

# THE JUDICIAL BRANCH



*Red  
Wine & Blue*

**WHAT WE WILL COVER**

# **STRUCTURE & POWER: THE JUDICIAL BRANCH**

- **BACKGROUND INFORMATION**
- **STRUCTURE OF THE JUDICIAL BRANCH**
- **POWERS OF THE JUDICIAL BRANCH, INCLUDING JUDICIAL REVIEW**
- **LIMITS ON THE POWERS OF THE JUDICIAL BRANCH**



# INSTRUCTIONS

**Step 1:** Grab your phone.

**Step 2:** Open your browser and go to kahoot.it

**Step 3:** In a minute, we're going to give you a code to join the game. Enter the 6-digit code in the field where it says "Game PIN." Or you can use your phone to scan the QR code you see on the screen.

**Step 4:** Enter a nickname and click "Ok, go!"





## **The Judicial Branch Interprets the Law**

- US Supreme Court
- US Courts of Appeals
- US District Courts
- Other Federal Courts

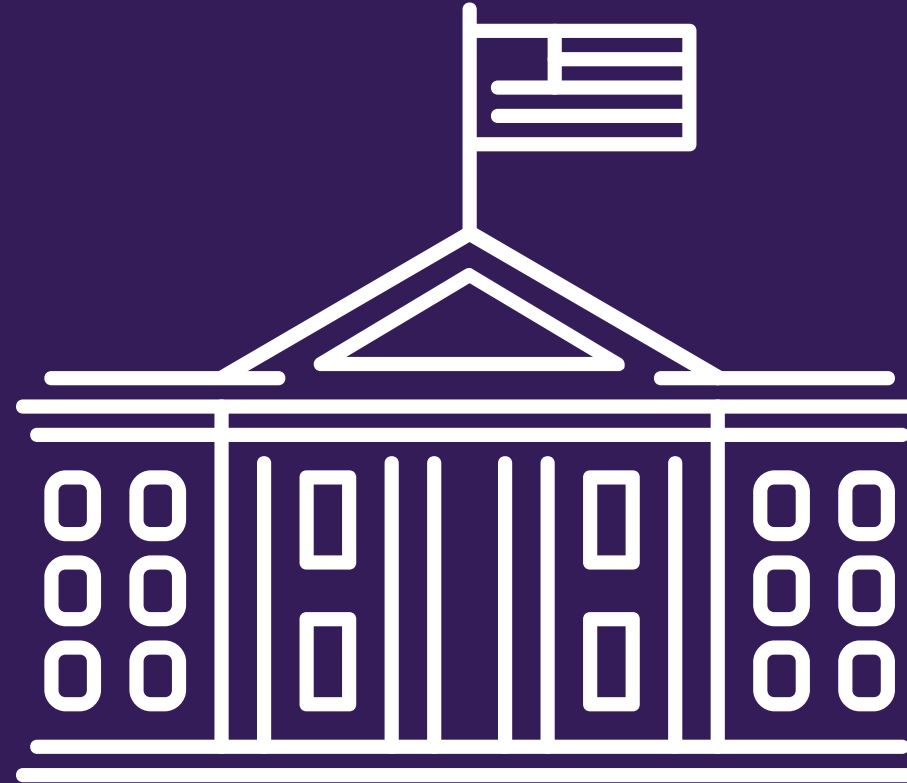


# LEGISLATIVE



- Makes laws
- Approves presidential appointments
- Two senators from each state
- The number of congressmen is based on population

# EXECUTIVE



- Signs laws
- Vetoes laws
- Pardons people
- Appoints federal judges
- Elected every four years



# JUDICIAL



- Decides if laws are constitutional
- Are appointed by the president
- There are 9 justices
- Can overturn rulings by other

# The Role of the Courts

- **INTERPRET THE US CONSTITUTION**
- **ENSURE THAT LAWS AND POLICIES ALIGN WITH THE CONSTITUTION**



# COURT BASICS

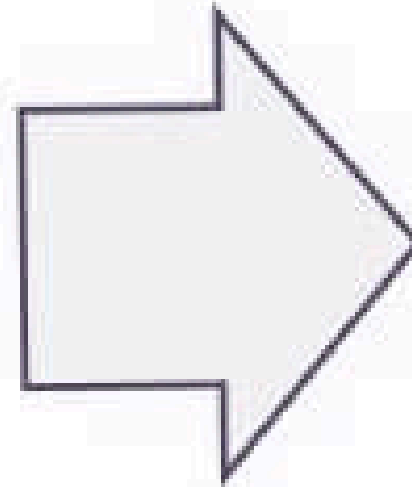
**PRECEDENT** - Courts base their rulings upon previous decisions for consistency – they honor previous cases. This is called **Stare Decisis** (to stand by things decided)

- Decisions by higher courts are binding on lower courts
- Lower courts may not overturn precedents of higher courts

