

Main Idea

The Framers created an independent judicial branch as part of the separation of powers of the national government. At the federal level, the judicial branch consists of three tiers of courts, each performing a different function.

Reading Focus

1. How is jurisdiction determined in the American court system?
2. How is the federal court system structured?
3. How are federal judges appointed?
4. What is the judicial branch's role in the system of checks and balances?

Key Terms

jurisdiction
 exclusive jurisdiction
 concurrent jurisdiction
 plaintiff
 defendant
 original jurisdiction
 appellate jurisdiction
 judicial restraint
 judicial activism
 precedent
 senatorial courtesy

The American Court System (p. 221)

In the United States, judicial independence from political punishment protects the rule of law. The rule of law is the belief that no person is above the law and that all persons are entitled to equal justice under the law.

People go to courts to settle disputes according to the law. Courts determine if a law has been broken. They decide what penalties can be applied. They also decide how to give relief to people who have been harmed by the actions of another. Finally, courts determine the meaning of a particular law or of the Constitution itself.

A Dual Court System The Framers created a federal court system and defined what types of cases would be handled by it. They created a dual court system. Each state has a court system. There is also a national court system. State courts hear most cases.

Jurisdiction There are clear but complicated rules outlining which has **jurisdiction** over what types of cases. Jurisdiction means the authority to hear and decide a case. In general, state courts hear cases involving state law. Federal courts hear cases that involve the Constitution or other federal laws.

The Constitution gives federal courts **exclusive jurisdiction**—the sole right to hear a case—over certain types of cases, depending either on the subject matter of a case or the parties involved.

Concurrent jurisdiction refers to cases that fall under both state and federal jurisdiction. Concurrent jurisdiction applies when cases involve residents of different states and the amount of money involved is more than \$75,000. The **plaintiff**, or person making the legal complaint, can file his or her case in federal or state court. Under

certain circumstances, the **defendant**, the person against whom the complaint is filed, can insist that the case be tried in federal court.

Whether a case is heard in state or federal court, the court that first hears it is said to have **original jurisdiction**. If the case is appealed to a higher court, it then moves to the court that has **appellate jurisdiction**.

Reading Check Identifying the Main Idea What are the two types of court systems?

Structure of the Federal Court System (pp. 221–223)

The Framers included the Supreme Court in the Constitution. They left it to Congress to decide what kind of lower courts were needed.

Judiciary Act of 1789 In the Judiciary Act of 1789 Congress decided the details of the Supreme Court. It also created a three-tier, or three-level, system for the federal courts. The three tiers were the district courts, the circuit courts, and the Supreme Court.

District Courts District courts are spread throughout the country and serve as federal trial courts. They have original jurisdiction over nearly all the criminal and civil cases heard in the federal system. Criminal cases involve violations of criminal laws, such as laws against murder. Civil cases involve disputes, or disagreements, between private individuals or groups, such as over money or property. There are 94 federal judicial districts—89 in the 50 states and one each in Washington, D.C.; Puerto Rico; Guam; the Virgin Islands; and the Northern Mariana Islands.

Court of Appeals The Judiciary Act of 1789 created a layer of courts above the district courts called circuit courts. They

hear appeals from district courts and also from any federal agencies that have rule-making and rule-enforcement powers. There are 12 different circuits, each with its own court of appeals. There is also a Court of Appeals for the Federal Circuit, which hears appeals for certain types of cases.

The Supreme Court The U.S. Supreme Court heads the federal court system. It hears mostly appeals but also cases concerning certain public officials, such as ambassadors. It also hears cases in which a state is one of the parties in the case.

The Court has a chief justice and eight associate justices. It receives some 8,000 petitions, or requests to review a case, each year. The Court chooses which cases it wants to hear. Cases usually involve major questions about the meaning of the Constitution or about federal law. On average, the Court hears and issues full opinions on about 100 cases a year.

Other Courts Congress has also created other courts that hear certain types of cases. These courts are called “Article I courts,” because Congress’s power to create them is found in Article I of the Constitution. The judges in these courts are not appointed for life. Their pay is not guaranteed from reduction during their terms.

Reading Check Summarizing What are the three tiers of the federal court system?

Appointing Federal Judges (pp. 223–224)

The president nominates all federal judges, whom the Senate must then approve. Presidents typically consider four things when making nominations: legal expertise, party affiliation, a judge’s political philosophy, and the approval of the Senate.

Legal Expertise Legal expertise is usually judged by the American Bar

Association (ABA), a professional organization of the legal community. The ABA issues reports on nominees that examine their strengths.

Party Affiliation Presidents usually choose judges from their same political party to reward supporters and also to leave a lasting influence. Judges serve for life and will still be in office after the president’s term is over.

Judicial Philosophy Presidents choose judges who share their judicial philosophy. Judicial philosophy is typically defined by a belief in either judicial restraint or judicial activism. **Judicial restraint** is the concept that a judge should interpret the Constitution according to the Framers’ original intention. Laws should only be overturned when the violation of the Constitution’s original meaning is clear. The concept of **judicial activism** holds that judges can adapt the meaning of the Constitution to meet the demands of contemporary, or modern, realities. Thus the Constitution should be interpreted more broadly.

Respect for **precedent**, or previous court rulings on a given legal question, can limit a judge’s ability to interpret laws in new ways. A judge who respects precedent believes in the idea of *stare decisis*, which means “let the decision stand” in Latin. How much a judge respects precedent varies from judge to judge. In some cases, there are many precedents that conflict with one another.

Opinions of the Senate The Senate must approve any nominee to the federal courts. For nominations to the federal district courts, the tradition of **senatorial courtesy** plays a larger role. According to this tradition, a senator from the same state as the president can block a nomination for

almost any reason. The other senators respect his or her opposition and refuse to support the nomination. For this reason, presidents check with senators on nominees or ask for recommendations. Senatorial courtesy plays no role in nominations for the courts of appeals or the Supreme Court. However, presidents may consult with senators on these nominations.

Reading Check Identifying

Supporting Details What do the terms *judicial restraint* and *judicial activism* mean?

Checks and Balances (p. 225)

The judicial branch plays a key role in the system of checks and balances. It both checks and is checked by the legislative and executive branches.

Judicial Review Because of the 1803 case *Marbury v. Madison*, the Supreme Court has the power to rule on the constitutionality of laws and executive actions. This is a check on both the legislative and executive branches.

Checks on the Judiciary The appointment process—involving both the legislative and executive branches—is a check on the judiciary. Congress can also impeach and remove judges from office, though the process is difficult. Political views are not a good enough reason to remove a judge from office.

The amendment power is another way for Congress and the states to check the judiciary. An amendment can make a formerly unconstitutional act constitutional.

Reading Check Summarizing What is the judiciary’s main check on the other two branches?

SECTION 1 ASSESSMENT

1. **Describe** What is the purpose of courts?

2. **Identify** What is the only court specifically described in the Constitution?
3. **Compare** What are **judicial restraint** and **judicial activism**?
4. **Describe** What are two checks on the judiciary?