



FEDERAL JURISDICTION

- Three** main things:
- “federal questions”: violation of federal statutes
 - citizens of different states sue each other
 - appealing decisions of State Supreme Courts because of rights violations (e.g. Miranda v. Arizona 1966)

FEDERAL COURT DECISION PROCESS

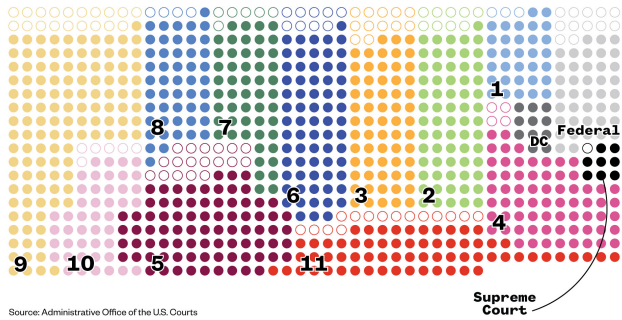
- District Courts**
- Trial jury, judge presides
- Circuit Court of Appeals**
- 3 judge panel
- Supreme Court**
- 9 judge panel

IN THE MODERN ERA, NOMINATIONS
ARE HIGHLY CONTESTED
AND THE SENATE IS LESS WILLING TO
CONFIRM...



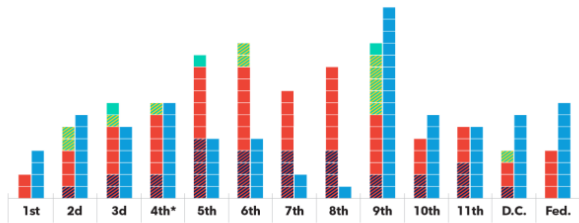
Nominee	To Replace	Nominated	Vote	Result & Date
President Trump, Donald				
Kavanaugh, Brett	Kennedy	Jul 10, 2018	50-48 No. 223	C > Oct 6, 2018
Gorsuch, Neil M.	Scalia	Feb 1, 2017	54-45 No. 111	C > Apr 7, 2017
President Obama, Barack				
Garland, Merrick B.	Scalia	Mar 16, 2016		N >
Kagan, Elena	Stevens	May 10, 2010	63-37 No. 229	C > Aug 5, 2010
Sotomayor, Sonia	Souter	Jun 1, 2009	68-31 No. 262	C > Aug 6, 2009
President Bush, George W.				
Alito, Samuel A., Jr.	O'Connor	Nov 10, 2005	58-42 No. 2	C > Jan 31, 2006
Miers, Harriet	O'Connor	Oct 7, 2005		W > Oct 28, 2005
Roberts, John G., Jr. ¹	Rehnquist	Sep 6, 2005	78-22 No. 245	C > Sep 29, 2005
Roberts, John G., Jr.	O'Connor	Jul 29, 2005		W > Sep 6, 2005
President Clinton, Bill				
Breyer, Stephen G.	Blackmun	May 17, 1994	87-9 No. 242	C > Jul 29, 1994
Ginsburg, Ruth Bader	White	Jun 22, 1993	96-3 No. 232	C > Aug 3, 1993
President Bush, George H.W.				
Thomas, Clarence	Marshall	Jul 8, 1991	52-48 No. 220	C > Oct 15, 1991
Souter, David H.	Brennan	Jul 25, 1990	90-9 No. 259	C > Oct 2, 1990
President Reagan, Ronald				

U.S. Federal Court System



Circuit Makeup and Vacancies

82 (D)-Nominated 86 (R)-Nominated 3 Current and Known Future Vacancies (No Nominees Pending)
 30 Trump Nominees Confirmed 12 Current and Known Future Vacancies (Nominees Pending)



*Chief Judge Roger Gregory is counted as (R)-nominated, but was recess-appointed by Bill Clinton before being nominated by George W. Bush.

Bloomberg Law

APPEALS?

358,563 new federal cases (in 2018)

50,980 make it to circuit court (in 2018)

7000-ish filed in Supreme Court (in 2018)

Supreme Court decides fewer than 100 (in 2018)

Appeals don't have to be heard: "cert", or a petition for writ of certiorari requires 4 of 9 justices on the Supreme Court (the rule of four)

So, most circuit court decisions stand (so they're very important)

HOW DO JUDGES DECIDE?

Facts of the case

Remember: nearly all start with a jury trial in a district court

Existing **doctrine**:

precedent (existing case law) informs decision

Stare decisis: "let the decision stand"

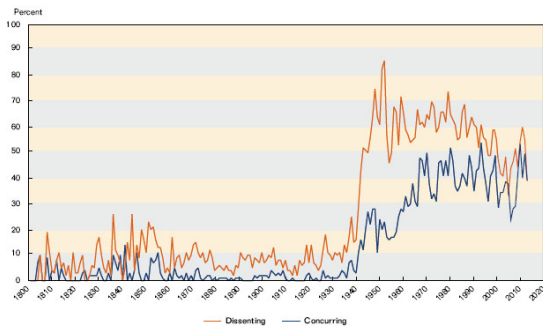
Judicial **philosophies**, e.g.

Textualism: what do the words mean in plain text? (Hugo Black)

Originalism: what did the framers mean/intend? (Clarence Thomas)

Purposivism: what's the point of this section/clause? (Stephen Breyer)

YOU GET MORE THAN JUST A DECISION: JUDICIAL OPINIONS



"I have no agenda, but I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench. And I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability. And I will remember that it's my job to call balls and strikes and not to pitch or bat."

—THEN NOMINEE, JOHN ROBERTS, BEFORE THE SENATE

