

Introduction to the U.S. Constitution, Case-Law, and Judicial Philosophy

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Briefing a Case

- Case facts
- Legal questions
- Holding
- Rationale
- Concurring or dissenting opinions/rationales
- Questions, remarks, criticisms, etc.

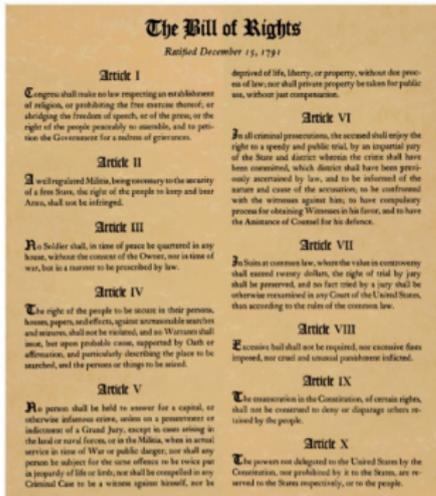
Origins of the U.S. Constitution

- Declaration of Independence and statehood (1776)
- Articles of Confederation
- Constitution of 1787 (ratified in 1788)



Elements of the U.S. Constitution

- The original seven Articles (1787)
- The Bill of Rights (1791)
- Additional 17 amendments



The Common Law in the U.S.

- Cases, civil or criminal, are adversarial.
- What are judges doing when they interpret the law?



Jurisprudential Philosophies

- If judges are policy-makers, then what influences their opinions?



How does a case make it to the Court?

- Federal vs. state court paths
- Types of jurisdiction and the writ of *Certiorari*
- After a case is docketed, then what?



Conclusion

- The very nature of common law jurisprudence invites a political reading of the Constitution and the laws of the United States.
- Understanding the political nature of courts in America is paramount to understand the evolution of legal doctrine.