

The Judiciary

- I. The Federal Judiciary as outlined in the U. S. Constitution, Article 3
 - A. Section 1: Supreme Court
 - 1. Judges are to hold their positions “during good behavior”
 - 2. Judges’ compensations are not to be diminished while they hold office
 - B. Section 2: Jurisdiction is defined
 - 1. Original jurisdiction is given to the Supreme Court in. . .
 - a. All cases affecting ambassadors, ministers, and consuls
 - b. Where a state is a party to a suit
 - 2. Appellate jurisdiction (where the case must be heard in a “lower” court and then appealed to a higher court) in cases involving
 - a. admiralty and maritime disputes
 - b. where the U. S. is a party to the action
 - c. where the parties are citizens of different states
 - C. Section 3: Treason
 - 1. “Adhering to their enemies”
 - 2. “Giving them aid and comfort”
 - 3. Can be proven only by confession in open court or on the eyewitness account of two witness “to the same overt Act.”
- II. Supreme Court
 - A. Only court mentioned in the Constitution
 - B. Congress has the power to determine the number of justices (originally there were 6; now there are 9)
 - C. The head of the Supreme Court is the Chief Justice of the United States
 - 1. Appointed by the president
 - 2. Approved by the Senate
 - D. Justices may resign, otherwise they can only be removed by being impeached by the House of Representatives and found guilty by trial in the Senate.
- III. Constitutional Courts
 - A. Judges are given the constitutional protection of lifetime terms and may only be removed by impeachment.
 - B. All federal judges are appointed by the president and approved by the Senate
 - C. District Courts
 - 1. Total of 94, with at least 1 in each state, the District of Columbia, and Puerto Rico
 - 2. Courts of original jurisdiction, the starting point for litigation in the federal courts
 - 3. The only federal courts in which trials are held and juries sit
 - 4. Each district court has between two and twenty-seven judges depending on their case loads
 - 5. Jurisdiction includes federal crimes, civil suits under federal law, and civil suits between citizens of different states where the amount exceeds fifty thousand dollars.

- D. Courts of Appeal
 - 1. 12 courts of appeals, one of which is assigned to each of 12 judicial circuits
 - 2. Have appellate jurisdiction: no cases go to them first; they review any final decision of district courts, and they may review and enforce orders of many federal regulatory agencies.
 - 3. Courts of appeal normally hear cases in panels of three judges, but important cases may include more
 - 4. Decisions are made by majority vote of the participating judges
 - 5. Because appellate courts decide legal issues, not matters of fact, appellate courts never have juries.
- E. U. S. Court of appeals for the Federal Circuit
 - 1. Hears cases regarding patents, copyrights, and trademarks, claims against the United States, and international trade.