

# THE COURT SYSTEM IN THE UNITED STATES

## Why are there two separate court systems in the United States?

The U.S. Constitution created a governmental structure for the United States known as federalism. Federalism refers to a sharing of powers between the central (federal), or United States government, and the governments of each of the individual 50 states. The Constitution gives certain powers to the federal government and reserves the rest for the states. Therefore, while the Constitution declares that the federal government is supreme about the powers expressly or implicitly delegated to it, the states remain supreme in matters reserved to them.

This supremacy of each government in its own sphere is known as “separate sovereignty,” or each government being sovereign in its own right. Likewise, both the federal and state governments need their own court systems to apply and interpret their laws. Both the federal and state constitutions attempt to do this by specifically spelling out the jurisdiction of their respective court systems.

For example, since the Constitution gives congress the sole authority to make uniform laws concerning bankruptcies, a state court would lack jurisdiction in this matter. Likewise, since the Constitution does not give the federal government authority in most matters concerning the regulation of the family, a federal court would lack jurisdiction in a divorce case. Therefore, there are two separate court systems in America. The federal court system deals with issues of law relating to the powers expressly or implicitly granted to it by the Constitution while the state court systems deal with issues of law relating to the matters that the U.S. Constitution did not give to the federal government nor explicitly deny to the states.

## The Federal Court System

The term “federal court” can refer to one of two types of courts. The first type of court is what is known as an Article III court. This is because they derive their power from Article III of the Constitution. These courts include the U.S. District Courts, the U.S. Circuit Courts of Appeal and the U.S. Supreme Court. They also include two special courts: the U.S. Court of Claims and the U.S. Court of International Trade. These courts are referred to as specialized because, unlike the other courts, they are not courts of general jurisdiction. Courts of general jurisdiction can hear almost any case. All judges of Article III courts are appointed by the President of the United States with the advice and consent of the Senate and hold office until they choose to retire.

The second type of court also is established by Congress. These courts are magistrate courts, bankruptcy courts, the U.S. Court of Military Appeals, the U.S. Tax Court and the U.S. Court of Veterans’ Appeals. The judges of these courts are also appointed by the President with the advice and consent of the Senate. They hold office for a set number of years, usually about 15.

## U.S. District Courts

There are 94 U.S. District Courts in the United States. Every state has at least one district court and some large states, such as California, have as many as four. Each district court has between two and 28 judges. The U.S. District Courts are trial courts, or courts of original jurisdiction.

This means that the clear majority of federal cases begin there. They hear both civil and criminal cases. In many cases, the judge determines issues of law while the jury (or judge sitting without a jury) determines findings of fact.

## US. Circuit Courts of Appeal

There are 13 U.S. Circuit Courts of Appeal. These are divided into 12 regional circuits and sit in various cities throughout the country. The U.S. Court of Appeals for the Federal Circuit (the Thirteenth Court) sits in Washington. Except for criminal cases in which a defendant is found not guilty, any party who is dissatisfied with the judgment of a U.S. District Court may appeal to the U.S. Circuit Court of Appeal in his/her geographical district. These courts only will examine the trial record for mistakes of law — the facts of the case already were determined by the U.S. District Court. As such, the court usually will neither review the facts of the case nor take any additional evidence. When hearing cases, these courts usually sit in panels of three judges.

## The US Supreme Court

The Supreme Court of the United States sits at the apex of the federal court system. It is composed of nine judges, known as justices, and is presided over by the chief justice. It sits in Washington D.C. Parties who are not satisfied with the decision of a U.S. Circuit Court of Appeal (or, in rare cases, of a U.S. District Court), or a state supreme court can

petition the U.S. Supreme Court to hear their case. This is mainly done by a legal procedure known as a Petition for a Writ of Certiorari. The court has discretion to decide whether to accept such cases. The court accepts about 100-150 of some 7,000 cases it is asked to hear for argument per year. The cases typically fit within general criteria for oral arguments. Four justices must agree to hear the case. While primarily an appellate court, the court does have original jurisdiction over cases involving ambassadors and two or more states.

## State Court Systems

No two state court systems are exactly alike. Nevertheless, there are sufficient similarities to provide an example of what a typical state court system looks like. Most state court systems are composed of: 1) two sets of trial courts — trial courts of limited jurisdiction (probate, family, traffic, etc.) and trial courts of general jurisdiction (main trial-level courts); 2) intermediate appellate courts (in many, but not all states); and 3) the highest state courts (called by various names). Unlike federal judges, most state court judges are not appointed for life, but are elected or appointed (or a combination of both) for a certain number of years.

### Trial Courts of Limited Jurisdiction

Trial courts of limited jurisdiction are those courts that only deal with specific types of cases. They are often located in/near the county courthouse and are usually presided over by a single judge. Most of the cases heard by these courts are heard by a judge sitting without a jury. Some examples of trial courts of limited jurisdiction include:

- Probate Court: matters concerning administering the estate of a person who has died (decedent). It sees that the provisions of a will are carried out or sees that a decedent's property is distributed according to state law if he/she died intestate (without a will).
- Family Court: matters concerning adoption, annulments, divorce, alimony, custody, child-support, etc.
- Traffic Court: minor violations of traffic laws.
- Juvenile Court: cases involving children under a certain age — i.e. 18 or 21.
- Small Claims Court: suits between private persons of a relatively low dollar amount — i.e. under \$5,000.
- Municipal Court: cases involving offenses against city ordinances.

### Trial Courts of General Jurisdiction

Trial courts of general jurisdiction are the main trial courts in the state system. They hear cases outside the jurisdiction of the trial courts of limited jurisdiction. These cases are both civil and criminal and usually are heard by one judge (often sitting with a jury). In such cases, the judge decides issues of law while the jury decides issues of fact. A record of the proceeding is made and may be used on appeal. These courts are called by a variety of name including Circuit Courts, Superior Courts, Courts of Common Pleas and, in New York, Supreme Courts. In certain cases, these courts can hear appeals from trial courts of limited jurisdiction.

### Intermediate Appellate Courts

Many, but not all, states have intermediate appellate courts between the trial courts and the highest court in the state. Any party (except in a case where a defendant in a criminal trial has been found not guilty) who is not satisfied with the judgment of a state trial court may appeal the matter to an appropriate intermediate appellate court. Such appeals are usually a matter of right (meaning the court must hear them). However, these courts only address alleged procedural mistakes and errors of law made by the trial court. They will usually neither review the facts of the case, which were established during the trial, nor accept additional evidence. These courts usually sit in panels of two or three judges.

### Highest State Courts

All states have some sort of highest court. While they are usually referred to as supreme courts, some, such as the highest court in Maryland, are known as Courts of Appeal. In states with intermediate appellate courts, the highest state courts usually have discretionary review as to whether to accept a case. In states without intermediate appellate courts, appeals usually may be taken to the highest state court as a matter of right. Like the intermediate appellate courts, appeals usually taken allege a mistake of law and not fact. In addition, many state supreme courts have original jurisdiction in certain matters. For example, the highest courts in several states have original jurisdiction over controversies regarding elections and the reapportionment of legislative districts. These courts often sit in panels of three, five, seven or nine judges/justices.