



# Rotary

Club of Jackson,  
Mississippi



## Rotagram

September 9, 2024

The Rotary Club of Jackson welcomed Cory J. Wilson, U.S. Circuit Judge of the U.S. Court of Appeals for the 5th Circuit. His presentation was titled “We the People: How Community Leaders Can Sustain a Stronger Country.”



**L to R:** Richard Wilbourn – Rotary President Elect; Attorney – Richard Wilbourn and Associates, PLLC; Cory J. Wilson, U.S. Circuit Judge of the U.S. Court of Appeals for the 5th Circuit; President Phillip Carpenter – Rotary President; Owner, Carpenter Properties; and Meade Mitchell – Attorney, Butler Snow; President of the Mississippi Bar.

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## **President Phillip Carpenter welcomed Rotarians and guests.**

Seth Dickinson, Special Assistant Attorney General, Mississippi Attorney General's Office, delivered the Invocation; Bill Blackwell, Executive Director, Mississippi Sports Hall of Fame, led club members in the Pledge of Allegiance; Tony Webb, President of Jackson Metro, Southern Bancorp, introduced visiting Rotarians and guests; and President Phillip led members in the Four Way Test.

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### **ANNOUNCEMENTS:**

**Fourth quarter invoices** will be emailed this week. Please make these a priority.

**Save the Date:** On Monday, October 4, the JMM Satellite Club is hosting a golf scramble at the Pete Brown Golf Course. The cost is \$75.00 per player or \$275.00 for a team of three. For more information, please email President Erica Reed at [ejohnson@jacksonmedicalmall.org](mailto:ejohnson@jacksonmedicalmall.org).

**Save the Date:** October 24 - District 6820 Color Run for Polio. More details to follow.

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### **BIRTHDAYS:**

Michael Larsen	September 8
Walter Becker	September 9

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### **ANNIVERSARIES:**

Nancy and Jesse Lane (47 years)	September 1
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### **ROTARY JOIN DATES:**

James Carney (36 years)	September 1
Michael Larsen (29 years)	September 1
Ray Lenow (29 years)	September 1
Robby Toombs (23 years)	September 1
Jim Rosenblatt (21 years)	September 9

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Please plan to join the Rotary Club of Jackson on Monday, September 16. Our guest speaker will be Dr. Tracy Cook, President of Alcorn State University.

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## **President-Elect Richard Wilbourn introduced Cory J. Wilson, U.S. Circuit Judge of the U.S. Court of Appeals for the 5th Circuit.**

Judge Wilson's presentation was "We the People: How Community Leaders Can Sustain a Stronger Country." Several resources and links along the lines of Judge Wilson's talk today can be found here: <https://www.lb5.uscourts.gov/CivicsEducation/>



**The Constitution of the United States** establishes a separation of powers by dividing the federal government into three branches, each with its own powers and duties. The Constitution provides that each branch can check the power of the other two branches. Articles I-III of the Constitution outline the powers and limits of each branch.



**Legislative Branch** The Senate and the House of Representatives are chosen by U.S. citizens. This branch is primarily responsible for passing laws. The Senate confirms or rejects the president's nominations. Congress passes budgets and holds the power to declare war.



**Executive Branch** The president and vice president are chosen through the Electoral College process. Cabinet members are nominated by the president and approved by a simple majority of the Senate. This branch is responsible for carrying out and enforcing the laws.



**Judicial Branch** Federal judges are nominated by the president and confirmed by the Senate. Judges preside over cases in the Supreme Court and other federal courts established by Congress. This branch is responsible for interpreting the laws and deciding if laws violate the Constitution.

### Checks and Balances

Checks and balances describes the power of the branches to respond to each other and creates a separation of power. Here are some examples: the president nominates the heads of the federal agencies and appoints federal judges. The Senate will confirm or reject these nominations and Congress has the power to remove members of the executive and judicial branches from office. The Supreme Court and other federal courts have the power of judicial review, which is the authority to declare laws or presidential actions unconstitutional. Congress can propose amendments to the Constitution which would then be ratified by the States. The president has the power to veto a bill passed by Congress, but Congress can override the veto by a 2/3 vote (supermajority) of both houses.



Found at: <https://www.uscourts.gov/front-promo-box-content-bottom-left-21>

### Judicial Independence

The Constitution protects judicial independence in three ways. Federal judges are appointed by the president and confirmed by the Senate as opposed to some state judges (including those in Louisiana, Mississippi and Texas) who are elected. Federal judges serve for life and are guaranteed a salary set by Congress. These elements grant federal judges the ability to make unpopular decisions without the fear of losing their job or a reduction in pay.