# Stare Decisis Concept

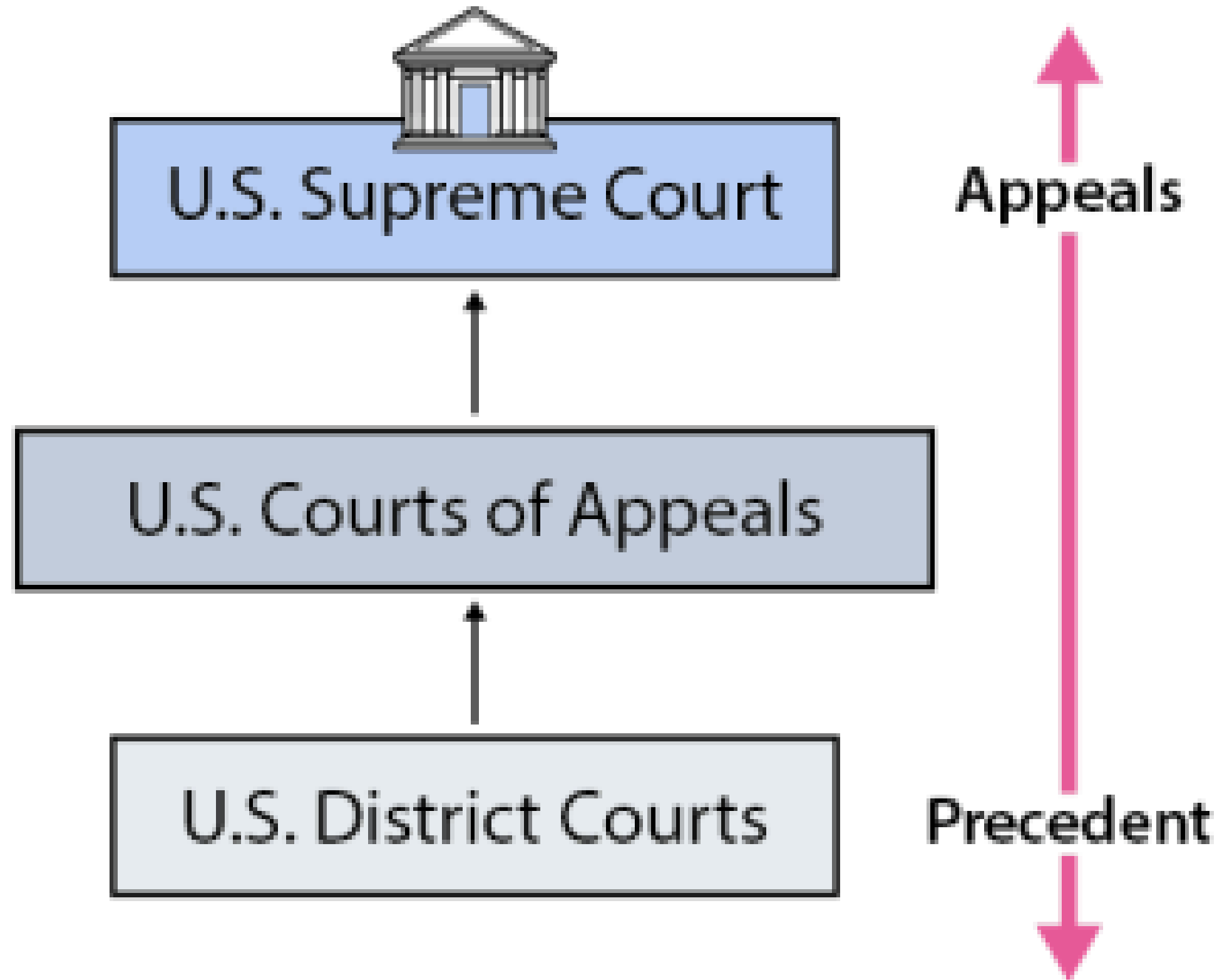
Sets a precedent for

Previous court  
decision or ruling in  
a legal matter



Future cases with  
similar  
circumstances or  
facts

# The U.S. Federal Court System



# US DISTRICT COURTS

- **Trial Courts:** Fact finding and determine not guilty/guilty (criminal cases) OR liable/not liable (civil cases)
- **Original Jurisdiction:** The Court in which a case begins/where it is filed

# US COURTS OF APPEALS

- **Appeals Courts:** Deal ONLY with issues of law (no fact finding) and only hear appeals from lower courts to determine whether the law was legally applied
- **Appellate Jurisdiction:** The Court(s) to which a case is appealed

# JUDICIAL REVIEW

- Judicial review is the idea that the actions of the executive and legislative branches of government are subject to review and possible invalidation by the judiciary.
- The Courts can overrule laws and executive orders:
  - Part of Checks & Balances
  - No strong enforcement mechanism



U.S. Supreme Court has the power to determine the constitutionality of laws, judicial decisions, or acts of a government official.



**Congress**



**The White House**



**Government Agencies**



**National and Local Laws**



**Judicial Error**



Supreme Court



Capitol

White House

# SUPREME COURT & APPEAL COURTS

# OPINIONS

- **Majority Opinion** - the decision and reasoning of a majority of the justices
- **Concurring Opinion** - the decision and reasoning of a justice(s) who agree with the majority but with different reasoning
- **Dissenting Opinion** - the decision and reasoning of one or more justices who disagree with the final decision / reasoning of the majority opinion



# SUPREME COURT **MERITS DOCKET**

SESSION RUNS OCT–JUNE

## **This is a Full Review of a Case**

- Briefs filed
- Public oral arguments
- Signed decisions (opinions) with explanation/legal reasoning of the Justices

