

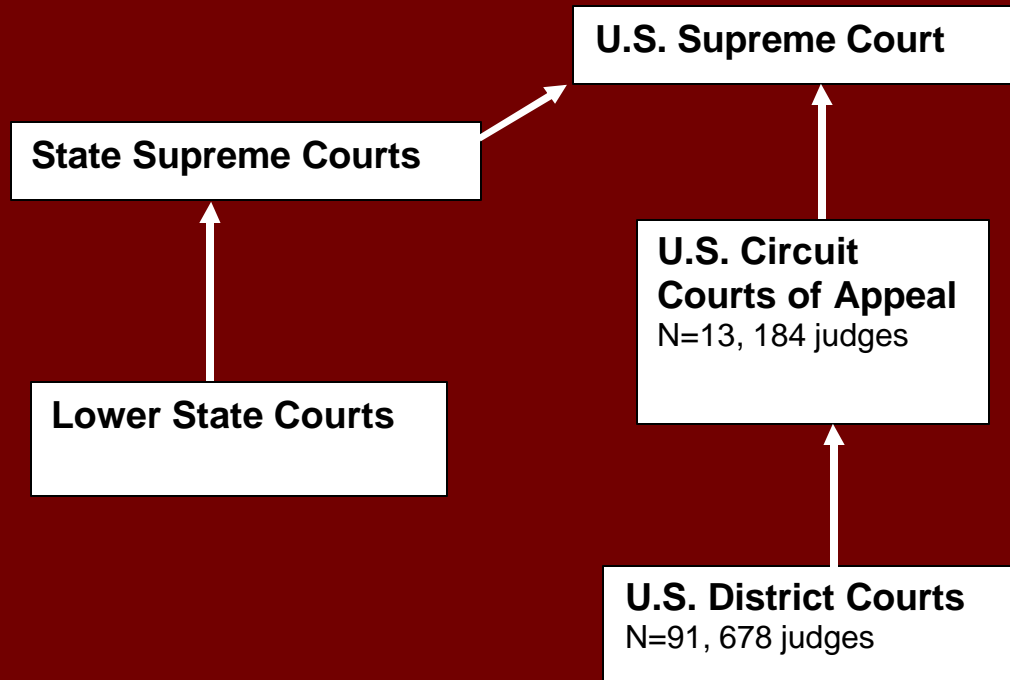
# Essential Points About Congress

- Gridlock is the norm
  - Congress is a legislative labyrinth with numerous “choke” points where legislation can be killed
  - Status quo bias
- It’s all about re-election
  - Legislators pass bills and engage in only those activities that help secure their re-election

# Types of Public Policy

		Costs	
		Concentrated on few individuals or interests	Dispersed across many individuals or interests
Benefits	Concentrated on few individuals or interests	Welfare	Pork e.g., roads, bridges, parks
	Dispersed across many individuals or interests	Regulation	Defense

# U.S. Court System





# Ohio Court System

**Ohio Supreme Court**

**Ohio Circuit  
Courts of Appeal**

N=12, 68 judges,  
six-year terms,  
nonpartisan

**Franklin County Court of Common Pleas**

**General Division**

- Felonies
- \$15,000 or more

**Juvenile and Domestic Relations**

- divorce
- dissolution
- legal separation
- child custody and support paternity
- delinquency
- unruliness
- truancy
- dependency
- neglect
- juvenile traffic offenses.

**Probate**

- probating of wills
- estates and trusts
- guardianships of incompetent adults and minors
- commitment hearings for the mentally ill
- adoptions
- name changes
- marriage licenses

**Franklin County  
Municipal Court**

- small claims
- traffic tickets
- criminal misdemeanors

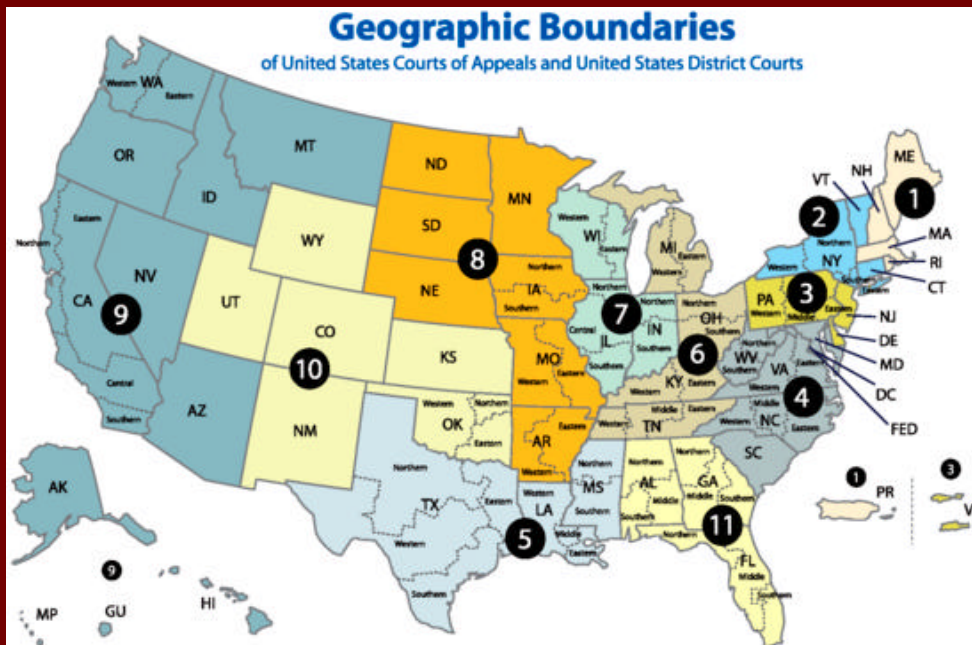
# Presidential Appointments to Federal Circuit Courts

