

# Branches of Government

## ■ Legislative Branch

- Creates the Law
- Can amend the law

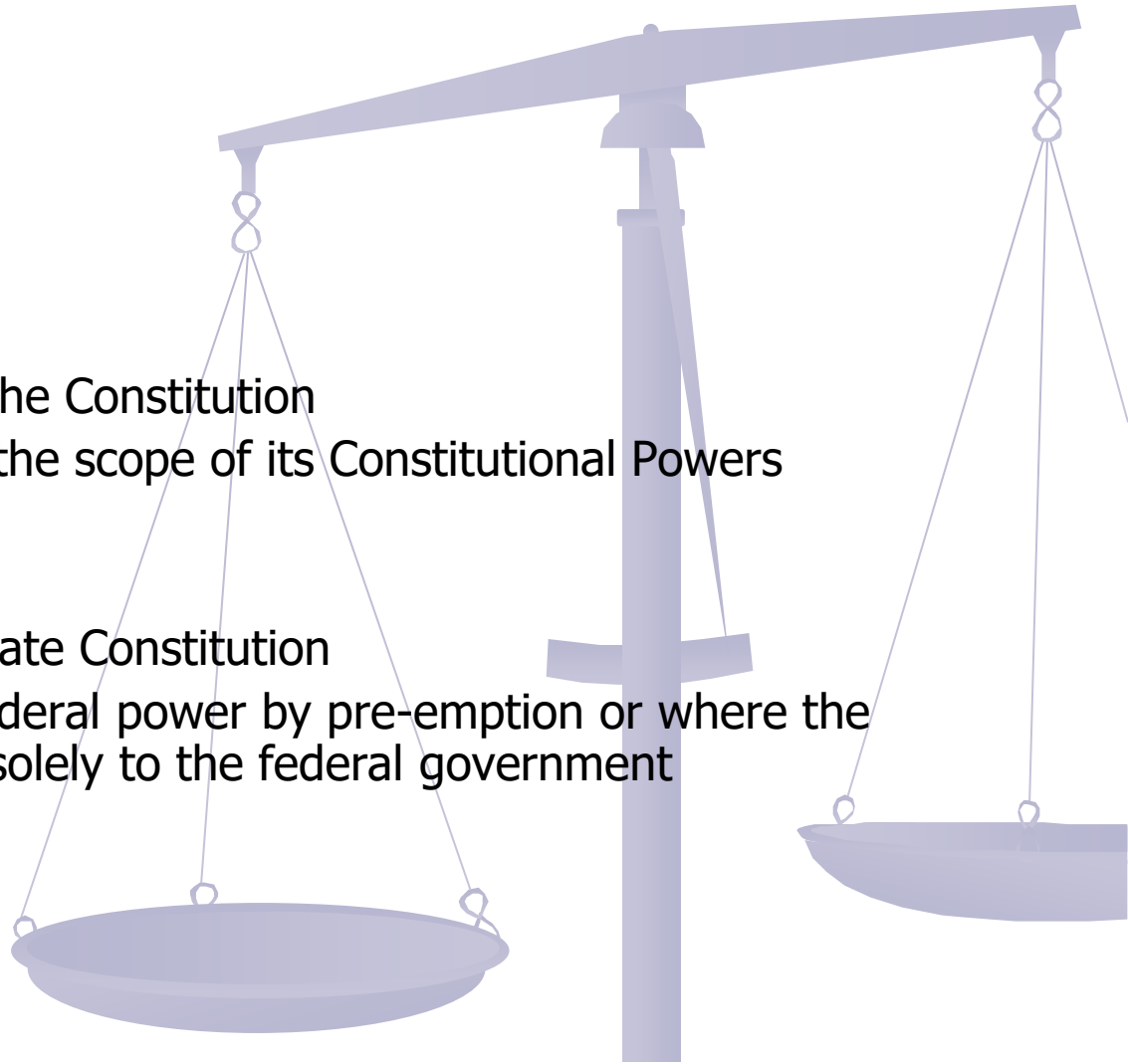
## ■ Restrictions:

### Federal Legislature

- Cannot violate the Constitution
- Cannot exceed the scope of its Constitutional Powers

### State Legislature

- Restricted by State Constitution
- Restricted by federal power by pre-emption or where the power is given solely to the federal government



