

## Analyzing Court Materials

You will work in your group to determine which court is represented in each of six sets of information. Follow these steps:

**Step 1** Carefully examine the information for each court. Identify as many clues as you can that might tell you which court in the judicial system is represented. Look for clues like these:

- the number of judges or justices involved in the case
- the topic of the case or cases being heard - *Criminal, civil, appeals, constit. question*
- the plaintiff and the defendant in the case - *US, State, military*
- the specific manner in which the case is argued
- features of the court that might be unique - *ex. are there jurors?*
- references to geographic or other jurisdiction - *pgs 278-281*

**Step 2** ~~Use your Reading Notes and your book to determine which court is represented by the information. Then, on two pages of your notebook, draw a matrix like the one below. Leave lots of space for listing the evidence you find.~~ Complete the matrix for the court you are examining.

	Court (2 points if correct)	Evidence Supporting This Choice (1 or 2 points each)	What This Information Reveals About the Judicial System
Court 1			
Court 2			
Court 3			
Court 4	<i>US District Court</i>		
Court 5			
Court 6			

### List of possible answers for column 1

US District court

Military tribunal

US Court of International Trade

Supreme Court

US Appeals Court

Trial court of general jurisdiction

### Phrase bank for column 3

- People within a courtroom serve different purposes, all designed to make a trial run smoothly.

- Specialized courts are created and structured to handle specific cases, such as those related to the military and military crimes.

- Decisions by the Court are often based on previous decisions, or precedents.

- Federal courts hear cases in which the U.S. is the defendant.

- The Supreme Court looks only at the constitutionality of a case, not the specific facts of the case.

- Specialized courts handle specific cases, such as those related to trade issues.

- Certain courts have jurisdiction over the entire U.S.

- Witness lists must be submitted before a trial.

- Cases must make their way from lower to higher courts in the system of appeals.

- The judicial system is designed to have impartial, qualified jury members deciding cases in the lower courts.

- District judges have large caseloads.

- Congress has the constitutional power to create these courts.

- Some courts use juries and some do not.

## Court 1

Examine the information below, which relates to Court 1.

### An Opinion from This Court, 2006

ZOLTEK CORPORATION,  
Plaintiff-Cross Appellant,  
v.  
UNITED STATES,  
Defendant-Appellant.

DECIDED: March 31, 2006

Before GAJARSA, Circuit Judge, PLAGER, Senior Circuit Judge, and DYK, Circuit Judge.

PER CURIAM. Concurring opinion filed by Circuit Judge GAJARSA. Separate concurring opinion filed by Circuit Judge DYK. Dissenting opinion filed by Senior Circuit Judge PLAGER.

The United States appeals the order of the Court of Federal Claims holding that it could assert jurisdiction over Zoltek Corporation's ("Zoltek")'s patent infringement allegations by treating the action as a Fifth Amendment taking under the Tucker Act. Zoltek cross-appeals the trial court's ruling that 28 U.S.C. § 1498(c) bars this action as arising in a foreign country. The Court of Federal Claims certified the rulings under 28 U.S.C. § 1292(d)(2), and this court accepted jurisdiction. See Zoltek Corp. v. United States, No. 96-166 C (Fed. Cl. Feb. 20, 2004) (certification); see generally Zoltek Corp. v. United States, 58 Fed. Cl. 688 (2003), Zoltek Corp. v. United States, 51 Fed. Cl. 829 (2002).

We conclude that under § 1498, the United States is liable for the use of a method patent only when it practices every step of the claimed method in the United States. The court therefore affirms the trial court's conclusion that § 1498 bars Zoltek's claims. However, we reverse the trial court's determination that it had jurisdiction under the Tucker Act based on a violation of the Fifth Amendment.

### Appeals Filed and Reversed, Oct. 1, 2005, to Sep. 30, 2006

Source of Appeals	Filed	Reversed
U.S. Court of International Trade	58	25%
U.S. Court of Federal Claims	154	19%
U.S. Court of Appeals for Veterans Claims	384	12%
U.S. District Courts	522	13%
Department of Veterans Affairs	3	0%
International Trade Commission	9	40%

## Court 2

Examine the information below, which relates to Court 2.

### Transcript of a Case Heard by This Court, 2007

Bruce Edward Brendlin (Petitioner) v California  
Washington, D.C., Monday, April 23, 2007  
The above-entitled matter came on for oral argument  
before [this court] at 11:03 a.m.



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#### PROCEEDINGS

JUSTICE 1: We'll hear argument next in 06-8120, Brendlin versus California. Ms. Campbell.  
ORAL ARGUMENT OF ELIZABETH M. CAMPBELL, ESQ. ON BEHALF OF THE PETITIONER

MS. CAMPBELL: May it please the Court:

When an officer makes a traffic stop, activates his flashing lights, he seizes not only the driver of the car but also the car and every person and everything in that car. This unremarkable conclusion is what Petitioner asks this Court to rule on, rule today. This simple rule is not only firmly rooted in this Court's precedence, it also protects police officers and the liberty interests of everyone traveling on a public State highway.

