

# Constitutional Law: Principles and Practice

## Federal Judicial Power

### Chapter 3

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## Jurisdiction of the Federal Courts

- Subject matter jurisdiction
- Original vs. appellate jurisdiction
- Supreme Court original jurisdiction
- Supreme Court appellate jurisdiction
- Writ of certiorari

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## Case or Controversy: Justiciability

- Justiciability: Before the Supreme Court will hear a matter, the matter must present an actual controversy.
- The Supreme Court will not hear cases of:
  - Mootness
  - Ripeness
  - Standing
  - Political question

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## The Nature of Judicial Power

- A court's power depends on whether it's an original or an appellate jurisdiction.
- Original jurisdiction
  - Right to provide remedy to the prevailing party
  - Power to use writs
- Appellate jurisdiction
  - Power to affirm, reverse, and remand lower court's decisions

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## Judicial Review

- Power of the courts to interpret the Constitution and invalidate conflicting laws
- First affirmed in *Marbury v. Madison* (1803)
  - Supreme Court interpreted Article III
  - Did the Constitution conflict with the legislative act that created the federal court?

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## Sovereign Immunity and the Eleventh Amendment

- Limits the types of lawsuits that can be brought against federal and state governments
- Lawsuits against the federal and state governments:
  - Not allowed without government consent
  - Consent is found in statutes and codes

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## The Relationship Between Federal and State Courts

- Concurrent jurisdiction
- Abstention doctrine
- Supreme Court review of state court decisions
- Supremacy Clause