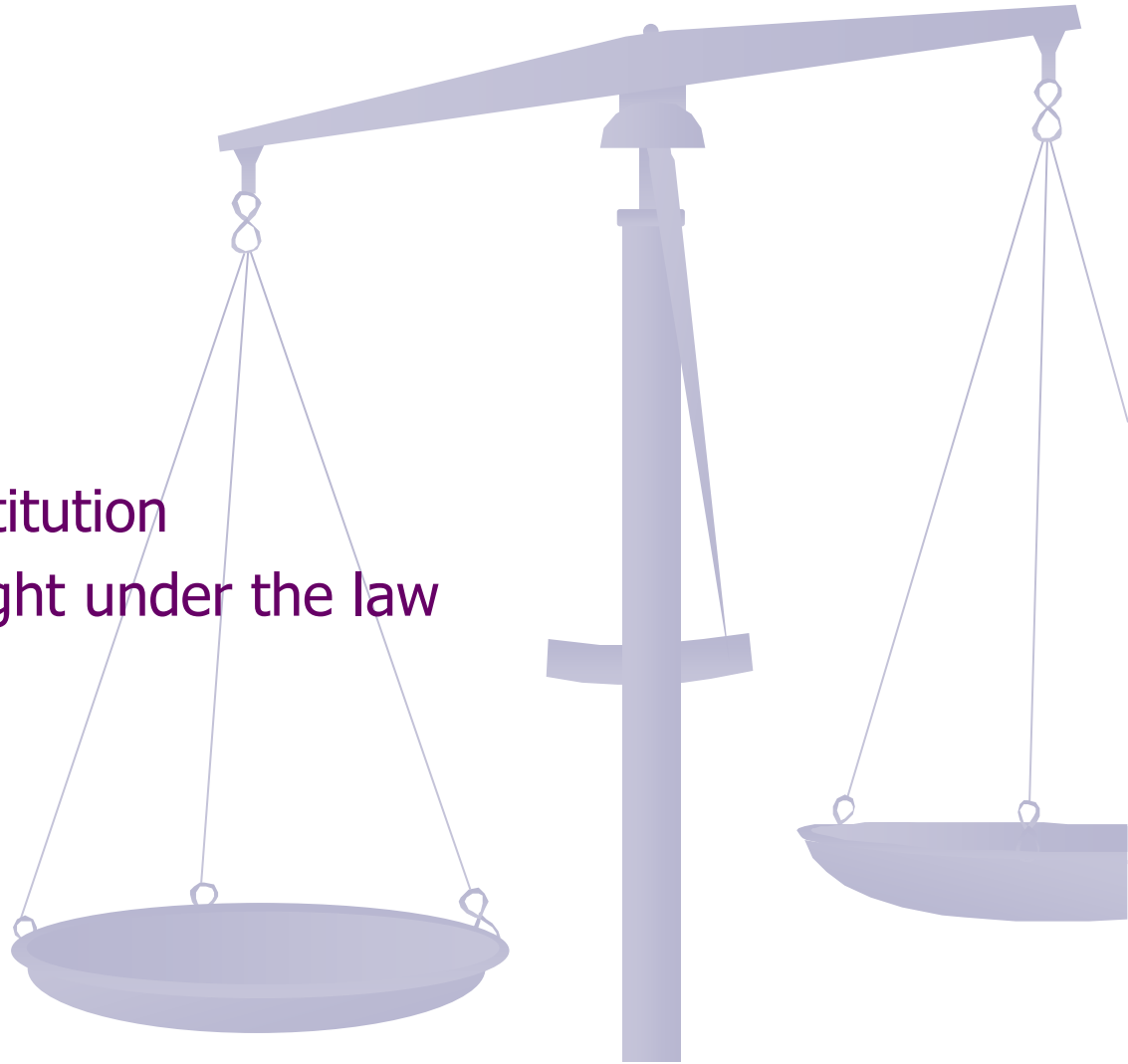
# Other Branches

- **Executive Branch**

- Vetoes Laws
- Carries out the law