## **Process Is Transparent**



# SUPREME COURT **SHADOW DOCKET**

AKA EMERGENCY OR ROCKET DOCKET

**Application Seeking Immediate Action (Year Round)**

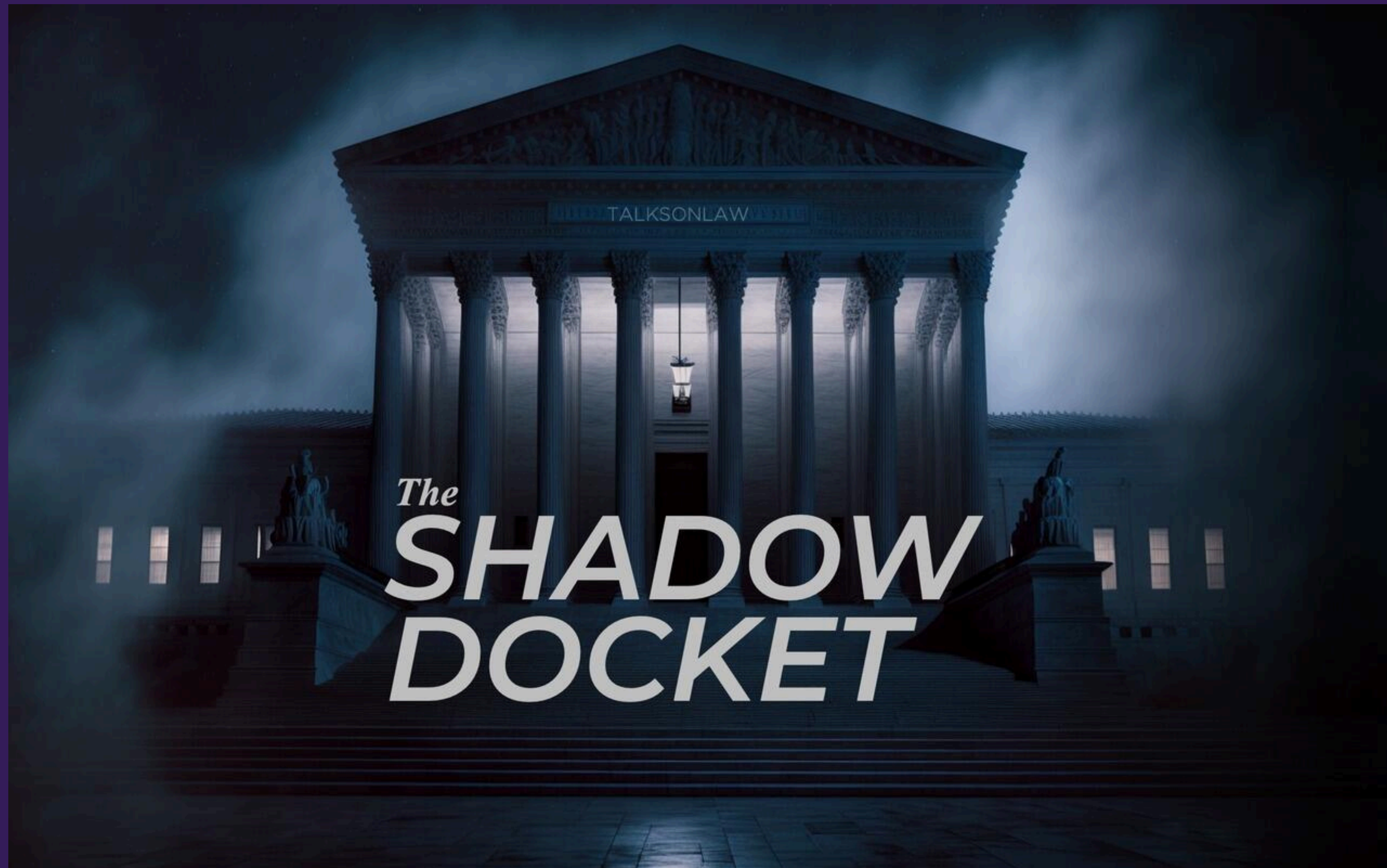
- Limited Briefing
- No oral arguments
- Unsigned decisions with little to no explanation/legal reasoning

**Lacks Transparency**

- Increasing use since 1980s and nearly doubled recently







*The*  
**SHADOW  
DOCKET**

# JUDICIARY ACT OF 1789

**Set up the 3 Levels of Courts in the US Today:**

- The US Supreme Court (1 court)
- The US Courts of Appeal (13 courts)
- The US District Courts (94 courts)

# **JUDICIARY ACT OF 1869**

## **SET THE NUMBER OF SUPREME COURT JUSTICES AT 9**

- Only Congress has the power to change this number.
- Justices and federal judges are nominated by the President and approved (simple majority vote) by the Senate
- Example of Check and Balance



# OTHER COURTS

Additional courts have been added by Congress:

- The US Bankruptcy Court
- The US Court of International Trade
- The US Court of Federal Claims
- The US Tax Court

9 Justices

## **U.S. Supreme Court**

1 Court

3 Judges

## **U.S. Courts of Appeals**

13 Circuits (12 Regional and 1 for the Federal Circuit)

1 Judge +  
Juries

## **U.S. District Courts**

94 Districts, each with a Bankruptcy Court  
Plus

U.S. Court of International Trade

U.S. Court of Federal Claims

*US SUPREME COURT BUILDING*  
*WASHINGTON, DC*









# The Supreme Court's Decision Making Process

Lawyers submit briefs to justices. Justices read briefs.

Court hears oral arguments. A lawyer from each side gets 30 minutes. Judges ask lawyers questions.

