Judicial Branch Notes

1. **Equal Justice Under the Law**
2. **Main Idea:** The rights of all United States’ citizens are protected by laws and the courts.
3. **Criminal Law**
4. \_\_\_\_\_\_\_\_\_\_- any behavior that is illegal because society, through its government, considers the behavior harmful to society.
5. \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_- the group of laws that define what acts are crimes.
6. also describes how a person accused of a crime should be tried in court
7. how crimes should be punished
8. Criminal laws are intended to \_\_\_\_\_\_\_\_\_\_ society as a whole.
9. Laws against \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_ protect people.
10. Laws again \_\_\_\_\_\_\_\_\_\_\_\_\_\_ protect property
11. If criminals are not caught and punished, people may think these things are okay to do.
12. **Civil Law**
13. \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_- the group of laws that refer to disputes between people.
14. if you cannot settle it \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
15. In court, the judge and \_\_\_\_\_\_\_\_\_\_ will listen to the facts of the case.
16. The judge will then apply civil law and make a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
17. These courts settle personal issues:
18. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ disputes
19. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ proceedings
20. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ boundaries
21. **Sources of Laws**
22. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
23. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
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25. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
26. **Statutory Law**
27. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_= laws passed by lawmaking bodies
28. laws passed by Congress and state and local government
29. Most \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_ laws are statutory laws.
30. Example: a state law that requires all public buildings to contain fire exits.
31. Statutory laws usually represent majority rule
32. what the majority considers \_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_\_\_\_\_\_\_\_
33. Laws can adapt to fit the country’s needs
34. Every American citizen must know and \_\_\_\_\_\_\_\_\_\_ these laws
35. **Common Law**
36. Judges must often make decisions based on customs, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and cases that have been decided before
37. this is called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_
38. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_- a type of law that comes from judges’ decisions that rely on common sense and previous cases.
39. Example: before cars were a major form of transportation, there were no laws about driving them.
40. if a car ran into a horse and buggy, the driver could argue the case should be dismissed
41. no laws existed to regulate the speed of automobiles
42. the driver could indicate that he should not have to pay
43. most likely, the judge would reply that there is an established principle to not ruin someone’s property with yours
44. this would be an application of common sense and tradition
45. would set a **precedent,** or earlier decision, for future cases
46. **Administrative Law**
47. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_- laws created by government agencies
48. Cover areas of \_\_\_\_\_\_\_\_\_ life
49. health
50. safety
51. education
52. banking
53. Example: Consumer Product Safety Commission (CPSC) uses administrative law when it proves a toy is unsafe and must be taken off the market.
54. **Constitutional Law**
55. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_- law based on the Constitution and Supreme Court decisions
56. The \_\_\_\_\_\_\_\_ amendment guarantees the right to an attorney for his/her defense
57. because of the Supreme Court decision in *Gideon v Wainwright*, states are now required to provide free legal aid to those who can’t afford it.
58. **Roles of Courts**
59. Courts use the \_\_\_\_\_ sources of law to settle disputes
60. some are between \_\_\_\_\_\_\_\_\_\_\_\_
61. some are between people and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
62. some are between \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
63. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ = disputes between society and an individual
64. In criminal cases, the accused has certain rights
65. right to an \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
66. right to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the accuser
67. right to a \_\_\_\_\_\_\_\_\_\_\_\_ trial
68. The accused is always presumed innocent
69. Accused has the right to \_\_\_\_\_\_\_\_\_\_\_\_ the decision
70. \_\_\_\_\_\_\_\_\_\_- the process by which the person asks a higher court to review the result of the trial
71. the \_\_\_\_\_\_\_\_\_\_ court may find that the \_\_\_\_\_\_\_\_\_\_ court applied the law unfairly or inaccurately
72. review helps ensure cases are decided \_\_\_\_\_\_\_\_\_\_\_\_
73. **The Federal Court System**
74. **Main Idea:** The federal court system consists of 3 levels of courts, each of which has specific duties.
75. **U.S. District Courts**
76. There are \_\_\_\_\_ levels of federal courts
77. each level is given several different kinds of cases
78. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- the extent of authority that court has to hear and decide a case that has properly been brought before it.
79. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
80. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
81. **U.S. Federal Districts**
82. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- the trial courts that are given original jurisdiction
83. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- the authority of a court to hear and decide a case for the first time
84. District court is the only \_\_\_\_\_\_\_\_\_\_\_\_ court in which jury trials are held
85. Cannot hear appeals from other courts
86. Federal district courts are the “\_\_\_\_\_\_\_\_\_\_\_\_” courts in the federal court system.
87. There are \_\_\_\_\_\_\_\_\_ in the United States
88. **U.S. District Judges**
89. Judges do not make \_\_\_\_\_\_\_
90. they \_\_\_\_\_\_\_\_\_\_ the relevant law to the case
91. Between \_\_\_-\_\_\_\_ judges, depending on the caseload of the court
92. Federal district judges are \_\_\_\_\_\_\_\_\_ judges
93. conduct civil and criminal trials
94. if there is no jury, the judge also decides which side \_\_\_\_\_\_
95. in a criminal case, the judge sets the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
96. All federal judges are appointed for \_\_\_\_\_\_\_ by the President
97. must be approved by the \_\_\_\_\_\_\_\_\_\_\_\_\_
98. Federal judges can only be removed from office by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by Congress
99. salaries of judges may not be lowered
- this is to ensure judges are not punished for their \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
100. **U.S. Court of Appeals**
101. After a trial in district court, the losing party may \_\_\_\_\_\_\_\_\_\_\_ to the next level of courts.
102. the next level is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_
103. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- the power to review decisions made by lower courts.
