



Overview of the United States Legal System

July 11, 2016

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The U.S. Constitution

- Adopted on September 17, 1787
 - Oldest written constitution still in use by any nation in the world
- Supreme law of land – Establishes Framework for U.S. Government
- Establishes three branches of government
 - Legislative
 - Executive
 - Judicial
- Federal government has only powers granted to it
 - Fed. Courts have jurisdiction over patent law
- States have all remaining powers
 - Can establish state courts



The Constitution

We the People

of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, promote the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

Article I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such Enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

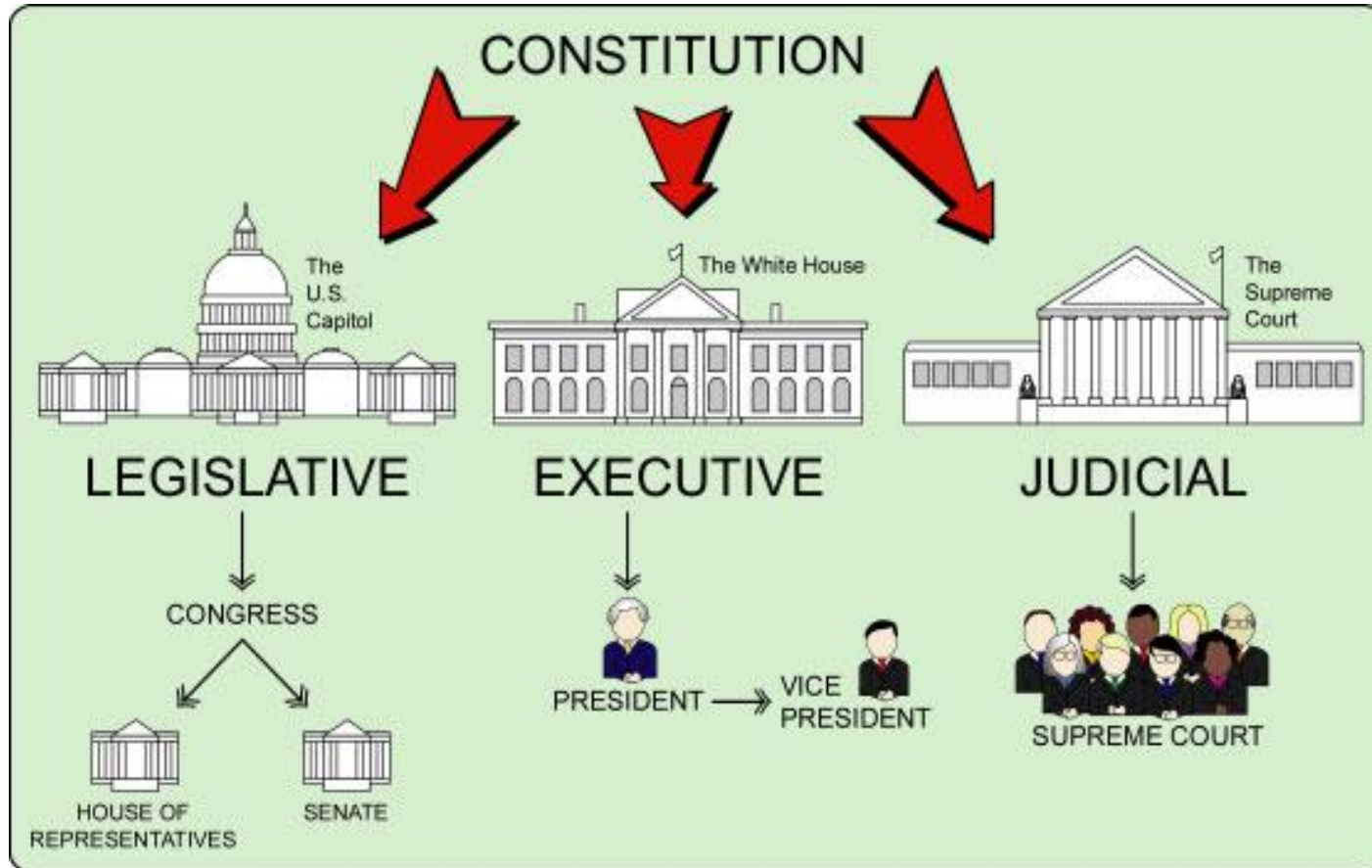
The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

