SC SQUO

Ideology
Although the Supreme Court is technically supposed to be left out of partisan politics, this is seldom the case. Many people would characterize the 2020 SC as conservative, although there are swing votes in the SC whose opinions aren't easily predicted or deduced.

Change is also usually not expected, due to long terms.

Powers
It is common knowledge that the SC can vote to declare a law or other action unenforceable because it is unconstitutional. The power to review laws and other actions in general is known as judicial review. They can also act as a regular court, ruling in favor of one party or another and telling them what has to happen.

The SC can also set precedents (although the SC is not the only one to set precedent), which are ideas or procedures or considerations that are generally used in future rulings, for example, the rule that the SC should be left out of partisan politics was a precedent set at some point in time. There are two kinds: binding (you must rule according to these rules in future) and persuasive (let's look at these old examples). These can however be overturned and dropped when needed.

The SC also issues opinions which are statements detailing the majority opinions, dissenting opinions, reasoning for both, etc. and are often if not always released to the public. These may or may not contain a final, binding opinion. However, the SC's final "opinion" and "say" is sometimes not actually be final.

Finally, the SC can overturn other decisions/rulings by courts (including previous decisions by themselves). This is a breaking of stare decisis, the principle that "a question once answered should hold the same answer forever after the first time", the principle behind precedents.

**lower courts must follow the rulings and guidance of courts higher than them.

Labeling
Usually, the SC has its history/time periods marked by either year/ruling or by who is the Chief Justice at the time of some event.

History
In 1837, Congress set the number of justices to 9 and increased the number of circuits to reduce caseload. There have been times where the Court's reputation has been shaken, such as in the Dred Scott case, in which the SC ruled that slaves were not in fact citizens and thus did not even have the right to sue.

This resulted in two big ways of interpreting the Constitution: strict constructionism which is the interpretation of the CONS with the context of when it was written, and liberal constructionism, which is the interpretation of the CONS with the current context.

Then, as the Great Depression began to slam the United States, the SC repeatedly struck down legislation regarding minimum wage, recovery, etc. Thus, FDR created a plan to pack the court (a shenanigan still in use today). This however was viewed as a terrible idea because it was unnecessary and a clear attempt to dilute the power of the majority opinion.

Afterwards, ideology changed and FDR got what he wanted (minimum wage law, New Deal legislation, etc. This also is a clear example of the SC being used as a political pawn in modern politics in an attempt to gain more political power. The whole point of life terms is that the appointed, once appointed, had no party to answer to and could rule as they saw fit, rather than in favor of their party or interest group. This is how we get swing decisions sometimes.

After WWII and Japanese internment, the SC became much more focused on individual rights than before, with it being mixed at best before (yknow, because they upheld internment).

We went from a “individual rights? hmm” “nonpartisan” “unpowerful” to “powerful” “very partisan” “yes individual rights”.

TRIAL COURT Structure

So apparently I looked at the table wrong and this is what i’m actually supposed to be taking notes on. This is an addon to last night’s notes, 178-181.

original jurisdiction over people in their district that are accused of federal crimes. There are 94 districts, with each state having 1-a lot of districts each. Each district is headed and represented by a federally appointed attorney that all work under the executive branch (DOJ’s Attorney General). A jury is present sometimes, but not usually when a Constitutional interpretation is required.

Sometimes, people also bring civil cases to court (plaintiff(s)). When a group does this this is called a class action lawsuit. Depending on the ruling, an injunction can be issued, which lays out the legally binding terms of redress or reconciliation, settlement.

Sovereign Immunity

Technically, you cannot sue the government (unless they approve). In practice however, there have been many exceptions, even leading up to the creation of US Claims Court, here at this level specifically to handle people suing the US. You can also sue members of government personally

APPEALS (CIRCUIT COURT) Structure

There are currently 11 circuits denoted by a map on 183 of the 3rd ed textbook. These are what the US Claims Court and Trial Courts appeal up to. These courts do not have original jurisdiction, and instead take appeals from lower courts. You are able to appeal through a concept known as certiorari, which means in Latin to make something more certain.

These courts don't usually rule "GUILTY" or "NOT GUILTY", instead looking for evidence of wrongdoing in the judicial process before, and overturning decisions based on what they find as well as the points brought up by the petitioner and respondent. Basically:

lower court: "did this person violate the law"
appeal court: "did the lower court violate the law in deciding that the person violated the law?"

Occasionally, appeals court will also set new concepts that shape lawmaking and whatnot.

Appellate Requirements
Someone who is appealing a decision must provide some reason, such as a violation of other law or precedent, that resulted in a bad verdict.