



The Judicial Branch

Civil Right

Civil Liberties

ALLATOONA HIGH SCHOOL


COACH DESJARLAIS

Standards

- ▶ SSCG13 Demonstrate knowledge of the operation of the judicial branch of government
- ▶ SSCG14 Demonstrate knowledge of the criminal justice process.
- ▶ SSCG7 Demonstrate knowledge of civil liberties and civil rights

Key Terms

- ▶ Judicial Branch
- ▶ Supreme Court
- ▶ Types of Jurisdiction
- ▶ State Courts
- ▶ Federal Courts
- ▶ Judicial Review
- ▶ Marbury v. Madison
- ▶ John Marshall
- ▶ Rule of Four
- ▶ Writ of Certiorari
- ▶ Types of Opinions
- ▶ Precedents
- ▶ Judicial Activism
- ▶ Judicial Restraint

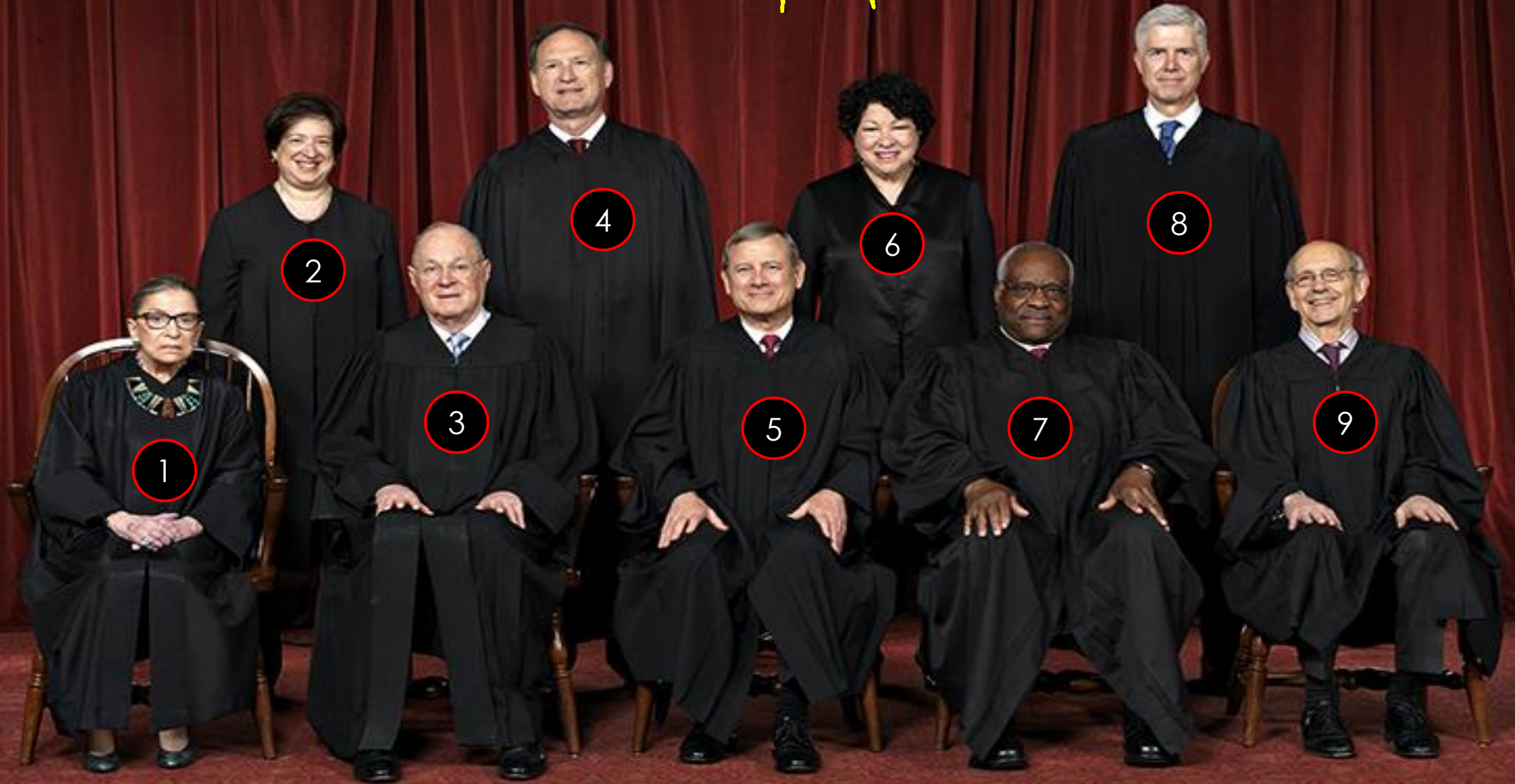
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- ▶ What is the third branch of government?
 - ▶ What is the name of the highest court?
 - ▶ Where in the Constitution was it created?
 - ▶ How many people are on it?