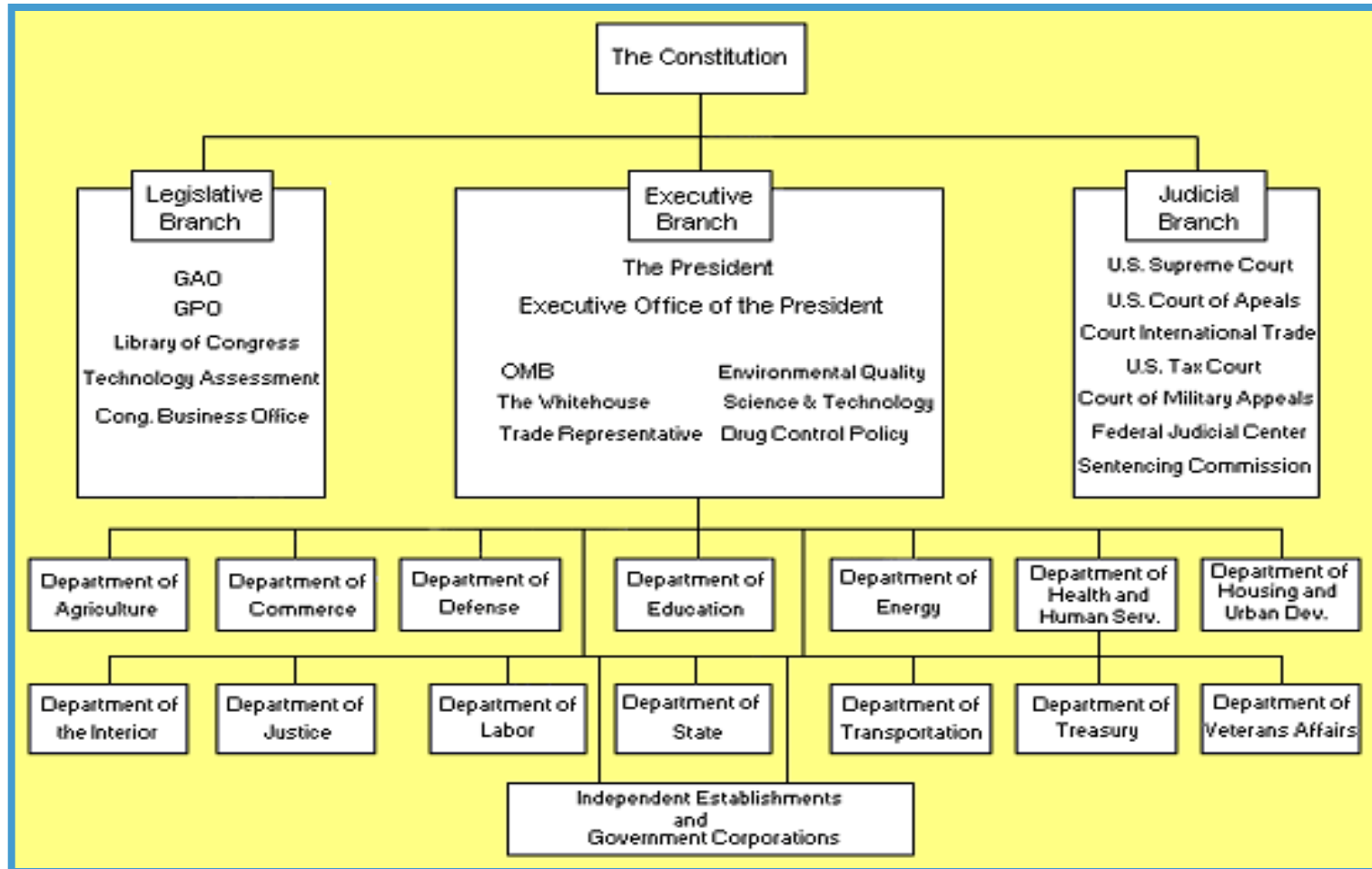


Three Branches of U.S. Government





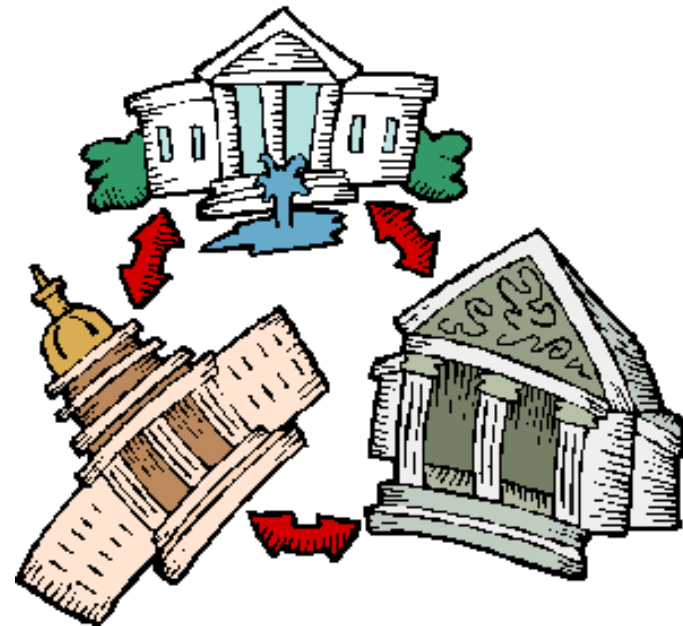
Authority of the Three Branches





Checks and Balances

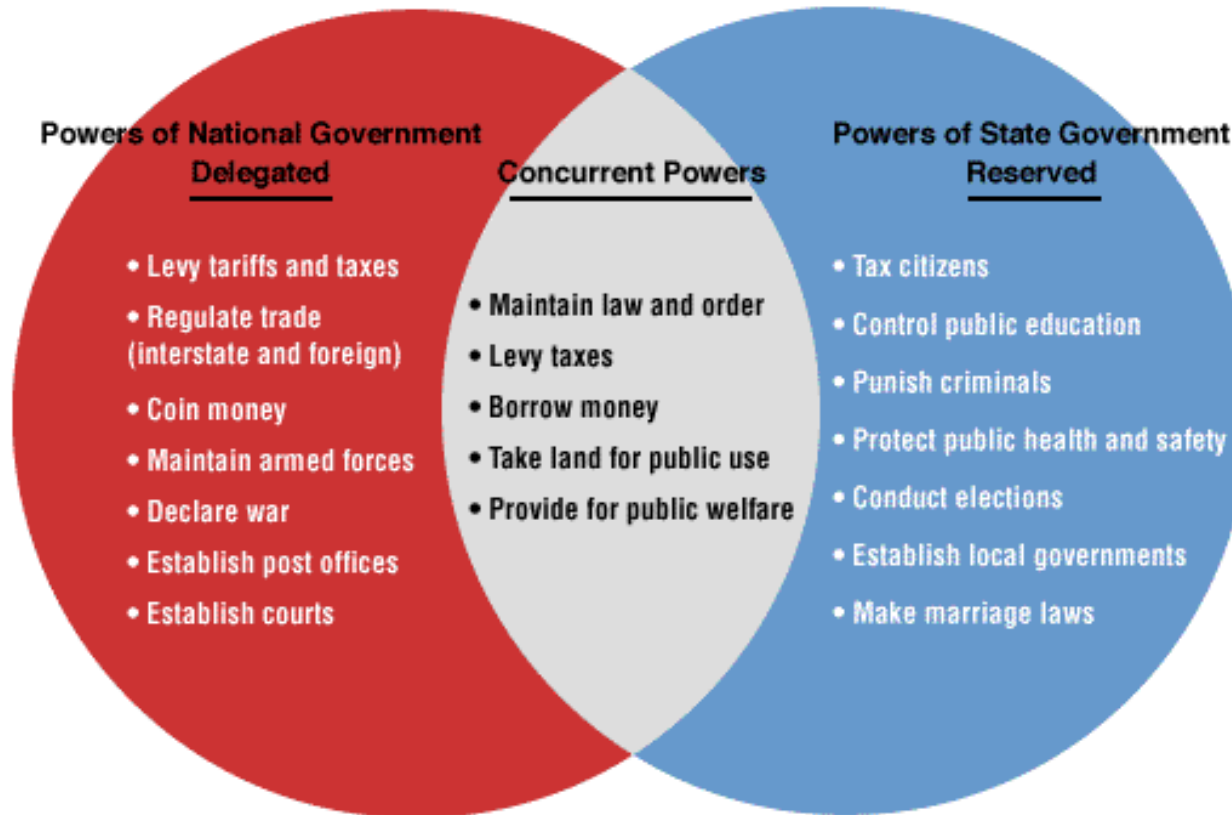
- Each branch has designated powers – designed in-part to check and balance other two branches
- Examples
 - **Executive Branch**
 1. The President nominates judges and agency heads.
 2. The President can veto congressional legislation.
 - **Legislative Branch**
 1. Congress approves presidential nominations.
 2. Congress can pass laws over the president's veto.
 - **Judicial Branch**
 1. The Court can declare laws unconstitutional.
 2. The Court can declare executive actions unconstitutional.





Federalism: Powers of Government

Federal System





Powers Denied to the Government

National Government	Both	State Governments
<ul style="list-style-type: none"> * May not violate the Bill of Rights * May not impose export taxes among states * May not use money from the Treasury without the passage and approval of an appropriations bill * May not change state boundaries 	<p>Neither State nor Federal Government May:</p> <ul style="list-style-type: none"> * Grant titles of nobility * Permit slavery (13th Amendment) * Deny citizens the right to vote due to race, color, or previous servitude (15th Amendment) * Deny citizens the right to vote because of gender (19th Amendment) 	<ul style="list-style-type: none"> * May not enter into treaties with other countries * May not print money * May not tax imports or exports * May not impair obligations of contracts * May not suspend a person's rights without due process