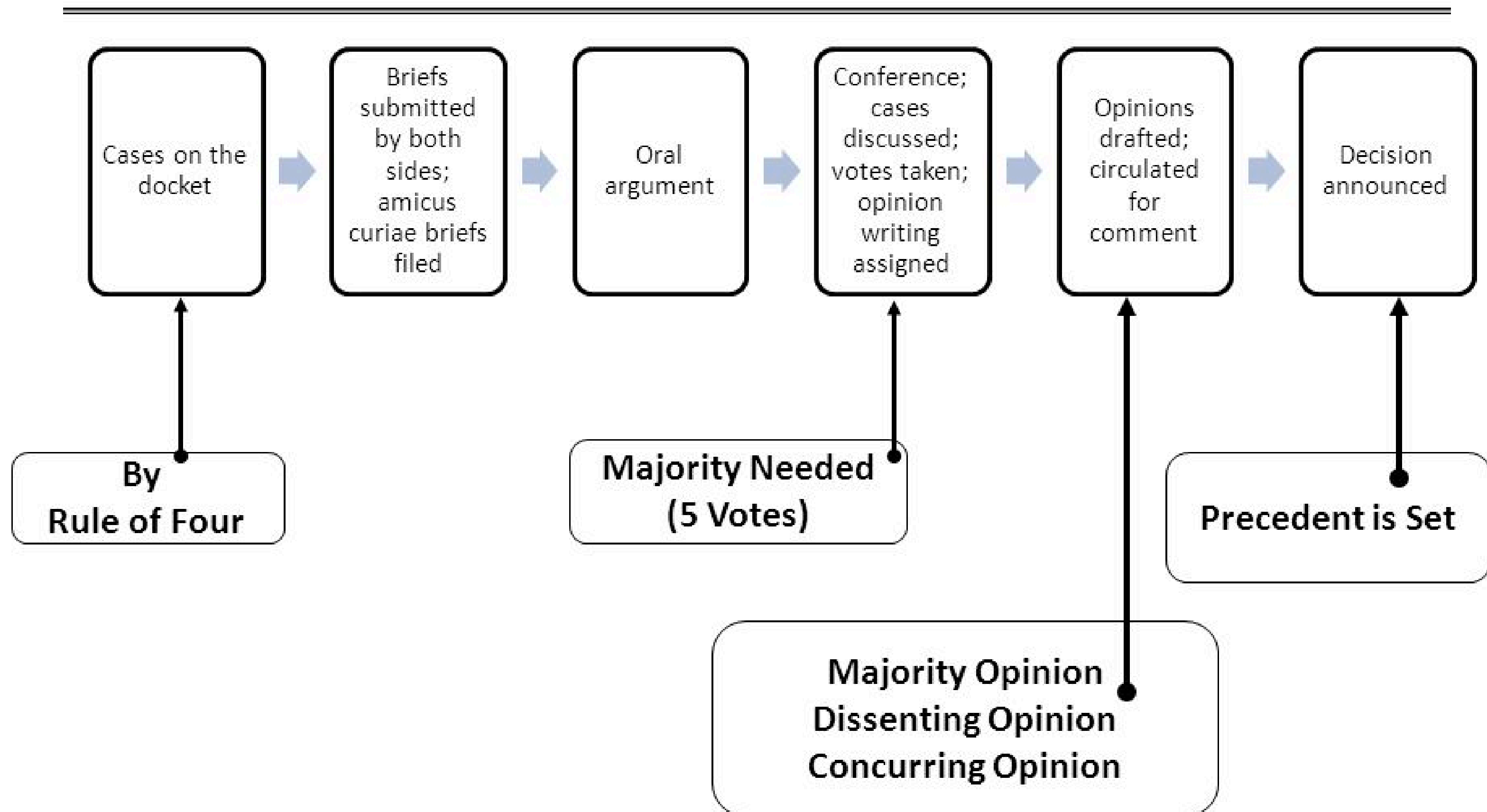
**Justices get together in conference to discuss case. Then they vote.**

**Justices write opinions to explain the reasons for their decision.**

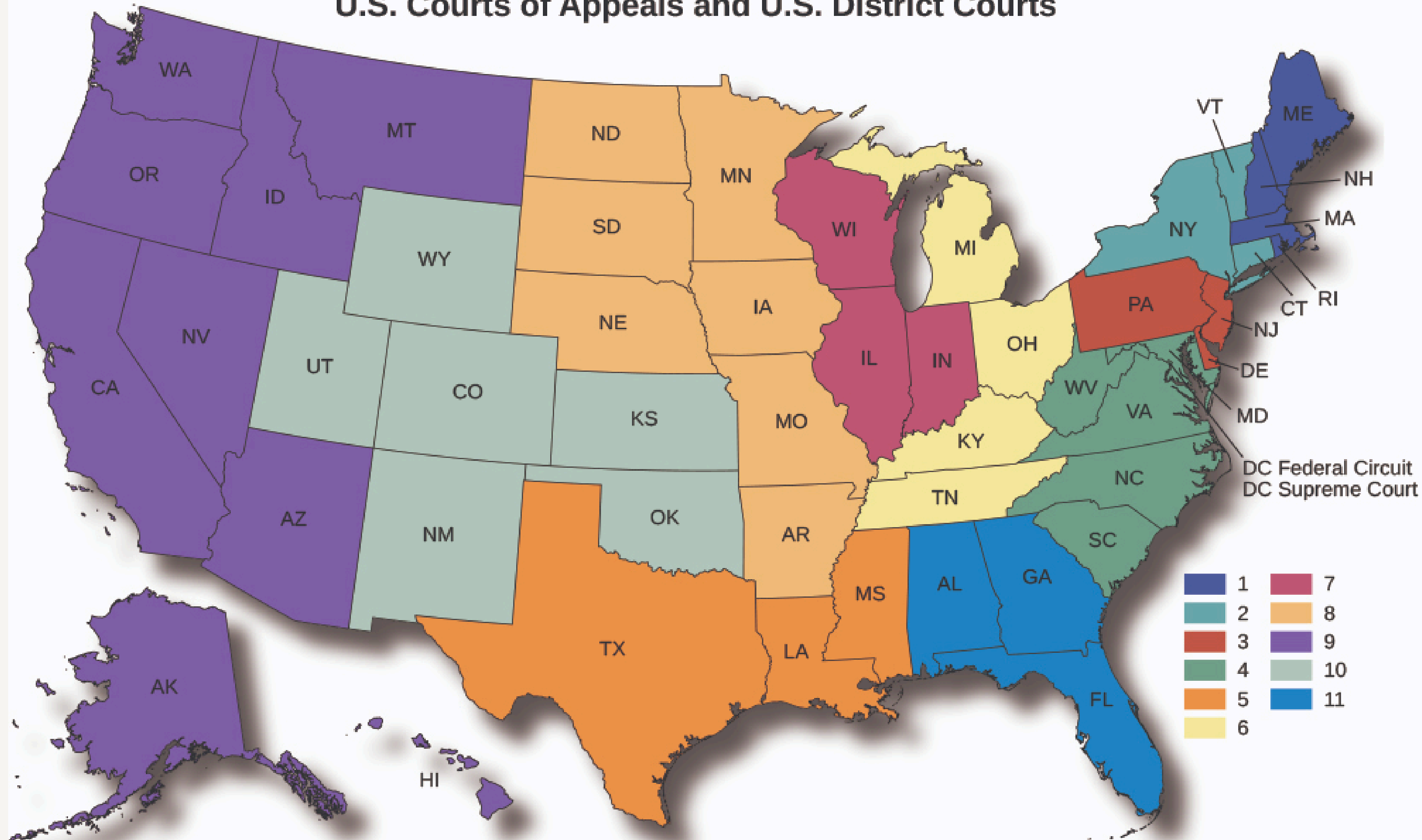
The Court's decision is announced to the public.



