

# Federal and State Courts Systems



# The Role of the Judicial Branch

---

- To interpret and define law
  - This involves hearing individual cases and deciding how the law should apply
  - Remember *federalism* – there are federal courts for federal law, and state courts for state laws!
  - Law – set rule and standards by which a society governs itself.
    - Resolves conflict + protects and punishes individuals
  - English Common Law –
    - Common law – judges resolve individual cases

# Two basic types of Cases

## ■ 1) Criminal Law

- An individual is charged with violating a specific law and provides punishment for that law
  - Felony (penalty over 1 year jail time) and Misdemeanor (less than 1 year jail time)
  - 98% heard in state and local level courts



- 2) Civil Law

Does not involve a charge of criminality;

- instead, it concerns a dispute between two parties and defines relationships between them
- Examples: Divorce, Custody, Property, Contracts



# Principles of Democracy in the Judiciary

- **Rule of Law-** no individual, group, organization, or government entity is above the law
  - Laws must be clear
  - Laws must be fair and equal
- **Fairness-**
  - every person should have a free and equal opportunity to pursue individual goals and desires
    - One's Pursuit of happiness doesn't interfere with another person's pursuit of happiness



# Principles of Democracy in the Judiciary

---

- Checks and Balances

- **Judicial Review** – power of the courts to determine if laws are compliant with the Constitution

- **Unconstitutional** – laws that violate the Constitution

- Laws cannot be enforced

Executive Branch –

- enforce courts decision
- Nominates judges

- Legislative

- Federal judges must be approved by Senate

Controls on Abuse of Power-  
courts are limited in the types of cases they can hear

# Judicial Independence

---

- Impartial Court System
  - **Impartial** – unbiased
    - Make fair decision without outside influence
  - Life terms –
    - System allows judges to make decisions without being concerned about how it might affect their chances of reelection
    - Do not have to run for election – avoid funds and contributions from donors

# 13.2

## Trials

---



# Functions of Trial Courts

---

- **Jurisdiction** -the authority of a court to hear (try and decide on) a case
  - 4 Types of Jurisdiction:
    - 1) Exclusive Jurisdiction – only federal court has authority to hear, state court cannot
    - 2) Concurrent Jurisdiction – federal or state court could hear
    - 3) Original Jurisdiction – court is the first one to hear a case
    - 4) Appellate Jurisdiction – court can only hear a case
- Types of Trials
  - **Criminal**
    - Cases about crimes, burglary, murder
  - **Civil**
    - Cases against two people



# Adversarial and Inquisitorial Systems (p. 391)

## Adversarial

- **Contest between two opposing sides which present most persuasive arguments**
- Accusation
- Judge as referee
- Emphasis on trial stage and rules of procedure to ensure a fair trial.
- Judiciary restricted in investigatory and adjudicatory process
- Defendant is neither required nor expected to cooperate. Prosecutor is responsible for burden of proof.
- Checks and balances among courtroom participants – shared power.

## Inquisitorial

- **Seeks truth through gathering and examining evidence**
- Inquiry
- Judge as inquisitor
- Emphasis on screening phase and factual guilt.
- Judiciary directly involved
- Defendant is expected (although not required) to cooperate during investigations and at trial.
- Judge has the power to investigate and to decide outcome of the case.

# Trial Process

---

- Different Roles
  - **Plaintiff** – party accusing someone of causing damage
  - **Prosecutor** – attorney who represents the government in criminal cases
  - **Defendant** – person who the civil or criminal case is against
  - **Public Defenders** – works for the state and defends people who cannot afford a private attorney
  - **Judges** – presides over the trial, protects rights of people, make sure lawyers follow rules
  - **Jury** – group of citizens who hear a trial and give a verdict

# Steps of a Trial

Bailiff/clerk opens the court session.

Judge enters the courtroom and provides introductory remarks to jury.

Opening statements for the plaintiff/prosecution and the defense.

Plaintiff's/Prosecution's direct examination of witness.

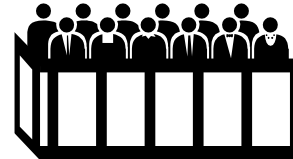


Closing arguments for the plaintiff/prosecution and the defense.

Plaintiff's/Prosecution's cross examination of witness for the defense.

Defense's direct examination.

Defense's cross examination of witness for the plaintiff/prosecution.



Plaintiff/prosecution gives rebuttal (optional).

Judge provides specific jury instructions prior to jury deliberation.

Jury deliberates and determines verdict.

Decision is announced.

# The Sixth Amendment to the U.S. Constitution

- Applies to all criminal prosecution
- **Guarantees the right to:**
  - a speedy and public trial, by an impartial jury of the state and district where the crime was committed**
  - Be informed of the nature and cause of the accusation**
  - Be confronted with witnesses in his favor**
  - Have the assistance of counsel for his defense**
- **BUT the accused may choose to be tried before a judge only**

# Cases without a Trial

---

- **Plea Bargain**
  - Agreement between prosecution and defendant
    - Defendant pleas guilty to a lesser crime
    - Prosecution does not enforce more serious crime
  - Plea Bargains are efficient
    - Save time and money
    - Reduce the work of the courts
  - Allows criminals to face lesser crimes/punishment
    - People give up their rights to a fair trial.