### Introduction

United States federal courts cannot hear any case they choose. For a case to be heard in federal court, it must meet certain criteria laid out in the [Constitution](#) or by Congress. Generally, the case must either have “federal question” jurisdiction or “diversity of citizenship” jurisdiction for a federal court to have authority to hear the case.

### Federal Question Jurisdiction

Federal question jurisdiction exists when the case involves the U.S. government, a federal law or the Constitution, an issue between two states, or the U.S. and a foreign government.

Examples of federal question jurisdiction include:

- A plaintiff claiming they are entitled to money under a federal government program such as FEMA,
- A criminal defendant is accused of breaking a federal law such as federal tax evasion,
- Two bordering states arguing over water rights of a river,
- The United States and a foreign government arguing over damages caused by a shipwreck.



### Diversity Jurisdiction

Diversity of citizenship jurisdiction exists when the two sides of a case are from different states or when the two sides consist of a U.S. citizen and a citizen of another country. Additionally, a monetary threshold for damages must be met. For a case to be filed in federal court under diversity jurisdiction, the amount of damages must be more than \$75,000.

Examples of diversity jurisdiction include:

- A citizen from one state suing a company located in another state for damages from a traffic accident,
- A U.S. citizen suing a citizen of another country for parental rights for a child of which they share custody.

### Bankruptcy

Bankruptcy cases are heard exclusively in federal courts according to Congress under [Title 11](#) of the United States Code. There are special bankruptcy courts set up throughout the judicial districts that only hear bankruptcy cases, which occur when individuals or companies can no longer pay their debts.





The federal court system is a complex, overlapping multi-court system in which courts are generally defined by their *authority* and their *jurisdiction*. In general, there are three sources of judicial authority:

- The Constitution of the United States, Article III
- The Constitution of the United States, Article I
- United States Code, Title 28

Courts created pursuant to Article III have certain assurances of judicial independence such as life tenure and guaranteed compensation. These courts include the Supreme Court of the United States, 13 appellate courts, and 94 district courts.



START

Most court cases start in the **district court**, also known as trial court. These courts may only hear certain types of cases defined by their jurisdiction. District courts hold trials, either criminal or civil, and determine the facts and law of a case.

If one or more parties to that case believe that the trial court erred, for example, by excluding evidence or applying the incorrect law to the facts, then they may appeal to the appropriate **appellate court**. The appellate courts are divided into 13 circuits, so called because these courts sit to hear cases from multiple places in one geographic area. (Originally the judges traveled from place to place via horse.)

A district court case may only be appealed to the appellate court that governs the circuit in which the district court is located. In most cases, an appellate court cannot hear new evidence, and is restricted to the record from the trial court.



Finally, there is the **Supreme Court** of the United States. This court is the trial court for disputes between states (i.e. water rights) or disputes involving ambassadors and other high ranking officials. These are the only cases which the Supreme Court *must* hear. All other cases must apply for a **writ of certiorari**, which the court may grant or deny.

