

Lecture #11: The Courts

I. Federal Courts

- A. Supreme Court
 - 1. Politicalization thereof
- B. Bases for American Legal System
 - 1. Precedent (*stare decisis*)
 - 2. Judicial review
- C. District and Appeals Courts
- D. Specialized Courts

(chart in text)

II. The Law (a necessary digression)

- A. Common Law
- B. Statutory Law
- C. Case Law
- D. Administrative Law
- E. Plaintiff vs. defendant
- F. Criminal and Civil
- G. Jury Duty and Witnesses (as NOT seen on TV)
- H. Plea Bargains

III. Theories of Constitutional Interpretation: Strict vs. Loose

- a. Original Intent/Plain Meaning of Text/Living Constitution ("experiential")

IV. Statutory Interpretation

- A. Judicial Restraint v.
- B. Judicial Activism (v. Restoration ["Constitution in Exile"])

V. Supreme Court at Work

- A. Writ of *certiorari* (cert)
- B. Opinions: Majority/Concurring/Dissenting

VI. Checks on Court Power (Fed.)

- A. Constitutional Amendment
- B. Statutory Revision
- C. Non-Implementation

VII. Class Action Suits

- A. *amicus curae* ("friend of the court")
- B. How some lawyers seek \$

VIII. State Courts

- A. Trial Courts/Appeals Court/Small Claims Courts