Structure of the Court System: Crash Course Government and Politics #19

Crash Course: U.S. Government and Politics
https://youtube.com/watch?v=IGyx5UEwgtA
https://nerdfighteria.info/v/IGyx5UEwgtA

Hi, I'm Craig and this is Crash Course Government and Politics. As fans of our series know, here at Crash Course we believe in hierarchy. First at the top you got me, then there's John Green, then Stan, then Brandon, then Zulaiha, then a bunch of independent contractors - wait I'm an independent contractor. But I'm still at the top! Anyway then the rest of it's turtles all the way down. 'Cept at the bottom. There's an eagle.

Anyway, it's the strict adherence to hierarchy that makes CC HQ run like a well-oiled machine. The same can be said for the U.S. court system.

(Intro music)

As you probably remember, because you're a smart rememberer of things, the American court system is hierarchical which means any discussion of it cries out for a visual representation. Thought Bubble!

Like Drake, we'll start from the bottom. The trial courts have original jurisdiction. When you realize there are 50 states, each with its own court system, it shouldn't be a surprise that the vast majority of cases start out in state courts. Of course most cases never get to court at all. The vast majority of disputes, criminal and civil, are settled outside of court. How's that for efficiency.

On the federal side, the trial courts are the U.S. district courts. There are 94 of them with 663 judges, more or less. Sometimes in civil cases a plaintiff, the person bringing the case, will have a choice of whether to bring that case in state or federal court. But you can only start in the district courts if your case meets certain important criteria. Almost all criminal cases start in state courts. So if you don't like the result in a trial court, and you have a reasonable claim that there was something procedurally wrong with the case or the way the law was applied, you can bring an appeal.

Notice that if you start in state courts, you usually have more chances for appeal because most states have two levels of appellate courts, and the federal system has one. Appeals courts can refuse to hear appeals, and if they do, you're done. One thing to remember the loser can always try to appeal, even if that loser was of the state that failed in its prosecution.

Federal appeals courts are called circuit courts and there are 12 of them distributed regionally throughout the U.S.. You might guess if the region where your case is heard matters, and you'd be right! Judges in the 9th circuit, which includes California and Oregon, tend to be more liberal than judges in the 5th circuit.

Federal appeals are usually heard by panels of three judges while trials in the district court are before a single judge. There are four scenarios where the federal courts have original jurisdiction and in all cases they must be brought in a district court.

They are:
Cases where the law at issue is a federal law like a claim against ObamaCare.
Cases involving treaties which are by definition federal laws. These are pretty rare and rarely interesting.
Cases involving the U.S. Constitution. For example a case concerning freedom of religion.
And cases where the U.S. government is a party to the litigation.

The other type of case that can go in a federal court is one involving more than one state where there's more than 70,000 dollars at issue. This make sense because if the parties in dispute are in different states, they might not even agree where to have the trial and federal judges are supposed to be more impartial than state judges.

Thanks Thought Bubble. So thoughtful. So bubbly.

If you read the news and pay attention to legal cases, most of what you see are lower court decisions. At least until the spring when the supreme court starts handing down decisions. These are the ones that tend to make it into the history books and that you may have even heard of. But how does a case get to the supreme court, Craig? Well, I will answer that for you. That's my job.

Most of the time, the supreme court has appellate jurisdiction. In fact, it's the final court of appeals. If you lose there, you really really lost. When the court hears a case it's called judicial review. There are however circumstances when the supreme court has original jurisdiction and can act like a trial court. So it's a good thing that most of the justices are in fact lawyers. Although there's no constitutional requirement that they need to be.

The court has original jurisdiction in cases between the U.S. and a state, cases between two or more states, cases involving foreign ministers or ambassadors, and cases brought by citizens of one state against citizens of another state or against a foreign country.

What do these cases have in common? The main thing is that you can't imagine there being a single state where they could happen. This is especially true in cases involving foreign officials.

And then there are my favorite supreme court cases - crimes committed on the high seas. That's right the supreme court can exercise original jurisdiction over pirates! This is not as weird as it sounds because crimes on the high seas by definition have not happened in any state so where are you gonna have the trial?

But most of the time, cases that make it to the supreme court are there on appeal. In order for the court to exercise its appellate jurisdiction, the case must raise a federal question. For example one involving due process or equal protection, or an important federal statute. Statute! If you don't know what those terms mean, don't worry. We'll get to them.

Here's the thing though, the supreme court doesn't hear a lot of cases, it doesn't want to. And I don't want to either! I understand! They also can't. And it's not just because most of the justices are kind of old, it's because there are only nine of them, and they get requests to review about 8,000 cases a year.

Out of these they actually hand down about 80 decisions. So they have decision rules to weed out the cases that they don't want to hear. The first one is there has to be a case or controversy, which means that you can't request the court to review whether or not a law is unconstitutional before it has gone into effect. There has to be an actual injury first.

Another way of saying this is that the supreme court will not issue advisory opinions, speculating in whether or not a law might violate the constitution.

The second hurdle a potential supreme court litigant has to get over is called standing. Huh! That sounds terrible. I wouldn't want to be standing. No, this means that in order to bring a case, the parties must have a substantial stake in the outcome, which usually means an actual injury. Lack of standing is one reason that the court has refused cases about same sex marriage brought by opposite sex married people.

The court will also refuse to hear cases that is moot. Mootness, which is a real word I promise, I'm reading it on a teleprompter, means that the case no longer requires a resolution. Say because one of the parties is dead. The flipside of mootness is ripeness. If a potential injury has yet to occur, the case is not ripe. It's like a hard

avocado. Your guacamole...just not going to be very good.

It's best not to be too anxious about bringing your case. Most of the time you can wait, except in cases like Bush v Gore, where we kind of needed a new outcome so a new president could move into the White House.

There's also a vague decision rule called the political question doctrine. In some cases the court would rather let the executive or legislative branch handle the issue and not get involved.

There are certain cases that the court would almost always take, even though all things being equal, they'd rather not. When the circuit courts have reached different or conflicting conclusions on the same issue, what's known as a circuit split, the court will usually hear the case to resolve the confusion. The court will also almost always hear a case where the federal government itself initiated the appeal.

Finally the supreme court will usually take a case that has a clear constitutional question like one involving freedom of speech or religion, although there are sometimes constitutional issues that they feel are settled, or they just don't want to deal with.

For a long time, for example, the court didn't hear gun control cases and nowadays they don't usually take obscenity cases.

Okay so that's the structure of the court system and how a case does, or usually doesn't, make it to the supreme court. But what we haven't really discussed is what happens when a case does make it to the supreme court. We'll show you that next time when we take a short cut to the supreme court by suing the ambassador to Switzerland for making such delicious chocolate. It's making me unhealthy. Thanks for watching, seeya next time. We're not actually going to sue Switzerland.

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