Judiciary

Constitutional basis for courts

* Article 3 section 1
  + Tells about the supreme court and lower courts
  + Talks about the terms for judges
  + Compensation cannot be lowered
* It just creates the supreme court
  + Other inferior courts are created by congress
    - These inferior courts are federal courts but are still better than state courts

Courts powers

* Matter of fact cases – criminal cases
* Matter of law or interpretations – civil cases

What do courts do?

* There are 80 million cases are filed each year
* The number cases does not mean they hear every single one
  + Federal courts hear about 300000
    - About 40000 in federal appeal courts
  + Most are left in state courts

Missouri system is where a governor gives a judge a position

After 3 years the judge get evaluated

Texas court system

* All state judges are elected
  + They are subject to voter punishment which limits freedom

Federal courts

* District courts – federal and civil cases
* Specialized federal – legislative courts
  + Tax patents
* Court of appeals / circuit courts – intermediate court
* Supreme court has limited jurisdiction and most go to circuit
* 12 circuits
* Court of appeals for the DC circuit – for administrative types of cases
  + This one is for federal and not state cases

Federal judges

* Appointments as limited patronage
* President consults the senate about the nomination and the senate can vote on where they accept

Federal tenure

* Life tenure for federal judges

Supreme Court jurisdiction

* Has limited jurisdiction for mostly appeals
* Has original jurisdiction for some cases
  + Cases with state as a party
  + Cases involving foreign ambassador
  + Can’t expand the jurisdiction according Marbury vs. Madison
* But essentially the supreme court can pick their jurisdiction
  + Appellate jurisdiction – writ of cert – review at court’s jurisdiction
  + 4 out of 9 need to grant cert to review a case

Cases and controversies

* Thresholds for cases
  + Must be a case of controversy
  + *Adverseness – must have opposing interests*
  + *Can’t be about advisory opinions*
  + Standing to sue – parties to a suit must show injury
  + Mootness – the results of the case must have an effect
  + Ripeness- the matter can’t be brought too early. They must go through the court system

Marbury v Madison

* Gave the supreme court judicial review
* Marbury was appointed a justice of the piece, and did not receive commission from Jefferson and Madison

Regulating the economy

* The actual scope of the government power was at question in the court

THE COURT SETS IT OWN AGENDDA

Opinions

Campaign Ads

* Used to either mobilize or demobilize the voters in order to affect turnout
* Finkel and Geer argue that pervious research is wrong
  + Ads do mobilize and demobilize but the turnout is not affect turnout
    - Attack ads cause withdrawal support for the attacked
    - They can drive people to be cynics
    - Attack ads decrease turnouts while increasing knowledge

Results

* As time goes on, attack ads become more common
* Turnout rates are not affected by negative ads