The Federal Court System

The United States Supreme Court

Congress created all federal courts except for the United States Supreme Court, which is the only court specifically created by the Constitution. The Supreme Court is the final authority on the meaning of the Constitution. The Constitution gives special protection to the Supreme Court chief justice and associate justices. The president appoints justices for life and the Senate confirms them. Only judges on the Supreme Court are granted the title of justice.

It is important to note that although the Supreme Court is not a trial court, it has both original and appellate jurisdiction. There are only two classes of cases that may be heard by the Court in its original jurisdiction. One class includes cases in which a U.S. state is a party. The other class includes cases that involve ambassadors, public ministers, and consuls.

Approximately 4,000 to 5,000 cases are appealed to the Supreme Court yearly. However, it generally hears only 75 to 200 of these. Cases come to the Supreme Court by appeal when one party submits a petition to the Court that asks it to review a lower court's decision. When a case is agreed to be heard, writ of certiorari, meaning "made more certain," is granted. Four of the nine justices must believe that errors in procedure have happened in the lower court for writ of certiorari to be granted.

Cases can also be presented to the Supreme Court by certificate, meaning that a lower court has asked the Supreme Court for a ruling or clarification on a case. Again, four of the justices must agree to hear this case for it to be placed on the docket for review. Most cases that the Court rejects to hear are discarded because the Court agrees with the decision and process of the lower court. This is based on the principle of precedent, or stare decisis, which translates "let the decision stand." Some appeals are sent back to the lower court on brief orders, meaning that the lower court is to reconsider the case in light of a new Supreme Court decision that applies to the case.

Once the Supreme Court accepts an appellate case, all nine justices sit together and decide the case. Each party presents its case in the form of a brief, which is a document that presents the facts of a case, summarizes the lower court's decision, and argues the party's opinion. The court can also grant oral arguments, during which both parties have 30 minutes to argue their case in person before the Court. The justices then convene to discuss the case before handing down their opinion.

A Supreme Court decision sometimes comes in a brief, unsigned document, called a per curium decision, which indicates a vote with the majority opinion, but without opinion. Other times the decision is quite long and is signed by the justices who agree with it.

There are three types of opinions that the Court can hand down. The first is the majority opinion, which states the decision of the majority of the Court, usually at least five of the justices. The next type is a concurring opinion, which is the opinion of one or more justices who voted with the majority, but for differing legal reasons. Finally, the Court can offer a dissenting opinion, which states the minority opinion of one or more justices who voted against the majority.

Dissenting opinions can be important if a similar case is ever brought before the Court and the Court considers reversing an earlier decision. John Harlan's dissenting opinion in Plessy v. Ferguson became the basis on which Charles Houston and Thurgood Marshall sought to have the Court reverse the "separate but equal" doctrine. Justices also use dissenting opinions to state legal doctrine that they hope will gain acceptance over time.