Overview: Branches of Government & Sources of Authority



- LEGISLATIVE BRANCH

- Creates Law

- Statutes
- Constitutional Amendments

- EXECUTIVE BRANCH

- Enforces Law

- Administrative Regulations

- JUDICIAL BRANCH

- Interprets law

- Hears and Decides Cases
- Ensures Compliance with Constitution



Branches of Government & Sources of Authority



- Legislative Branch
- Creates Laws
 - Statutes
 - Constitutional Amendments



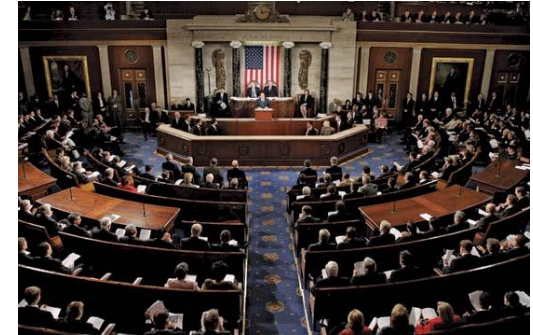
Summary of Legislative Process



A Member of Congress Introduces a Bill



Committees Review and Vote on Bill



Senate and House Debate and Vote on Bill





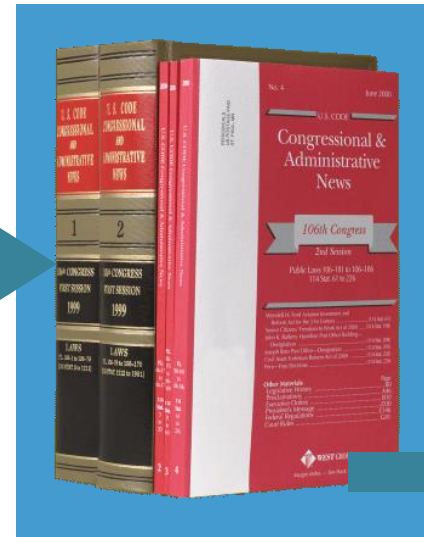
Summary Of The Legislative Process



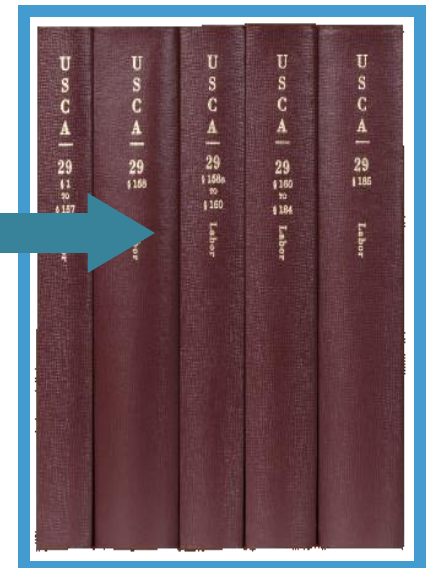
**Bill Passes
Congress or
State
Legislature**



