

## STANDARD CE.10B

# Civics and Economics

## CE.10 Study Guide

### STANDARD CE.10A

#### -- JUDICIAL SYSTEM ORGANIZATION

#### The organization of the United States judicial system as consisting of state and federal courts with original and appellate jurisdiction

The **judicial function** is exercised in a **dual court system**, which consists of **state courts** and **federal courts**.

*How are **federal courts** organized, and what jurisdiction does each exercise?*



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

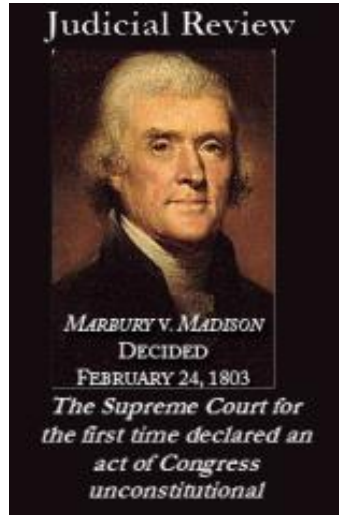
jurisdiction

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

*How are **state courts** organized, and what jurisdiction does each exercise?*

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**



#### -- JUDICIAL REVIEW

#### The exercise of judicial review

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

*What is **judicial review**?*

The **supreme courts** of the United States and Virginia **determine the constitutionality** of laws and acts of the executive branch 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 of America is the **supreme law of the land**.

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

### STANDARD CE.10C

#### -- CIVIL & CRIMINAL CASES

#### Civil and criminal cases

Courts resolve **two kinds of legal conflicts**—**civil** and **criminal**.

*How are **criminal and civil cases** similar and different?*

#### 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 accused may be committed to **jail** or released on **bail**.



- The case proceeds to an **arraignment** where **probable cause** is reviewed, an **attorney** may be appointed for the defendant, and a **plea** is entered.

- 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**.
- Cases can be **appealed**.

## STANDARD CE.10D -- DUE PROCESS

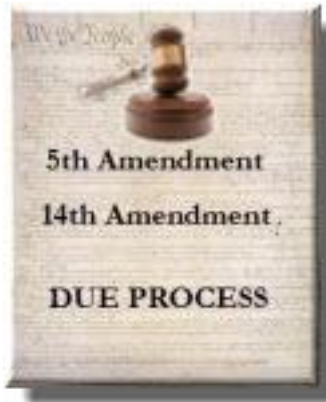
### Due process protections seek to ensure justice

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

*How do the due process protections ensure justice?*

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 acting in an **unfair manner**
- The **14th Amendment** prohibits **state and local** governments from acting in an **unfair manner**

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