

Civics and Economics

CE.9 Study Guide

STANDARD CE.9A

-- JUDICIAL SYSTEM ORGANIZATION

Organization of the judicial system as consisting of state and federal courts with original and appellate jurisdiction.

The United States has a dual court system which consists of state courts and federal courts.

The role of the judicial branch is to interpret laws.

Terms to Know

- **jurisdiction:** Authority to hear a case
- **original jurisdiction:** Authority to hear a case first
- **appellate jurisdiction:** Authority to review a decision of a lower court
- **felony:** A serious crime
- **misdemeanor:** A smaller or less serious offense

Federal courts have jurisdiction over federal laws.

The United States has a **court system** whose organization and jurisdiction are **derived from the Constitution** of the United States and **federal laws**.

- **U.S. Supreme Court:** Justices, no jury; appellate jurisdiction; limited original jurisdiction
- **U.S. Court of Appeals:** Judges, no jury; appellate jurisdiction
- **U.S. District Court:** Judge, with or without jury; original jurisdiction



State courts have jurisdiction over state laws.

Virginia, like each of the other 49 states, has its own **separate court system** whose organization and jurisdiction are **derived from Virginia's constitution** and **state laws**.

- **Virginia Supreme Court:** Justices, no jury; appellate jurisdiction; limited original jurisdiction
- **Court of Appeals of Virginia:** Judges, no jury; appellate jurisdiction to review decisions of circuit courts
- **Circuit court:** Judge, with or without jury; original jurisdiction for felony criminal cases and for certain civil cases; appellate jurisdiction from district courts
- **General district court, and juvenile and domestic relations court:** Judge, no jury; original jurisdiction for misdemeanors in **civil cases** generally involving lower

dollar amounts and original jurisdiction in **juvenile and family cases**

STANDARD CE.9B

-- JUDICIAL REVIEW

The exercise of judicial review.

The power of judicial review is an important check on the legislative and executive branches of government.

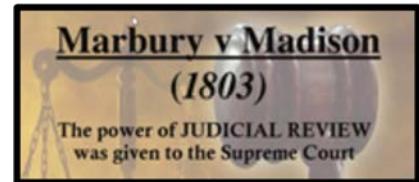
The supreme courts of the United States and Virginia determine the **constitutionality** of laws and acts of the legislative and executive branches of government. This power is called "judicial review."

Marbury v. Madison

established the principle of judicial review at the national level.

The **Constitution** of the United States is the **supreme law of the land**.

State laws must conform to the Virginia and United States constitutions.



STANDARD CE.9C

-- CIVIL & CRIMINAL CASES

Courts resolve two kinds of conflicts—civil and criminal.

Criminal case

- In a criminal case, a court determines whether a person accused of breaking the law is guilty or not guilty of a misdemeanor or a felony.

Procedure for criminal cases

- A person accused of a crime may be **arrested** if the police have **probable cause**.
- The case proceeds to an **arraignment** where **probable cause** is reviewed, an **attorney** may be appointed for the defendant, and a **plea** is entered.
- The accused may be committed to **jail** or released on **bail**.
- In a felony case, a **preliminary hearing** is conducted to see if there is **probable cause**. If probable cause is determined, a grand jury will determine if there is enough evidence to indict the accused.
- In a **misdemeanor** case, there is no preliminary hearing or grand jury. A trial date is set instead.
- A **court date** is set, and a **trial** is conducted.
- A **guilty verdict** may be **appealed**.



Civil case

- In a **civil case**, a court settles a **disagreement between two parties** to recover damages or receive compensation.

Procedure for civil cases

- The **plaintiff** files a complaint to recover damages or receive compensation.
- Cases can be heard by a **judge** or a **jury**.
- A **ruling** is issued
- Cases can be **appealed**.

STANDARD CE.9D -- DUE PROCESS

Due process protections seek to ensure justice.

The right to due process of law is outlined in the 5th and 14th Amendments to the Constitution of the United States of America.

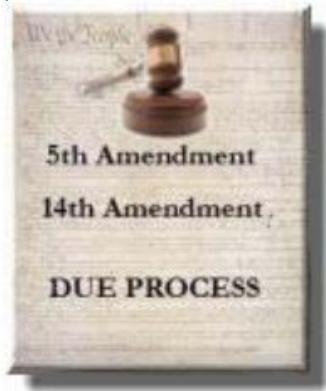
Due process of law protects against unfair governmental actions and laws.

Terms to know

- **due process of law:** The constitutional protection against unfair governmental actions and laws

Due process protections

- The **5th Amendment** prohibits the **national government** from violating due process.
- The **14th Amendment** prohibits **state and local governments** from violating due process.



The **Supreme Court** has extended the **guarantees of the Bill of Rights**, based upon the **due process clause**.