The **judicial branch** is the third co-equal branch of our federal government.



The **Supreme Court** is the highest federal court in the United States and was established in the Constitution in Article III.

The Fellowship of the Court



How do you become a Judge?

- ▶ Activity
- ▶ Go to <https://www.fjc.gov/history/judges>
- ▶ work independently to select and review 10 profiles of federal judge. For each judge write a list of the preparation and qualifications they find in the profiles. Then compile a general list of qualification for federal judgeship. Be prepared to share your list.



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- ▶ How long is a federal judgeship for?
 - ▶ How are vacancies created?
 - ▶ Who nominated judges?



-Appointed for life by the President
-Vacancies Created by death, retirement or impeachment

Gorsuch Hearing
Capitol Hill
4:15 PM ET

-Must be confirmed by
the Senate

BREAKING NEWS

CONFIRMATION HEARING FOR TRUMP'S SUPREME COURT PICK

Sen Al Franken | (D) Judiciary Committee


LIVE

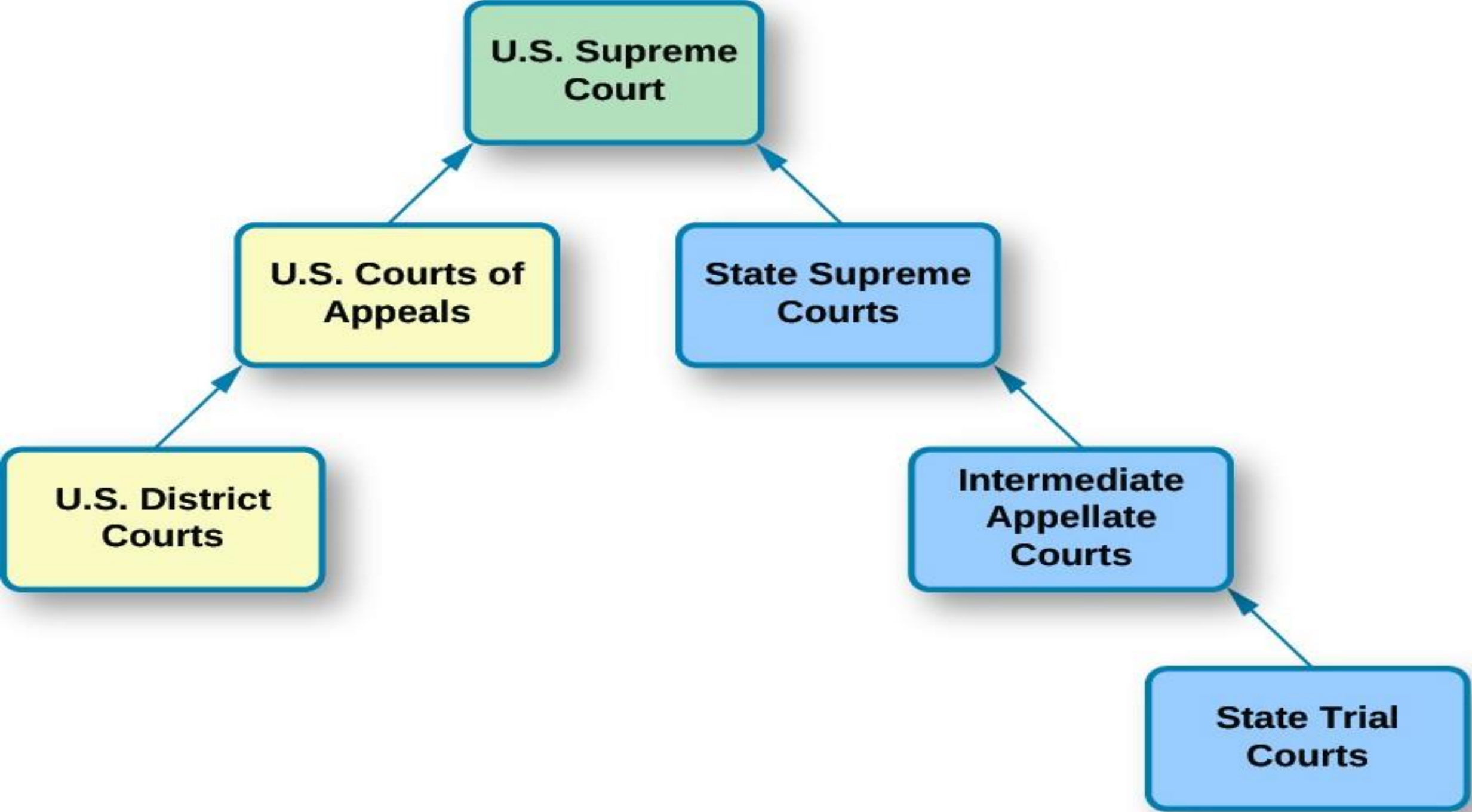
CNN

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THE LEAD


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- ▶ What is Jurisdiction?
 - ▶ What is Appellate Jurisdiction?
 - ▶ What type of Jurisdiction does the Supreme Court have?
 - ▶ How many federal courts are there?
 - ▶ What is the difference between Exclusive and Concurrent Jurisdiction? Give an example.



original jurisdiction

the original jurisdiction of a case refers to the court which first hears a case



- 
- ▶ What is Original Jurisdiction?
 - ▶ Can decisions from the Supreme Court be appealed?
 - ▶ What type of Jurisdiction does Federal Courts have?
 - ▶ What Jurisdiction do state courts have?

