

Module 5: The Judiciary

Topic 1 Content: The Judicial Branch

Introduction



Glover Mint: Welcome to another episode of WUSG News. Coming up, we have a segment featuring constitutional lawyer Jeanne Marcel that will focus on the judicial branch of American government. We are very excited to have her join us today, so without further ado, here is Jeanne Marcel, with *The Judgment Zone*.

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The Judgment Zone



Jeanne Marcel: Welcome to *The Judgment Zone*. I'm your host, Jeanne Marcel. One of the principles of the Constitution is the separation of powers. The legislative, executive, and judicial branches are all independent of each other. This independence is essential to the existence of the judicial branch. In order for the laws of the land to work properly, citizens of a society must have confidence in their judicial system. The law should be impartial to the influence of politics or power. It should also apply to all people equally and operate under the idea that no person is above the law. In this episode, we will take a look at the establishment, powers, and jurisdiction of the judicial branch.

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Establishment

Establishment

Article III, Section 1

“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.”

- Establishes the United States Supreme Court
- Grants Congress the power to create inferior federal courts
- Grants judges a salary which cannot be decreased
- No term limits for judges
- May remove judges by impeachment for serious crimes only
- Most judges serve life-long terms

Jeanne Marcel: The judicial branch of the American government is established by Article III of the U.S. Constitution:

“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.”

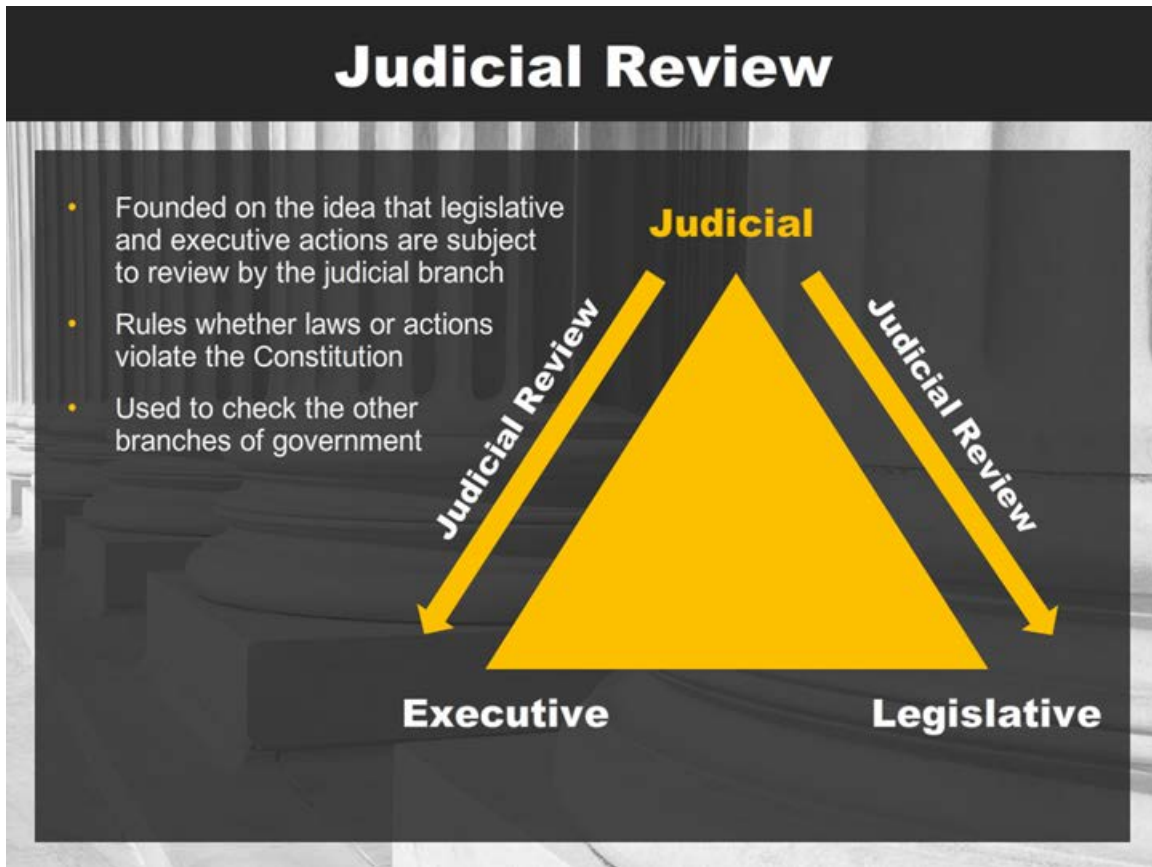
This section specifically establishes the United States Supreme Court. It also clearly grants the legislative branch the power to create federal courts that are inferior, or lower, than the Supreme Court. The passage also grants judges a salary, which cannot be decreased while they are office. This is an attempt to prevent the manipulation of judges through their salaries.