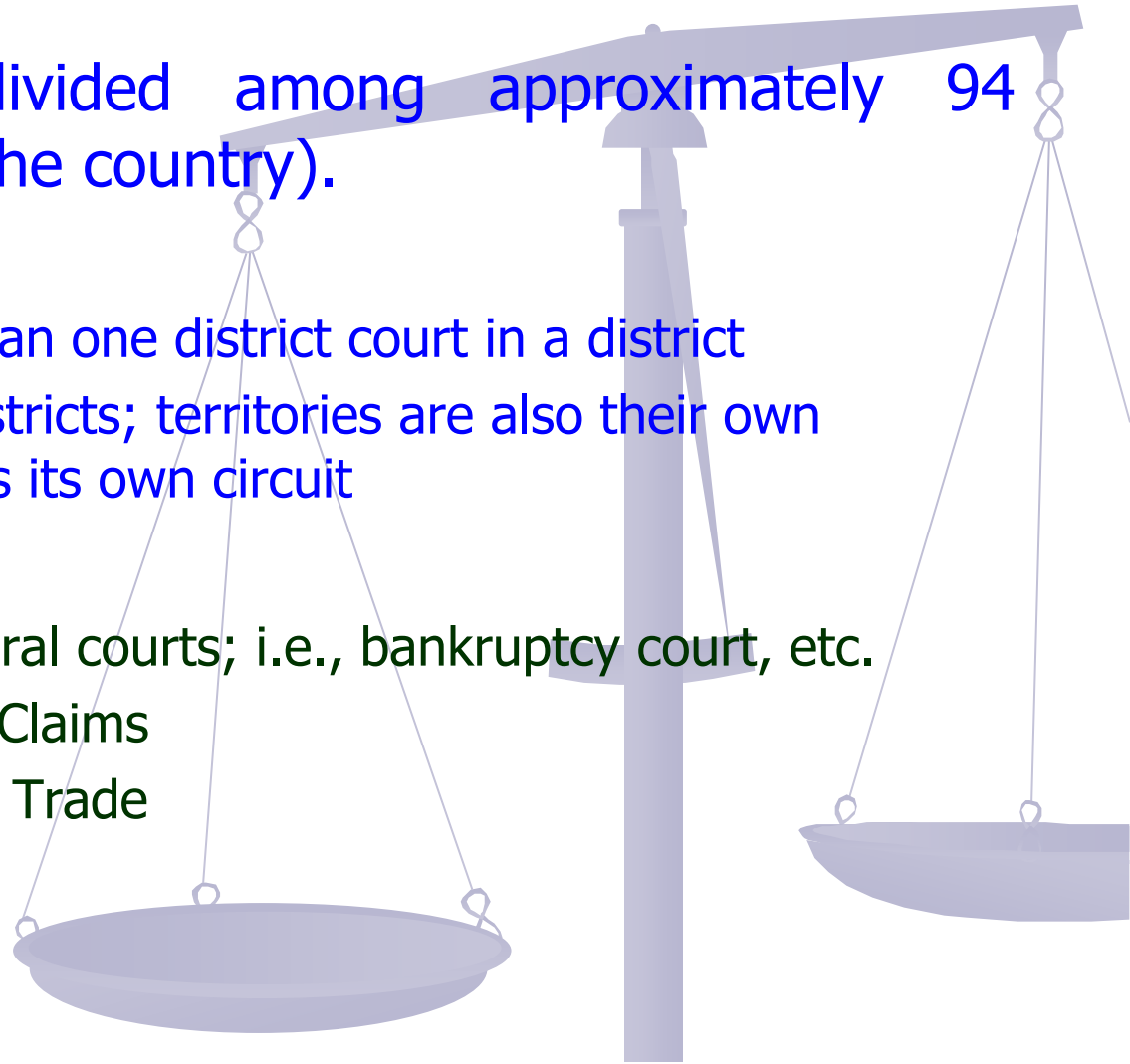
- **Judicial Branch**

- Interprets the law
- Interprets the Constitution
- Decides cases brought under the law



