Overview of the United States Legal System

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Carolina Säve, Attorney
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
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 of National Government
- Delegated
  - Levy tariffs and taxes
  - Regulate trade (interstate and foreign)
  - Coin money
  - Maintain armed forces
  - Declare war
  - Establish post offices
  - Establish courts

Concurrent Powers
- Maintain law and order
- Levy taxes
- Borrow money
- Take land for public use
- Provide for public welfare

Powers of State Government
- Reserved
  - Tax citizens
  - Control public education
  - Punish criminals
  - Protect public health and safety
  - Conduct elections
  - Establish local governments
  - Make marriage laws
Powers Denied to the Government

<table>
<thead>
<tr>
<th>National Government</th>
<th>Both</th>
<th>State Governments</th>
</tr>
</thead>
<tbody>
<tr>
<td>* May not violate the Bill of Rights</td>
<td>Neither State nor Federal Government May:</td>
<td>* May not enter into treaties with other countries</td>
</tr>
<tr>
<td>* May not impose export taxes among states</td>
<td>* Grant titles of nobility</td>
<td>* May not print money</td>
</tr>
<tr>
<td>* May not use money from the Treasury without the passage</td>
<td>* Permit slavery (13th Amendment)</td>
<td>* May not tax imports or exports</td>
</tr>
<tr>
<td>and approval of an appropriations bill</td>
<td>* Deny citizens the right to vote due to race, color, or</td>
<td>* May not impair obligations of contracts</td>
</tr>
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<td>* May not change state boundaries</td>
<td>previous servitude (15th Amendment)</td>
<td>* May not suspend a person's rights without due process</td>
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<tr>
<td></td>
<td>* Deny citizens the right to vote because of gender (19th</td>
<td></td>
</tr>
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<td>Amendment)</td>
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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
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

**FEDERAL**
- Federal Administrative Court
- US District Court
  - Magistrate
  - Bankruptcy Court
- US Court of Appeals
- US Supreme Court

**STATE**
- State Supreme Court
- State Appellate Court
- State Trial Court
- State Administrative Tribunal
### Judicial Hierarchy

<table>
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<tr>
<th>Typical Court Structure</th>
<th>Federal System</th>
<th>State System (MA)</th>
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<td><strong>Highest Appeals Court</strong> (Court of Last Resort)</td>
<td>U.S. Supreme Court</td>
<td>Supreme Judicial Court</td>
</tr>
<tr>
<td><strong>Intermediate Appeals Court</strong></td>
<td>U.S. Court of Appeals for the __ Circuit</td>
<td>Court of Appeals</td>
</tr>
<tr>
<td><strong>Trial Court</strong></td>
<td>U.S. District Court for the District of __</td>
<td>Superior Courts</td>
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The Thirteen Federal Judicial Circuits
## Judicial Hierarchy - Patents

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Supreme Court

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

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

Limited Power

JUDICIAL ↔ LEGISLATIVE
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

1. U.S. Constitution
2. Federal Statutes
3. Federal Regulations issued by Federal Administrative Agencies
4. Federal Case Law
Hierarchy of Authority: State

1. U.S. Constitution
   - whenever a federal question is involved
2. State Constitution
3. State Statutes
4. State Regulations issued by State Administrative Agencies
5. State Case Law
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.
  – 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!