

## BenchMark: NCJW's Judicial Nominations Campaign

# Federal Courts Glossary

Federal court decisions impact every aspect of our lives: the schools we can attend, our privacy, our ability to start a family when we choose, the safety of the products we buy, our religious freedom, and our voting rights. That's why ensuring a fair and independent judiciary is essential. Through BenchMark: NCJW's Judicial Nominations Campaign, we have been a leading voice in the progressive community's fight to ensure a fair and independent judiciary with an unwavering commitment to constitutional rights. Our powerful grassroots network works to educate communities about the importance of the federal judiciary; it also advocates for the nomination and confirmation of fair, independent, and diverse judges with a commitment to the constitutional guarantee of equality of justice for all.

### Important Terms

- **Affirmed** — Decision rendered by an appellate court when it has concluded that the lower court decision is correct and will stand as rendered by the lower court.
- **Amicus curiae brief** — Latin for “friend of the court,” this type of brief is filed with the court by interested parties who are not directly involved with the case in order to express opinions about it.
- **Article III judge** — A federal judge who is appointed for life, during "good behavior," under Article III of the Constitution. Nominated by the President and confirmed by the Senate, these judges sit on federal district and circuit courts, as well as the United States Supreme Court.
- **Circuit court** — United States Circuit Courts of Appeal (also known as Appellate Courts or United State Courts of Appeal) are intermediate courts, existing between district (trial) courts and the US Supreme Court. The courts of appeal review cases from the District Courts within their circuit. The United States is divided into 13 circuits, each with a court of appeals. As of April 2020, there are 179 authorized circuit court judgeships. Learn more [here](#).
- **Concurring opinion** — An opinion that agrees with the majority's ruling on a particular case but uses different rationales or legal principles to reach its conclusion. While other judges may find it persuasive, the reasoning used in a concurring opinion is not binding law.
- **Current judicial vacancy** — A judicial vacancy becomes current when a judge retires or otherwise leaves the bench, leaving a seat on the court empty.
- **Defendant** — The party (individual or group) required to respond to plaintiff's complaint.
- **Dissenting opinion** — A legal opinion that expresses disagreement with the majority opinion and is issued by the minority (fewer than half of the judges or justices on a court).

- **District court** — United States District Courts are trial courts that have jurisdiction over trials and cases interpreting federal law, which involve federal statutes or crimes, or cases between litigants of different states and/or countries. There are 94 federal districts. As of April 2020, there are 677 authorized district court judgeships.
- **En banc** — French for “on the bench,” refers to all judges of an appellate court sitting together to hear a case, as opposed to the routine disposition by panels of three judges. In the Ninth Circuit, an en banc panel consists of 11 randomly selected judges.
- **Future judicial vacancy** — Typically, a federal judge will announce his/her/their plans to retire on a predetermined date in the future. When a judge announces this plan, the process of filling the seat may begin. The future vacancy becomes current when the judge actually leaves the seat.
- **Judicial emergency** — Official designation by the nonpartisan Administrative Office of the United States Courts describing courts that have been unable to run at full capacity, some for an extended period of time, and have an excess caseload due to a lack of judges.
- **Law clerk** — A law clerk or a judicial clerk is a person who provides assistance to a judge or justice. Most clerks assist in researching and writing opinions.
- **Legal opinion** — An explanation by a judge that accompanies a ruling in a legal case, laying out the rationale and legal principles that led the court to decide as it did.
- **Majority opinion** — A legal opinion that represents the views of the majority of the members of the court. The majority opinion is binding law.
- **Moot** — Not subject to a court ruling because the controversy has not actually arisen, or has ended.
- **Per curiam** — Latin for “by the court,” a per curiam opinion is issued in the name of the court and is not signed by any individual judge(s).
- **Plaintiff** — The party (individual or group) that initiates a lawsuit and brings it before a court by filing a “complaint.”
- **Plurality opinion** — The controlling opinion when no majority opinion exists, consisting of the majority of the majority. It is written when only a majority of the majority of judges agree on the reasoning behind the decision.
- **Reversed** — Decision rendered by an appellate court setting aside the decision of a lower court. A reversal is often accompanied by a remand to the lower court for further proceedings.
- **Supreme Court** — The United States Supreme Court is the highest court in the country. Often referred to as SCOTUS (rhymes with *notice*), this Court includes nine justices whose opinions are the law of the land.
- **Writ of certiorari** — A discretionary device used by the Supreme Court to choose the cases it wishes to hear. If the Court grants the writ of certiorari (or “cert” for short), it means that it has agreed to hear the case in question.