JUSTICE 1: Well, it wouldn't apply in a taxicab, right? I mean, the cab is driving erratically, the officer pulls it over. If I'm a passenger in the cab, I think I can get out and catch another cab, right?

MS. CAMPBELL: Whether or not you can get out and catch another cab is sort of a separate issue, but at the moment that the car comes to a stop you've been stopped by government means intentionally applied, and I believe you are seized at that point. After that it may become a factual question with the totality of the circumstances and it may be significantly different from that, from the question we face in a case like this where it's a passenger in a private car.

JUSTICE 2: And would that apply if a bus was pulled over?

MS. CAMPBELL: If a bus—

JUSTICE 2: Everybody on the bus is seized?

MS. CAMPBELL: Once again, a forward motion stopped by government means intentionally applied is a seizure under this Court's holding in *Brower* . . .

## Court 3

Examine the information below, which relates to Court 3.

### Transcript of a Case Heard by This Court, 2007



Inside the courtroom in Guantánamo, Cuba

#### OPENING

REPORTER: We are on the record.

RECORDER: All rise.

PRESIDENT: This hearing shall come to order. Please be seated.

RECORDER: This Tribunal is being conducted at 1355 on 9 March 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present [names have been removed]: Colonel, U.S. Air Force. President Commander, U.S. Navy. Member Lieutenant Colonel, U.S. Air Force. Member Major, U.S. Air Force. Personal Representative Sergeant First Class, U.S. Army, Reporter. Major, U.S. Air Force. Recorder. Lieutenant Colonel is the Judge Advocate member of the Tribunal.

#### OATH SESSION 1

RECORDER: All rise.

PRESIDENT: The Recorder will be sworn. Do you, Major, swear or affirm that you will faithfully perform the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you, Sergeant First Class, swear that you will faithfully discharge your duties as Reporter assigned in this Tribunal so help you God?

REPORTER: I do.

#### CONVENING AUTHORITY

PRESIDENT: This hearing will come to order. You may be seated.

PRESIDENT: This Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 12 February 2007. This Tribunal will determine whether ABU FARAJ AL LIBI meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

## Court 4

Examine the information below, which relates to Court 4.

### Court Statistics, 2006

Number of Courts	Number of Cases Filed	Number of Judges	Average Judge's Salary
94	335,868	678	\$165,200

### Partial Witness List for a Case Heard by This Court, 2005

UNITED STATES OF AMERICA

vs.

Case No. 8:03-CR-77-T-30TBM

GHASSAN ZAYED BALLUT

#### DEFENDANT GHASSAN BALLUT'S WITNESS LIST

The Defendant, GHASSAN ZAYED BALLUT, by and through his undersigned counsel, pursuant to Local Rule 3.07 and the directions in the May Trial Calendar (Dkt. 964), hereby submits his Witness List for the jury trial in this cause:

Main Abdallah

Bassam Abdullah

Fatima Abu Eid

Ali Abunimah

Maher Affeneh

Abdel bari Al Akhrass

Abdel Ghafer Al Arouri

Kiser Al Deen

Khaled Al Disi

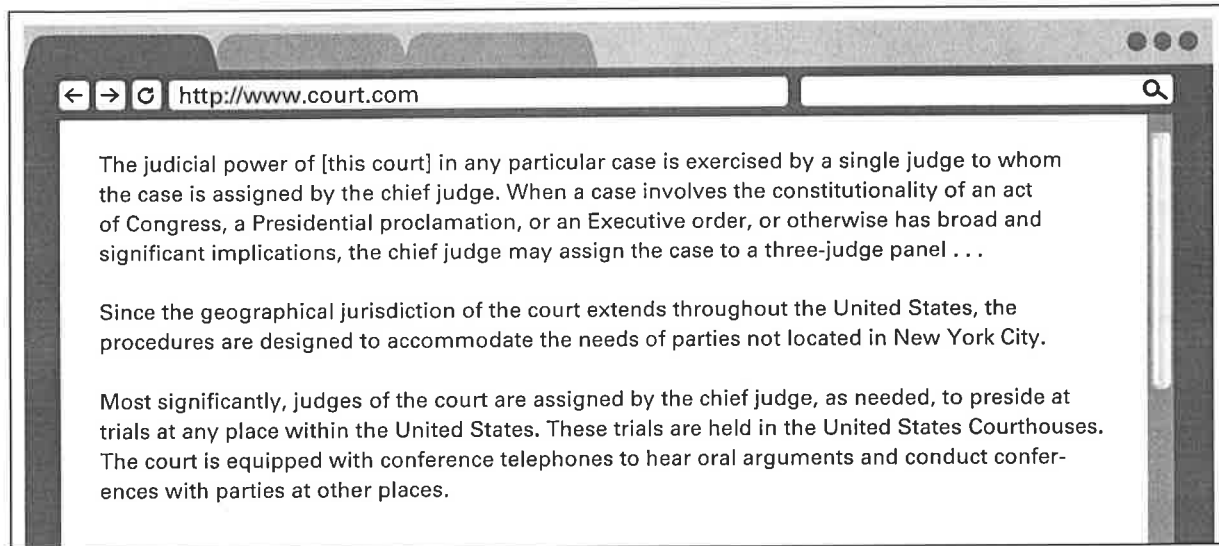
Sheik Mohammed Aleman

Badi Ali

## Court 5

Examine the information below, which relates to Court 5.

