

The u.s. supreme court powers

Law



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ACS U2IP In its capa as the highest court of the land, the Supreme Court of the United s confers, on lower courts, the mandate and authority to hear cases (Garner, 2006). By so doing, the Supreme Court grants the courts either civil or criminal jurisdiction (or both). Subject-matter jurisdiction refers to authority over the facts and law involved in a particular case based on a specific subject matter such as divorce or bankruptcy. Subject-matter jurisdiction limits the authority of the court within matters directly relating to the subject matter (Garner, 2006). This is to say, therefore, that a divorce court may not hear cases involving bankruptcy. Information retrieved from the Harvard Law Review indicates, “ Lack of subject matter cannot be waived.” (Cushman, 1998, p 89) Any decision from a court that lacks subject matter jurisdiction over a given case is invalid to that extent.

Personal Jurisdiction By granting personal jurisdiction, the Supreme Court confers authority over the parties involved in a specific case. The court therefore gains jurisdiction based on the individuals involved in the case. Sources indicate that the personal jurisdiction, as a legal concept, draws from the traditional concept that a King exercised his authority within his domain and not outside the kingdom. Every state in the US has personal jurisdiction over its citizens. Likewise, all courts within the state can exercise authority over citizens. The constitution unequivocally states that consent, power, and notice are the three elemental principles of personal jurisdiction that restrain the authority of courts to bind property or individuals to their decisions.

There are three types of personal jurisdiction: in personam, in rem, and quasi in rem (McCloskey, 2005). To begin with, in personam jurisdiction relates to a specific natural or legal person i. e. an individual, group, or company. In any given lawsuit, the court must issue a summons and complaint against the

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defendant; such issuance of summons and complaints grants the court personal jurisdiction to hear the case. If one a certain person sued their neighbor for nuisance, the court must summon the defendant first. Judgment so delivered is referred to as in personam judgment. *Pennoyer v. Neff* is the best example of in personam jurisdiction (McCloskey, 2005). Jurisdiction in rem, on the other hand, is a legal concept that describes (a) a status against an individual over whom the court lacks in personam jurisdiction or (b) the authority that a court may exercise over real or personal property. A good example is the 1916 *United States v. Forty Barrels and Twenty Kegs of Coca-Cola* (McCloskey, 2005). Finally, jurisdiction quasi in rem is the legal reference to legal jurisdiction of court over property rights of an individual that is absent from the state (Cushman, 1998). Quasi in rem is latin for ‘as if against a thing’ meaning that a state can exercise jurisdiction over a person based on the fact that they own property such as land, stocks, or bank account within the state boundaries. A court may lack jurisdiction quasi in rem over an individual owing to their absence from the state, it still has jurisdiction over their property. *Shaffer v. Heitner*, 433 U. S. 186 is an example of a case involving quasi in rem jurisdiction. Though this form of jurisdiction is not common within the United States, state courts reserve jurisdiction quasi in rem in specific cases (Payne, 2013). Jurisdiction of Federal Courts Information retrieved from the Harvard Law Review indicates that certain conditions must be met before a federal court exercises jurisdiction over a certain case (Payne, 2013). The constitution stipulates that the mandate of federal courts is limited to the exercise of judicial powers. This is to say that federal court judges can only interpret the law where there is a constitutional question. The first type of case where federal

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courts have jurisdiction is those involving bankruptcy protection under Chapter 11 of the United States Bankruptcy Code (Cushman, 1998). Through Congressional approval, federal courts gain the mandate to hear bankruptcy cases since they involve a question of constitutional interpretation on how to conduct court-supervised liquidation and pay off the debts (McCloskey, 2005). The most common cases include Global Crossing, UAL Corp, Lehman Brothers Holdings, and General Motors Corporation (Payne, 2013). Similarly, a federal court may hear cases involving diversity of citizenship involving parties who are citizens of different states or citizens of the US and those of other countries. In an attempt to protect the interests of out-of-state parties, federal courts are best suited to hear such cases. The diversity jurisdiction of federal courts is restricted to cases whose damages exceed \$ 75, 000 (Payne, 2013); claims involving lesser damages can fall under the jurisdiction of state courts. A perfect example would be *Caterpillar, Inc v. Lewis* 519 U. S. 61 (1996) (Cushman, 1998). The decision in this case upheld the precedent that federal jurisdiction in regards to diversity of citizenship is reserved if absolute diversity exists when a federal court enters judgment (Garner, 2006). References Cushman, B. (1998). *Rethinking the New Deal Court*. Oxford: Oxford University Press Garner, B. (2006). *Black's Law Dictionary*. St. Paul, MN: Thompson/West. McCloskey, R. G. (2005). *The American Supreme Court*. Chicago: University of Chicago Press Payne, A. M. (2013). " Courts". *American Jurisprudence* 20 (Westlaw online version) Yeazell, S. (2008). *Civil Procedure* (7th Ed. ed.). Frederick, MD: Aspen Publishers