

SUPREME COURT ESTABLISHMENT, ORGANIZATION & OPERATION

The Supreme Court of the United States and the Chief Justice of the United States included in the Constitution, nothing else, hence court system established by Congress.

Establishment of the federal court system

Judiciary Act of 1789

Requirement of Supreme Court justices ride circuit and hold court twice each year for the first 101 years.

Establishment of U.S. Supreme Court Power

Judicial Independence

Chisholm v. Georgia (1793)

Appointment of Chief Justice John Marshall (1801)

Single Opinion of the Court

Judicial Conference (discussion/voting procedures)

Meaning of the vote (today), e.g., 9-0 . . . 5-4

Opinion writing

Publication in U.S. Reports

Marshall's impact on the Court (1801-1835) (1,000 cases/500 opinions)

Doctrine of Judicial Independence [John Pickering Impeachment (1803)]

Judicial Review [Marbury v. Madison (1803)]

Doctrine of Judicial Sovereignty [Fletcher v. Peck (1810)]

Court System Structure

U.S. Supreme Court

State Supreme courts

U.S. Circuit Courts of Appeals

State Circuit courts

U.S. District Courts

State District (trial) courts

Organization of the U.S. Supreme Court

October Term; oral argument; recess/case consideration; opinions rendered

Appointments to the U.S. Supreme Court and lesser federal courts

Formal process

Importance of U.S. Supreme Court and lesser court opinions

Current Supreme Court membership

U.S. Supreme Court consideration of cases

Original Jurisdiction (in the Constitution)

Appeal (i.e., hierarchy of courts)

Federal court declares state law unconstitutional

Federal court declares federal law unconstitutional

State court declares federal law unconstitutional

State court upholds state law that violates federal law

Writ of certiorari (1925; Rule of 4; transformed Supreme Court into a public law court.