



Devotion: 21 But select capable men from all the people—men who fear God, trustworthy men who hate dishonest gain—and appoint them as officials over thousands, hundreds, fifties and tens. 22 Have them serve as judges for the people at all times, but have them bring every difficult case to you; the simple cases they can decide themselves. That will make your load lighter, because they will share it with you. (Genesis 18:21-22)

Attendance: Are you in good rhythm/ routines for the semester?

Motivation Video: Master the Mind, Win the Day! – watch first 3:59 min. https://www.youtube.com/watch?v=5e_yACxQLgs

5 10/04	JPA Ch. 4	Ch.4 Jurisdiction and policymaking by Courts Exam 1 on JPA Ch. 1-4 (10/11)	HW4 POST (due 10/02) 1. What is original jurisdiction? Can it be shared by both federal and State courts? 2. How was Pres. Trump’s executive order ban on the entry of Muslims from 7 countries (2017) an example of federal jurisdiction and Court activism? Why did the ban fail, pass as a law? • Respond to a post (50 words)	EXAM 1 10/11 Use text and non-text article in your answers (250 words). Respond 50 words
6 10/11	EXAM 1	EXAM 1 Ch. 1-4 JPA	You will use your phone (Zoom) and a laptop to take this test.	Prepare to be on-time and ready.

Topic: JPA, Ch. 4 - Courts and policy-making

We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America. (Preamble, United States Constitution, 1789).

This LP introduces the dynamic role that courts play in shaping the interpretation and application of the law. Within the structure and meaning of the U.S. and State Constitutions, the appointing of judges varies in terms, authority, and work. The selection or election of judges includes political processes that in turn shape outcomes of many decisions. Judicial activism and constraint imply the scope of influence judges have on the law and society. How are the courts and judges granted authority to shape the law, politics and government services?

The 10th Amendment of the U.S. Constitution establishes **federalism**; it refers to the legal principle that anything stated by federal code and court decisions as being within the authority of the federal government cannot be infringed upon by the authority of the States. Federalism also refers to all authority not stated as federal in legal scope, to be within the legal domain of the States and local governments. Hence, a dual court and legal system exists in the U.S.

The **jurisdiction** of courts is defined by the limits (boundaries) of geography and legal code. This legal principle is consistent at the federal level of judiciary to State and local government judiciaries. Courts therefore have authority and decision-making boundaries they must observe. However, the political impact of all court decisions is a reality, and courts and judges are aware of the power of their decisions. The *dynamic of judicial activism (the impact of court decisions on public policy)* is ever-present at all levels of the courts, federal to State to local.

U.S. District Federal Courts/Civil and Criminal case/ jurisdiction:

1. Federal crimes, terrorism, U.S. Postal service, environmental, drug codes, bank robbery, kidnapping, etc.
2. Interpretation of the U.S. Constitution (Amendment rights or procedures in Articles)
3. Cross-State processes such as voting rights
4. Patent and copyright (these are issued by the federal government) claims
5. Citizenship, Immigration, passport claims
6. Maritime and transportation claims (ocean and railroad claims)

- Cross-State law suits, for example two parties from different States in legal dispute, example: car accident
- Prisoners in federal or State prisons who contend their U.S. Constitutional rights were violated – **writ of habeas corpus** refers to the privilege to appear before a Court Justice to have a case heard. The request of habeas corpus can result in a **writ of certiorari** which is *the Court Justice's request to have a case brought to its courtroom.*

U.S. District Courts (94) of *first hearing or original jurisdiction* (origin of the case)

- Verdicts of guilty or non-guilty in criminal cases
- Verdicts of guilt or non-guilt and award for damages in civil cases
- Include juries that determine outcome of the case
- All due processes of the U.S. Constitution are observed

U.S. Appellate (Appeals- 13) Courts solely address appeals of verdicts or decisions of lower District Courts.

- The judgment is made by a **panel** of at least three judges (always an odd number so there is no tie)
- Address **questions of lack of due process** that might have resulted in a different decision
- The judgement can include **return the case (remand) to the lower court** for review, **dismiss the case and finding**, make a new judgement (guilt or non-guilt) based on due process being severely violated.

VIDEO: Trial vs. Appellate Courts – 2:28 min. https://www.youtube.com/watch?v=94_QQIDSG0U

The U.S. Supreme Court

- Reviews cases and appeals which result in new interpretations of the U.S. Constitution
- Can choose which appeals/cases it will review* or by the court's own initiative approving *writ of certiorari*
- It can review actions by the Congress if a complaint or suit is brought to the Court
- It can review actions by the Executive Office/ President if a suit is brought before the Court

VIDEO: Who and What appears before the U.S. Supreme Court? – 5:10 min. <https://www.youtube.com/watch?v=KEjgAXxrkXY>

Can a U.S. Supreme Court Justice issue an individual decision? YES, and NO

- YES, the Justice can reject hearing a court appeal at the Circuit court under their jurisdiction, as a representative of the SCOTUS

VIDEO: Justice Sotomayor refuses request – 45 sec. https://www.youtube.com/watch?v=u62aQN_jS8I

Supreme Court Justice Sonia Sotomayor declined to grant a reprieve sought by a group of New York City teachers requesting an emergency injunction over a school staff COVID-19 vaccine requirement.

Sotomayor, an Obama appointee who oversees the Second Circuit and has the discretion to address emergency applications there, did not issue an explanation or statement on Friday.

This comes after the city told its nearly 148,000 education employees to receive their first vaccine by 5 p.m. on Friday or be suspended without pay when schools resume classes on Monday. A petition was filed on Thursday by attorneys representing the teachers Rachel Maniscalco, Evelyn Arancio, Diana Salomon, and Corinne Lynch, claiming the mandate violates due process and equal protection rights. (Retrieved from Yahoo.com, search Sotomayor and NYC teachers vaccination injunction)

- NO, the Justice cannot issue solely a decision of the SCOTUS

Limitations/ Boundaries to Judge/Court actions

- Four Justices must agree to hear the case
- It can only review an actual controversy, difference between individuals based on incident/action
- The complainants must have *standing* (legal presence) before the court
- The plea/ appeal must be specific – referring to falling short on a specific ruling in the lower court
- They can only rule on legal actions/procedures, NOT facts of an appealed case
- It is a court of last resort, other courts (including State Supreme Courts) must have dealt with appeal
- The court will not rule on “political questions” for example, 2003 Texas Gerrymandering (read p. 95, Democrats leave Texas to avoid a quorum).

8. Cases can be *decided on specific statutory grounds*, the law was applied properly but not in line with another Constitutional aspect (see p. 97, Jack Phillips, refuses to bake for a gay marriage).
9. Burden of proof (preponderance of proof) is the burden of the *petitioner* (complainant)
10. Decisions can end in a tie - **VIDEO: Draw in SCOTUS** <https://www.youtube.com/watch?v=07gT0xzLVTU>

VIDEO: Gerrymandering – a violation of 14th equal rights, or the Voting Rights Act (1965)?

1. *Why do you think the State of Texas decision against gerrymandering was overturned by SCOTUS?*

<https://www.youtube.com/watch?v=ak3CgmKH4yM>

The State court systems operate in formats similar to the federal courts with courts of first hearing, appeal courts, and State Supreme Courts; however, some smaller State will only have courts of first hearing and only a State Supreme Court for all appeals.