

Ch 6: The Federal Courts

Day 1

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Course: American National Government (GOVT 2305)

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Today's class

We will talk about the basics of the Federal Courts system.

- Jurisdiction
- Selection of Federal Judges

Common law v Civil law

Almost all of US has a common law system rooted in “stare decisis” instead of a civil law system with written statutes.

- Wikipedia map

The two court systems

There are two court systems in place in the US:

- The state courts: Specific to each state, and Texas' system will be covered by a separate course.
- The federal courts
 - Federal courts are more limited than state courts.
 - Far less caseload than the state courts

Our course will obviously focus only on the federal courts which are common law courts.

Federal Jurisdiction and Diversity Jurisdiction

- This is about what cases get to the District courts
- Federal Jurisdiction
 - Cases where the US Federal Government is a party
 - Example of USPS truck being involved in an accident
- Diversity Jurisdiction
 - Cases where people from multiple states are involved and involves more than \$75k.
 - Ensures that the court is not biased to the person native to the state
 - Example: People from two states being involved in a road accident
 - The state court could hear unless one of the parties would like to take it to the district federal court

Appellate and Original Jurisdiction

- This is about what gets to the Supreme court, and only it has both original and appellate jurisdiction.
- Appellate Jurisdiction: Vast majority are heard in this basis
 - Ex Parte McCardle (1869) says Congress can change the Supreme court's jurisdiction
- Example of Congress' control over Supreme court's jurisdiction
 - Supreme Court decided on Lawrence v Texas 2003 and disallowed criminalization of sex between same-sex partners.
 - In response, Congress introduced a bill in the House to prevent the Supreme Court from hearing such cases. It failed to pass the Senate.
 - Supreme Court ended up hearing a case in 2015 (Obergefell v Hodges) which then legalized same-sex marriage as a constitutional right under the 14th amendment
- Original Jurisdiction
 - Cases involving other countries
 - Disputes between two states

Structure of the Lower Federal Courts

- District Courts
 - Majority of the cases are heard here
 - Trial court heard by a single judge
 - Mostly one per state except in some states like TX
 - Number of judges depends on caseload and population
- Circuit Courts
 - 3 judge panel
 - Around 15% of the cases first heard in the District courts makes its way here
 - Can cover multiple states

The Supreme Court

- 9 people have the judgeship here.
 - Court packing and FDR tried to do more.
 - See FDR Fireside chat: URL
- Selecting Cases in the Supreme Court
 - Rule of Four
- Procedure in the Supreme Court
 - Writ of certiorari
 - Briefs and Amicus curiae
 - Oral Arguments
 - Conference and strategic voting by the chief justice to get a favorable majority opinion
 - Majority, Dissenting, and Concurring opinions

Lower court appointments

- Elected by the President with the consent of the Senators from respective state or local officials from district

Supreme Court appointments are contentious!

- This is highly partisan with the court preceived to have liberal and conservative justices.
 - See Table in textbook for current composition of justices.
- “Bork”-ing: Souring public opinion to prevent nomination.

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We will continue with a conversation about how judges *behave*.

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