Activity #2

- ▶ <http://courts.us/state/ga/courts.php>



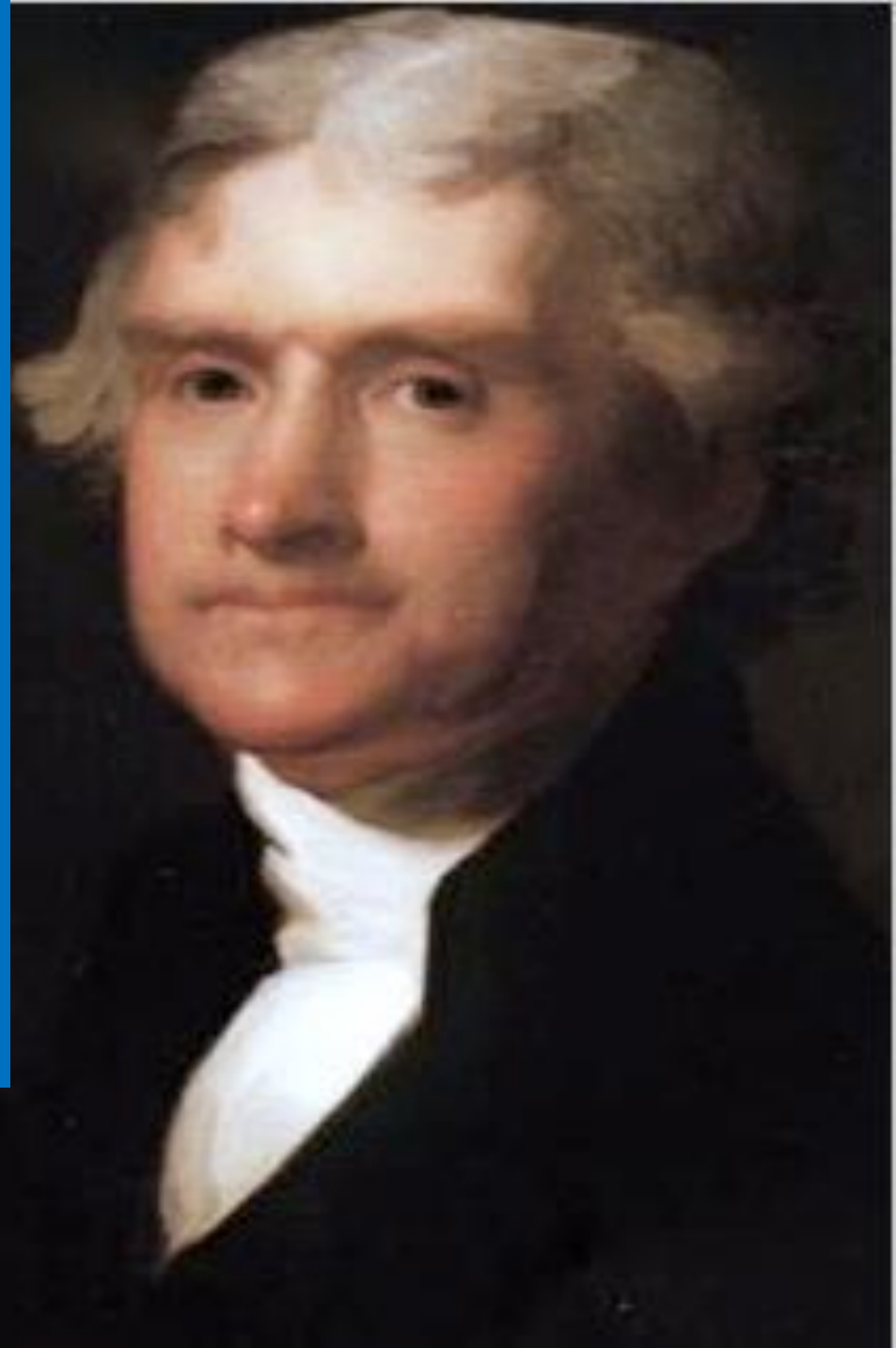
- ▶ <http://www.uscourts.gov/about-federal-courts/court-role-and-structure>



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- ▶ What is Judicial Review?
 - ▶ What court case established this principle?
 - ▶ What was the cases impact?



Marbury v.
Madison
(1803)
John Marshall
Established the
Principle of
Judicial Review
Ability of the Court
to decide the
Constitutionality of
law and actions