STOP



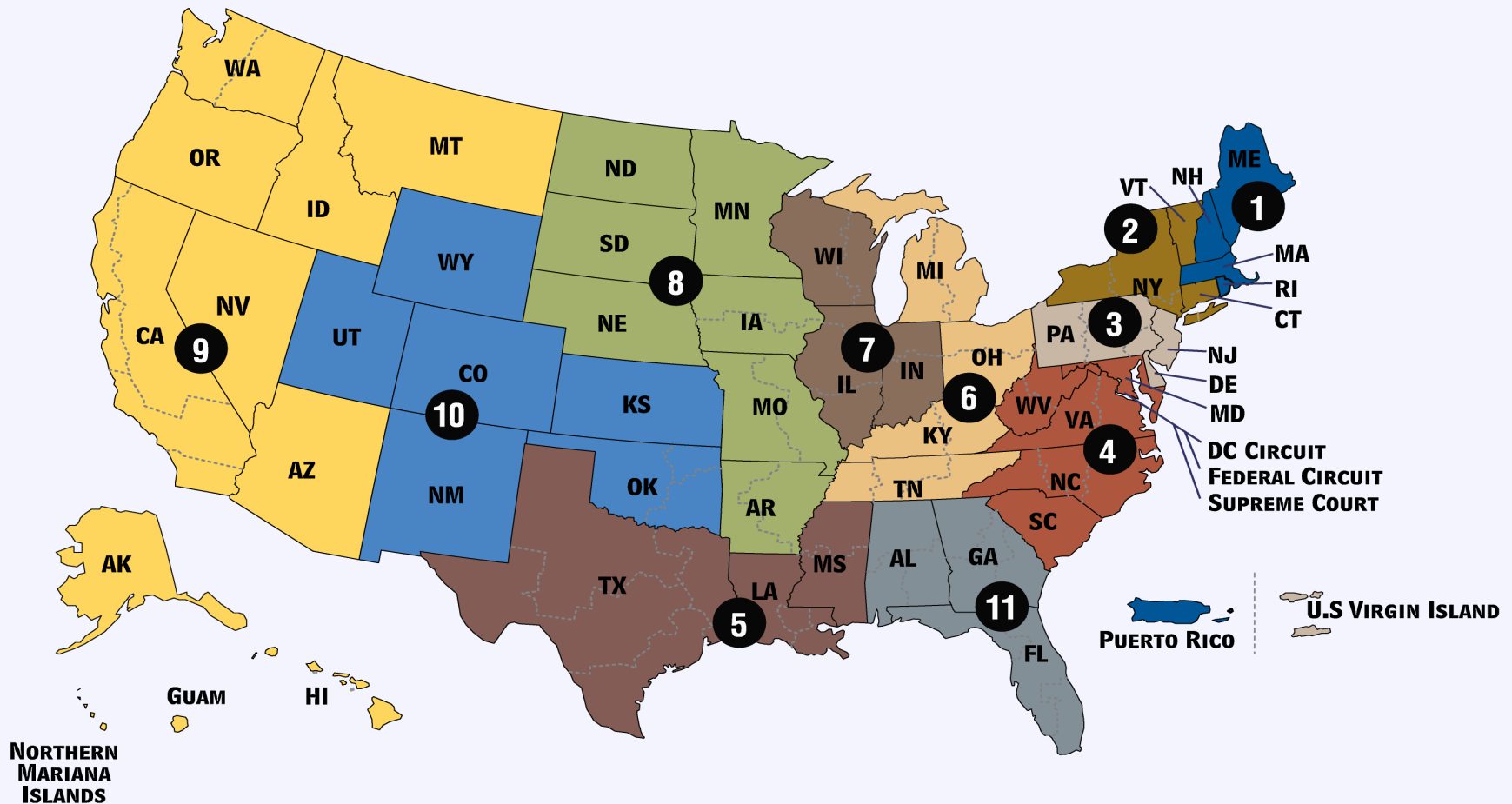
# Maps of U.S. Courts of Appeals and District Courts



