Dual Court System

Chapter 3
## Dual Court System

<table>
<thead>
<tr>
<th>Federal Courts</th>
<th>State Courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three levels of courts: trial, appeals, Supreme</td>
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</tr>
<tr>
<td>Derives powers from U.S. Constitution and federal laws</td>
<td>Derives powers from state constitution and state laws</td>
</tr>
<tr>
<td>Hears cases involving federal law</td>
<td>Hears cases involving state law</td>
</tr>
<tr>
<td>Most judges appointed for life</td>
<td>Most judges elected or appointed for set terms</td>
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<tr>
<td>U.S. Supreme Court can hear appeals from state supreme courts</td>
<td>State appeals courts never hear cases that originate in federal courts.</td>
</tr>
</tbody>
</table>

### Federal cases involve
- Two or more states
- Ambassadors and other high-ranking public figures
- Federal crimes (treason; piracy; counterfeiting)
- Bankruptcy
- Patent, copyright, trademark
- Admiralty (maritime law)
- Antitrust
- Securities and banking regulation
- Other cases specified by federal statute

### State cases involve
- Interpretation of state constitution
- State criminal offenses
- Tort and personal injury law
- Contract law
- Probate
- Family law
- Sale of goods
- Corporations and business organizations
- Election issues
- Municipal/zoning ordinances
- Traffic regulations
- Real property

*structure and names of courts vary by state*
Dual Court System

In the United States the *justice* system has two parts:

1. The Federal Court System
2. The State Court System
   - Federal courts hear cases involving *federal* matters and matters involving *diversity* of citizenship.
   - State courts have their own rules.
Jurisdiction

Jurisdiction is the **power** and **authority** given to a court to hear a case and make a **judgment**.

- Federal Courts have jurisdiction over several types of cases:
  - Actions in which the United States or one state is a party, except those actions between a state and its citizen.
  - Cases that **raise** a federal question, such as interpreting the **constitution**.
  - Diversity of **Citizenship** cases
Jurisdiction

- **Admiralty** cases, or those pertaining to the sea.
- Patent and **Copyright** cases.
- Bankruptcy Cases

**Example of a Federal Case**

- Local police of a large city caught a woman breaking into a federal government building. The police arrested the woman, but because the crime was committed against federal property, she was turned over to federal authorities for trial in a federal district court.
Federal Court Arrangement

Federal courts are arranged in three steps:

1. U.S. District Court
   a. located all throughout the US
2. U.S. Court of Appeals
3. Supreme Court of the U.S.
District Courts

- District Courts have *original* jurisdiction over most federal courts, meaning they try a case the *first time* it is heard.

- Both *civil* and *criminal* cases can be tried in these courts.
Court of Appeals

• The US Court of Appeals, is also known as Appellate Courts, are intermediate courts, which means they are between the lowest and highest courts.

• These courts hear appeals from cases that were made at lower courts.

• Appellate Jurisdiction – this means that any party to a suit decided in a federal district court may appeal to the court of appeals for a new hearing.
Court of Appeals

- The United States is divided into thirteen circuits.

- Each circuit has several district courts and one court of appeals.

- A panel of three judges is responsible for making decisions at each court of appeals.
  - No witnesses are heard, no jury is present, and no evidence is presented.
  - Only questions of law can be raised, not questions of fact.
Supreme Court

- This is the **highest** court in the United States.
- It has original jurisdiction on the following cases:
  - Involving ambassadors, consuls, other public ministers, and cases in which the state is a party.
  - Appellate jurisdiction is the court's main function.
  - Must hear all cases that involve the constitution or federal law.
- There are **9** members of the supreme court, serving **life** terms and are elected by **president**.
Special US Courts

- These courts have been set up by Congress.
- These courts hear only certain kinds of cases:
  - Suits brought by citizens against the federal government.
  - Disagreements over taxes on imported goods.
  - Disputes between taxpayers and the IRS.
The state court system operates in almost the same manner as the federal court system.
Local Trial Courts

• Local courts are courts of limited jurisdiction that handle minor matters, such as:
  o Misdemeanors
  o Civil actions involving small amounts of money.

• Minor cases can also be heard in these various types of courts:
  o Traffic Courts
  o Police Courts
  o Municipal Courts
Local Trial Courts

• There are also special local courts that deal with:
  o Juveniles
  o Family Disputes
  o Small Claims
General Trial Courts

- Each county in most states has at least one general trial court or a court of general jurisdiction.

- These courts can handle both civil and criminal cases.

- These courts also go by the following names:
  - County Court, Court of Common Pleas, or Circuit Court
Special Courts

• In most states, there have been special courts set up to hear special cases.

• Examples:
  o Probate courts handle property of deceased people and handle adoptions
  o Domestic Relations courts and juvenile courts.
Domestic Relations Courts

- These cases are in almost each county in every state.

- These courts handle divorce, annulment, and dissolution proceedings.

- This court is also responsible for matters concerning the distribution of property at the end of a marriage, including alimony and child support.
Juvenile Courts

- Juvenile courts have special **jurisdiction** over **delinquent**, unruly, **abused**, or neglected children up to a certain age.

- Hearings are in more of an **informal** setting rather than in a **courtroom**.

- Young people who are **tried** in juvenile court have **no right** to a trial by jury or **released** on bail.
Juvenile Court

Delinquent Child – is a minor under a certain age (generally 16-18) who committed an adult crime.
- Some states have adopted to their laws a minor who attempts to purchase a firearm.

Unruly Child – is a general minor who has done something inappropriate that is not considered an adult crime.
- Violating curfew, skipping school, or use of tobacco or underage drinking.

Neglected or Abused Child – is one who is homeless, destitute, or without adequate parental care.