



The Spirit of the Law

If someone cannot get a satisfactory settlement of a claim by a voluntary agreement, it is possible to bring an action to court and to ask the court to decide. The United States has a dual court system—the federal court system and state court systems. The federal court system, with exceptions, hears cases involving federal matters. State court systems are independent of one another, each having its own rules and regulations. Generally, state courts decide cases involving matters occurring within their own state borders.

Legal Issues:

1. Will an invasion of privacy case for \$10,000 be tried in a federal court?
2. How many court systems are there in the United States?
3. Are all federal courts located in Washington, D.C.?
4. Can a person being sued in a state court transfer the case immediately to the U.S. Supreme Court?

Federal Court System

The federal court system derives its power from Article III of the U.S. Constitution, which reads: "The Judicial Power of the United States shall be vested in one Supreme Court and in such Inferior Courts as the Congress may from time to time ordain and establish."

Jurisdiction is the power and authority given to a court to hear a case and to make a judgment. The federal courts have jurisdiction over (1) actions in which the United States or a state is a party, except those actions between a state and its own citizens; (2) cases that raise a federal question (interpretation of the U.S. Constitution or the violation or interpretation of a federal law); (3) **diversity of citizenship** cases, actions between citizens of different states where the amount of money involved exceeds \$50,000; and (4) admiralty (pertaining to the sea), patent-right, copyright, and bankruptcy cases.

Example 1. A man and woman were caught by city police breaking into a federal government building that was located in a large city. The city police arrested the couple and turned them over to federal authorities for trial in the federal district court. This was proper because the offense was committed against federal property.

Federal courts are arranged in three steps or tiers. The lowest tier consists of many U.S. district courts located throughout the United States and its territories. The middle tier is made up of the U.S. courts of appeals. The highest tier is the Supreme Court of the United States.

District Courts

District courts have **original jurisdiction** over most federal court cases. This means they have authority to try a case the first time it is heard. Thus, most federal cases begin in one of the U.S. district courts, which are the trial courts of the federal government. Civil and criminal cases, either with or without juries, are heard in U.S. district courts.

FYI

In the United States, becoming a judge is usually a reward for legal excellence. In France, on the other hand, judges are chosen from a group of professional judges. Having a career as a judge in France requires special schooling and an examination totally separate from that required to become an attorney.

There is at least one U.S. district court in each state. Some states have more than one. Currently there is a total of 95 district courts.

Courts of Appeals

The U.S. courts of appeals are **intermediate courts**. They are between the lower courts and the highest court. As their name implies, they can also be called **appellate courts**. **Appellate courts** have the authority to hear appeals and review cases from lower courts. Because the U.S. courts of appeals have the authority to hear cases on appeal, we say that they have **appellate jurisdiction**. This means that any party to a suit decided in a federal district court may appeal the decision to the federal court of appeals in the circuit where the case was tried.

The United States is divided geographically into 13 judicial circuits. Each circuit has several district courts and one court of appeals. For example, the Eleventh Circuit Court of Appeals includes Georgia, Alabama, and Mississippi. There are federal district courts in each of these states. To appeal a case heard in one of these district courts, the parties would have to appeal the decision to the U.S. Court of Appeals for the Eleventh Circuit in Atlanta, Georgia.

Most U.S. court of appeals cases are decided by a panel of three judges. No witnesses are heard, no evidence is presented, and there are no juries. Only questions of law can be raised on appeal, not questions of fact. For this reason, not all cases can be appealed.

Example 2. Nancy Kiernan lost her negligence case against John Pelletier, a resident of another state. The jury in the federal district court decided that John was not negligent. Nancy could not appeal the jury's decision because the question of negligence is in most cases a question of fact.

Special U.S. Courts

Along with the district courts and courts of appeals, Congress has established several special federal courts. As you can see in Figure 5-1 on page 67, these courts have jurisdiction only in certain kinds of cases. These cases include suits by citizens against the federal government, disagreements over taxes on imported goods, and disputes between taxpayers and the Internal Revenue Service.

Supreme Court

The U.S. Supreme Court is the highest court in the land. It has both original and appellate jurisdiction. It has original jurisdiction in all cases involving ambassadors, consuls, other public ministers, and cases in which a state is a party. Its appellate jurisdiction is the Court's main function, however. The Court must hear all cases that involve the constitutionality of a federal law. The Court, itself, then decides, by a vote of at least four out of its nine justices, which additional cases it will hear from the U.S. courts of appeals or the state supreme courts.