<u>President</u>	<u>Appointments</u>
Nixon	1
Ford	1
Carter	9
Reagan	28
Bush I	29
Clinton	60
Bush II	37
Republican	96
Democrat	69

# Historical Vacancies on U.S. Appellate Courts

<u>Year</u>	<u>Vacancies</u>
<b>current</b>	<b>14</b>
<b>2004</b>	<b>16</b>
<b>2000</b>	<b>25</b>
<b>1996</b>	<b>20</b>
<b>1992</b>	<b>18</b>
<b>1988</b>	<b>10</b>
<b>1984</b>	<b>26</b>
<b>1980</b>	<b>4</b>

# Composition of Federal Appellate Courts



Court	Republicans- Democrats
First Circuit	4-2
Second Circuit	5-7
Third Circuit	6-6
Fourth Circuit	8-5
Fifth Circuit	12-4
Sixth Circuit	8-6
Seventh Circuit	8-3
Eighth Circuit	9-2
Ninth Circuit	8-16
Tenth Circuit	7-5
Eleventh Circuit	7-5
DC Circuit	6-4
Federal Circuit	8-4

# Types/Sources of Law

- Criminal Law
- Civil Law: disputes between parties
  - Constitutional Law
  - Statutory Law
  - Administrative Law
- Precedent (stare decisis)
  - principles of law, once established, should be authoritative in subsequent similar cases
  - Provides for continuity in judicial decisionmaking

# Judicial Philosophies

## ■ Judicial restraint

- Judges should defer to legislatures, respect precedent, and not make policy
- Judges should not bring their own opinions to bear on the case
- Typically considered a conservative philosophy
- “strict constructionist”

## ■ Judicial Activism

- Judges must acknowledge the ambiguity and inadequacy of law
- Judges must act on fairness and establish principle when legislatures trample on minority rights
- Typically considered a liberal philosophy

# Steps in Supreme Court Decisionmaking

- Certiorari
  - Justices decide which cases to adjudicate
  - writ of certiorari requires votes of four justices
- Filing of Briefs and Motions
- Oral argument
- Conference
- Written Opinion

# U.S. Supreme Court Justices

Name	Age	Appt.–by	Ideological Orientation	Confirmation Vote	Prior Positions
John Roberts (Chief Justice)	50	G.W. Bush	Conservative	78-22	Circuit Judge, Court of Appeals for the District of Columbia Circuit (2003–2005); Deputy Solicitor General of the United States (1989–1993)
John Paul Stevens	85	Ford	Moderate/ Liberal	98-0	Circuit Judge, Court of Appeals for the Seventh Circuit (1970–1975)
Vacancy					
Antonin Scalia	69	Reagan	Conservative	98-0	Circuit Judge, Court of Appeals for the D.C. Circuit (1982–1986); Professor, University of Chicago Law School (1977–1982)
Anthony Kennedy	69	Reagan	Conservative/ Moderate	97-0	Circuit Judge, Court of Appeals for the Ninth Circuit (1975–1988)
David Souter	66	G.H.W. Bush	Moderate/ Liberal	90-9	Circuit Judge, Court of Appeals for the First Circuit (1990–1990); Associate Justice, Supreme Court of New Hampshire (1983–1990)
Clarence Thomas	57	G.H.W. Bush	Conservative	52-48	Circuit Judge, Court of Appeals for the D.C. Circuit (1990–1991); Chairman, Equal Employment Opportunity Commission (1982–1990)
Ruth Bader Ginsburg	72	Clinton	Liberal	97-3	Circuit Judge, Court of Appeals for the D.C. Circuit (1980–1993); General Counsel, American Civil Liberties Union (1973–1980)
Stephen Breyer	67	Clinton	Liberal	87-9	Chief Judge, Court of Appeals for the First Circuit (1990–1994); Circuit Judge, Court of Appeals for the First Circuit (1980–1990); Professor, Harvard Law School (1967–1980)

# Samuel A. Alito, Jr.

- Federal judge, Third Circuit Court of Appeals



# Controversial Cases

## ■ *Planned Parenthood v Casey* (1991)

– Third Circuit upheld Pennsylvania law:

- required physicians to advise women of potential medical dangers of abortion
- required physicians to advise patients of alternatives
- imposed a 24-hour waiting period for abortions
- barred minors from obtaining abortions without parental consent
- Required spousal notification for married women

## ■ *ACLU v. Shundler* (1999)

– Third Circuit ruled that Jersey City's display of creche and menorah did not violate establishment clause of First Amendment

- Alito argued in majority opinion that other secular symbols, such as Frosty the Snowman, were also displayed