**President or
Governor
Signs Bill**



Session Law

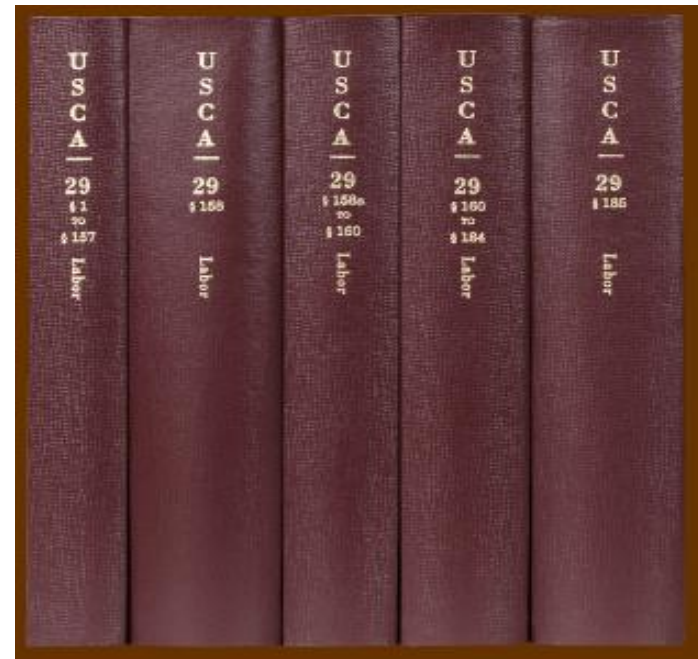


**Statutory
Code**



Federal Statutes

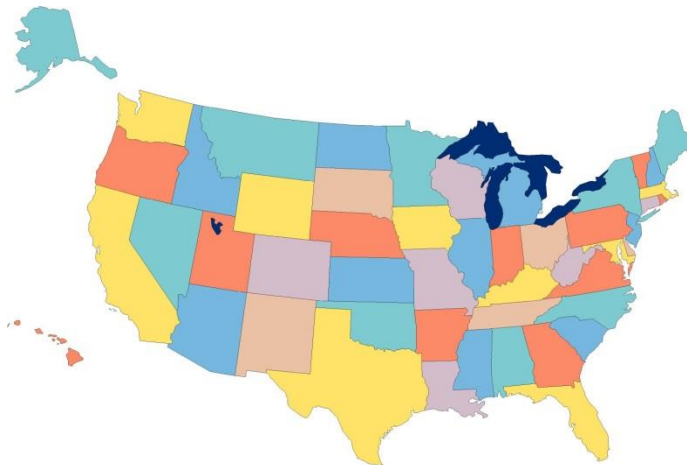
- Laws written by federal legislature (Congress) and signed by President
- Statutes are general policy framework
- Codified in the United States Code (USC)
 - Official version of the federal statutes
 - Published every six years
- Often direct administrative agencies to issue regulations to help explain the law





State Statutes

- Laws written by state legislature and signed by Governor
- State laws may go beyond federal laws as long as they don't conflict
 - For example, federal anti-discrimination law gives a certain amount of protection; state law may give more protection



Produced by the Geographic Research Lab
University of Alabama





Branches of Government & Sources of Authority



- Executive Branch
- Enforces Laws
 - Administrative Regulations



Regulations

- “A rule or order having force of law issued by executive authority of government.”
 - Black’s Law Dictionary
- Legislature delegates statutory power to administrative agencies to develop regulations
 - Promulgated by agencies responsible for administering statute
 - Usually the administrative agency has an expertise in the particular field, for example, USPTO
- Issued both to guide activity of those regulated and the agency employees
 - Rules and regulations add detail





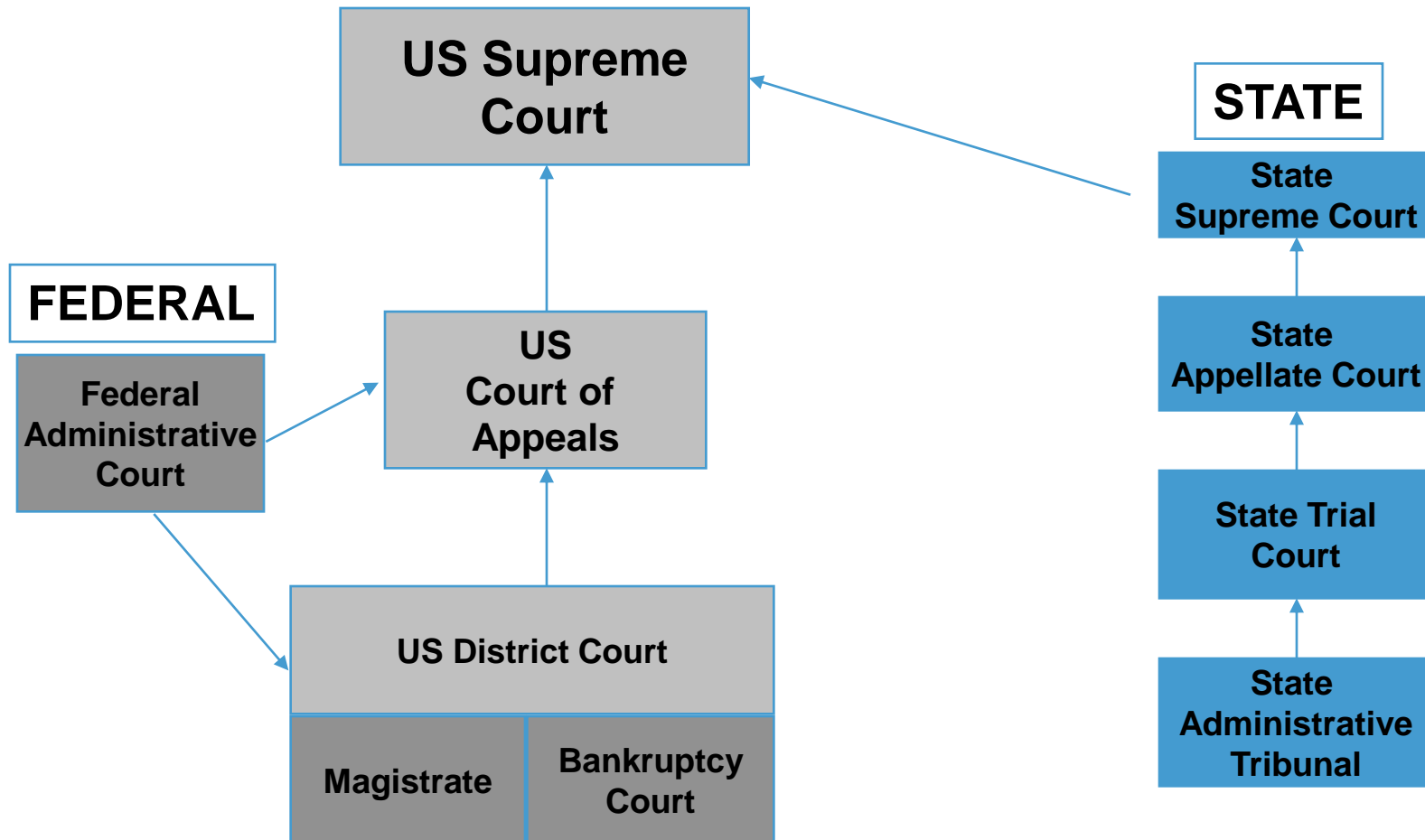
Branches of Government & Sources of Authority