Example 3. The Sheriff's Department in Saginaw County, Michigan, set up a checkpoint to stop all drivers and examine them for signs of intoxication. The average delay for each vehicle was approximately 25 seconds. Two drivers were arrested for driving under the influence. Michigan's highest court held that the checkpoints were unconstitutional. The U.S. Supreme Court disagreed, saying that such checkpoints did not violate the Fourth Amendment's ban on unreasonable police seizures.

Reducing Legal Risks

If you are involved in a legal dispute, whether civil or criminal, determine whether your case should be filed in a federal or state court and what will be required of you. Know what your rights are in the event that the outcome of the case is not what you expected. Be prepared to accept the outcome if you must.

State Court Systems

Each state has its own court system. The general pattern, however, is the same in all states. Figure 5-1 on page 67 shows this general structure for the state courts.

Local Trial Courts

Local courts are courts of limited jurisdiction. **Limited jurisdiction** means that they have jurisdiction only in minor matters such as misdemeanors and civil actions involving small amounts of money. Their jurisdiction is limited to whatever the state government has authorized.

There are various kinds of local trial courts. Justice of the peace courts, or magistrate's courts as they are sometimes called, were the only local courts in the early days of our country. They were set up to try small claims and to punish petty crimes in each local community. They continue to serve that function today in many communities.

Minor legal matters are also handled by other local courts such as traffic courts, police courts, or municipal courts. Sometimes special local courts are set up to deal with such matters as juvenile offenses, family disputes, and small claims.

General Trial Courts

In most states, each county has at least one general trial court or court of **general jurisdiction**. These courts are called by various names such as county court, superior court, court of common pleas, or circuit court. They are the general trial courts for major civil and criminal cases in each state.

All cases involving major crimes and large amounts of money must begin in one of these courts. These courts, then, have the duty to determine the facts, usually with the aid of a jury, and to apply the appropriate law to these facts. General trial courts sometimes hear appeals from lower courts. Most appeals, though, are heard in a higher court.

Special Courts

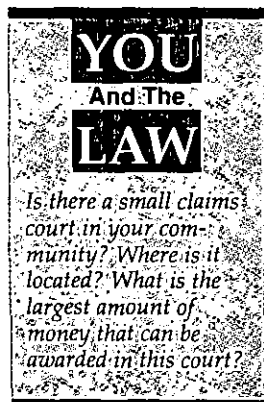
Courts have been established in many states to handle specialized cases. The jurisdiction of these courts is limited to a particular subject matter. For example, land courts hear cases involving boundary disputes; and housing courts hear cases dealing with rental property.

In most states, each county has a family or domestic relations court to handle divorce, child custody, and other family matters. Also usually present is a probate court to administer the estates of deceased persons.

Juvenile courts have special jurisdiction over delinquents and neglected children up to an age set by state statute, usually 18. Such courts exist in every state in the United States at both state and local levels.

Example 4. A juvenile was arrested for committing a crime at the age of 16. He fled custody and was not apprehended until after his eighteenth birthday. He was transferred by the juvenile court to the adult court because the juvenile court's jurisdiction ended when he became 18.

In some states the juvenile court is a separate court, independent of any other court. In other states, special sessions to handle juvenile cases are held in the district court or the probate court. Procedures in these courts differ somewhat from those of other types of courts. The sessions are often



held privately in the judge's chambers or in some other room not as formal as a courtroom. Persons who appear before juvenile courts have no right to a trial by jury or to be released on bail. In addition, the U.S. Supreme Court has held that there must be proof beyond a reasonable doubt to convict a child for an act that would be a crime if it had been committed by an adult.