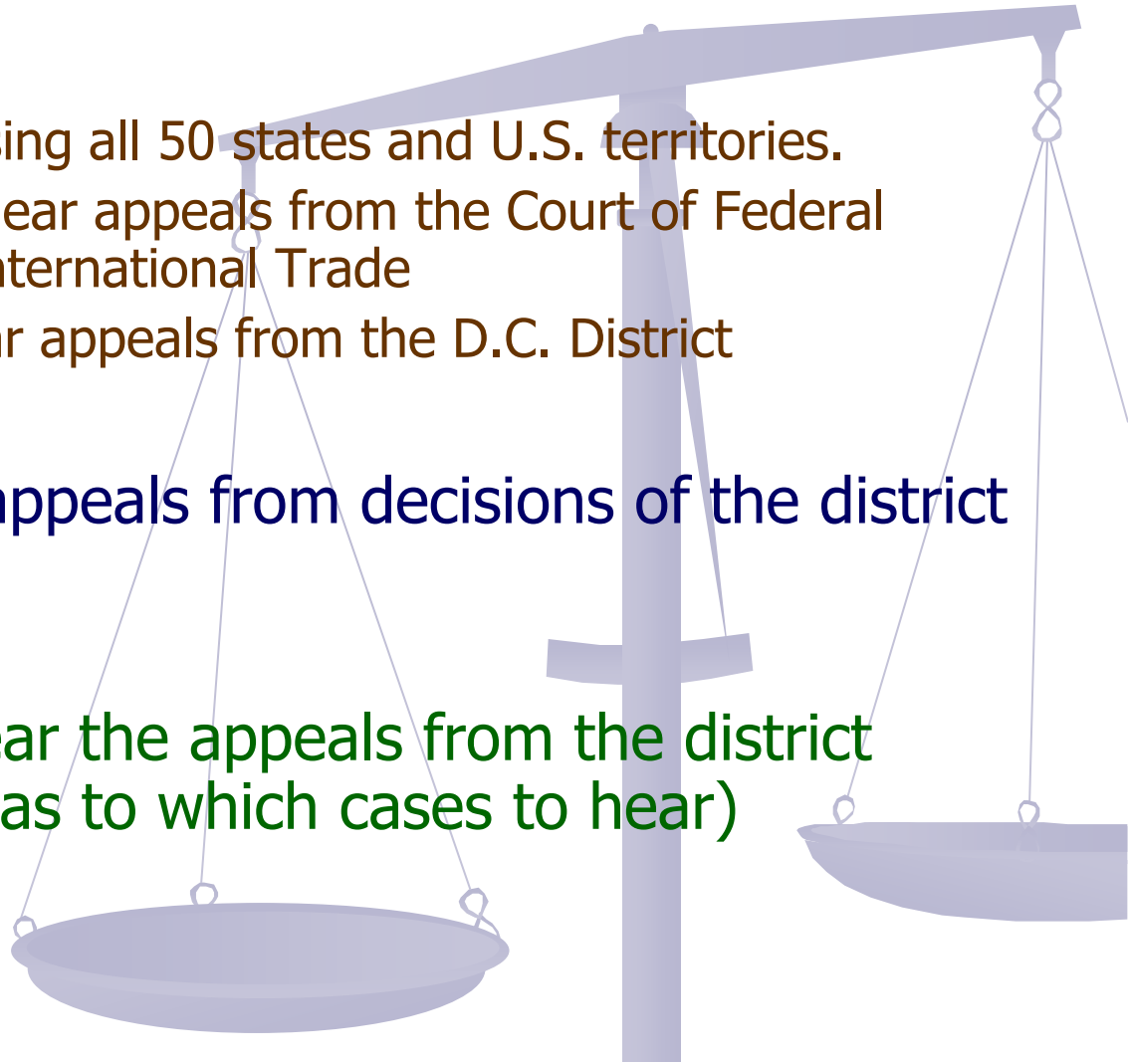
# Federal Court System – Lower Courts

- Lowest Level (trial courts)
- “District” courts (divided among approximately 94 districts throughout the country).
  - There can be more than one district court in a district
  - Each state has 1-4 districts; territories are also their own districts; D.C. also has its own circuit
  - Other “specialty” federal courts; i.e., bankruptcy court, etc.
  - U.S. Court of Federal Claims
  - Court of International Trade