- Judicial Branch
- Interprets Laws
 - Hears and Decides Cases



United States Courts- Dual System



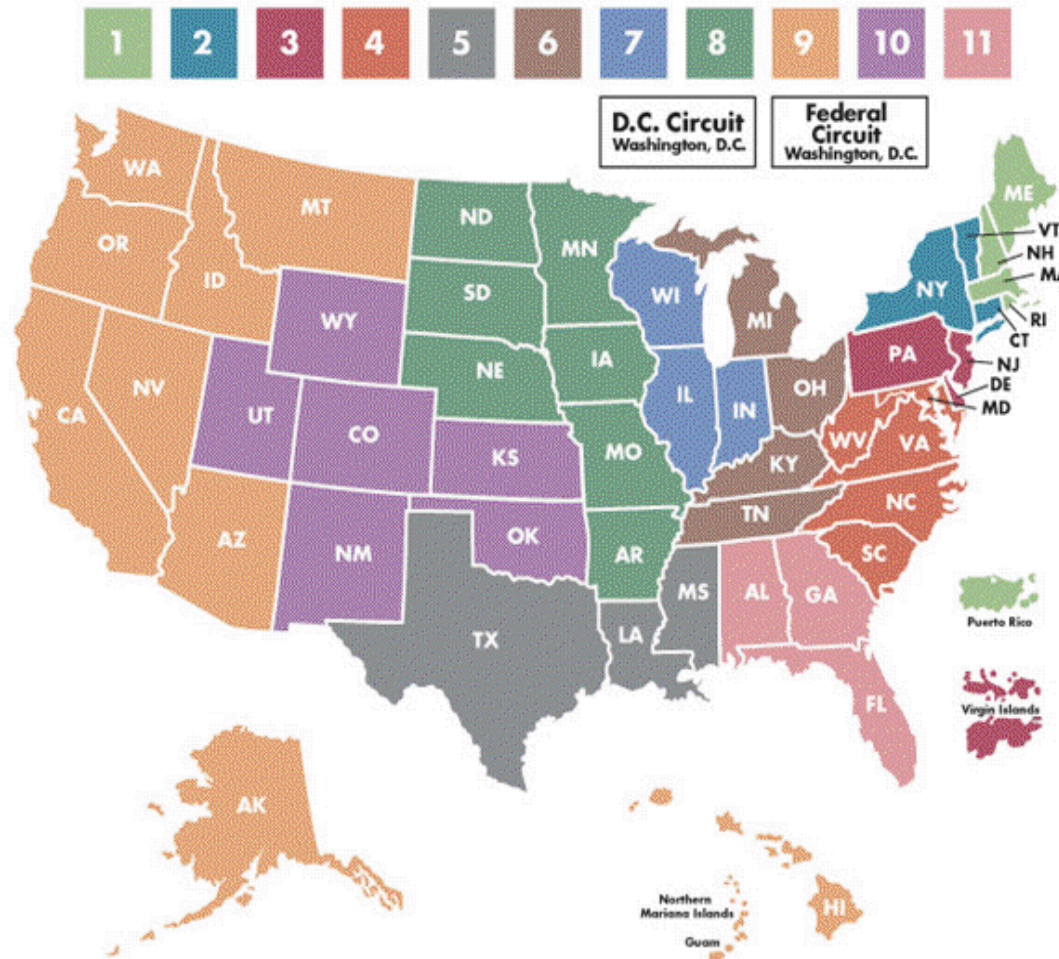


Judicial Hierarchy

Typical Court Structure	Federal System	State System (MA)
Highest Appeals Court (Court of Last Resort)	U.S. Supreme Court	Supreme Judicial Court
Intermediate Appeals Court	U.S. Court of Appeals for the ___ Circuit	Court of Appeals
Trial Court	U.S. District Court for the District of ___	Superior Courts



The Thirteen Federal Judicial Circuits





Judicial Hierarchy - Patents

Typical Court Structure	Federal System
Highest Appeals Court (Court of Last Resort)	U.S. Supreme Court
Intermediate Appeals Court	U.S. Court of Appeals for the Federal Circuit
Trial Court	U.S. District Court for the District of ____





Supreme Court

Cite as: 558 U. S. ____ (2010)

1

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 08–205

CITIZENS UNITED, APPELLANT *v.* FEDERAL ELECTION COMMISSION

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

[January 21, 2010]

JUSTICE KENNEDY delivered the opinion of the Court.

