



## THE COURTS

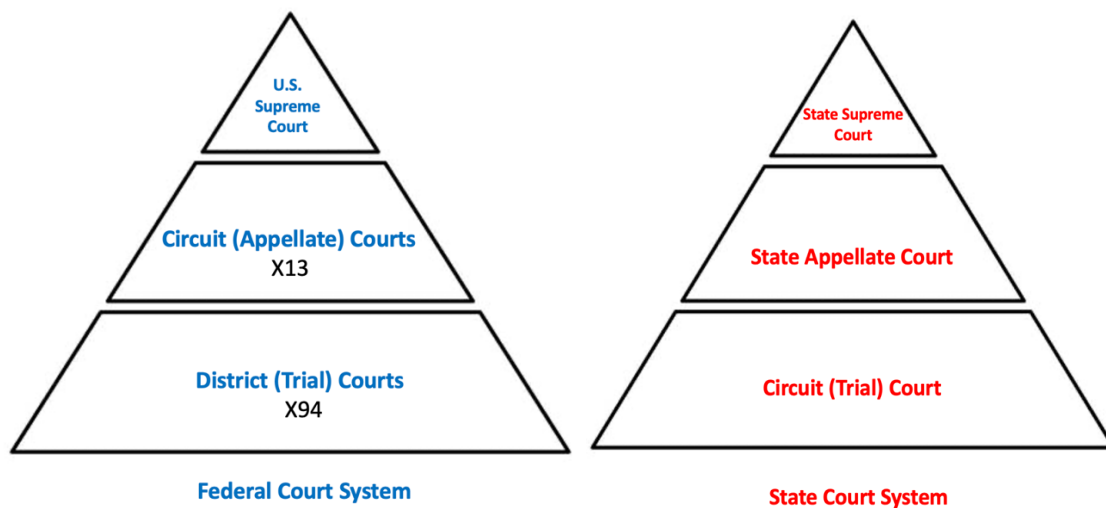
*Will your law withstand judicial scrutiny?*

### The United States Constitution

- The federal government is one of limited and enumerated powers.
  - **Article I:** lists the powers granted to the legislative branch (Congress).
  - **Article II:** lists the powers granted to the executive branch (the Presidency).
  - **Article III:** lists the powers granted to the judicial branch (Supreme Court and “inferior courts”).
- **The Bill of Rights** consists of the first ten amendments to the Constitution. It guarantees certain individual rights against government infringement. The Bill of Rights is often said to provide a floor to legislation: under no circumstances may a law can dip below or circumvent those fundamental liberties.

### Levels

- 2 parallel tracks = federal vs. state courts.
- 3 levels in each.
- Local governments (i.e., cities, towns, counties) can enact additional regulations.
- State and local laws may be *more* restrictive than federal law, but not *less*.



## Composition of the U.S. Supreme Court

- The Supreme Court consists of nine justices.
- Each justice is nominated by the President when a vacancy opens and is confirmed by the Senate.
- Supreme Court justices are appointed for life or until they choose to retire.
- The opinion that is issued by the majority of the justices is binding (at least 5 justices must join the opinion).
- Concurring opinions are written by justices who agree with the decision reached by the majority but wish to express different reasoning.
- Dissenting opinions are written by justices who disagree with the decision reached by the majority.

<b>Liberal Justices</b>	<b>Conservative Justices</b>
<i>Liberal justices tend to endorse the belief that the Constitution is a living document and that its fundamental meaning changes over time (known as the evolutionary approach to constitutional interpretation).</i>	<i>Conservative justices tend to endorse the belief that the fundamental meaning of the Constitution is rooted in what the Founding Fathers intended when they wrote the document (known as the originalist approach to constitutional interpretation).</i>
<b>Ketanji Brown Jackson</b>	<b>Chief Justice John Roberts</b>
<b>Sonia Sotomayor</b>	<b>Clarence Thomas</b>
<b>Elena Kagan</b>	<b>Neil Gorsuch</b>
	<b>Samuel Alito</b>
	<b>Amy Coney Barrett</b>
	<b>Brett Kavanaugh</b>