

Notes — Week 15

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Period 3

- Justice Jackson nominated to Supreme Court by Biden
- Nominating Process for Judges
 1. President nominates a judge
 2. Name sent to Senate Judiciary Committee
 3. Senate Judiciary Committee holds hearings with nominee¹
 4. Senate Judiciary Committee votes “yes” or “no” on nominee
 5. If nominee passes² committee vote, his/her name is placed on Senate Floor calendar³ for final vote
- All courts are named after the Chief Justice
- United States Parallel Judiciary System (Federalism)
 1. Federal
 - (a) First — Federal District Courts (Trial Courts) — Hear cases involving federal laws
 - (b) Second — Federal Court of Appeals — Hears cases involving federal laws and constitutional questions
 - (c) Last — Supreme Court of the United States
 2. State
 - (a) First — State District Courts (Trial Courts) — Hear cases involving state laws
 - (b) Second — State Court of Appeals
 - (c) Last — Supreme Court of a State

¹Political interest groups work here to influence

²Majority vote needed to get out of committee

³51 votes to pass or 50 if filibuster is in action

3. In the United States, we run a Parallel Court system. We have Federal Courts & State Courts that work in parallel (cases can cross from state to federal, but not the other way)
4. There are 11 Court of Appeals circuits
5. Congress makes all of the courts below the Supreme Court

Article III {	US Supreme Court (9 Justices)	← 80-100 cases/year
	US Court of Appeals (11 Appellate + 2 Specialty)	← 8k-10k cases/year
	Federal District Courts, Trial Courts (94 in total)	
Article I {	US Tax, Trade, Claims, Bankrupt Courts	← Specialty Courts

Article I: Tenure is determined by Congress

Article III: Tenure is for Life

- Briefs are legal written arguments
- Congress determines the amount of justices
- Judicial Restraint and Judicial Activism
 - Judicial Restraint — A judicial philosophy whereby judges adhere closely to the constitution, statutes, and precedents in reaching their decisions. Limits the courts abilities to craft “solutions” that should be rendered by the political branches of the federal or state governments
 - Judicial Activism — A judicial philosophy whereby judges interpret existing laws and precedents loosely and interject their own values in court decisions to legislate solutions from the bench and not from the elected branches of government
 - According to many scholars, judicial activism may be conservative or liberal
- Around 44% of cases end in unanimous decision
- 80-120 cases take place per year. Only about 5 are highlighted by media, as these are usually close calls (with 5-4 votes). This makes the court appear much more divided than it really is.
- Original Jurisdiction — The legal authority to first hear a case (Trial Court)
- Appellate Jurisdiction — The legal authority to override a previous case by appeal (Appellate Court)
- The Supreme Court holds both jurisdictions

- There are eight to ten thousand appeals to the Supreme Court every year. Only 80 to 120 are heard. These cases are both criminal and civil.
- Civil cases deal with the seventh amendment
- The “rule of four” means that four of nine justices may choose to take into oral argument some case (four out of nine are required to release a *writ of certiorari*)