Marbury v. Madison
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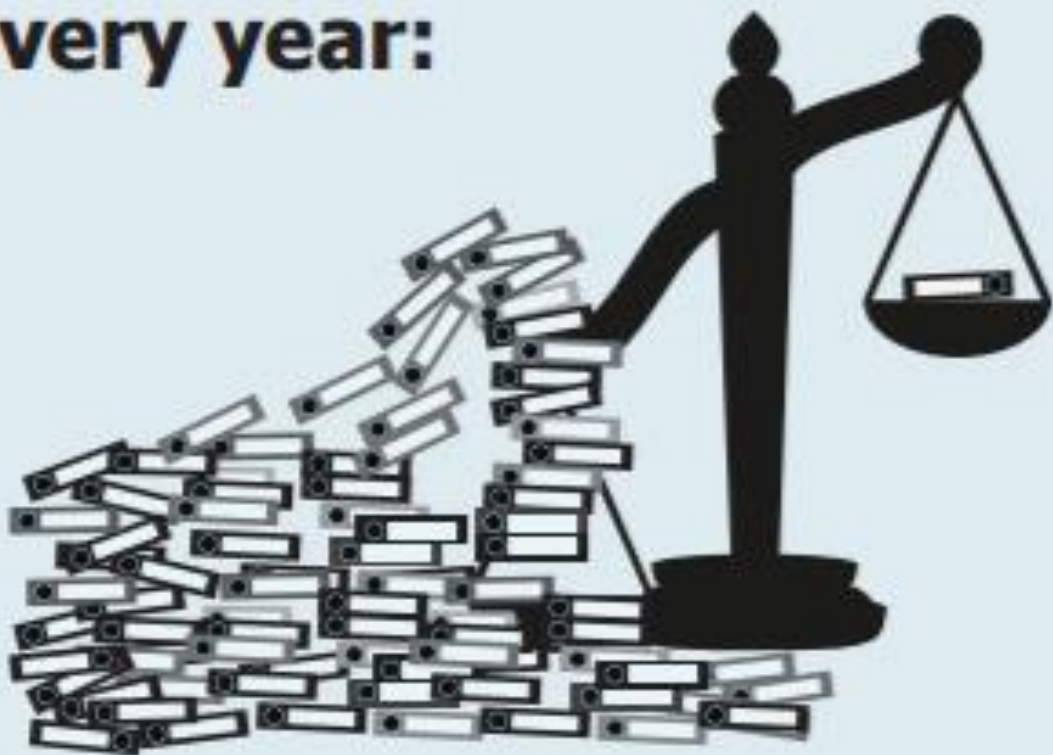
I believe in Marbury v. Madison
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- ▶ How many cases does the Supreme Court get each year?
 - ▶ What is the 'rule of four'?
 - ▶ What is a writ of certiorari?
 - ▶ What is the majority opinion?
 - ▶ What is the significance of Precedents?
 - ▶ How are concurring and dissenting opinions different?

Every year:



The Court receives 7,000-8,000 requests for review and grants 70-80 for oral argument. Other requests are granted and decided without argument.

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500 Years Ago the First Men Were Murdered to Protect the Secret

THE RULE OF FOUR

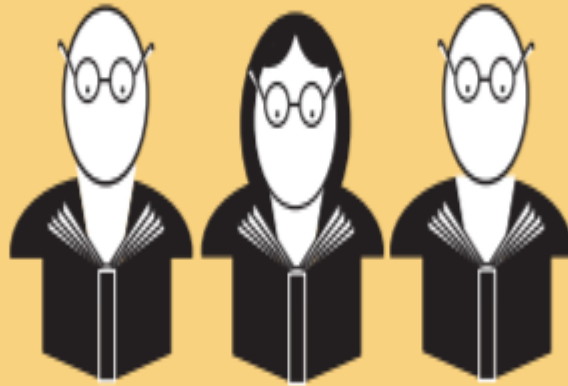
A NOVEL

IAN CALDWELL
& DUSTIN THOMASON

1. Dissatisfied parties petition the Court for review



Parties may appeal their case to the Supreme Court, petitioning the Court to review the decision of the lower court.



2. Justices study documents

The Justices examine the petition and supporting materials.



3. Justices vote

Four Justices must vote in favor for a case to be granted review.

1. Parties make arguments

The Justices review the briefs (written arguments) and hear oral arguments.

In oral arguments, each side usually has 30 minutes to present its case. The Justices typically ask many questions during this time.



2. Justices write opinions

The Justices vote on the case and write their opinions.

- The majority opinion shared by more than half of the Justices becomes the Court's decision.
- Justices who disagree with the majority opinion write dissenting or minority opinions.





3. The Court issues its decision

Justices may change their vote after reading first drafts of the opinions. Once the opinions are completed and all of the Justices have cast a final vote, the Court “hands down” its decision.

All cases are heard and decided before summer recess. It can take up to nine months to announce a decision.