Federal law prohibits corporations and unions from using their general treasury funds to make independent expenditures for speech defined as an “electioneering communication” or for speech expressly advocating the election or defeat of a candidate. 2 U. S. C. §441b. Limits on electioneering communications were upheld in *McConnell v. Federal Election Comm’n*, 540 U. S. 93, 203–209 (2003). The holding of *McConnell* rested to a large extent on an earlier case, *Austin v. Michigan Chamber of Commerce*, 494 U. S. 652 (1990). *Austin* had held that political speech may be banned based on the speaker’s corporate identity.

In this case we are asked to reconsider *Austin* and, in effect, *McConnell*. It has been noted that “*Austin* was a significant departure from ancient First Amendment



Back row left to right: Sonia Sotomayor, Stephen Breyer, Samuel Alito, Elena Kagan, Clarence Thomas, Antonin Scalia, Chief Justice John Roberts, Anthony Kennedy, Ruth Bader Ginsburg



Significant Supreme Court Cases

- **1803 Marbury v. Madison**— First time a law passed by Congress was declared unconstitutional
- **1857 Dred Scott v. Sanford**—Declared that a slave was not a citizen, and that Congress could not outlaw slavery in U.S. territories
- **1896 Plessy v. Ferguson**—Said that racial segregation was legal
- **1954 Brown v. Board of Education**—Made racial segregation in schools illegal
- **1966 Miranda v. Arizona** —Stated that criminal suspects must be informed of their rights before being questioned by the police.
- **1973 Roe v. Wade**—Made abortion legal
- **2003 Grutter v. Bollinger** and **Gratz v. Bollinger**—Ruled that colleges can, under certain conditions, consider race and ethnicity in admissions.



Federal Court

1. Article III Courts

- U.S. Supreme Court.
- U.S. Circuit Courts of Appeal
- U.S. District Courts

2. Article I and Other Courts Created by Congress

- Magistrate courts
- Bankruptcy courts
- U.S. Court of Military Appeals
- U.S. Tax Court
- U.S. Court of Veterans' Appeals

Article I





How to Get Into Federal Court

1. Diversity of Citizenship

- Dispute between citizens of different states and
- Amount in question exceeds the amount set by federal law (currently \$75,000)

2. Federal Question

- *Suits between states*
- *Cases involving ambassadors and other high-ranking public figures*
- *Federal crimes*
- *Bankruptcy*
- **Patent, copyright, and trademark cases**
- *Admiralty*
- *Antitrust*
- *Securities and banking regulation*
- *Other cases specified by federal statute*



State Court

- Supreme Judicial Court
- Court of Appeals
- Superior/Trial Courts





Case Law

- Published opinions of judges from court cases interpreting statutes, regulations, and constitutional provisions
- Legal system depends on these decisions and their precedents (i.e. establish controlling law)
- Precedent: A judicial decision establishing a principle or rule that a court may thereafter refer to in deciding similar cases.
- Stare Decisis (Latin: maintain what has been decided)
 - When a court has laid down a principle of law applicable to certain facts, it will adhere to and apply that principle to all future cases with substantially the same facts





Horizontal Power of the Courts

Supreme Power



When court acts as interpreter of the U.S. Constitution, it is virtually supreme.

Limited Power



When the courts interpret the laws created by the legislative branch, the legislators may change or alter the law or write another law if they disagree with the court's interpretation.



Supremacy Clause

- Article VI, Clause 2 of the United States Constitution
- Establishes U.S. Constitution, Treaties, and Federal Statutes as Supreme Law of Land
- All state judges must follow federal law when a conflict arises between federal laws and either a state constitution or a state law.
- Cooper v. Aaron, 358 U.S. 1 (1958)
 - Arkansas adopted statutes designed to nullify a Supreme Court desegregation ruling
 - The Supreme Court relied on the Supremacy Clause to hold that states were bound by the Court's decisions
 - States cannot legislate and nullify federal laws