You may have noticed that there are no term limits set for the judges, but instead they may “hold their Offices during Good Behaviour.” That means once they have been appointed by the President and confirmed by the Senate, they may only be removed by impeachment. When judges have been removed from office, it has been due to serious crimes such as bribery. It is well understood that political views and ideology are not sufficient reasons for impeachment. This is another attempt to shield judges from the influence of the executive and legislative branches. Because there is no limit set on the terms of federal judges, most serve a life-long term.

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Judicial Review

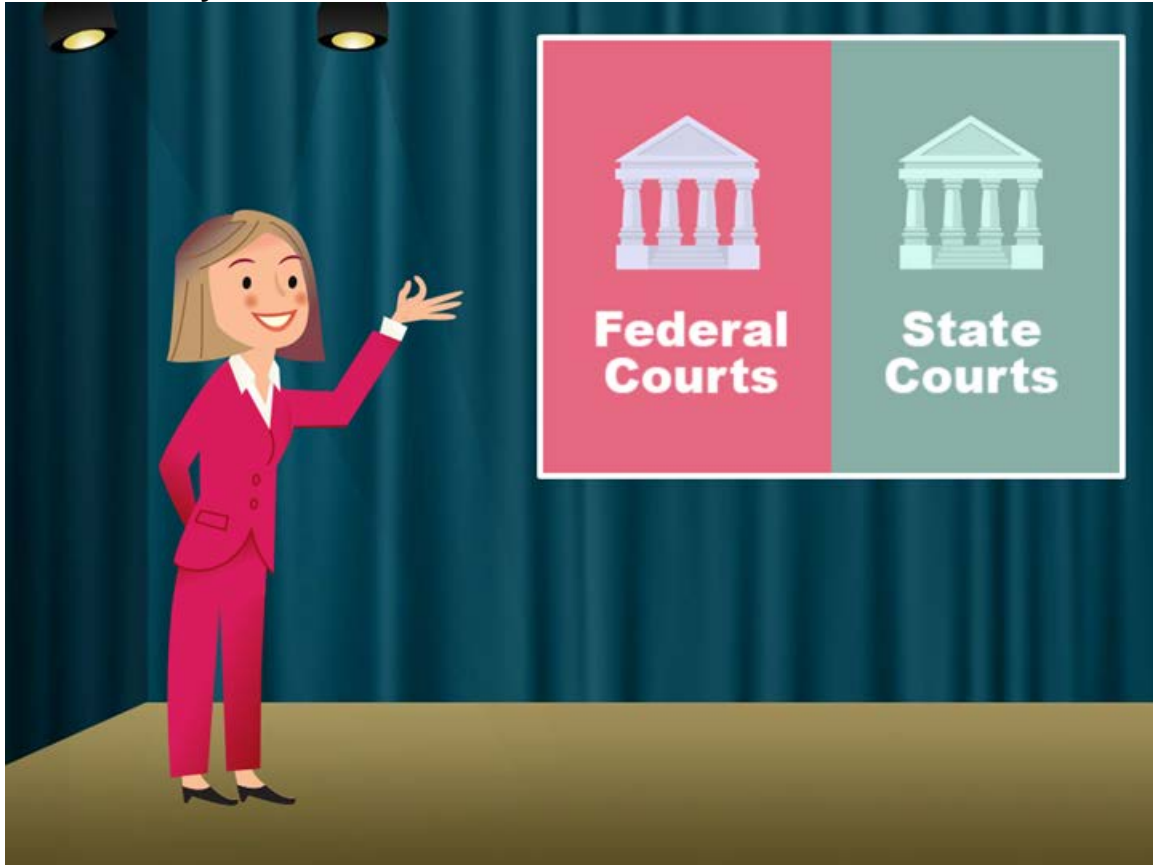


Jeanne Marcel: Supreme Court Justices and federal judges must be appointed by the President and approved by the Senate. Justices and federal judges may also be impeached and removed from office by Congress. These are powerful checks on the judicial branch, but the judicial branch has a powerful check of its own. The primary check against the legislative and executive branch of government is the power of judicial review. Judicial review is founded on the idea that actions taken by Congress and the President are subject to review by the judicial branch. The judicial branch may find laws or executive actions in violation of the Constitution, and therefore invalid. This power grants the judicial branch the ability to support America's system of checks and balances.

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Dual Court System



Jeanne Marcel: There were no national courts before the ratification of the Constitution. Previously, each state had its own system of courts, which interpreted the law differently. This led to confusion among citizens as to what the law actually was.

To clarify this situation, the Constitution created a dual court system, which operates on a state and federal level. Federal courts derive authority from the U.S. Constitution and federal law, while state courts derive authority from state constitutions and state law. In order to distinguish which case should be held in which court, the Constitution outlines the jurisdiction of the federal and state courts. Jurisdiction is a term used to describe the authority to hear and judge cases.

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Exclusive Jurisdiction



Exclusive Jurisdiction

- Sole right to hear a case
- Some cases have exclusive federal jurisdiction
- **Examples:** cases involving bankruptcy, federal crimes, government agencies, foreign representatives, or state governments

