Note: The following are important terms and phrases covered in this first section of the course; they were discussed in the readings, in class, or both. You should know both the meaning and significance of these terms and phrases.

I. Courts as Political Institutions

courts are important

courts are political
courts and law
sources of law
neutral nature of law?
courts interpret law
Constitution and the judiciary
supreme law of the land
least dangerous branch
Constitution is vague
Marbury v. Madison (1803)
notions of due process
Gideon v. Wainwright (1963)
Article III and judicial power
dispute resolution
policy making
relevance of de Tocqueville’s quote

II. Organization of American Courts

multiple court systems
federalism
jurisdiction
federal jurisdiction (federal question; federal party; diversity jurisdiction)
amount in controversy
exclusive vs. concurrent jurisdiction
appellate vs. original jurisdiction
hierarchical system of courts
US Supreme Court
discretionary vs. mandatory jurisdiction
caseload
direct appeal
\textit{writ of certiorari}
effect of denial of \textit{writ of certiorari}
Federal Rule 19
rule of four
legal briefs
\textit{amicus curiae} briefs

judiciary as final arbiter
Griswold v. Conn. (1965)
Roe v. Wade (1973)
penumbras
right of privacy
abortion issue
trimester approach
appointment of Supreme Court justices
Webster v. Reproductive Health Service (1989)
unduly burdensome standard
viability standard
Planned Parenthood of SE Penn. v. Casey (1992)
Solicitor General
notion of courts as unencumbered by politics
courts and judges as “mythical”

oral argument
conference vote
opinion assignment
written decision
types of opinions (opinion of the Court; dissenting opinion; concurring opinion; per curiam; \textit{seriatim})
US Courts of Appeals
importance of Courts of Appeals
“effective” courts of last resort
circuits
politics of organization of circuits
panels
District Judge on Courts of Appeals?
en \textit{banc} hearing
discretionary vs. mandatory jurisdiction
original jurisdiction in Courts of Appeals
caseload
appointment of Courts of Appeals judges
II. Organization of American Courts (cont.)

partisan makeup of Courts of Appeals judges
politics surrounding appointment
US District Courts
federal districts
appeals
original jurisdiction
# of Federal District Court judges on panel
appointment of Federal District Court judges
politics of appointment of Dist. Court judges
3-judge panels
Magistrate judges
term of Magistrates
role of Magistrates
complexity of federal court system
different courts in system
congressional authority for organization

III. Lawyers and the Legal Profession

public’s ambivalence toward lawyers
general criticisms of lawyers (own interests; resolution of conflicts of interests; hired guns; zealous representation)
views of justice
adversarial system
different roles for attorneys
steps to become a lawyer
history of legal education in US
case and Socratic methods
individual laws vs. overall concept of “the law”
clinical programs
hierarchy in law schools and in profession
socialization
regulation of attorneys
bar exam
ethics exam
continuing legal education (CLE)
size of legal profession
composition of legal profession
class distinctions
organization of legal profession
ABA
practice of law

State court systems
differences and similarities between systems
hierarchical system of courts
State Supreme Courts
differences and similarities from US SupCt
appointment process
# of Supreme Courts in each State
Intermediate State appellate courts
differences and similarities from US Cts of App.
State trial courts
courts of general jurisdiction (major)
courts of limited jurisdiction (minor; special)
formality of proceedings
politics of organization
potential for change
effect of organization on decision making

solo practitioner
private law firms
associates
corporate (in-house) counsel
government attorneys
public service attorneys
specialization
lawyers’ lives
access to legal services
pay structure
constitutional requirements in criminal justice
legal aid vs. assigned counsel
civil representation of the poor
Legal Services Corporation (LSC)
legal clinics
contingency fee
group legal services
pro bono representation
lawyers’ monopoly on practicing law
advertising
remedies against poor representation
malpractice suits
formal discipline (e.g., disbarment)
importance of lawyers in judicial process
officers of the court
General Thoughts and Announcements:

The exam is scheduled for Wednesday, May 24, during class (Note: after the exam, class will follow where we’ll begin the next section of the course)

With respect to the exam, much of what is contained in the Baum text was discussed in class. However, you also were required to read a number of readings from the Slotnick’s Readings from Judicature, along with O’Brien’s Storm Center and other assigned readings (on course reserve at the library). Though some of this material was discussed in class, much was not discussed specifically in class. Notwithstanding, as the syllabus indicates, the material within these sources is important and can (indeed, will) be tested. The question inevitably arises: what do you need to know from these sources? These readings serve to enhance the general theme of this course, that courts are both political and important. But additionally, be sure you know and understand the primary themes and arguments for each of the assigned readings.

The format of the midterm will be primarily multiple choice, along with other types of short answer and essay questions. *Bring a blue book to answer the short answer/essay questions, and a pencil to fill in the grading sheet for the multiple choice questions.*