

Chapter Three

{ Courts and Legal Personnel

The Federal District Court 35-39

- ⌘ Review the case file on page 35 and 36. Given the plethora of charges and issues facing Eberhardt is it proper for the state as well as the federal government to pursue criminal charges against him in addition to the civil charges filed by his company? Why or why not, explain your answer?
- ⌘ How are the court systems set up both federally and within the states? Are they similar? How so?
 - ⌘ What does the United States Constitution say about the setup of our court systems? Is it specific?
 - ⌘ How were lower courts formed and developed?
 - ⌘ How are the boundaries of federal courts determined and set?
- ⌘ Discuss the term original jurisdiction. What does this term mean? Who has original jurisdiction under most circumstances on the federal level?
 - ⌘ In what types of cases do federal district courts have original jurisdiction? (diversity of citizenship?)
 - ⌘ What other types of cases are federal but do not take place in district courts? Why do you think these special courts exist?
 - ⌘ What is a trial? Where do trials generally take place on the federal level? On the state levels?
- ⌘ Review application 3.1. Based on what you know so far what do you think is the court of original jurisdiction?
 - ⌘ Review application 3.2 Based on the instructions and the information at hand. If you were on the jury how would you decide? Why (Assume Everyone is telling the truth)
- ⌘ **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember **or** explain why this is important to the study of law.

United States Supreme Court

United States Court of Appeals (12 Circuits)		United States Court of Appeals for the Federal Court		United States Court of Military Appeals	
District Courts (93 Districts)	United States Tax Court	United States Court of International Trade	United States Claims Court	United States Court of Veterans Appeals	Army, Navy-Marine Corps, Air Force and coast Guard Courts of Military Review

RED = SOMEWHAT DIFFERENT LEGAL SYSTEM AND RULES

Organization of the Federal Court System

- ⌘ Both state and federal system closely mirror one another in most circumstances
- ⌘ The Federal District Court is the lowest level of the federal courts and is often the court of Original Jurisdiction in federal cases.
 - ⌘ This is where the trial takes place.
- ⌘ Specialized Federal Courts – Separate from the District Courts
 - ⌘ Bankruptcy Court
 - ⌘ US Claims Court
 - ⌘ US Tax Court
 - ⌘ US Court of International Trade
 - ⌘ Foreign Intelligence Surveillance Court

Federal District Courts

Federal Appellate and Supreme Court (39-44)

- ⌘ What is a circuit in relation to the federal appellate court? What special appellate court has national jurisdiction and under what circumstances?
 - ⌘ How are appellate cases generally heard? How are they decided? What does it mean when a court is sitting en banc?
 - ⌘ What type of jurisdiction does an appellate court have? What does this mean?
 - ⌘ What types of cases can not be heard by an appellate court? Why?
 - ⌘ What type of information does an appellate court review? Why? What is the appellate court potentially looking for?
 - ⌘ What can an appellate court decide to do?
- ⌘ Discuss the location and organization of the United States Supreme Court and how they determine results?
 - ⌘ What types of cases does the supreme court hear?
 - ⌘ What is the Supreme Court's Discretionary power? When do they utilize this power?
 - ⌘ What is a writ of certiorari. When is this required?
 - ⌘ What happens if this is not granted?
 - ⌘ What are the areas in which the Supreme Court has original jurisdiction?
- ⌘ **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember or explain why this is important to the study of law.

⌘ Appellate Courts

⌘ Appellate Jurisdiction – Can review what happened in a lower court

⌘ DO NOT review the decision itself to see if they agree – they only review procedure to ensure a proper trial was conducted.

⌘ Review Record of Previous Trial, Appellate Briefs, Jury Instructions etc. for Legal Errors that could cause a miscarriage of justice.

⌘ Not all errors are important! Only if they cause a miscarriage of justice. (Review Application 3.4 / 3.5)

⌘ Decisions

⌘ Affirm – Uphold Lower Court's Decision

⌘ Reverse – Change Lower Courts Decision

⌘ Remand – Send back for a New Trial

⌘ US Supreme Court

⌘ Primarily Appellate Jurisdiction

⌘ Original Jurisdiction

⌘ Ambassadors

⌘ Cases Involving a State

The Appellate and Supreme Court

Legal Personnel (44-48)

- ⌘ **In your notes:** List the various members of the legal community and their role in the system. (Include Magistrate on page 45)
- ⌘ What is an administrative hearing? Why is this different from most legal situations that we've talked about so far?
- ⌘ **Reference back to Page 42:** Read the Excerpt from the petition for a writ of certiorari and summarize the reasoning behind the request in this particular case. If you were a judge on the supreme court would you vote to grant this writ? Why or why not / Explain.
- ⌘ **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember or explain why this is important to the study of law.

Legal Ethics (49-56)

- ⌘ How does the regulation of judges differ between state and federal systems? What is the Judicial Conference of the United States and what can it do?
 - ⌘ What is the only way to remove a Federal Judge from office?
 - ⌘ Why is it important to have a code of conduct regulating the manner in which Judges conduct themselves?
 - ⌘ Review the Canon of Ethics and Application 3.7 and think about what problems could be caused if a Judge violates any one of these canons?
 - ⌘ Review the Standards of Conduct for Judicial Employees. Why are these standards important in our legal system?
- ⌘ What is a Fiduciary Relationship? Why is this relationship important to the judicial system? Why does this relationship make a code of ethics even more important?
 - ⌘ What can happen if the code of ethics for lawyers is not adhered to?
- ⌘ What are the most commonly known rules of conduct developed by the American Bar Association?
 - ⌘ For each rule of conduct explain the rule, determine why it is important for the integrity of the legal system and discuss the potential issues that may occur if these rules are not followed. Are there any exceptions to these rules? Why do you think these exceptions exist?
 - ⌘ Review Application 3.8 Why is this a breach of the rules?
- ⌘ Review Application 3.9 What would you do if you were the judge in this situation? Why?
 - ⌘ Discuss the ethics and morality of this situation? If all parties were acting in the most ethical manner possible how would this situation have unfolded? Who is responsible for committing the ethical violations?

Legal Ethics Case Studies

- ⌘ Read *The Florida Bar v Furman* and *Brady v Maryland* (56-59) Answer Case Analysis Questions for each case.
 - ⌘ For each situation do you think the actions of the accused was in any way moral or ethical? Explain? Do you agree or disagree with the decision of the court?

Application and Analysis

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⌘ Answer Questions 1, 2, 4 and 6

⌘ Answer Questions 3, 5, and 7

⌘ Answer Question 1 on Page 62

⌘ Expand Question 1

⌘ Read the following links and try to to Determine
The Levels of Court Systems That Exist within
New Jersey

⌘ http://www.judiciary.state.nj.us/nj_overview.htm

⌘ <http://www.judiciary.state.nj.us/supreme/>

⌘ <http://www.judiciary.state.nj.us/process.htm#two>

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