Exclusive Jurisdiction

Concurrent Jurisdiction

Original Jurisdiction

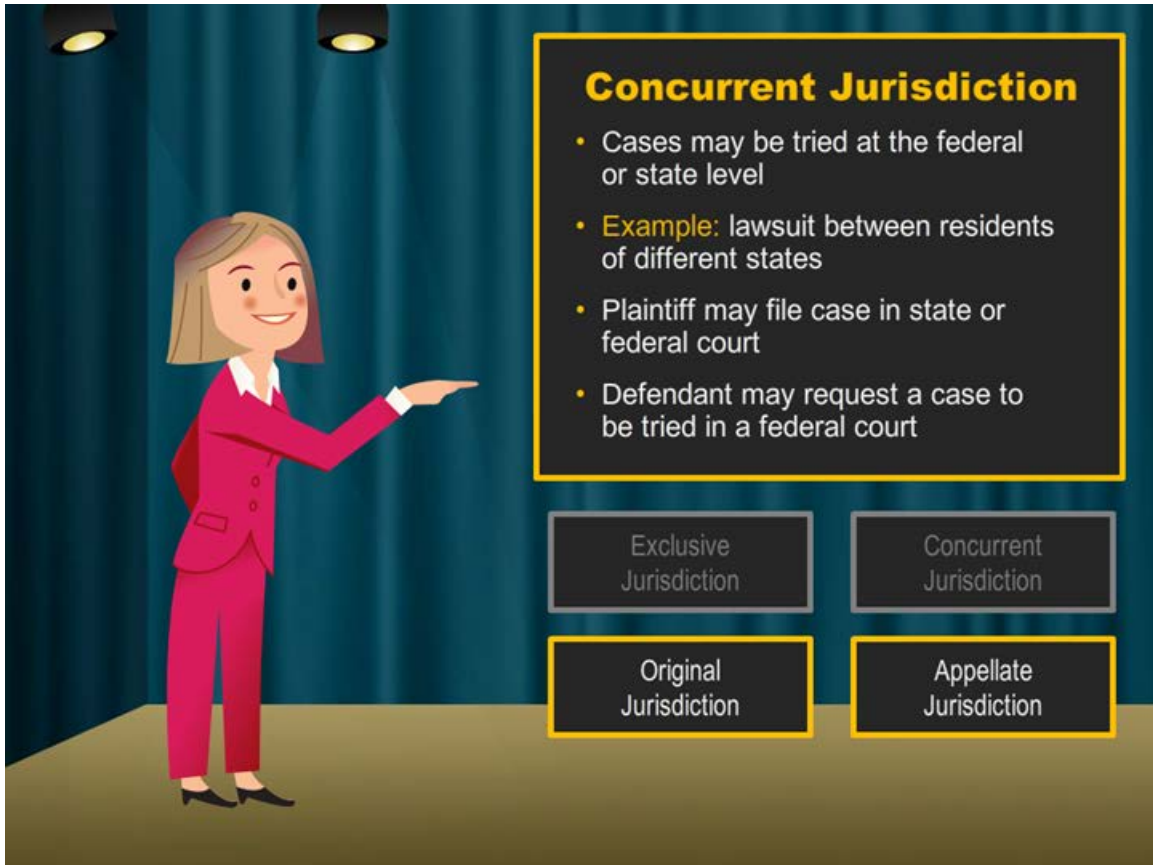
Appellate Jurisdiction

Jeanne Marcel: Exclusive jurisdiction is the sole right to hear a case. Certain types of cases may only be tried in a federal court. This may be because of the subject matter of the case, if the case deals with bankruptcy or a federal crime, for example. This may also be because of parties involved in the case – if the case involves a government agency, a representative from a foreign nation, or a state government for example.

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Concurrent Jurisdiction



Concurrent Jurisdiction

- Cases may be tried at the federal or state level
- **Example:** lawsuit between residents of different states
- Plaintiff may file case in state or federal court
- Defendant may request a case to be tried in a federal court

Exclusive Jurisdiction Concurrent Jurisdiction

Original Jurisdiction Appellate Jurisdiction

Jeanne Marcel: Concurrent jurisdiction refers to cases that Congress allows to be tried at the federal or state level. An example of this would be when a resident of one state sues a resident of another state. The person making the legal complaint, known as the plaintiff, may file his or her case in a state court or a federal court. In some cases, the person that a legal complaint is filed against, known as the defendant, may request that the case be tried in a federal court.

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Original Jurisdiction



Original Jurisdiction

- Authority of a court to be the first to hear a case
- Held at the national and state level

Exclusive Jurisdiction

Concurrent Jurisdiction

Original Jurisdiction

Appellate Jurisdiction

Jeanne Marcel: Original jurisdiction refers to the authority of a court to be the first to hear a case. This jurisdiction may be held at the national or state level.

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Appellate Jurisdiction

Appellate Jurisdiction

- Outcome of cases may be appealed to a higher court
- Power to review decisions of a lower court
- May affirm or reverse outcome of a case

Exclusive Jurisdiction

Concurrent Jurisdiction

Original Jurisdiction

Appellate Jurisdiction

Next

Jeanne Marcel: There are times when the outcome of a case is appealed to a higher court. These higher courts have appellate jurisdiction, which is the power to review the decisions and affirm or reverse the outcome of a case held in a lower court.

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Ending of Episode



Glover Mint: Thank you for joining us today, Jeanne. That was a great overview of the judicial branch of American government. That's all for this episode. See you next time!