**CE 10 Judicial Systems**

**Article III –**

**Established Supreme Court**

***(Judicial Branch)***

-Congress had power to organize lower courts *(Federal)*

**How many court Systems operate in the U.S.?**

*(52) – one per state, one in DC, & Federal*

**Dual Court System – (Federal & State)**

**Jurisdiction** – *authority of a court to hear a specific case*

1. **Original Jurisdiction** – authority of a court to hear a case for the first time
2. **Appellate Jurisdiction** – authority of a court to hear an appeal of an earlier case

**Federal Court System VA Court System**

-U.S. Supreme Court -VA Supreme Court

-*Justices (no jury) -Justices (no jury)*

*-Appellate Jurisdiction - Appellate Jurisdiction*

*-Limited Original Jurisdiction - Limited Original Jurisdiction*

-U.S. Circuit Court of Appeals(13) -Court of Appeals of VA

-*Judges (no jury) -Judges (no jury)*

*-Appellate Jurisdiction - Appellate Jurisdiction*

-U.S. District Courts (94) -Circuit Courts

-*Judges (with or without jury) -Judges (with or without jury)*

*- Original Jurisdiction - Original Jurisdiction for*

*Felony Crime( some Civil)*

*- Appellate Jurisdiction*

- General District Courts

*- Judges (no Jury)*

*- Original Jurisdiction*

-Misdemeanors

-Civil cases (small claims)

>$4,500 some 4,500-25,000 -Juvenile & Domestic relations

**CE 10b) Judicial Review**

**Judicial Review** = *The Supreme Court determines*

*constitutionality of laws or executive action*

**Marbury v. Madison (1803)**

*\*\*\*Established the power of Judicial Review for the Supreme Court\*\*\**

**Background – 1790’s –**

Federalists (Adams) v. Democratic-Republicans (Jeffereson)

**Federalists Winning (***White House, Congress***)**

*-until-*

**\*\*Election of 1800\*\***

**-Democratic-Republicans =** clean sweep

*(both houses of Congress & White house)*

*Lame Duck Congress*

-Federalist desperate to hold onto one branch (*Judicial*)

***Have control of Congress/White House until March 4th 1801***

**Judiciary Act of 1801 = pack the courts**

**-create 50 new judgeships (appoint all Federalists)**

*“Midnight Judges”*

**Adam’s** signing commissions until **Midnight March 2, 1801**

-**Commissions** *(document that says you’re a judge)*

go into effect when delivered

-**Secretary of State’s job to deliver**

Acting Secretary of State **John Marshall** to deliver

March 3, 1801 Delivered many**, not all**

**\*\*\*March 4th, Jefferson Inaugurated\*\*\***

*-orders Sec. of State to stop delivery of Commissions*

**The Case, Marbury v. Madison**

**-William Marbury** sues Sec. of State **James Madison**

**-Marbury = “Midnight Judge” – did NOT receive commission**

-applies for a **Writ of Mandamus** (we demand)

*“I want my Job!”*

-applied directly to Supreme Court

-**Judiciary act of 1789** – *expanded original*

*jurisdiction of Supreme Court*

*(allows court to hear Marbury’s case)*

*Three questions for the court to answer:*

1. Does Marbury have a right to the commission? (yes)
2. Do the laws allow Marbury a remedy? (yes)
3. Is the Supreme Court the appropriate remedy? (no)

Marshall’s decision

-Congress CANNOT expand the original Jurisdiction

of the Supreme Court

\*\*\*Judiciary act of 1789 = Unconstitutional\*\*\*

“acts of Congress that conflict with the

Constitution are NOT law”

Why ??? – Article 6 – Supremacy clause

**CE 10c ) Criminal v. Civil Law**

**Criminal Case Civil Case**

- Court determines Guilt or - Court settles dispute

innocence of the accused between two parties

*(did you break the law?)*

*(felony & misdemeanor)*

- Accused Faces incarceration -Victim recovers damages

and/or Fines or compensation

**Criminal Case Procedure Civil Case Procedure**

* The accused is **arrested** when -the plaintiff files a Civil the police have probable cause **Complaint**
* The accused is committed to - Case goes to **trial** **Jail** or out on **Bail** (*with or without a jury*)
* Case proceeds to **Arraignment** - The verdict may be

1. Probable cause reviewed **appealed**
2. Attorney may be appointed
3. Defendant enters a plea

* A **trial** is conducted (*likely with Jury*)
* The verdict may be **appealed**

**CE 10d) Due Process**

-**Due Process** = constitutional protections against

unfair Gov’t actions and laws

***Examples****) fair trial, trial by jury, speedy trial, protections*

*against double jeopardy & self-incrimination (“I plead the 5th)*

-These protections are outlined in:

-The **5th Amendment** –*prohibits* ***Federal***

*Gov’t from violating Due Process*

-The **14th Amendment** –*prohibits* ***state***

*Gov’t from violating Due Process*

**\*\*\*Supreme Court**- *has used Due Process clause to*

*Extend Bill of Rights guarantees*