**Lesson Notes (Key Points)**

1. History of the Judicial Branch
   1. Before the Constitution, no national courts existed
   2. Laws were interpreted and applied as each state saw fit, if at all
   3. Court decisions in one state were ignored in another
   4. The Constitution provides for judicial power in
      1. One Supreme Court
      2. Inferior courts as Congress establishes (the rest of the federal court system)
2. Dual Court System
   1. National judiciary
      1. Supreme Court
      2. Inferior courts
         1. Constitutional courts – most federal cases
         2. Special courts – narrow range
   2. States have their own court systems
      1. They number in the thousands
      2. Most cases are heard in state courts
3. Federal Court Jurisdiction
   1. Jurisdiction is limited by the Constitution to cases involving
      1. Federal questions – the interpretation and application of a provision of the Constitution or a federal statute or treaty
      2. Questions of admiralty – matters that arise on the high seas or navigable waters of the U.S.
      3. Questions of maritime law – matters that arise on land but are directly related to the water
      4. The U.S. or one of its officers or agencies
      5. An official representative of a foreign government
      6. A state suing another state or one of its residents
      7. A citizen of one state suing a citizen of another state
   2. Types of jurisdiction
      1. Exclusive
      2. Concurrent
      3. Original
      4. Appellate
         1. Not retrying a case
         2. Determining whether a trial court has acted in accord
         3. applicable law
            1. Appellate courts can uphold, overrule, or modify a decision appealed from the lower court
4. Federal Judges
   1. Selection
      1. Supreme Court judges are nominated by the President and are appointed with the consent of the Senate
      2. Since the Judiciary Act of 1789, Congress has provided the same procedure for the selection of all federal judges
      3. Federal judges have no age, residency, or citizenship requirements
      4. Tradition alone dictates an educational or professional background in the law
   2. Terms and pay for Supreme Court and federal courts
      1. Appointed for life; serve until they resign, retire, or die in office
      2. This lifelong tenure ensures the independence of the federal judiciary
      3. May be removed only through impeachment
      4. Congress sets their salaries
   3. Terms for judges of the special courts
      1. Appointed for 8- or 15-year terms
      2. Can be reappointed
5. Inferior Courts
   1. District courts – federal trial courts
      1. 667 judges in 94 districts
      2. Hear more than 300,000 cases per year
      3. 80 percent of the federal caseload
      4. Created by Congress in the Judiciary Act of 1789
      5. Each state forms at least one judicial district; some are divided into two or more districts
      6. Judges hear criminal and civil cases
   2. Courts of Appeals
      1. Established by Congress in 1891 to relieve the Supreme Court of the burden of hearing appeals of district court decisions
      2. 13 courts of appeals today
         1. The U.S. is divided into 12 judicial courts; there is one court of appeals for each district
         2. The Court of Appeals for the Federal Circuit is the 13th
            1. Nationwide jurisdiction
            2. Mostly hears appeals of patent, copyright, and international trade cases
   3. Court of International Trade
      1. Nine judges appointed by the President and the Senate
      2. Federal trial court
      3. Tries civil cases arising out of customs and other trade-related laws
6. The Supreme Court
   1. The only court specifically created by the Constitution
   2. Made up of the Chief Justice of the United States and eight associate judges
   3. On an equal plane with the President and Congress
   4. The court of last resort in all questions of federal law – the final authority for any case with questions concerning
      1. The Constitution
      2. An act of Congress
      3. A treaty of the United States
   5. Judicial review
      1. Established in Marbury v. Madison in 1803
         1. The outgoing political party tried to stack the judiciary in its favor
         2. William Marbury had been appointed justice of the peace on President Adams’ last day in office
         3. The next day, President Jefferson took office and halted the commission
         4. The Supreme Court sided with President Jefferson, stating the court-packing attempt was in conflict with the Constitution and, therefore, void
         5. Set the precedent that the Supreme Court can declare acts of Congress unconstitutional
      2. Many of the more important statutes that Congress has passed have been heard by the Supreme Court
      3. The Court has had a large impact on the meaning and effect of the laws
   6. Jurisdiction
      1. Original
         1. Cases to which a state is a party
         2. Cases affecting ambassadors, other public ministers, and consuls
      2. Appellate
         1. Most of its cases
         2. From the lower federal courts and the highest state courts
   7. Cases reaching the Supreme Court
      1. From a writ of certiorari
      2. Through a certificate
      3. Most cases come from the highest state courts and the federal court of appeals
      4. Very few come from the federal district courts