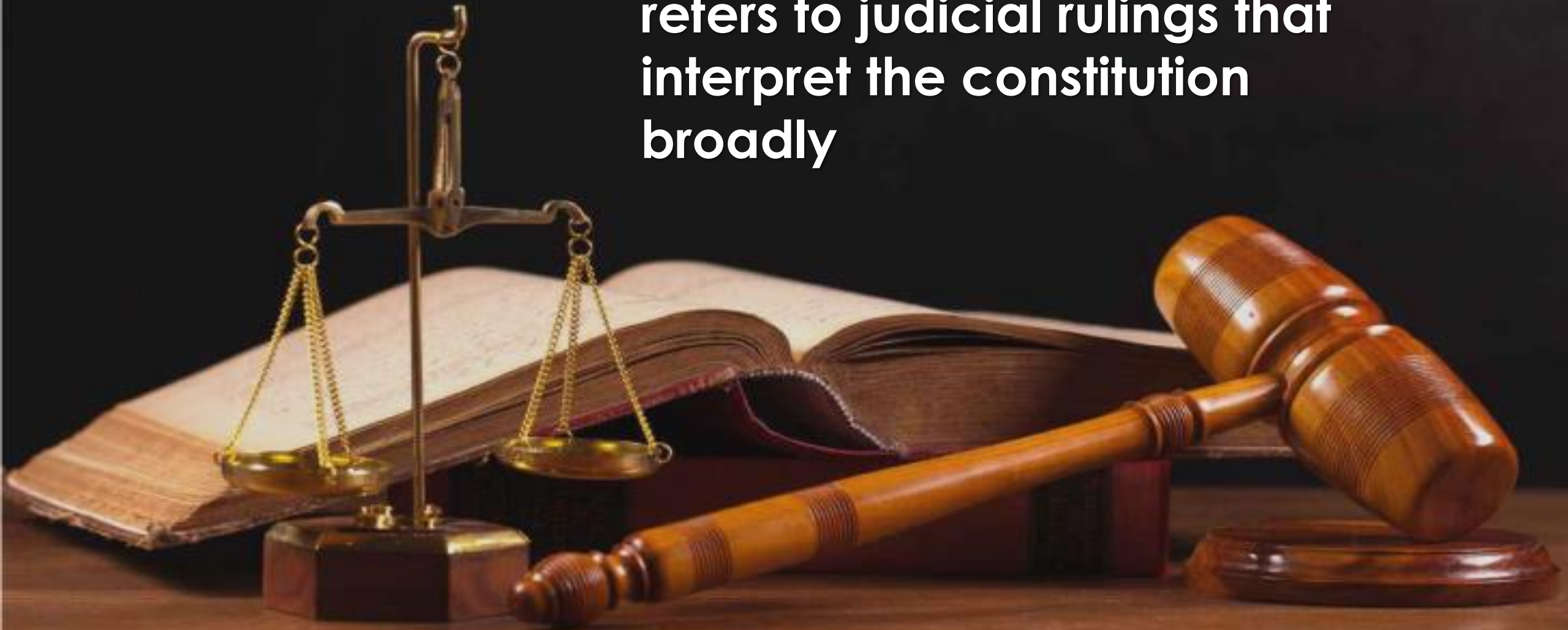


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- 
- ▶ What are the two major judicial philosophies?
 - ▶ How are they different from one another?

Judicial Activism

refers to judicial rulings that interpret the constitution broadly



the idea that judges should limit themselves to original thinking of the founders when making decisions

A wooden gavel with a dark, polished finish is positioned diagonally across the right side of a white document. The document is pinned to a light brown cardboard surface with a silver paperclip on the left. The words "JUDICIAL RESTRAINT" are printed in a large, bold, black serif font, slanted upwards from left to right. The background shows a wooden surface with a vertical grain.

JUDICIAL RESTRAINT

THE
HONORABLE JUSTICE

VS.


THE
JUDICIAL ACTIVIST

HOW CAN YOU
TELL WHICH ONE
IS WHICH?

DEPENDS
ON WHICH
ONE THEY
AGREE
WITH.

Search ID: jspn5

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