justice Elena Kagan. ...
- *Justice Neil Gorsuch. ...
- *Justice Brett Kavanaugh
- *Justice Amy Coney Barrett

Who are these people, why are they important?

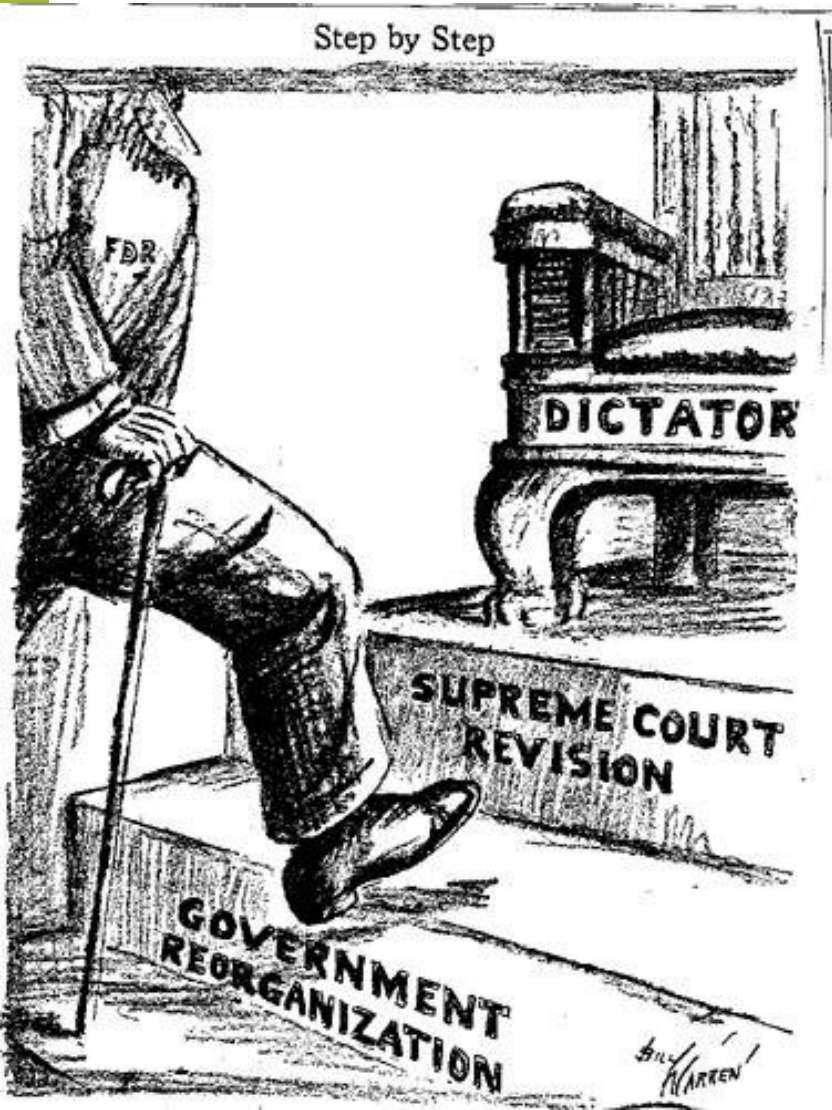


III. The Court in action

How have changes in the supreme court over time led to debates about the legitimacy of the court?

- A. Evolving court
 - Early courts to the new deal
 - Corporations and the state- *Strict V. Liberal* constructionist
 - The new deal and Roosevelt
 - The warren court
 - The burger court
 - The Rehnquist court
- B. Legislating after unfavorable decisions
 - Amendments and implementation
- C. How cases reach the court
 - Mostly federal courts
 - Petition for certiorari
 - Majority v. dissenting or concurring

What are these cartoons saying?



What about these?



IV. Checks on the judicial branch

How has the supreme court's use of judicial review in conjunction with life tenure led to debates about the legitimacy of the court?

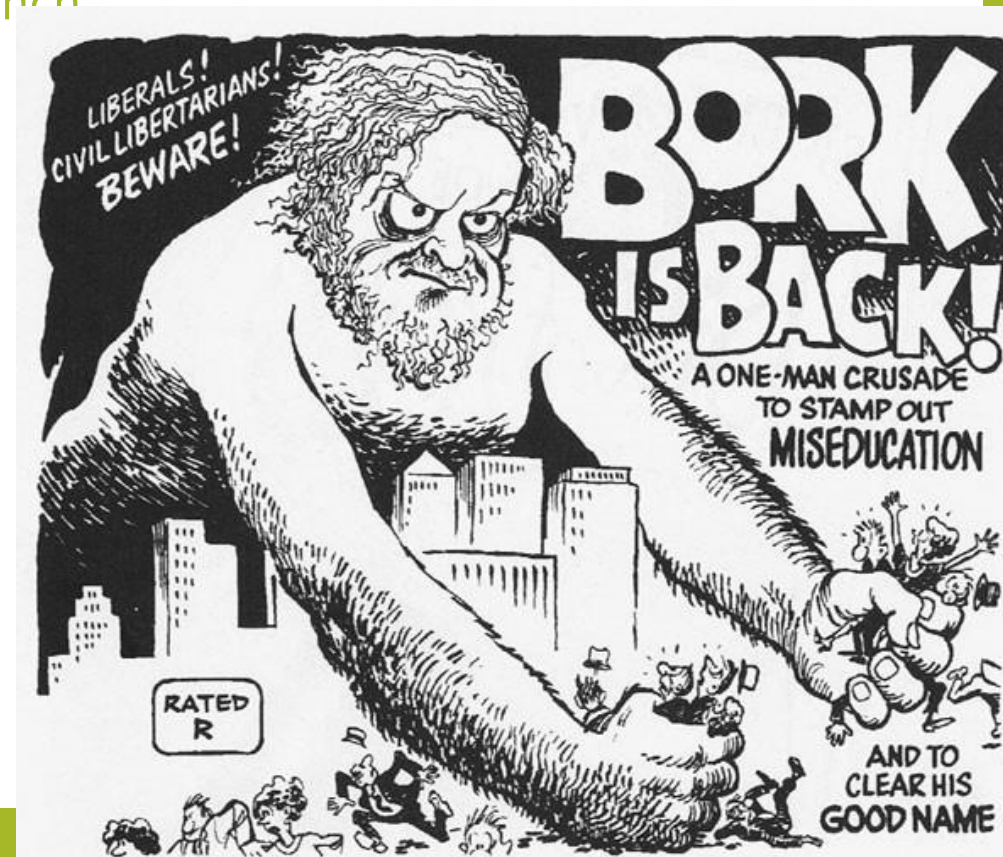
- A. Judicial Activism V. Restraint: "legislation from the bench"
- B. Interactions with other branches
 - Presidential appointment and Senate confirmation
 - Senate Judiciary committee reviews appointments
 - Senatorial courtesy
 - Confirmation

Ex's:

Interest groups

Getting "Borked": Clarence Thomas, Cavanaugh

The "Nuclear option" and Merrick Garland





IV. Checks on the judicial branch

Executive and legislative influence:

- The justice department
- The solicitor general
- Impeachment
- Congressional oversight
- Jurisdiction- standing

