

The Courts & Judiciary

Courts

- The component of the judicial system that determines guilt or innocence
- Empowered with judicial review
 - Higher courts review lower court decisions
- Separation of powers
- Judicial decisions are based on...
 - A strict interpretation of the constitution
 - A broad interpretation of the constitution

Courts

- Jurisdiction - A court's authority to hear certain cases
 - Federal courts
 - Cases in which the U.S. is a party
 - *United States v. Nixon* (1974)
 - Cases involving federal law violations
 - *Brown v. Board of Education of Topeka* (1954)
 - Cases involving antitrust, bankruptcy, patent, and copyright law
 - *Standard Oil Company of New Jersey v. United States* (1911)
 - State courts
 - Cases involving the majority of criminal law violations
 - *The People of the State of California v. Orenthal James Simpson* (1995)

Federal Court System

- U.S. District Courts
 - 94 courts in each of the 94 judicial districts
 - Includes Washington D.C., Puerto Rico, and the Virgin Islands
 - The trial court at the federal level
 - Presided over by a district judge and decided by a jury
 - Specialized courts
 - Court of International Trade

- U.S. Court of Federal Claims
- Bankruptcy Court

Federal Court System

- U.S. Courts of Appeals
 - 13 federal appellate courts
 - 12 regional circuits and 1 federal circuit
 - One appellate court per circuit
 - Determines whether or not the law was applied correctly in trial courts (district courts)
 - Usually consist of three judges with no jury

Federal Court System

- The U.S. Supreme Court
 - Established by the Judiciary Act of 1789
 - Highest court in the federal court system
 - 1 chief justice and 8 associate justices
 - Roberts (chief), Alito, Breyer, Ginsburg, Gorsuch, Kagan, Kavanaugh, Sotomayor, Thomas
 - Appointed by the president and confirmed by congress
 - Lifetime appointment
 - A writ of certiorari is issued when the Supreme Court wishes to hear a case

State Court System

- State trial courts
 - Names vary by jurisdiction
 - i.e., felony court, district court, circuit court, or superior court
 - Types of jurisdiction
 - General
 - Serious criminal and civil cases
 - Limited
 - Misdemeanor cases

- Sentencing outcomes are usually limited to fines, community corrections, and jail sentences

State Court System

- State appellate courts
 - Intermediate courts that fall between trial courts and supreme courts
 - Most commonly, a three-judge panel hears the appeal of a decision from a lower trial court
- State supreme court
 - The court of last resort for the majority of questions about state law

Specialized & Problem-Solving Courts

- Specialized courts address particular types of offenses/offenders
 - Judges supervise while collaborating with representatives from other criminal justice agencies and social services
 - Provides treatment alternatives to incarceration
 - Primarily focus on first-time, nonviolent misdemeanor and less serious felony cases
 - Designed to be non-adversarial
 - Emphasis on collaboration
 - Examples: drug court, traffic court, and domestic violence court

Specialized & Problem-Solving Courts

- Alternative dispute resolution
 - Means of settling cases without costly litigation
 - Alleviates congested caseloads
 - Participants maintain greater control over proceedings
- Types
 - Negotiation
 - Mediation
 - Arbitration

The Judiciary

- Judges
 - The most visible and prominent figures in the courtroom

- Interact with all entities of the criminal justice system
 - i.e., prosecutors, defense attorneys, probation officers, police, parole officers, social workers, etc.

The Judiciary

- During court proceedings, judges decide on...
 - Appropriate conduct
 - Evidence to be introduced
 - Objections
- At the end of the trial, judges give the jury instructions on how to approach their deliberations
- During sentencing, judges are considerably constrained in their decision-making

The Judiciary

- Judicial qualifications:
 - State residency
 - License to practice law
 - Member of the state bar
 - Age 25 – 70
 - Additional qualifications specific to jurisdictions

Judicial Selection

- Elections
 - Electorate has a voice
 - Elected judges may better serve those who elect them
 - Accountability
 - Campaign contributions
- Appointments
 - The Missouri Plan
 - Merit selection system
 - Attempts to eliminate political influence from selection process
 - Ideally “fair and impartial”
 - Governors appoint judges based on a committee recommendation