

# THE COURTS

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J. Alexander Branham

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# JUDICIAL PROCESS

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- Constitutional law

## ORGANIZATION OF THE COURTS

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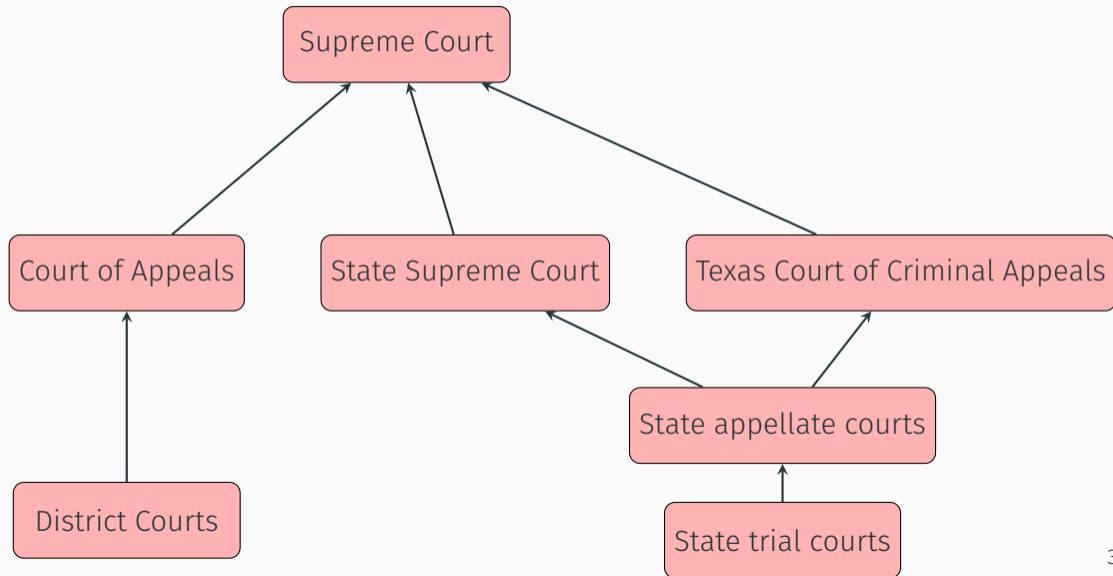
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- State: district courts, state appellate courts, state supreme court (or court of criminal appeals), US Supreme Court

# THE COURT SYSTEM



- Federal laws



# FEDERAL JURISDICTION

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## FEDERAL CIRCUIT COURTS

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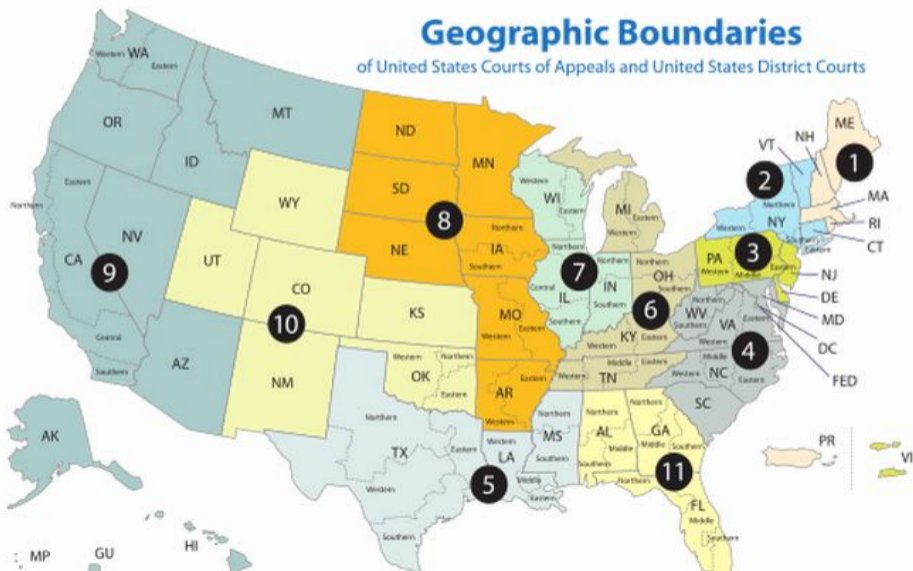
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  - 9th circuit covers about 20% of Americans





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  - Has been 9 since 1869

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  - Filibuster and cloture

## CURRENT JUSTICES

Name	Birth year	Prior experience	Appointed by	Year of appt
John Roberts	1955	Federal judge	Bush (2)	2005
Anthony Kennedy	1936	Federal judge	Reagan	1988
Clarence Thomas	1948	Federal judge	Bush (1)	1991
Ruth Bader Ginsburg	1933	Federal judge	Clinton	1993
Stephen Breyer	1938	Federal judge	Clinton	1994
Samuel Alito	1950	Federal judge	Bush (2)	2006
Sonia Sotomayor	1954	Federal judge	Obama	2009
Elena Kagan	1960	Solicitor general	Obama	2010

## THE SUPREME COURT'S CASELOAD

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  - federal government is appellant

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- This is usually about 90 per year, about 1% of the petitions received

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## COURTS AS POLITICAL ACTORS

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## WHAT FUNCTIONS DO COURTS SERVE?

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- Dispute resolution



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- Coordination
- Rule interpretation

- Acts of Congress

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- State actions
- Federal agency actions
- Presidential power

- Strikes down administrative action based on statutory authority (statutory rationale)

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- Strikes down statutes based on Constitution (constitutional rationale)



- President nominates judges

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  - Increasingly with an eye to diversity

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- Obstruction by the President
  - “John Marshall has made his decision. Now let him enforce it.” -Jackson

- Liberalizing policies

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- Expanding rules of standing

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- Structural remedies