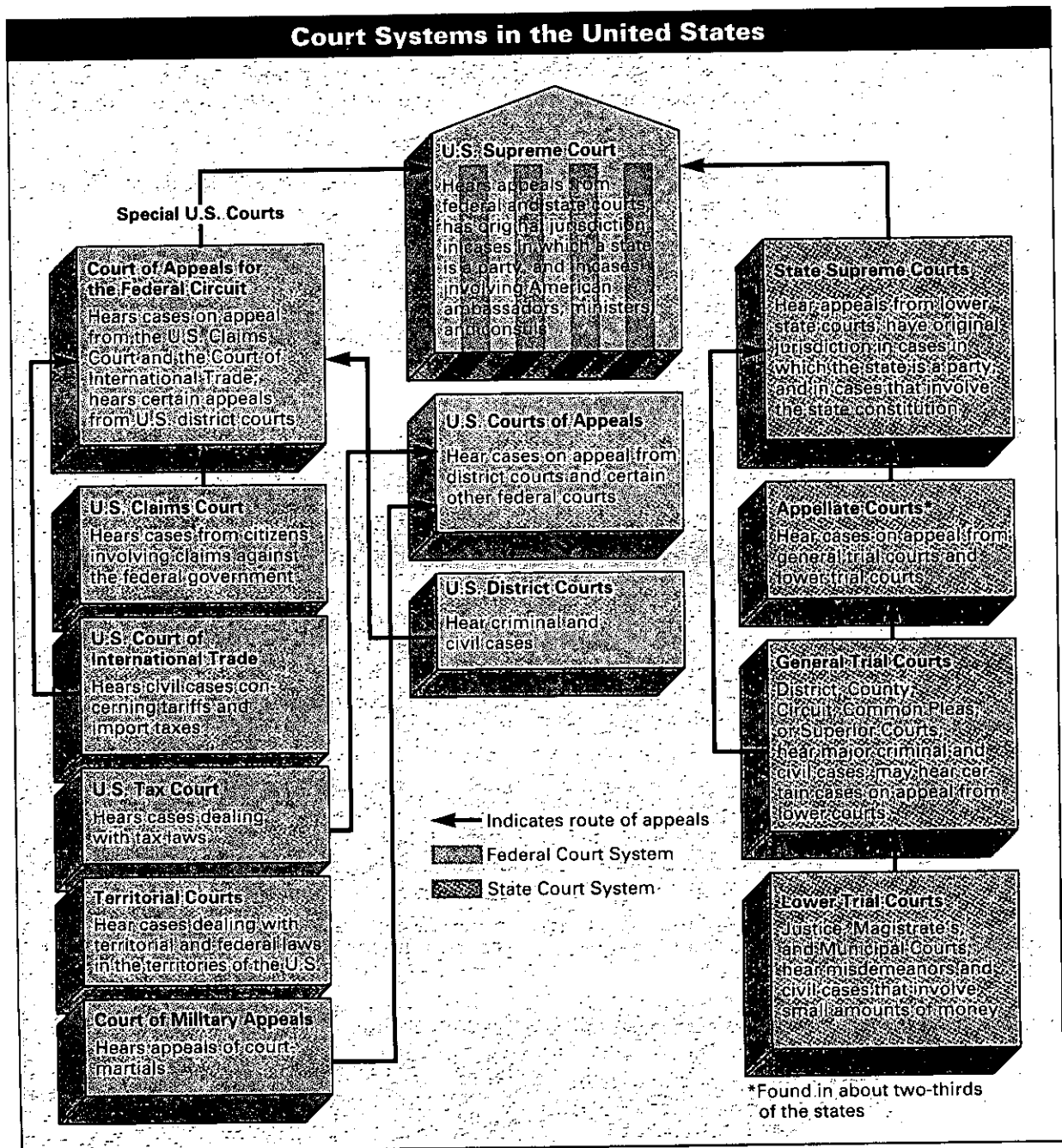


Figure 5-1 Courts in the United States are divided into federal and state systems. In which court system would a criminal case be heard?

LAW & Ethics

The United States Supreme Court only reviews a small percentage of the cases appealed to it. Some cases are turned away even though there is an obvious error by the lower court. Is this an ethical dilemma? Why does the Supreme Court have discretionary review?

Intermediate Appellate Courts

In most instances intermediate appellate courts hear appeals from the courts of general jurisdiction rather than hear cases for the first time. Appeals may be taken to a state intermediate court by the parties if they believe that they did not have a fair trial in the lower court or that the judge in the court of original jurisdiction did not properly interpret the law.

State appellate courts hear appeals only on questions of law, not on questions of fact. The facts, which are determined in the trial court—that is, the court of general jurisdiction—usually cannot be redetermined in an intermediate appellate court. Instead of hearing witnesses, appeals judges hear oral arguments from attorneys. They also study the legal documents and records in the case. It is only when there is evidence that the judge or jury has been prejudiced and has decided contrary to the evidence presented in the trial that the intermediate court will review the facts.

Example 5. Slocum sued Archbold for injuries suffered in a two-car crash. The case was tried in a county court, and the court found for the defendant. If Slocum's lawyer finds grounds for an appeal based upon errors in the county court's interpretation of the law or conduct of the trial, she would then appeal to an appellate court.

About two thirds of the states have intermediate appellate courts. In those that do not, appeals are taken directly from the trial court to the highest court of the state.

Working in the Law

Attorney

Attorneys are authorized to perform both civil and legal functions for clients. They can draft legal documents, give legal advice, and represent clients before courts, administrative boards, and other legal agencies. Before an attorney can perform these functions, however, he or she must first be admitted to the practice of law.