### Practice and Procedures from This Court's Web Site



### Opinion from a Case Heard by This Court, 2007

PARKDALE INTERNATIONAL, LTD.,  
RIVERVIEW STEEL CO., LTD., and  
SAMUEL, SON & CO., LTD., :

Plaintiffs,

and

RUSSEL METALS EXPORT,

Plaintiff-Intervenor,

v.

UNITED STATES,

Defendant.

Before: Jane A. Restani, Chief Judge

Court No. 06-00289,

#### OPINION

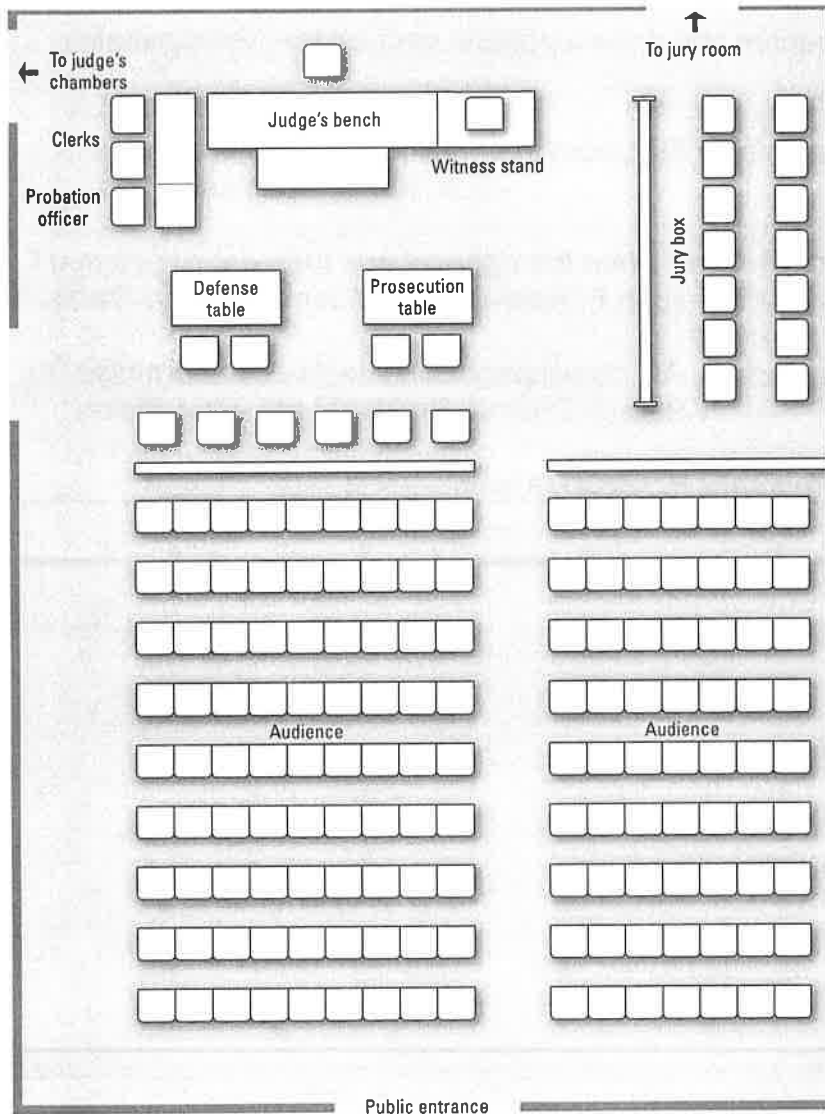
Plaintiffs are importers and exporter-resellers of certain corrosion-resistant carbon steel flat products from Canada that are covered by an antidumping duty order. See Certain Corrosion-Resistant Carbon Steel Flat Prods. & Certain Cut-to-Length Carbon Steel Plate from Canada, 58 Fed. Reg. 44,162, 44,162 (Dep't Commerce Aug. 19, 1993) (antidumping duty order). Plaintiffs seek liquidation or reliquidation of entries from a two-year period commencing on August 1, 2003, and ending on July 31, 2005. Plaintiffs claim they are entitled to liquidation at their producer's deposit rate under the "automatic liquidation rule," 19 C.F.R. § 351.212(c)(1),2 because the entries at issue were not the subject of periodic administrative review proceedings and, therefore, did not receive specific reseller rates.

The Government challenges jurisdiction. It notes that plaintiffs did not participate in the applicable administrative reviews leading to the Final Results, which stated, in boilerplate language, that pursuant to the Reseller Policy the "all others" rate would apply to unreviewed resellers whose products were reviewed.

## Court 6

Examine the information below, which relates to Court 6.

## Diagram of This Courtroom



"Jury of my peers? That's a laugh.  
How many of you ever kill a guy?"

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