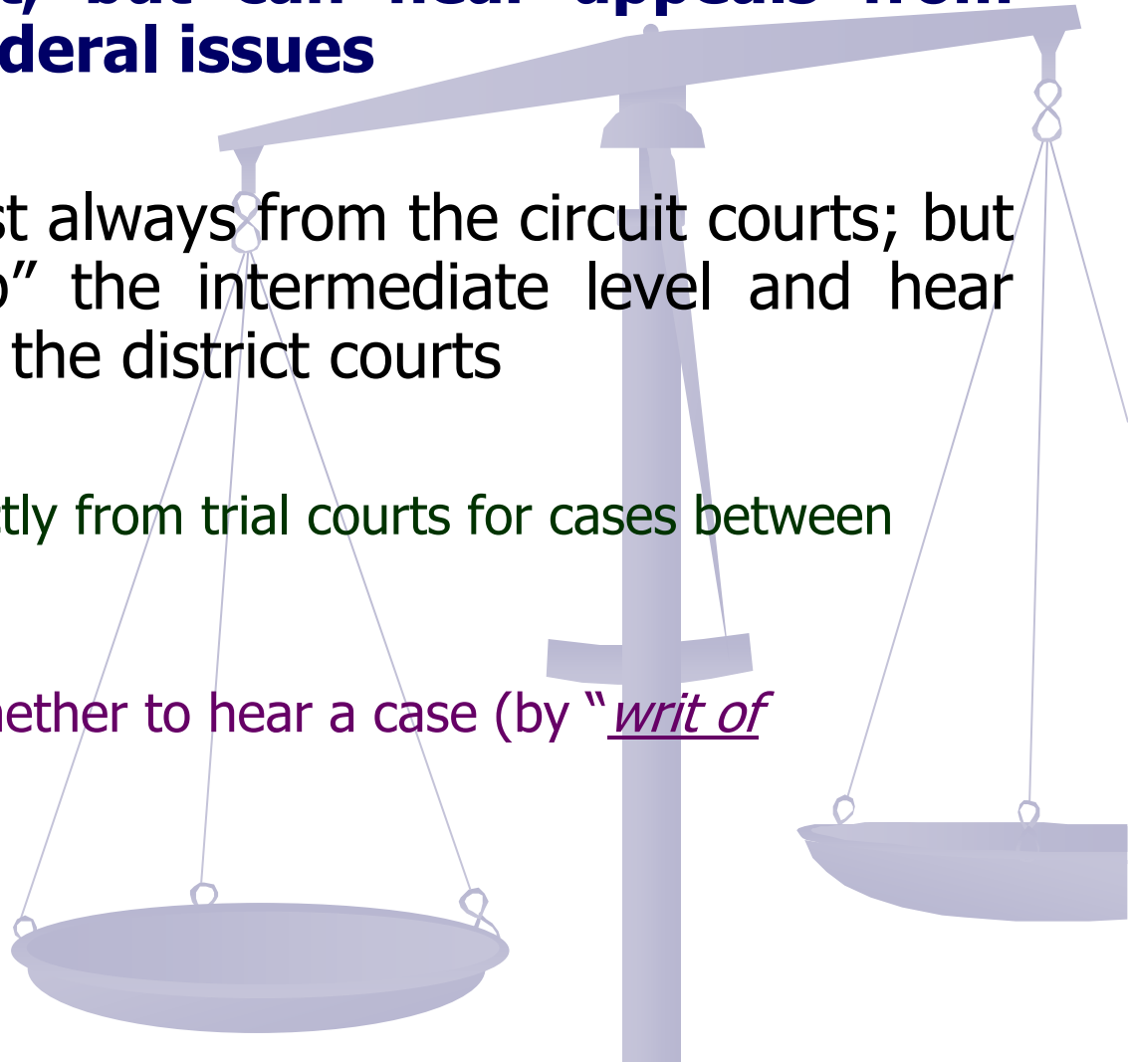
# Federal Court System – Circuit Courts

- “Circuit” Courts of Appeal
- Divided among:
  - 11 circuits encompassing all 50 states and U.S. territories.
  - 1 “federal circuit” to hear appeals from the Court of Federal claims and Court of International Trade
  - 1 “D.C. Circuit” to hear appeals from the D.C. District
- These handle direct appeals from decisions of the district courts
- They usually must hear the appeals from the district courts (no discretion as to which cases to hear)



# The U.S. Supreme Court

- **Highest court in the U.S.**
- **Is a federal court, but can hear appeals from states courts on federal issues**
- Hears appeals; almost always from the circuit courts; but can sometimes “skip” the intermediate level and hear appeals directly from the district courts
  - Also hears cases directly from trial courts for cases between states, for example.
  - Usually can decide whether to hear a case (by “writ of certiorari”)

