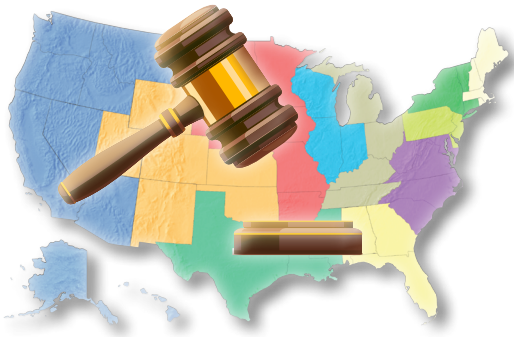


Double Take: Dual Court System

Name: _____



The federal court system was established by the U.S. Constitution.

When we have a legal problem—either a serious dispute with another person or company, or involvement in a possible crime—we have two options for justice: the **federal (or national) court system** and the **state court system**. We call this the *dual court system* since there are two sets of courts. Both the federal and state court systems are in place to promote justice by fairly resolving disputes or determining whether a crime has been committed and exactly what the punishment should be.

BOGO on Two?

Not exactly. When the Framers sat down in 1787 to create our

federal government, there were already governments in place in all thirteen of the states. Those states had pretty much been running their own individual governments, including their own courts, since they had been colonies under British rule. The Framers didn't want the new national government to replace state governments. What they wanted was protection against tyranny, so they envisioned a federal system, with national and state governments existing side-by-side sharing power. We call this **federalism**. So when Article III of the Constitution created the federal judicial branch, it didn't abolish state courts. It left them (and state governments) in place and created an additional national system of courts instead. Typically, if you have a case, it will enter and stay in only one of these court systems.

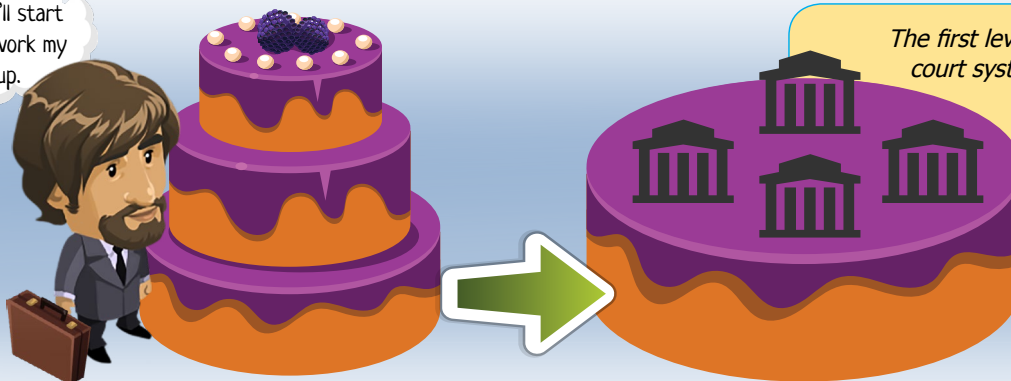


Federal Court: Level 1

The only federal court Article III actually created was the U.S. Supreme Court. But the Constitution gave Congress the ability to create lower courts, which it did right away. Congress set up a three-tiered system. Think of it like a wedding cake—*mmm, tasty!*

Most cases start in the courts that make up the first tier. (That's the large bottom level of the cake). The courts in this tier are called **trial courts**, and in the federal system they're known as **district courts**. This is where a case involving a federal law or dispute comes the first time it is heard. During a trial in a federal district court, both sides get to present evidence and call witnesses to testify on their behalf. Either a judge or a jury issues a decision, called a **verdict**. The verdict is based on the lawyers' arguments, the evidence, and, most importantly, how the law applies in the case. There are 94 U.S. District Courts. Each state has at least one and so do the District of Columbia and the territories of Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.

I guess I'll start here and work my way up.



The first level of the federal court system is made up of trial courts called district courts.



An unfair trial in the district court, unconstitutional law, or verdict based on the wrong law are all valid reasons to appeal to an appellate court.

Level Up... Access Granted?

Most cases end in the first tier. But if one of the parties disagrees with the verdict because either there was an error during the trial or an error in the law, that person can ask for an **appeal**. This is a request to a higher court to ask it to review the decision. If the appeal is granted, the case moves up to the second tier. (The slightly smaller middle level of the cake). Courts in this second tier are called **courts of appeals** (or **appellate courts**). There are no juries present in these courts nor can lawyers present new evidence for their clients. So what happens in a **U.S. Appellate Court**? Three judges review what happened during the trial and the law that was applied, and then decide if the lower court made a mistake or conducted an unfair trial. The U.S. has only 13 appellate courts. Each

court is assigned a circuit, which (except for the U.S. Court of Appeals for the Federal Circuit) usually covers a few states. Since most cases are not appealed, these courts handle the appeals that come to them from the federal district courts located in the states in their assigned circuit.