To practice law, most states require that you be at least 21 years of age and hold a bachelor's degree from an accredited college or university. The bachelor's degree can be in any area of study. Popular majors include business, history, political science, or English.

After obtaining a bachelor's degree, you must attend a law school that has been approved by the American Bar Association. The law school curriculum generally requires three years of study for a full-time student. Some law schools have part-time or night school programs that provide students with additional flexibility.

Obtaining a law degree does not make you a lawyer. Most states require that you achieve a minimum score on a test called a bar examination. The bar examination typically lasts two or three days and includes essay and multiple choice questions on specified subjects. In Ohio, the bar examination covers criminal law, constitutional law, torts, family law, contracts, evidence, civil procedure, business associations, commercial transactions, trusts and wills, property, federal income taxation, administrative law, and legal ethics.

Once you have passed the bar examination, you must take an oath of office before an appropriate court official (usually a state supreme court justice) and register with the state bar. Now you are ready to practice law in that state:

1. How old do you have to be to become an attorney?
2. What are some subjects you must learn to pass the bar examination?

Supreme Courts

In 46 states the highest court of the state is known as the Supreme Court. Maine and Massachusetts call their highest court the Supreme Judicial Court. Maryland and New York refer to their highest court as the Court of Appeals. In most instances, these high courts make final decisions on matters of law that are appealed from the lower courts. They do not retry a case and redetermine the facts; they only decide whether an error was made in the lower courts in determining the law. In many states, the highest court selects the cases it wishes to hear, just as the U.S. Supreme Court does.

Chapter

5 Review



Summary

Carefully read the summary below before completing the chapter review.

1. The United States has a dual court system: (a) the federal court system, which usually hears only cases involving federal matters, and (b) state court systems, which are independent of each other and decide cases involving matters occurring within their borders.
2. Federal courts have jurisdiction over (a) actions in which the United States or a state is a party, except those actions between a state and its own citizens, (b) cases that raise a federal question, (c) diversity of citizenship cases, and (d) admiralty, patent-right, copyright, and bankruptcy cases.
3. Most federal cases begin in one of the U.S. district courts. Appeals to cases decided in a district court are heard by the court of appeals in the circuit where the case was tried. Further appeals may be heard by the Supreme Court.
4. Special federal courts handle suits against the federal government and disputes over taxes.
5. State court systems follow a general pattern of organization. They consist of local trial courts, courts of general jurisdiction, and appellate courts. At the highest level, each state has its own supreme court.



Language of the Law

Choose the term from the list that best completes each sentence. Then write the complete sentence on a separate sheet of paper.

jurisdiction

limited jurisdiction

diversity of citizenship

appellate court

appellate jurisdiction

general jurisdiction

original jurisdiction

intermediate court

Chapter 5 Review

1. Judge Raynor could not try the case because it was outside his _____.
2. Federal district courts have _____ over most federal court cases.
3. When Gary, an ex-convict, felt the jury in his original trial was prejudiced against him, he took his case to a(n) _____.
4. Alex, a Utah resident, sued Dave, an Idaho resident, for \$75,000. The case was tried in a federal court because it was a(n) _____ case.
5. The federal court of appeals has _____ over cases that are decided by federal district courts.
6. All cases involving major crimes and/or large amounts of money begin in a court of _____.
7. The landlord insisted the tenant pay the \$500 rent he owed; the tenant refused to pay until the heat was fixed. The case went to a court of _____.
8. A court that is between the lower courts and the highest court is called a(n) _____.



Questions for Review

Answer the following questions. Refer to the chapter for additional reinforcement.

1. What are the two court systems of the United States?
2. What is the source of the federal court system's authority?
3. What four types of cases are included in the federal courts' jurisdiction?
4. How is the federal court system arranged?
5. In what kind of case does a federal district court have original jurisdiction?
6. What jurisdiction does a federal court of appeals have?
7. What types of cases are included in the Supreme Court's original jurisdiction? Its appellate jurisdiction?
8. What is the general pattern of state court systems?
9. What are three courts that are referred to as local trial courts?
10. What are two examples of courts that have been established to handle specialized cases?



Applying Critical Thinking Skills

Apply your understanding of the chapter concepts by answering the questions below.

1. What are two basic functions of a court of law?
2. The Missouri River, the boundary between Missouri and Kansas, changed its course and cut a new channel east of its previous bed. Kansas claims the land between the old river bed and the new one. If Missouri disagrees, will the U.S. Supreme Court try the case? Why or why not?