# Supreme Court Decision Making Process



# U.S. Courts of Appeals and U.S. District Courts



# US DISTRICT COURTS

THE TRIAL COURT FOR CASES INVOLVING FEDERAL LAW

- **94 District Courts** - at least one in each state
- **Original Jurisdiction:** Hears cases first that involve a violation of federal statutes
- **Types of Cases:** Civil and Criminal
- **People Involved:** Judge, Jury, Plaintiff and Defendant





# LET'S TALK ABOUT **IMMIGRATION COURTS**

**Immigration Judges** are part of the **Executive Branch** – not the **Judicial Branch**

**\*"Immigration judges are employees of the executive branch, not the judiciary, and often approve the Homeland Security Department's deportation efforts." [The judges] "would ... run the risk of being fired by an administration ..." if they disagree with the Attorney General.**

**\*<https://www.justice.gov/eoir/office-of-the-chief-immigration-judge>**

# POWERS & LIMITS

## ON IMMIGRATION COURTS

- POWER:
  - Make determinations of removability, deportability, excludability
- LIMITS ON POWER:
  - No jurisdiction over visas, naturalization, determinations by Homeland Security involving safe third country agreements



# IMMIGRATION APPEALS



- Decisions of Immigration Judges are reviewable by the **Board of Immigration Appeals**
- Decisions of the Board are **reviewable in certain federal courts** depending on the nature of the appeal
- Federal courts (**Judicial Branch**) have the final decision making power

## U.S. Citizenship & Immigration Services (USCIS)

**Agency Officers**  
Officers determine eligibility for immigration benefits.

**Administrative Appeals Office**  
Agency adjudicates appeals

**U.S. District Courts**

**U.S. Courts of Appeals**

**U.S. Supreme Court**

## Executive Office of Immigration Review (EOIR)

**Immigration Court**  
Immigration judges preside over immigration proceedings ('removal proceedings') to determine if a person should be removed from the U.S.

**Board of Immigration Appeals**  
Agency adjudicates appeals

**U.S. District Courts**

**U.S. Courts of Appeals**

**U.S. Supreme Court**

Federal Courts have limited judicial review authority.

# THE CONSTITUTIONAL POWERS

## ARTICLE III

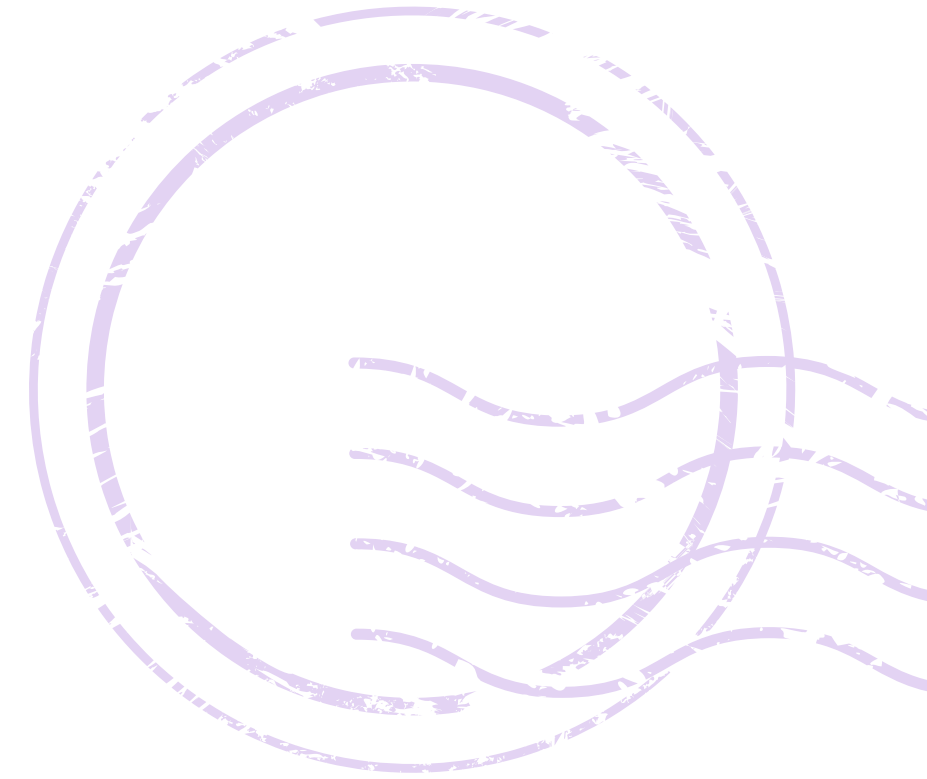


- **Judicial Powers** is the power to decide a case and render a judgement
- **Qualifications** for office include good behavior and is for a life term
- **Independent** as compensation cannot be lowered