Civics Education Project  
Courts of the Fifth Circuit

## Introduction

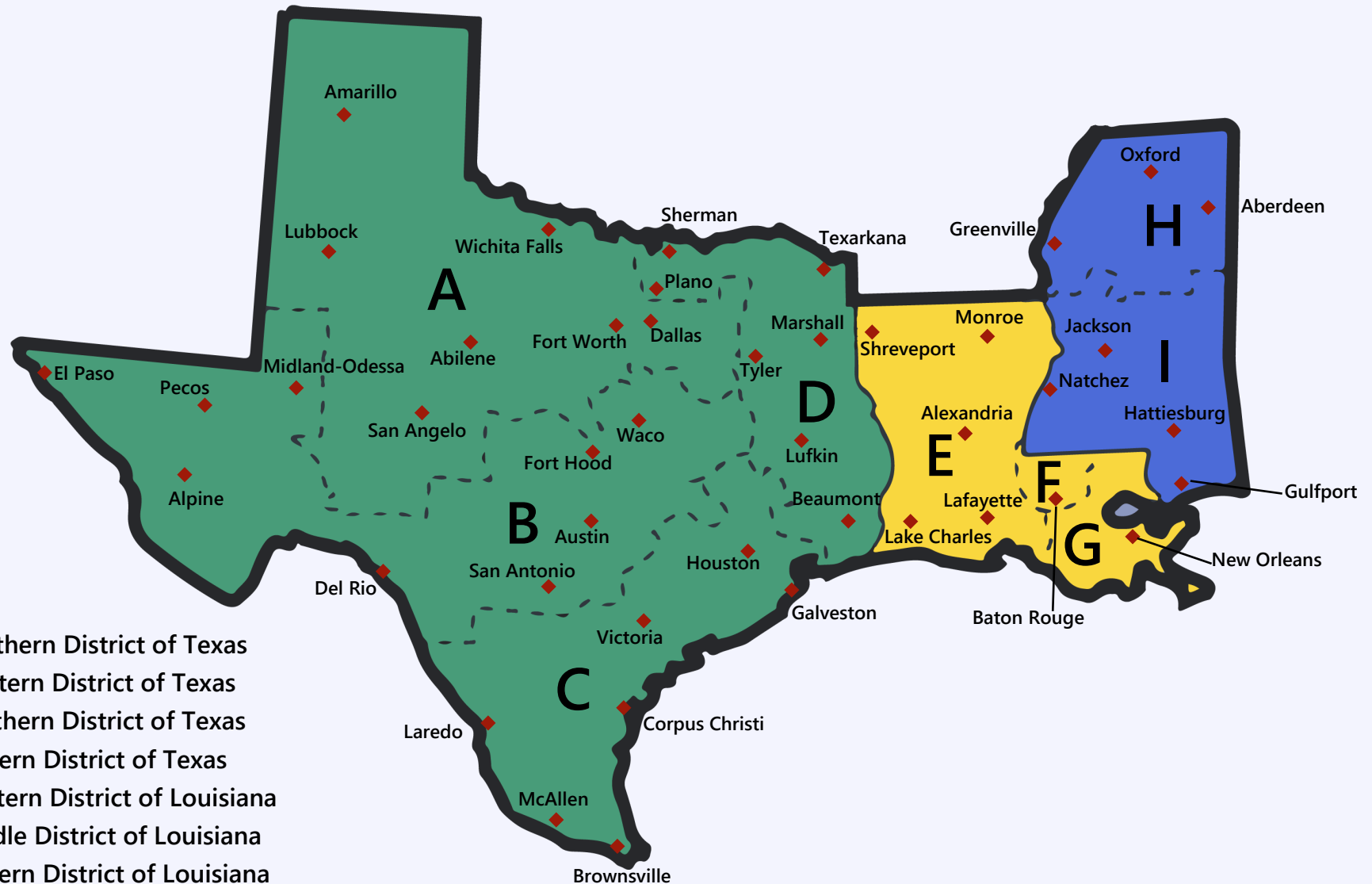
The United States federal judiciary has 94 district courts (trial courts) that hear disputes within a designated geographic region. They are organized into 12 geographic circuits. Each circuit has one court of appeals which hears all of the challenges to the district court decisions within their geographic boundary. These geographic circuits are numbered 1-11 with the twelfth being the D.C. Circuit. The last court of appeal is the Federal Circuit which has national jurisdiction and hears appeals of specialized cases, such as patents and veterans claims. The map below shows the division of the circuits and districts. The following map provides a detailed view of the districts within the Fifth Circuit.



# Maps of U.S. Courts of Appeals and District Courts



Civics Education Project  
Courts of the Fifth Circuit



- A: Northern District of Texas
- B: Western District of Texas
- C: Southern District of Texas
- D: Eastern District of Texas
- E: Western District of Louisiana
- F: Middle District of Louisiana
- G: Eastern District of Louisiana
- H: Northern District of Mississippi
- I: Southern District of Mississippi

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# Comparing Federal & State Courts

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*The U.S. Constitution is the supreme law of the land in the United States. It creates a federal system of government in which power is shared between the federal government and the state governments. Due to federalism, both the federal government and each of the state governments have their own court systems. Discover the differences in structure, judicial selection, and cases heard in both systems.*

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## Court Structure

<b>The Federal Court System</b>	<b>The State Court System</b>
Article III of the Constitution invests the judicial power of the United States in the federal court system. Article III, Section 1 specifically creates the U.S. Supreme Court and gives Congress the authority to create the lower federal courts.	The Constitution and laws of each state establish the state courts. A court of last resort, often known as a Supreme Court, is usually the highest court. Some states also have an intermediate Court of Appeals. Below these appeals courts are the state trial courts. Some are referred to as Circuit or District Courts.
Congress has used this power to establish the 13 U.S. Courts of Appeals, the 94 U.S. District Courts, the U.S. Court of Claims, and the U.S. Court of International Trade. U.S. Bankruptcy Courts handle bankruptcy cases. Magistrate Judges handle some District Court matters.	States also usually have courts that handle specific legal matters, e.g., probate court (wills and estates); juvenile court; family court; etc.
Parties dissatisfied with a decision of a U.S. District Court, the U.S. Court of Claims, and/or the U.S. Court of International Trade may appeal to a U.S. Court of Appeals.	Parties dissatisfied with the decision of the trial court may take their case to the intermediate Court of Appeals.
A party may ask the U.S. Supreme Court to review a decision of the U.S. Court of Appeals, but the Supreme Court usually is under no obligation to do so. The U.S. Supreme Court is the final arbiter of federal constitutional questions.	Parties have the option to ask the highest state court to hear the case.
	Only certain cases are eligible for review by the U.S. Supreme Court.



