

Please come in, take out your writing journals and your data folders.

Writing prompt:

Based on the article “Why this Court Term Matters” answer the following.

Of the issues that the Supreme Court will hear cases about this term, which one do you think will have the greatest impact? Why? What are your personal views on this topic/issue?



Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases



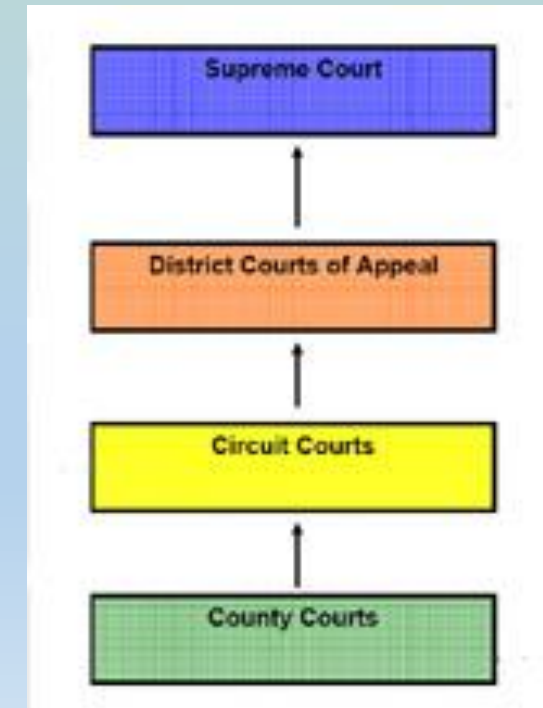
Courts of Appeal

- Intermediate level in the federal system
- 12 regional “circuit” courts, including D.C. Circuit
- No original jurisdiction; strictly appellate



District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
- No appellate jurisdiction
- Original jurisdiction over most cases



Federal Court System



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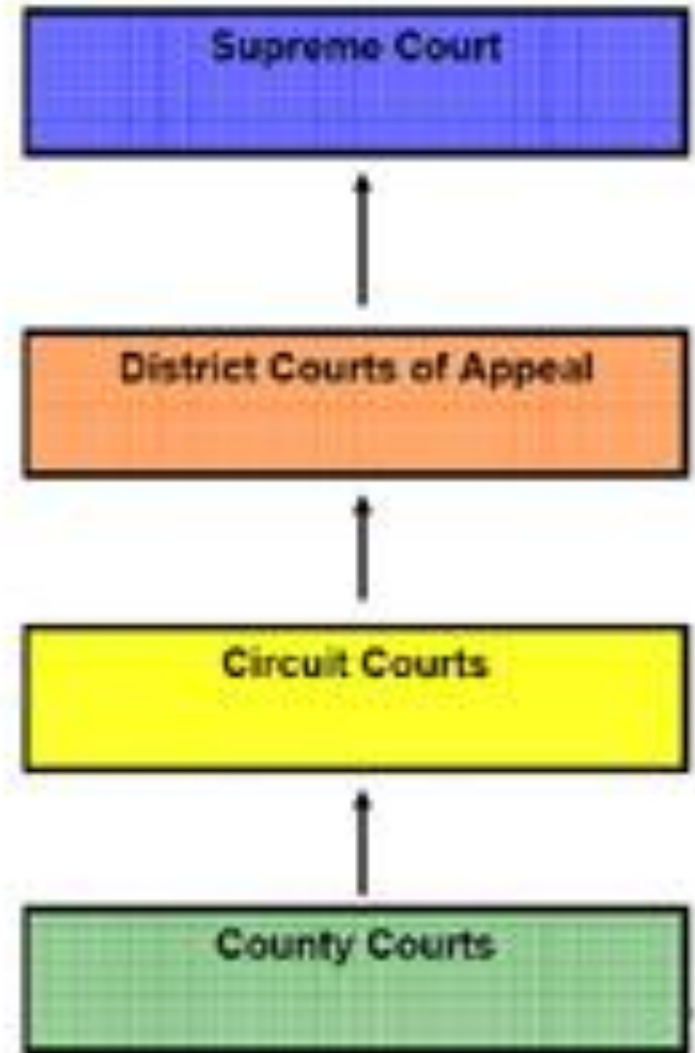
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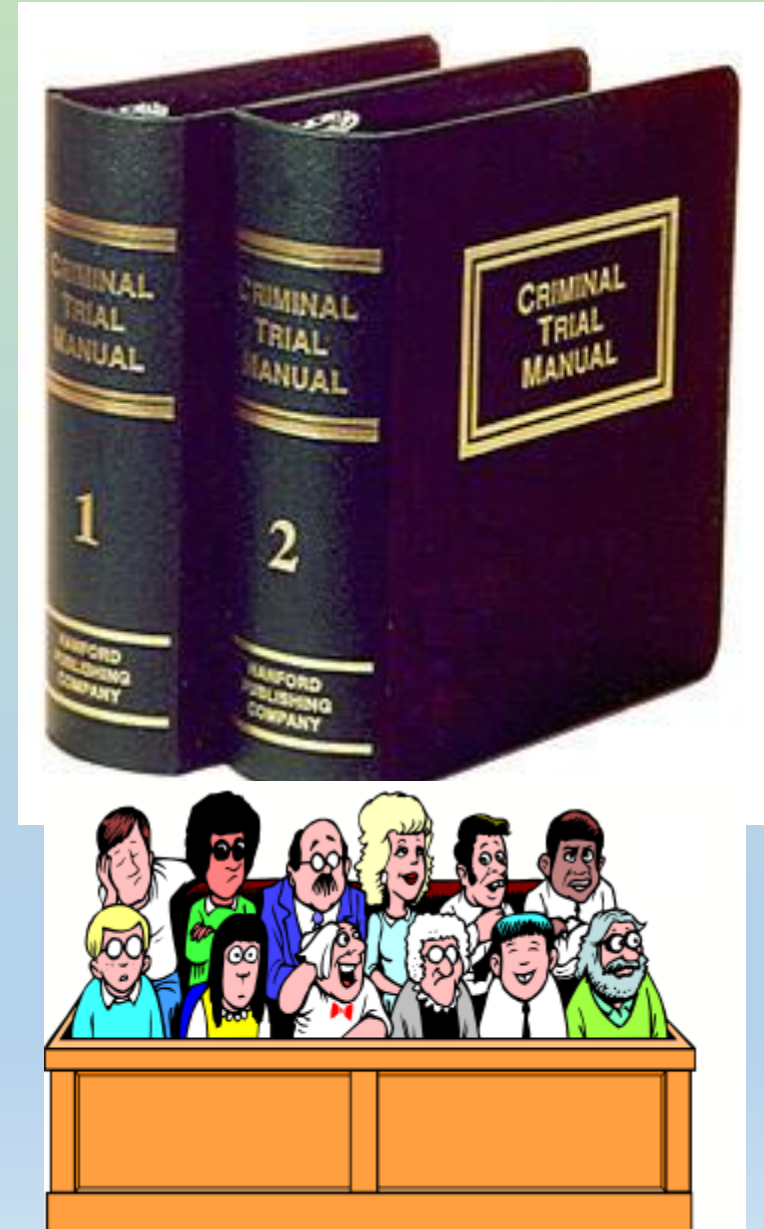
State Court System