# THE CONSTITUTIONAL POWERS

## ARTICLE III

### SUPREME COURT JURISDICTION

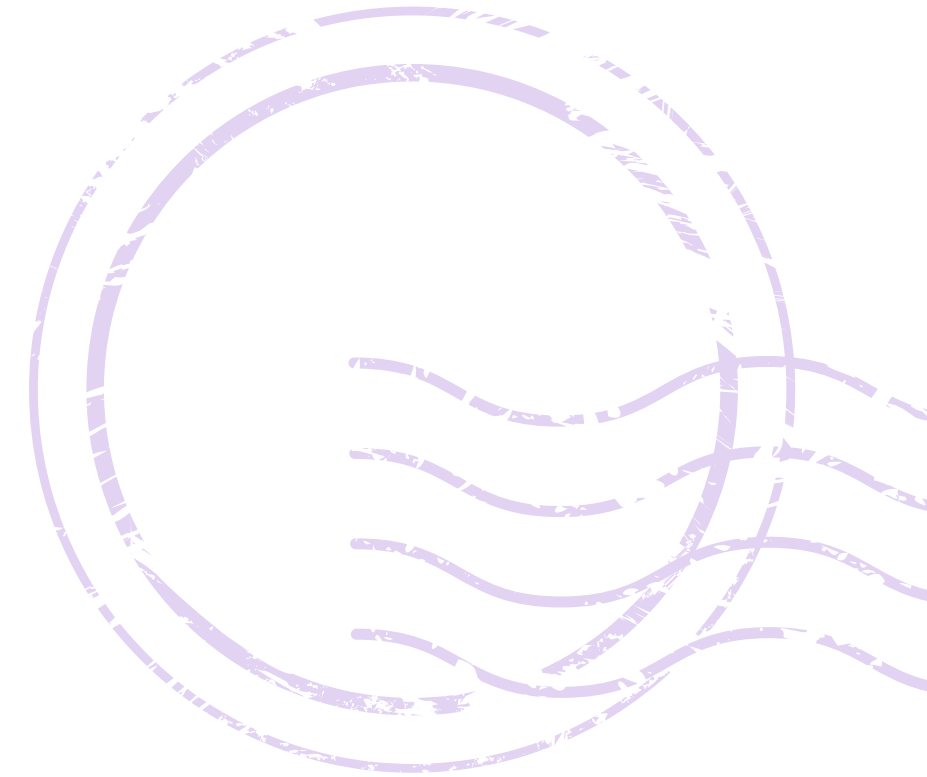


- **Original** - The Court can be the first to hear controversies between 2 or more states, cases involving ambassadors cases involving ambassadors, public ministers, and consuls, and cases where a state is a party.
- **Appellate** - All other cases and under Congressional regulations

# THE CONSTITUTIONAL POWERS

# ARTICLE III

## JURY TRIALS



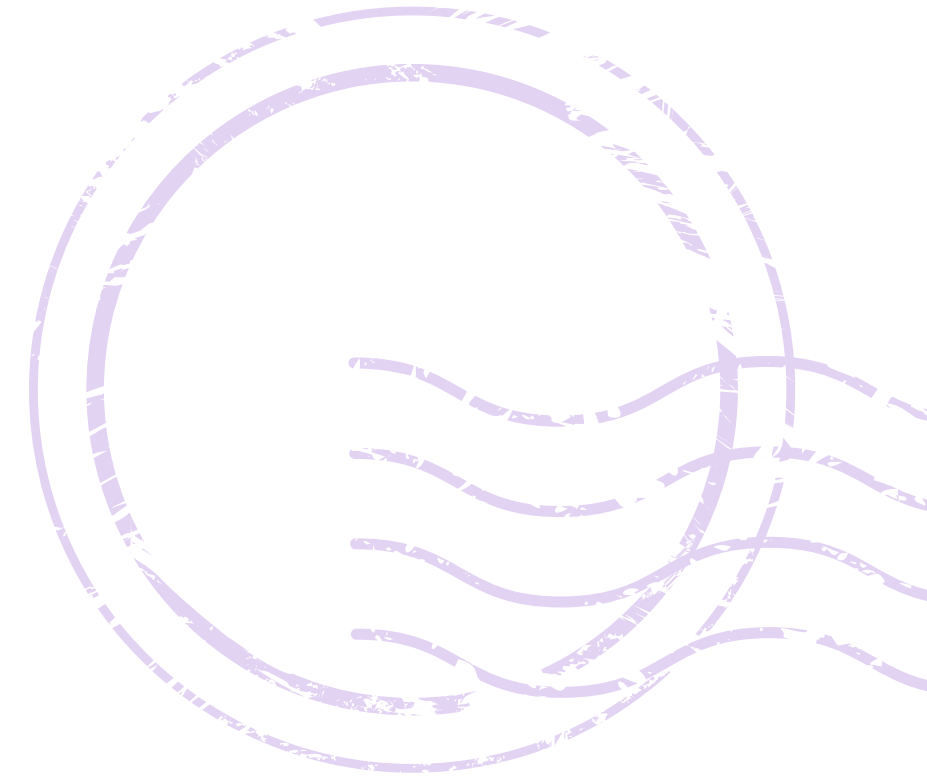
**Jury trials are a guaranteed right in the US Constitution:**

- **Trials are held in states in which crime was committed**
- **Only held in US District Courts**
- **Must involve a federal law**



# THE CONSTITUTIONAL POWERS

# ARTICLE III



## LIMITS ON POWER

**Judges and Justices can be removed through the impeachment process for bribery, treason and high crimes and misdemeanors. The House impeaches and the trial is held in the Senate**

**Eight US judges have been impeached, convicted and removed from office**





# JUDICIAL REVIEW

## MARBURY V. MADISON (1803)

- Laws passed by the US Congress and Executive Orders from the US President can be reviewed to determine constitutionality
- IF the laws/Executive Orders are determined to be unconstitutional, they are declared null and void.
- This is the MOST important power for the courts!





