

APGoPo Unit 6

INTRODUCTION TO THE FEDERAL COURTS

JUDICIAL POWER

- Is passive
 - Courts cannot reach out and "take" cases >> Cases must come to them
 - There must be an actual case ("controversy") for a court to make a ruling >> Courts cannot "create" cases
 - Can't settle political issues/political questions between the president and Congress (must be a constitutional issue)
- Only those with **STANDING** may challenge a law or government action
 - One who has sustained or is near sustaining an "injury" may bring a case to court
 - One cannot challenge a law simply because one does not happen to like it

JUDICIAL LAW-MAKING

- Judges, contrary to what some may think, are not simply impartial referees who only carry out the law. Judges interpret the law, and in so doing in fact make law. It is necessary that they make law because:
 - Statutes are often broadly-worded, unclear, or contradictory
 - The Constitution is certainly broadly-worded, and requires interpretation
- Thus, interpretation of statutes and the Constitution is, in effect, making law. Evidence of judicial law making:
 - Courts have ruled >1,000 state laws as being unconstitutional
 - Courts have ruled >120 federal laws as being unconstitutional
 - The Supreme Court has reversed itself >140 times since 1810

TYPES OF LAW	
Criminal	Civil
<p><i>Concerns violations of the criminal code</i></p> <p>Example: Violations against society</p>	<p><i>Concerns disputes between two parties rather than violations against society</i></p> <p>Examples Breach of contract, slander, medical malpractice</p> <p>Class-action lawsuit - suit brought by a group of people who share a common grievance</p>

TYPES OF JURISDICTION			
Jurisdiction is a court's authority to hear a case			
Exclusive Cases that can be heard only in certain courts	Concurrent Cases that can be heard in either a federal or a state court	Original Courts in which a case is first heard	Appellate Courts that hear cases brought to them on appeal from a lower court

FEDERAL COURT JURISDICTION	Federal courts may try a case if it involves	<ul style="list-style-type: none"> ➤ Disputes between two or more states ➤ The Constitution, a federal law, or a treaty ➤ The U.S. government as a party ➤ Citizens of different states ➤ Ambassadors or diplomats
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AMERICA'S DUAL COURT SYSTEM
<ul style="list-style-type: none"> • The U.S. has two separate court systems (STATE AND FEDERAL) because it is a federal system • Each state has its own court system (97% of all criminal cases are heard in state courts)