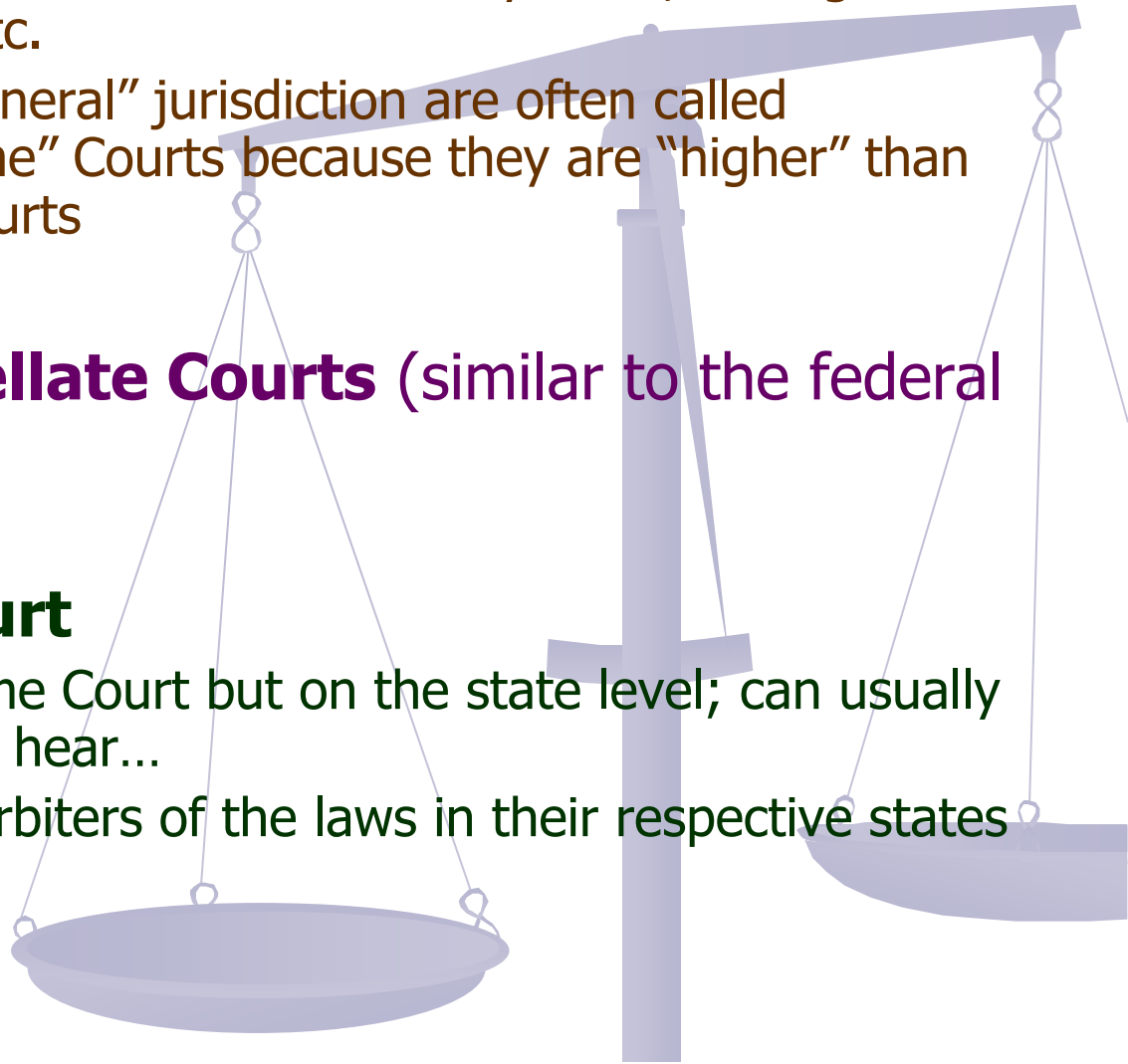


**QUIZ TIME!**



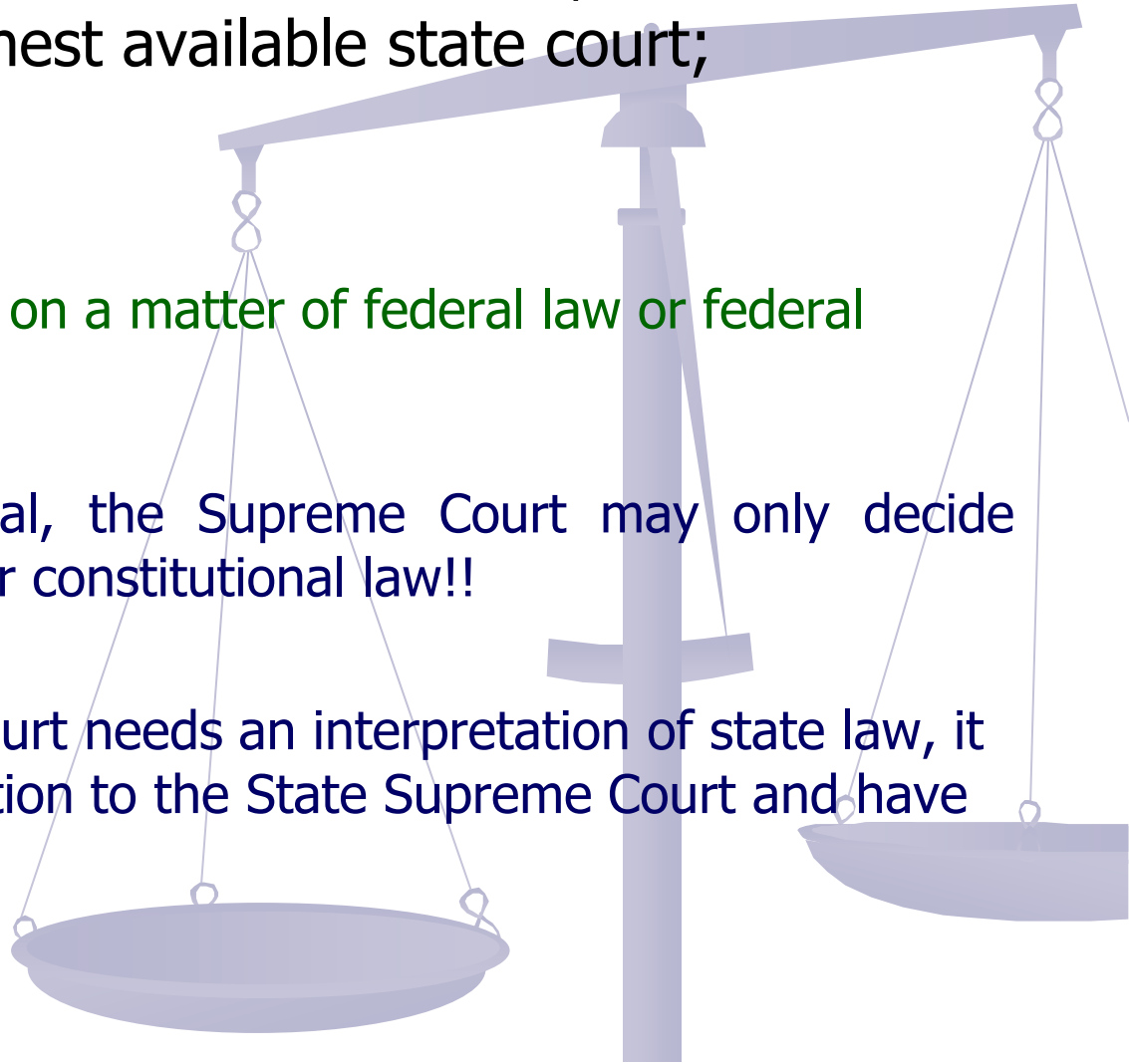
# State Court System

- **Trial courts** (often called district or county courts)
  - Also includes specialty courts such as Family court, Surrogates court, Traffic court, etc.
  - The trial courts of “general” jurisdiction are often called “Superior” or “Supreme” Courts because they are “higher” than the other specialty courts
- **Intermediate Appellate Courts** (similar to the federal circuit courts)
- **State Supreme Court**
  - Similar to U.S. Supreme Court but on the state level; can usually decide which cases to hear...