# SIGNIFICANT CASES

## YOUNGSTOWN STEEL V. SAWYER (1952)

- The case that set the precedent for a Court to review Presidential and Executive Orders





# SIGNIFICANT CASES

## CITIZENS UNITED V. FEC (2010)

- Significantly impacted campaign finance law
- Ruled that corporations and unions have the same First Amendment free speech rights as individuals, allowing them to spend unlimited amounts of money on political advertising independently of campaigns.








Comedy Central's "Colbert Super PAC": Stephen's Shell Corporation



Share



**HEROES\$: SCHROYER, MARK SWORDS, DAVID CHEN, JASON**

Watch on  YouTube



# SIGNIFICANT CASES

## SHELBY V. HOLDER (2013)

- Significantly weakened the Voting Rights Act of 1965
- Removed “preclearance” which had required federal approval for changes to voting in states with history of racial discrimination in elections





# SIGNIFICANT CASES

## DOBBS V JACKSON WOMEN'S HEALTH ORGANIZATION (2022)

- Overturned *Roe vs. Wade* (1973)
- The Constitution does not confer a right to abortion.



# SIGNIFICANT CASES

## ALEXANDER V SOUTH CAROLINA NAAACP (2024)

- Race must be **the predominant** factor motivating a legislature in redrawing district lines
- Courts must presume that legislatures acted in good faith in redistricting, partisan **gerrymandering** is expected and legal.





# SIGNIFICANT CASES

## RELENTLESS V DEPT OF COMMERCE (2024)

- Overruled Chevron v Natural Resources Defense Council which held that courts should defer to the Executive Branch agencies' interpretations of their own regulations
- Now **courts** “should decide all relevant questions of law” when reviewing agency actions. This increases court power over Executive Departments





# SIGNIFICANT CASES

## TRUMP V US (2024)

- Expanded understanding of Presidential immunity
- Justice Roberts majority opinion – “...with respect to the President’s exercise of his core constitutional powers, this **immunity** must be **absolute**. As for his remaining official actions, he is entitled to at least **presumptive immunity**.”





# SIGNIFICANT CASES

## TRUMP V US (2024)

- Justice Sotomayor dissenting opinion - “It makes a mockery of the principle ... that no man is above the law...the court gives former President Trump all the immunity he asked for and more ...”



# SIGNIFICANT CASES

## TRUMP V CASA (2025)

- Justice Coney Barrett majority opinion - “Federal courts likely lack equitable authority ... to issue universal injunctions that prohibit enforcement of executive actions beyond the parties before the court”