Final Tier

The federal court system has one more level. (This is the small top layer of the cake.) There's only one court here. The **U.S. Supreme Court** is the highest court in the country. It's also a court of appeal, which means that it reviews decisions from the lower courts. Very few cases are accepted to be heard by the U.S. Supreme Court. Of the 7,000–8,000 requests for appeals that make it here, only about 80 of those are granted a full review. These are cases with national significance and usually bring into question whether a law or government action goes against the Constitution. During a Supreme Court case, nine judges called **justices** listen to oral arguments from each side and deliver a decision, called an **opinion**. Once a case makes it to the Supreme Court, it can't be appealed any further. And the Court's decision applies to all states.



The Supreme Court completes the final layer. Only a small number of cases make it to this court.

What Cases Can Federal Courts Hear?

The authority of a court to hear a case is also referred to as its **jurisdiction**. The jurisdiction of federal courts is limited to the types of cases listed in Article III, Section 2 of the Constitution and further defined by the laws Congress passes. There are a few things that the federal court system has *exclusive* jurisdiction over, meaning that cases involving these subjects can only be heard in a federal court of law. This type of jurisdiction is referred to as exclusive **subject matter jurisdiction** and includes cases involving the military, immigration, bankruptcy, copyright, and admiralty (a fancy term for cases related to ships and the sea). The federal court system also has **federal question jurisdiction** which, of course, gives it the authority to hear cases involving a federal law or the Constitution. When a case involves two parties from different states and a large sum of money (\$75K or more), a federal court can hear that case, too—even if it doesn't involve a federal issue. This is called **diversity jurisdiction**. Giving the federal court (instead of the parties' state courts) the authority to hear these cases ensures that both parties get a fair trial.

Double Take: Dual Court System

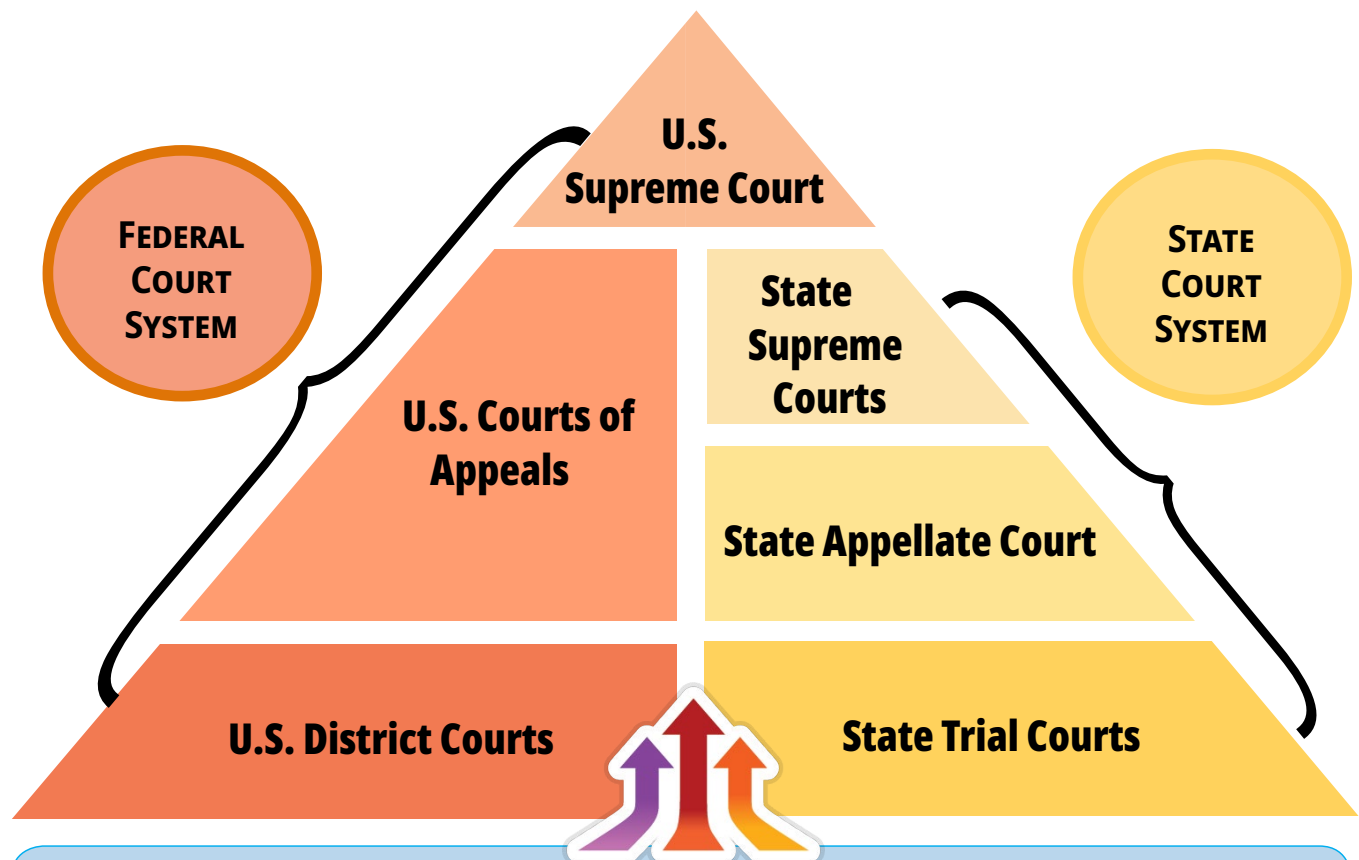
Name: _____

The Lowdown on the State Court System

Every state has its own court system, established by its constitution and laws. In general, most state court systems mirror the structure of the federal system: a three-tiered organizational structure consisting of:

1. **Trial courts** to initially hear cases, establish the facts, and apply the law
2. **Appellate courts** to determine if the trial court applied the law to the facts correctly
3. A **state supreme court** to be the final say on claims of appeal

But because states have the authority to create their own court systems, not every state has all three levels. And even a state that has all three levels may still have a more elaborate system of organization for which court residents should go to and what kinds of cases each court can hear. You can check the official government site for your state's court system to see exactly how its tiers are organized and which courts handle which kinds of cases.



Our court systems can also be visualized as a triangle with trial courts on the bottom and supreme courts on top. The U.S. Supreme Court oversees both systems.

Double Take: Dual Court System

Name: _____

STATE COURTS HAVE JURISDICTION OVER CASES INVOLVING:

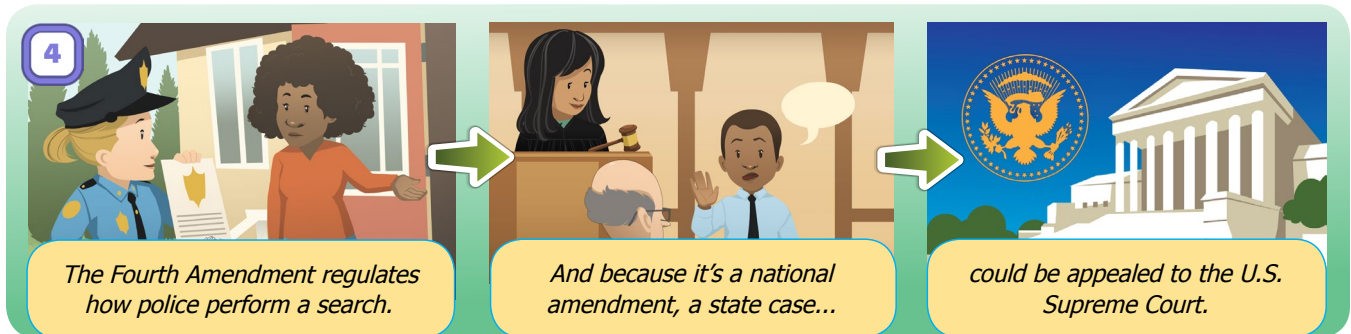
- State law and its constitution
- Most criminal cases
- Traffic violations
- Inheritance (i.e. wills and estates)
- Family law (i.e. divorce, child custody, and adoption)
- Landlord–tenant disputes
- Personal injuries
- Broken contracts

State Courts Are Busy!

State courts have jurisdiction, or authority, to hear any case not exclusively given to the federal courts. In general, most **criminal cases** involve state criminal laws and therefore take place in state court. **Civil cases**, such as cases involving family law (think divorces and adoptions), personal injuries, broken contracts, and wills are also more likely to be heard in a state court. Looking at the statistics in 2017, for example, nearly 360,000 cases were filed in federal district courts while over 80,000,000 cases were filed in state district courts!

When it comes to interpreting state laws and constitutions, state courts have the final say. But a state court's interpretation of a federal law or the U.S. Constitution may be appealed to the U.S. Supreme Court. For example, if a person on trial in a state court for murder claims that the police obtained evidence without a

warrant and in violation of the Fourth Amendment, the state court's decision on that constitutional issue could be appealed to the Supreme Court. But the Supreme Court may or may not hear that appeal since it generally agrees to hear only cases that have national significance, or which will resolve inconsistent lower court rulings.



How the Two Court Systems Interact and Overlap

Remember, cases involving a federal law or the U.S. Constitution, and those between parties from different states and those involving more than \$75,000 may be heard in a federal court. All other cases (and, by far, most cases) are heard in state courts. But it's more complicated than that. In addition to the state court decisions that involve federal laws or constitutional rights and therefore can be appealed to the U.S. Supreme Court, there are cases which could be tried in either court system. *Whaaattt?* Yes!

When more than one court has the authority to hear a case, it's called **concurrent jurisdiction**. Concurrent is a word that means existing at the same time. In cases involving concurrent jurisdiction, the party may choose which court system—federal or state—is best to hear the case. For example, preventing employment discrimination has been an important concern for federal and state governments. Similar federal and state laws exist that prevent an employer from treating an employee unfairly based on his or her race, gender, age, ethnicity, religion, or sexual orientation. Massachusetts, like many states, has a law prohibiting employment discrimination. If a worker in Massachusetts felt that her employer was paying her less solely on the basis of her gender, she could choose to bring her case to either the state court of Massachusetts or the Federal District Court for the District of Massachusetts. Her lawyer would help her decide which court would be best, taking into consideration factors such as how soon the case might be heard and what result might be likely in each court.