

The Judiciary

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The Judiciary

- Trial Courts vs Appellate Courts
 - (original jurisdiction vs appellate jurisdiction)

Overview of the Federal court system:

- Specialized courts
 - US Claims Court
 - US Court of Military Appeals
 - US Court of International Trade
 - US Tax Court

Overview of the Federal court system:

District Courts (94)

- 1 to 28 judges in each District
- Total of 649 judges
- 300,000 civil and criminal cases

Circuit Courts (12)

- Hears civil and criminal cases appealed from the U.S. District Courts
- Total of 179 judges
- 50,000-60,000 cases

Nominating Federal Judges

■ Overview

- Nominated by President with advice and consent of the Senate (role of Senate Judiciary Committee)

■ Concept of “Senatorial Courtesy”

- The Senate as a whole will reject the nomination of any candidate that is opposed by a senator of the President’s party from the nominee’s state

The U.S. Supreme Court

- Original and Appellate Jurisdiction
- Congressional Controls over the federal court system
 - Number of members
 - Jurisdiction
 - Initiating amendments to the Constitution
 - Role in nominating Federal Judges

The U.S. Supreme Court

- The workings of the Supreme Court
 - Writs of Certiorari
 - The Rule of Four

- The Supreme Court in Session
 - Oral Arguments
 - Amicus Curiae Briefs
 - Majority, Dissenting, and Concurring Opinions

The U.S. Supreme Court

- **Origins of the Supreme Court**
 - Concept of Judicial Review – *Marbury v. Madison* (1803)
- **The powers (and limits) of the Supreme Court**

Judicial Activism versus Judicial Restraint

- Arguments for judicial restraint:
 - Lack of expertise in non-judicial matters
 - Judges can be immune from popular control – act as “unelected legislators”
 - Coincides with a strict interpretation of the Constitution

- Arguments for judicial activism:
 - Judges don't have to get re-elected so they can speak their conscience
 - Often this is the last resort for justice to be achieved
 - Coincides with a loose interpretation of the Constitution

Missouri's Judicial System

- Circuit courts - (trial courts)
 - Most elected for a 6 year term
- Appellate courts - 3 Districts
 - Eastern, Western, and Southern
 - 32 judges
 - Elected for 12 year terms
- MO Supreme Court
 - 7 members, 12 year terms

The Missouri Plan – applies to Appellate Judges

- Role of the Governor and the “Appellate Judicial Commission”
- Voter Approval
- Advantages and Disadvantages?
 - The larger issue: how accountable should judges be to the political process?