

THREE FLAVORS OF COURT

There are three levels of court at the federal level: **Supreme Court, Circuit Court of Appeals, and District Courts.**

The **District Courts** are created by Congress and we have **94** districts, each with **one court**.

There are almost **700** justices and are the **first ones to hear federal criminal/civil cases.**

The **Circuit Courts** are created by Congress (again using the A3 power). There are **11** regions, with **two in D.C. because D.C. is special.** There are nearly **200** justices and they take the **appeals from the District Courts.**

The **Supreme Court** is created by A3 and has **9** justices. They have **jurisdiction over original and appellate.** They take both original and appealed cases, the **only court allowed to have both.**

These federal courts:

- are indirectly or directly created by the Constitution
- are at the federal level
- contain justices who are all appointed by the President and can serve theoretical infinite terms

Life Terms

The Constitution states along with the creation of the SC what boils down to “justices serve for life until death, resignation, impeachment or some other factor”. This means that

- A. These justices are supposed to be nonpartisan and independent of other branches
- B. These justices don’t have the usual leverage of “your term is ending” that other political officers may have.

Types of Jurisdiction

As covered in a previous note sheet, jurisdiction is basically “is this my business and do i have the power to act on such business?” There are two types:

ORIGINAL: when the SC is the first court to hear a case. This is only for ambassadors and State v. State cases.

APPELLATE: when the SC is not the first court to hear a case (when it has been appealed up and up). This can be any court case it seems, and most of the time the SC acts using this kind of jurisdiction.

HISTORY

Under the AOC there was no national court system, although there were pre existing structures amongst States (which is still what happens at the state level).

Under the new CONS there is a Supreme Court, with one seat, and the rest Congress would figure out. There are also the rights of the accused (such as the right to a trial in the first place) and the definition of treason.

The treason definition is the only crime defined specifically in the Constitution and is thrown in there to make sure the new government couldn't accuse someone of treason and use some bullshit evidence and definition to back it up. The right to trial was also thrown in there before the Bill of Rights because it was viewed as important.

KEY TERMS

civil - when one entity sues another for something that may not necessarily be illegal but still is a failure to meet a legal obligation. This type of legal action is initiated by private entities. For example, a person could sue their employer for failure to pay wages, although they don't have to. The legal action is voluntary and is between two private entities.

criminal - when one entity gets legal actioned for violating some law, something that is illegal. This type of legal action is initiated. For example, a person could commit murder, and since that is illegal, the government is the one pursuing legal action. This legal action is between some authority and a private entity.

original - the first court to be hearing a case (usually the lowest court with jurisdiction)

appellate - originating from appeals from lower courts

appeal - "i don't like this decisions and am elevating it to some higher power"

treason - levying war against or aiding another in war against a certain country, at least as defined by the Constitution.

jurisdiction - whether or not a court or other authority is allowed the power to intervene somewhere, for example, if I break MD state law, NY does not get jurisdiction. The question of "can i shove my nose in this beeswax?"

judicial review - a court asking "is this action in accordance with the (natl/state) Constitution and other precedents?" and acting accordingly.