104. Federal court system has \_\_\_\_\_\_\_ district courts
105. divided into \_\_\_\_\_\_ judicial circuits
106. Each circuit has its own court of appeals
107. between \_\_\_\_\_-\_\_\_\_\_\_ judges
108. \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_= judge that’s served the longest
109. Appellate judges serve for \_\_\_\_\_\_
110. Courts of appeals do not hold \_\_\_\_\_\_\_\_\_
111. A panel of \_\_\_\_ judges makes a decision
112. examine the record of the district court trial and hear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by the lawyer of each side
113. judges do not determine whether the person is \_\_\_\_\_\_\_\_\_\_ or not
114. they determine if the \_\_\_\_\_\_\_\_\_\_ was \_\_\_\_\_\_\_\_\_
115. A decision is reached by majority vote
116. may send the case back to \_\_\_\_\_\_\_\_\_\_\_ court for a new trial
117. In most cases, the decision is final
118. however, it may be appealed to the \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_
119. **U.S. Supreme Court**
120. The \_\_\_\_\_\_\_\_\_\_\_\_ court in the land
121. Meets in \_\_\_\_\_\_\_\_\_\_
122. Review cases that have been tried in lower federal and state courts
123. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- Supreme Court judges
124. The decisions of this court \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ be appealed
125. The Supreme Court has \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in 3 types of cases:
126. cases involving \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ representatives of other countries
127. cases between \_\_\_\_\_\_\_\_\_\_\_\_\_
128. cases involving \_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_ governments
129. **The Supreme Court**
130. **Main Idea:** The Supreme Court hears appeals, reviews laws, and strongly influences American society.
131. **The Power of Judicial Review**
132. \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_- allows courts to decide whether a law or a presidential action is in agreement with the Constitution.
133. The Supreme Court holds the authority to do this.
134. This power is not explicitly stated in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
135. Began with John Marshall & \_\_\_\_\_\_\_\_\_\_\_\_\_\_ v \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
136. Marbury was promised an appointment of Justice of the Peace by outgoing president John Adams
137. The new president, Thomas Jefferson, ordered his Secretary of State to deny the appointment
138. Marshall declared this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; it was the first time this was done, so the concept of \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_ was established
139. **Choosing Cases**
140. \_\_\_\_\_\_\_\_\_\_\_\_\_ a year are filed
141. the court decides only about \_\_\_\_\_\_\_ of them
142. Only cases that generally deal with important \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
questions are heard
143. \_\_\_\_\_ of 9 justices must vote to hear a case
144. If they refuse to review a case, the decision of the lower court stands
145. \_\_\_\_\_\_\_\_\_\_- return of a case to a lower court for a new trial
146. **Hearing & Deciding Cases**
147. Hears cases by \_\_\_\_\_\_\_\_\_\_\_ argument
148. Lawyers each have \_\_\_\_\_ minutes to present
149. Justices then read \_\_\_\_\_\_\_\_\_\_\_\_\_ arguments and consider what was said in court
150. Hold private meeting to \_\_\_\_\_\_\_ on the decision
151. each justice gets \_\_\_\_\_\_ vote
152. decisions are reached by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
153. \_\_\_\_\_\_\_\_\_\_\_\_- the reasoning that led to the decision
154. binding on all lower courts
155. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_- when a justice agrees with the decision but for different reasons
156. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_- explains why a justice believes the majority opinion is wrong
157. have no effect on the law
158. may become the law of the land when society’s views change
159. **Supreme Court Justices**
160. The size of the Supreme Court is determined by \_\_\_\_\_\_\_\_\_\_\_\_\_
161. It has been set at \_\_\_\_\_\_\_\_ justices since 1869
162. chief justice
163. eight associate justices
164. Justices are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by the president and approved by Senate
165. They are only removable by the \_\_\_\_\_\_\_\_\_\_\_\_\_\_
166. No special requirements to be a Supreme Court Justice
167. **Checking the Court’s Power**
168. Executive branch has the power to \_\_\_\_\_\_\_\_\_\_\_\_\_ all judges
169. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ branch must approve
170. If the court rules a law as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Congress can try to write a better law
171. **Strengthening Rights**
172. Supreme Court decisions have allowed the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to meet the demands of changing times
173. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
174. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ rights