  - These are the final arbiters of the laws in their respective states



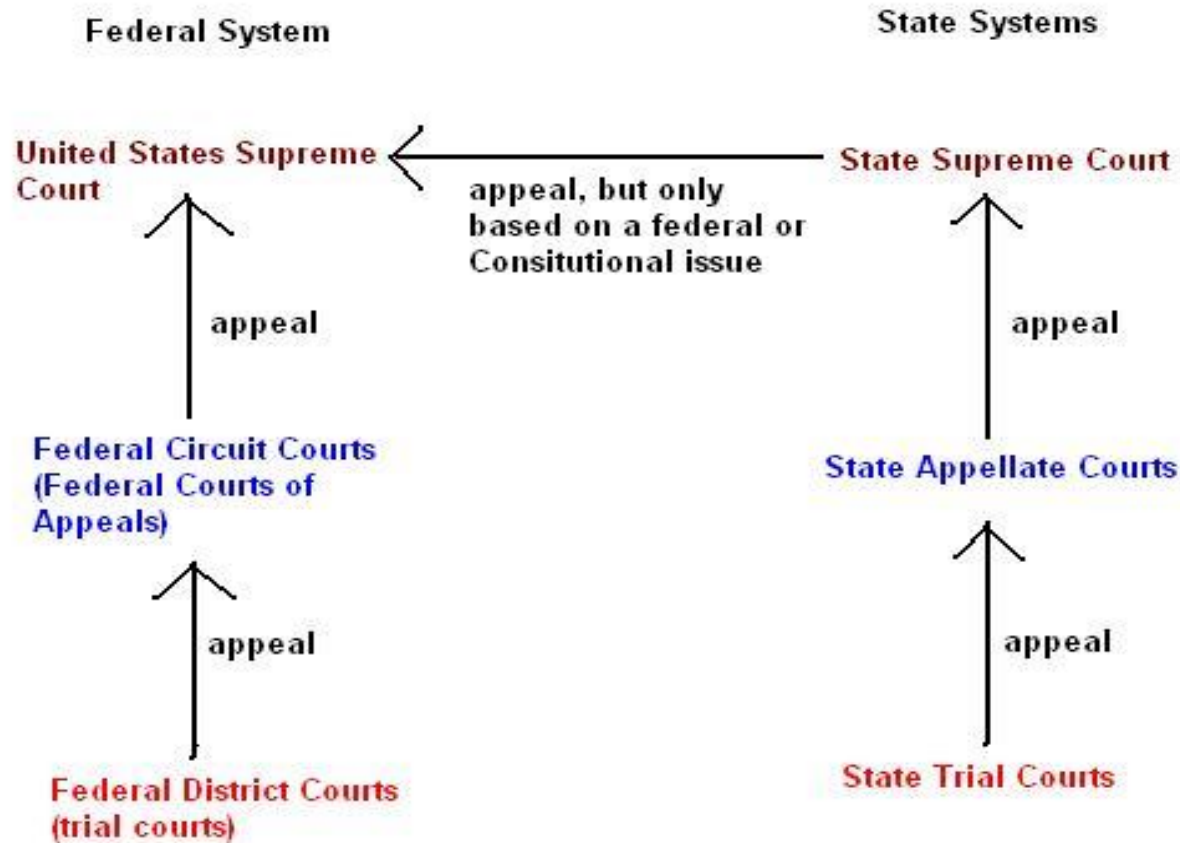
# State Court Appeals to the U.S. Supreme Court

- The Supreme Court is a **federal** court; but can hear appeals from the highest available state court;
- **IF AND ONLY IF**
  - The decision depends on a matter of federal law or federal Constitution
    - In such an appeal, the Supreme Court may only decide issues of federal or constitutional law!!
    - If the Supreme Court needs an interpretation of state law, it can certify a question to the State Supreme Court and have them answer it





