

Unit 5: Institutions of National Government: The Congress, the Presidency, the Budget, and the Federal Courts.

Part III: The Federal Courts (Chapter 16)

Vocab is on the Website

Objective 1: Basic Nature of the Federal Court System

1. In which courts are most cases tried? What is the difference between civil and criminal law?
2. What is the difference between a plaintiff and a defendant? What is needed for a plaintiff to sue?
3. What is the purpose of a class action law suit? Who can participate?
4. What is necessary for a dispute to be considered “justiciable?”
5. REVIEW: What is the role of an Amicus Brief?

Objective 2: Structure of the Federal Courts

6. What responsibility do Congress and president play in federal court system?
7. What is meant by the term jurisdiction?
8. What is the difference between original and appellate jurisdiction?
9. What are legislative courts? Not counting legislative courts, how many federal district, appeals, and U.S. Supreme courts do we have in this country?
10. Using the table below, outline the federal court system by 3 levels and include their jurisdiction.

	Jurisdiction	Caseload	Description	# of Judges	Jury? (Y/N)
District Courts					
Appeals Court					
Supreme Court					

11. Who is the US Attorney? Describe their role in representing the US in federal cases.
12. Which district do you live in for the Circuit Court of Appeals?
13. Which jurisdiction is most common with the US Supreme Court? Why? (Meaning what original jurisdiction cases are most common)
14. How long has the US had 9 Supreme Court justices? Why would a president want to “pack the court” (such as FDR tried during the New Deal)?
15. Why do so few cases make it to the Supreme Court?

Objective 3: Politics of Selection

16. Describe the process of senatorial courtesy?
17. While the president has the overall say in the nomination, who are the other “players” involved in this process?
18. From President Obama back to President Nixon – how many Supreme Court justices have each appointed?
19. Describe the success rate for a nominee following presidential nomination (page 516).
20. What role does ideology play in the process?
21. Why was the appointment of Clarence Thomas so controversial?
22. What is the role of the Senate Judiciary Committee?
23. What is a “litmus test”?

Objective 4: Backgrounds of Judges and Justices

24. What type of people (demographics, experience) typically become federal judges (all federal judges)?
25. Describe the demographics of current 9 (8 as of now) justice court (Sonia Sotomayor, Stephen G. Breyer, Samuel A. Alito, Elena Kagan, Clarence Thomas, Chief Justice John G. Roberts, Anthony Kennedy, and Ruth Bader Ginsburg). Describe previous job(s), gender, race, nominating president, political ideology
26. How does partisanship play a role in the selection of the 108 justices?

Objective 5: Courts as policymakers

27. How do cases come to the Supreme Court? Why are the law clerks so important?
28. How does a case make the “docket” (include writ of certiorari and rule of 4)
29. What is the role of the solicitor general and his/her influence on the Supreme Court?
30. Create a flow chart for decision making process and describe each stage.

Cases on the Docket --- Filing Briefs --- Oral Argument --- Conference --- Opinions (Majority, Dissenting, Concurring) --- Decision Reading

31. What is the role of precedent?
32. How does a Supreme Court decision get implemented?

Objective 6: Policy Agenda & Understanding the Courts

33. Describe the background of Marbury v. Madison and its lasting impact on judicial review.
34. Describe the importance of the Warren Court era.
35. Describe the importance of the Burger Court era.
36. Describe the importance of the Rehnquist Court era.
37. Why were the courts so important to the Civil Rights Era?
38. What is the difference between judicial activism and judicial restraint?