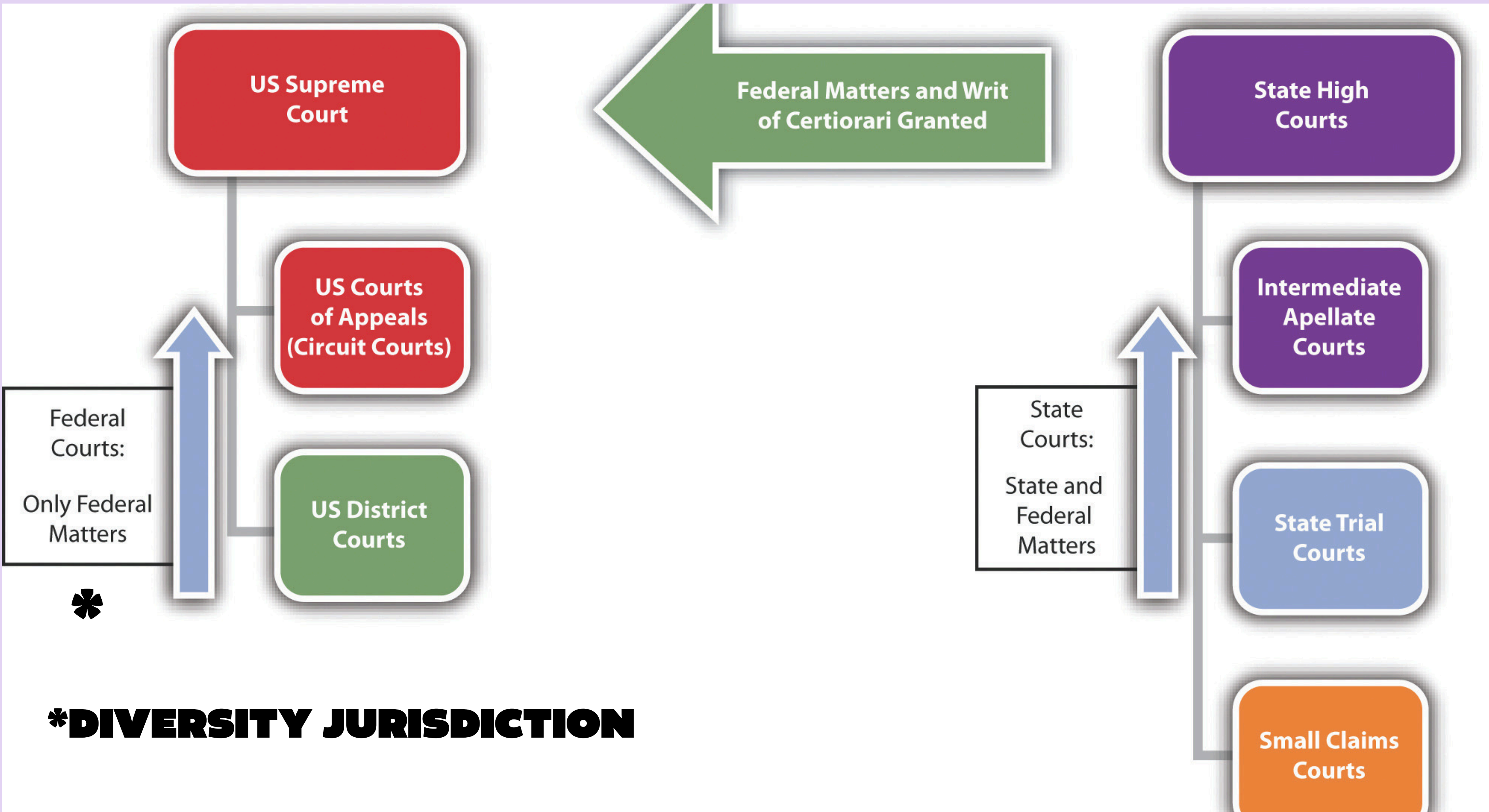
# SIGNIFICANT CASES

## TRUMP V CASA (2025)

- Justice Jackson dissenting opinion  
– “... the majority’s decision creates an existential threat to the rule of law by allowing the Executive to violate the Constitution with respect to anyone who has not sued, effectively creating zones where executive compliance with law becomes optional rather than mandatory.”



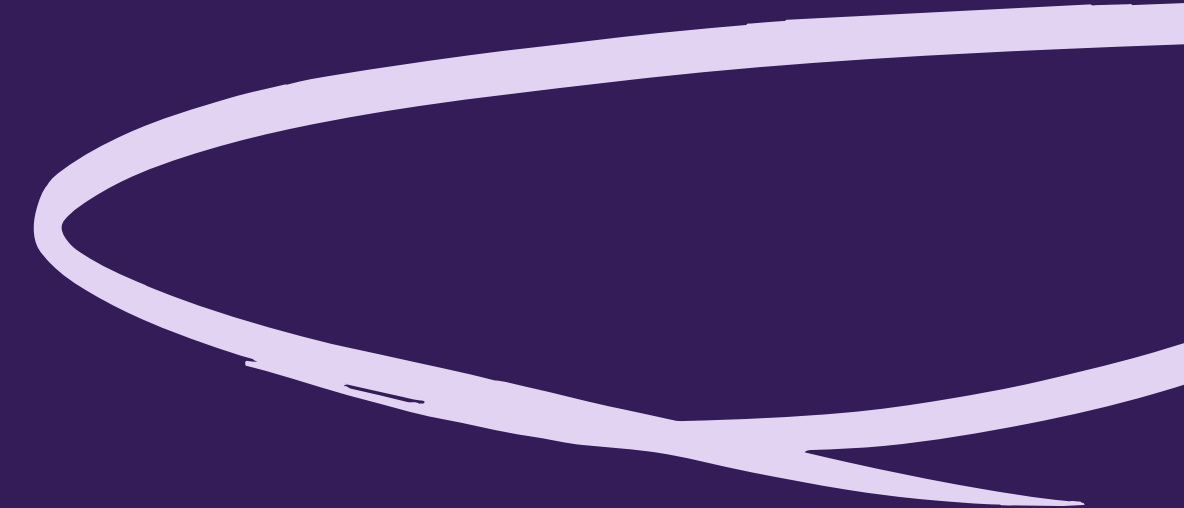






# TYPES OF CASES HEARD IN FEDERAL COURTS

- *CASES INVOLVING US LAW*
- *COUNTERFEITING US MONEY*
- *KIDNAPPING ACROSS STATE LINES*
- *ASSASSINATION OF US GOVERNMENT OFFICIALS*
- *SERIOUS DRUG OFFENSES*
- *TERRORIST ACTIVITIES*
- *DESTRUCTION OF US PROPERTY*



# Additional Things to Know

- Independent of public opinion - serve a lifetime term
- Independent of the other branches - their salaries cannot be reduced

# LIMITS ON THE COURTS

- **Impeachment and conviction** of judges that can lead to removal from office
- **May only decide** cases that deal with the US Constitution, federal statutory or administrative laws, previous US court cases or Presidential Executive Orders

# LIMITS ON THE COURTS

- **Cannot rule** on legislation and Executive Orders unless a case is brought before them
- For a case to get to the US Supreme Court - **4 justices must agree** to hear it.
- Justices **do not** review all laws passed by Congress
- Justices **do not** review all Executive Orders

# LIMITS ON THE COURTS

- The courts have **little power** to enforce their decisions.
- The **tradition** of obeying the courts' decisions (protecting checks and balances) has guaranteed our free and fair democracy



**Video unavailable**

[Watch on YouTube](#)





JOHN LEWIS:



**“DON’T GIVE UP.**

**DON’T GIVE UP ON THE  
THINGS THAT HAVE  
GREAT MEANING TO  
YOU.**

**DON’T GET LOST IN A  
SEA OF DESPAIR.”**

## KETANJI BROWN JACKSON:

**“AS A DEMOCRACY, THE PEOPLE ARE SUPPOSED TO BE THE RULERS. THE PEOPLE ARE SUPPOSED TO BE LEADING IN TERMS OF THE POLICIES AND THE WAY IN WHICH OUR GOVERNMENT OPERATES.” ...**

**“THE MORE THAT PEOPLE ARE ENGAGED WITH OUR INSTITUTIONS, THE BETTER.”**





**Q&A Time!**

