

# Federal Court System

How the Federal Courts in U.S. Are Structured

# Supreme Court

- ▶ Article 3 Section 1
- ▶ Constitution *Creates* the Supreme Court
- ▶ Congress *Creates* All Lower Federal Courts
- ▶ Original vs. Appellate Jurisdiction
- ▶ Judges Appointed For How Long:
  - ▶ “Good Behavior”
- ▶ How Remove?
- ▶ Article 3 Section 3 – Treason Defined

## State Courts

- ▶ Trial Courts
- ▶ Appellate Courts
- ▶ Supreme Court
  
- ▶ (Names differ but all states have this format.)

## Federal Courts

- ▶ Trial Courts
- ▶ Appellate Courts
- ▶ US Supreme Court
  
- ▶ (Explain where, how many, Districts.)

# Geographic Boundaries

of United States Courts of Appeals and United States District Courts



## **ALLOTMENT ORDER**

It is ordered that the following allotment be made of the Chief Justice and the Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, Section 42 and that such allotment be entered of record, effective September 28, 2010.

For the District of Columbia Circuit, John G. Roberts, Jr., Chief Justice,  
For the First Circuit, Stephen Breyer, Associate Justice,  
For the Second Circuit, Ruth Bader Ginsburg, Associate Justice,  
For the Third Circuit, Samuel A. Alito, Jr., Associate Justice,  
For the Fourth Circuit, John G. Roberts, Jr., Chief Justice,  
For the Fifth Circuit, Antonin Scalia, Associate Justice,  
For the Sixth Circuit, Elena Kagan, Associate Justice,  
For the Seventh Circuit, Elena Kagan, Associate Justice,  
For the Eighth Circuit, Samuel A. Alito, Jr., Associate Justice,  
For the Ninth Circuit, Anthony M. Kennedy, Associate Justice,  
For the Tenth Circuit, Sonia Sotomayor, Associate Justice,  
For the Eleventh Circuit, Clarence Thomas, Associate Justice,  
For the Federal Circuit, John G. Roberts, Jr., Chief Justice.

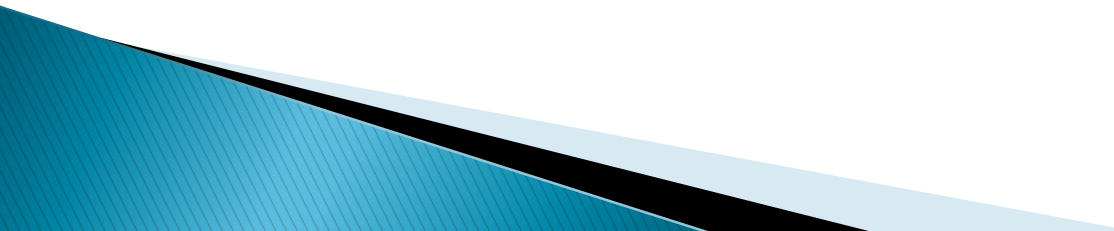
# Inside the Supreme Court

- ▶ When In Session: 1<sup>st</sup>/Monday of Oct. to June
- ▶ Cases: 7,000 Petitions (*writs/certiorari*) per year– Only 100 or so accepted.
- ▶ Types of Cases: New Issues and “Splits”.
- ▶ Law Clerks: 3–4 each Justice– Reads Petitions– Drafts Opinions
- ▶ Briefs: 50 pgs/max (Amicus Curiae )
- ▶ Oral Argument: On Mon–Wed AM (30 mins +/-)
- ▶ Conferences: Wed, PM and Fri, PM
- ▶ How Conferences Work? Absolutely Secret!
- ▶ Behind the Scenes Discussions– Key !

# Article 4 – The States

- ▶ **Full Faith and Credit**
- ▶ **Why Important?**
  - All Litigation – Judgments**
  - Marriage Issues**
  - Adoption Issues**
  - Gay Marriage?**
  - Property Rights.**

# States:

- ▶ **Fugitive Slave Act**
  - ▶ **Extradition**
  - ▶ **New States**
  - ▶ **Ensure a Republican Form of Govt.**
- 



# Articles 5, 6, 7.

- ▶ Article 5: How Amend the Constitution?  
(Compromise for Slave States– Don't Change Slave Trade before 1809)
- ▶ Article 6:
- ▶ Law of the Land – “Supremacy Clause.”
- ▶ No Religious Test (so-called “Separation of Church and State.”)      Note: This Is Not First Amendment– It Is Establishment Clause

# Ratification Process

*Unanimous Consent – But Still Had To Get It Ratified – Needed Nine (9) States.*

Big Opposition !! Vast Majority of America Knew Little if Anything of the Convention

Remember Our First Class?

*(Two major cultural and political tendencies in our nation.)*

“Federalists vs. Non-Federalist”

“Federalist Papers” – (Madison, Hamilton Mason) plus a Promise of a ‘Bill of Rights’.

Issue	Federalists	Anti-Federalists
Belief	The national government (federal government in case of the United States) should be the supreme authority which can keep the states in control.	The state governments should be the supreme authority, with the national government acting as a link between the states.
Section	Mostly comprising businessmen who took part in American Revolutionary War. Federalists Leaders: <u>George Washington</u> , James Madison, <u>Alexander Hamilton</u> , John Adams, <u>Benjamin Franklin</u> , etc.	Mostly comprising labor class from the rural areas of the country. Anti-Federalists Leaders: Patrick Henry, George Mason, Samuel Adams, Robert Yates etc.
Constitution	In favor of the new United States Constitution which was adopted on 17th September, 1787.	In favor of Articles of Confederation and strongly against the new Constitution which gave more power to the national government.
Bill of Rights	Argued that the Constitution and state governments were enough to protect individual freedoms of the citizens of the country, and therefore there was no need of the Bill of Rights.	Argued that the Bill of Rights was necessary without which the Constitution would have the power to overwrite the Rights of citizens followed by the states.
Separation of Powers	Distribution of power in three independent branches ensured efficient administration with due respect to people's rights.	The different branches of administration, especially the executive branch, was given too much power

These were some points of distinction in the federalists vs anti-federalists debate which put them at loggerheads against each other. However, we cannot ignore the fact that we got the US Constitution - which is considered to be the supreme law of the land today, in its present form only because of the tussle between the two. Absence of federalists or anti-federalists would have made a great deal of difference in the supreme law of the land. Even today, there exists some people who believe that it