# Overview of the U.S. Court System



**ANY DECISION BY A COURT TO WHICH AN ISSUE CAN BE APPEALED IS BINDING UPON THE "LOWER" COURT!**

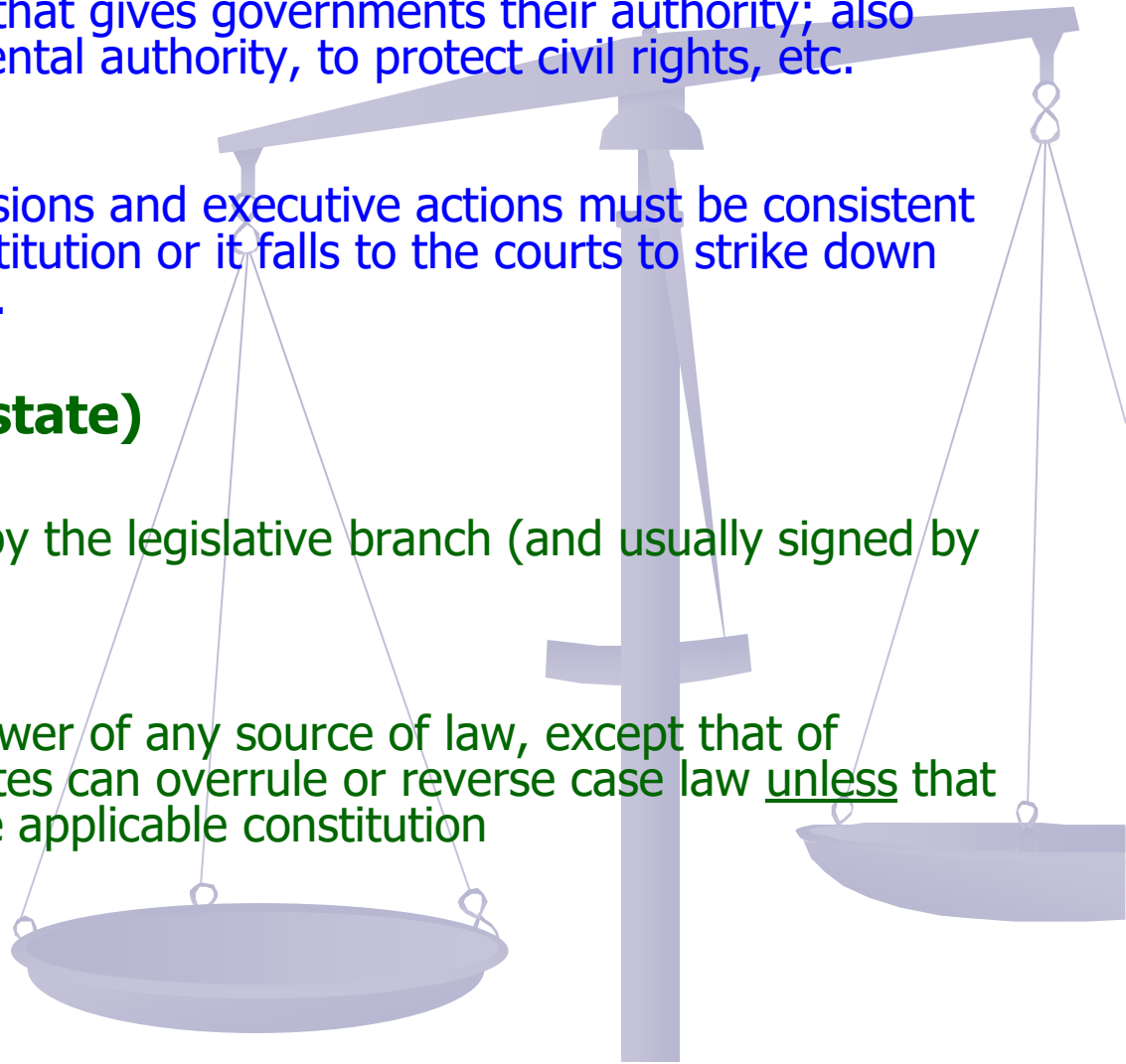
# Sources of Law – Part 1

## ■ **Constitution (federal and state):**

- The ultimate document that gives governments their authority; also serves to limit governmental authority, to protect civil rights, etc.
- Other laws, judicial decisions and executive actions must be consistent with the applicable constitution or it falls to the courts to strike down (law, decision or action).

## ■ **Statutes (federal and state)**

- These are laws passed by the legislative branch (and usually signed by the executive)
- These have the most power of any source of law, except that of constitutional law; statutes can overrule or reverse case law unless that case law is based on the applicable constitution



# Sources of Law – Part 2

## ■ Case law

- Interpretations of existing statutes or constitutions by court

## ■ Common law

- Law that has been established dating back to British law and early American law.
- The common law is binding only to the extent that courts today apply it. It can be reversed at any point by statute or binding court decision

## ■ Administrative Agencies

- Because the legislature cannot govern all areas by itself, it can delegate authority to agencies that able specialize in their respective areas of expertise (e.g., FCC, FAA, FDA, etc.)

