**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*