REVIEW



Statutory Law is enacted by
Legislatures

Regulations are issued by the
Executive Branch

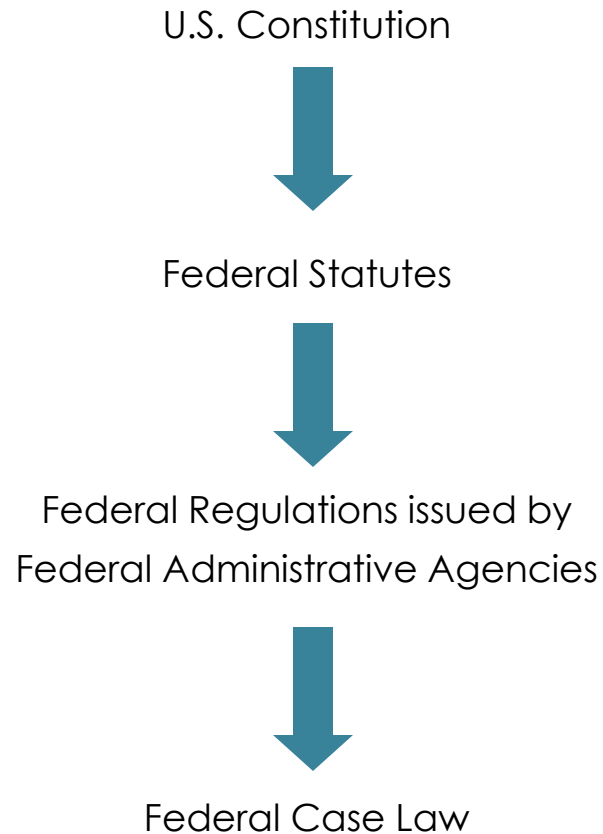


Case Law is decided by the **Courts**



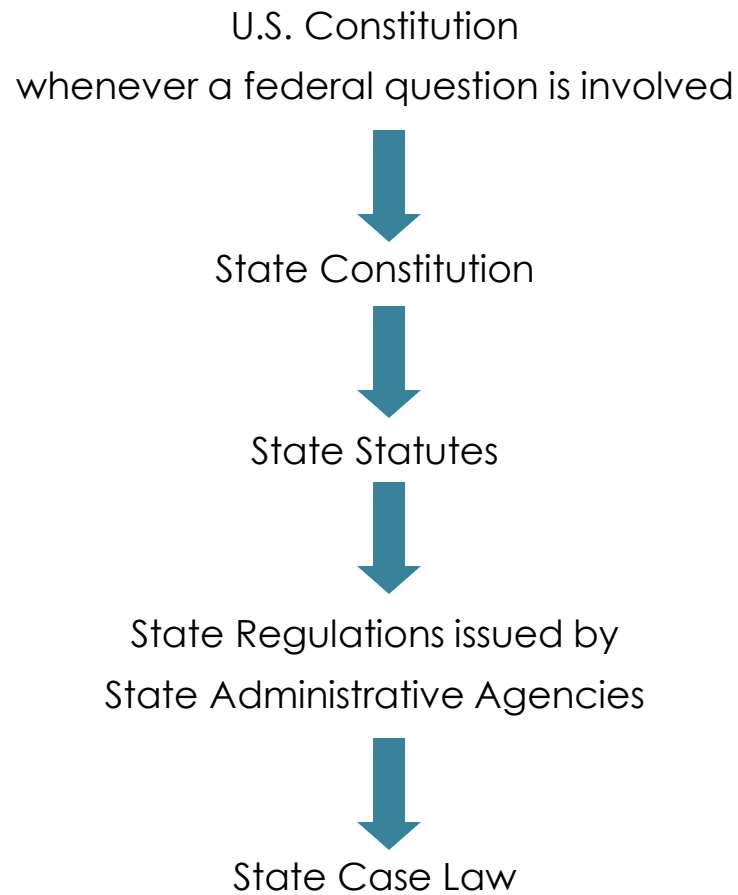


Hierarchy of Authority: Federal





Hierarchy of Authority: State





U.S Patent and Trademark Office



- An Administrative Agency of the Department of Commerce
- Federal agency for granting U.S. patents and registering trademarks
- www.uspto.gov



U.S. Patent and Trademark Office

- Patent Laws, Regulations, Policies & Procedures
 - Patent Rules 37 C.F.R.
 - Patent Laws 35 U.S.C.
 - Manual of Patent Examining Procedure (MPEP), Patent Procedures & related guides
 - American Inventors Protection Act of 1999 (AIPA)
 - Patent Business Goals – Final Rule (PBG)
 - 1997 Changes to Patent Practice and Procedure
 - 2013 America Invents Act (AIA) – First Inventor to File



U.S. Patent and Trademark Office

- Manual of Patent Examining Procedure (MPEP)
 - Does not have the force of law or rules
 - Published to provide USPTO patent examiners, applicants, attorneys, agents and representatives of applicants with a reference work on the practices and procedures relative to the prosecution of patent applications before the USPTO.
 - Contains instructions, outlines



Thank you!