# Selection of Judges

<b>The Federal Court System</b>	<b>The State Court System</b>
<p>The Constitution states that federal judges are to be nominated by the President and confirmed by the Senate.</p> <p>They hold office during good behavior, typically, for life. Through Congressional impeachment proceedings, federal judges may be removed from office for misbehavior.</p>	<p>State court judges are selected in a variety of ways, including</p> <ul style="list-style-type: none"><li>• election,</li><li>• appointment for a given number of years,</li><li>• appointment for life, and</li><li>• combinations of these methods, e.g., appointment followed by election.</li></ul>

# Types of Cases Heard

<b>The Federal Court System</b>	<b>The State Court System</b>
<ul style="list-style-type: none"><li>• Cases that deal with the constitutionality of a law;</li><li>• Cases involving the laws and treaties of the U.S.;</li><li>• Cases involving ambassadors and public ministers;</li><li>• Disputes between two or more states;</li><li>• Admiralty law;</li><li>• Bankruptcy; and</li><li>• Habeas corpus issues.</li></ul>	<ul style="list-style-type: none"><li>• Most criminal cases, probate (involving wills and estates)</li><li>• Most contract cases, tort cases (personal injuries), family law (marriages, divorces, adoptions), etc.</li></ul> <p>State courts are the final arbiters of state laws and constitutions. Their interpretation of federal law or the U.S. Constitution may be appealed to the U.S. Supreme Court. The Supreme Court may choose to hear or not to hear such cases.</p>

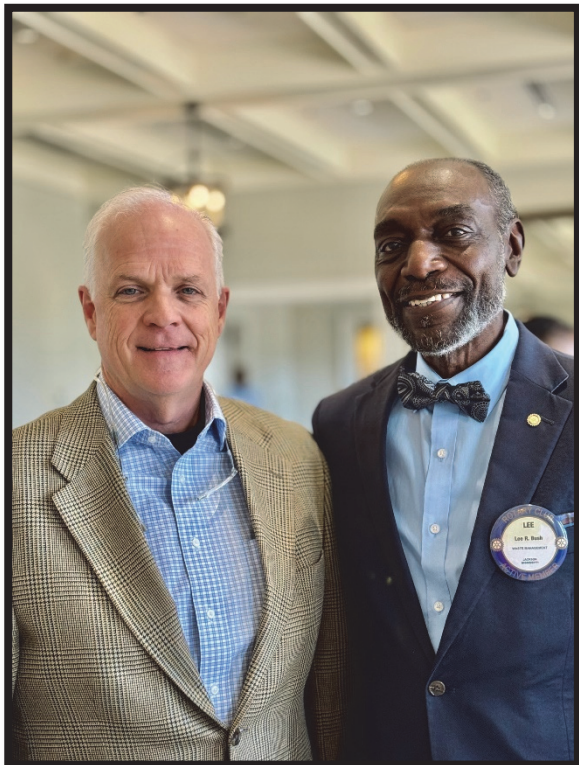
# More Photos



Cory J. Wilson, U.S. Circuit Judge of the U.S. Court of Appeals for the 5th Circuit



President Phillip Carpenter



Lee Bush invited a guest.



Dr. Billy Long and President-Elect Richard Wilbourn





John Heo, Judge Wilson's law clerk; Dean Jim Rosenblatt, and Warren Bloom, Judge Wilson's law clerk



Huge Trussell, II; Past District Governor Danny Williams; Past President Tom Johnson; Past District Governor Amanda Fontaine; and Hank Holman





Past President Haden Hughes  
and Sandra Shelson



Judge Cory Wilson and  
Past President Selena Swartzfager



Kaamilya Young and Allan Cole.



Johnny Ray and  
Past President Selena Swartzfager





Tony Webb



Hap Henley and Thomas Dunbar