Steps in a Criminal Trial

There are four *general* steps:

- **Step 1:** Both the *prosecution* and the *defense* will give their opening statements which tell the *judge* and the *jury* their side of the case. The *prosecution* always represents the victim/state during a criminal trial and the *defense* always represents the person being charged with the *crime*.
- **Step 2:** Each side will then call *witnesses* to give *testimony* (or answers given under *oath*) in the case. These witnesses will also be *cross-examined* by the other side.
- **Step 3:** Once all of the *witnesses* have been questioned and crossed, the *prosecution* and *defense* will offer their *closing statements* and ask the *jury* to rule in favor of their side.
- **Step 4:** The *jury* will be sent to *deliberate* (discuss) the *evidence* presented. Once they reach a *unanimous* decision they will announce the *verdict*, or the outcome of the case.



Steps in a Civil Trial

There are four *general* steps:

- **Step 1:** Cases begin when a *complaint* is filed (a formal statement naming those involved and describing the nature of the *lawsuit*).
- **Step 2:** Once filed, a *summons* (a document telling the defendant that there is a *lawsuit* against them and orders the *defendant* to appear in court) is sent by the court. A *defendant* may respond to the suit in a *pleading* (complaint and answer together).
- **Step 3:** Next is the *discovery process*. *Discovery* is the name of the process in which *lawyers* for the *plaintiff* and *defendant* check facts and gather *evidence* for the case.
- **Step 4:** Finally, the lawsuit will be heard before a *judge* or *jury* (if requested). The *judge* will make a *ruling* based on the *evidence* and facts of the case. When no *jury* is present, this *ruling* is called a *summary judgment*.



Steps in the Appeals Process

There are a number of *general* steps in the appeals process:

- *Appeals* can occur if:
 - (1) the *judge* applied the law incorrectly
 - (2) the *judge* used the wrong *procedure*
 - (3) new *evidence* turns up
 - (4) *rights were violated*.
- Depending on the type of case, the *evidence* that is presented and the *arguments* from both sides, *appeals courts* get to decide which cases they will hear and which cases they will not hear.
- *Appeals courts do not hold trials*; instead they hear *oral arguments* made by two sides – the *petitioner* (the person who disagrees with the previous ruling) and the *respondent* (the person who agrees with the previous ruling).
- Once an appeals court hears the *oral arguments*, the *judges* may do one of three things: (1) *uphold* original decisions, (2) *reverse* that decision (find in favor of the petitioner), or (3) *return* the case to the lower court.



Major Differences Between the Two

Trial Court

Federal trial courts are called district courts.

Cases are heard for the first time in a trial court.

Cases only affect the people involved with the case.

The two sides present evidence and witnesses, and either a judge or a jury makes a decision based on the evidence presented.

Appellate Court

Federal appellate courts are called courts of appeals. Cases can be further appealed to the U.S. Supreme Court.

If either party disagrees with the decision in the trial court, they can appeal, asking a higher court to review the decision.

The outcome of appeals cases have the potential to affect large numbers of people, because these decisions are binding on district courts within the circuit.

No new evidence is presented, the judge(s) simply review the materials from the original trial and determine whether the lower court made the correct legal decision.

Supreme Court Opinions

- Majority
 - Concurring
- Dissenting



Scott v. Harris

Argued: February 26, 2007

Issue

Is it reasonable for a police officer to stop a fleeing speeding motorist by ramming the car from behind?