# Juries

---

- Importance of Juries

- Citizens allowed to participate in the Government
- Check the power of the Judicial branch
- Protect people's rights
- Trials are more democratic

- Types

- **Grand Jury** – listens to charges against an individual to see if there is enough to bring that person to trial
  - (16- 23 people)
- 5<sup>th</sup> Amendment – before anyone can be tried, there must be a grand jury indictment
- **Indictment** – formal charge of a crime

# 13.3

## Appeals

---



# Cases that are Appealed

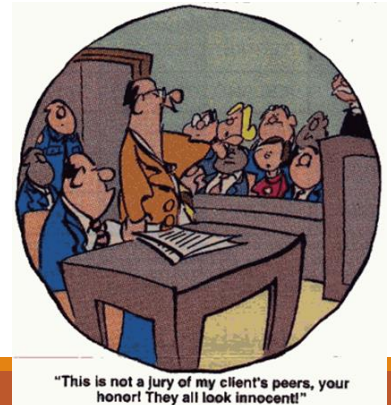
---

- **Appeal** – the ability to challenge a court ruling or punishment
  - Typically happens when the trial court does not apply the law correctly
    - **Error of law** – mistake by a judge as to the application of the law
      - Judge gives wrong instructions to jury
      - Judge permits evidence that should not be allowed
- Appellate courts focus on legal questions that arise in trial

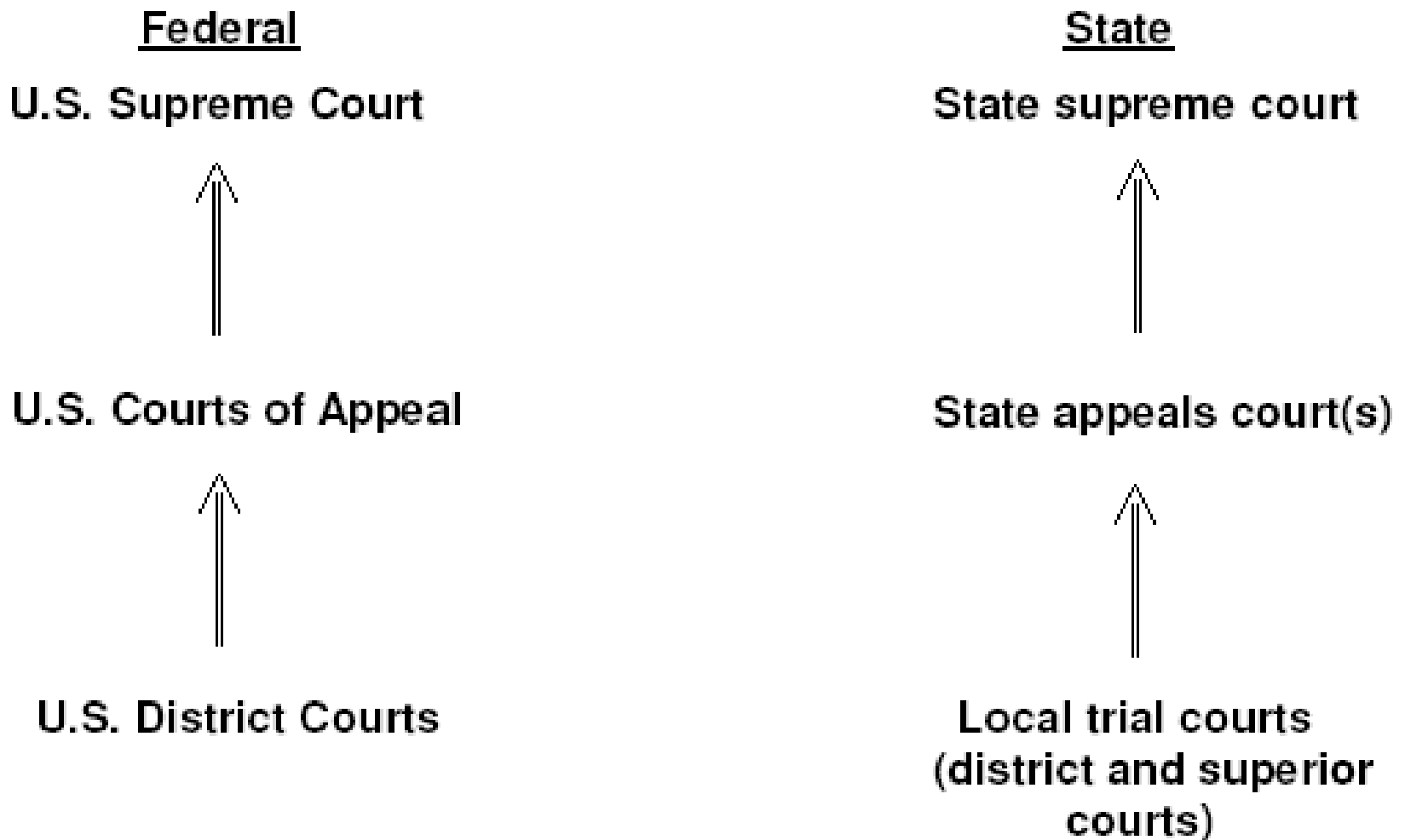


# Appeals

- Some cases (involving death penalty or life sentences) are automatically appealed.
  - Appellate court reviews transcripts from lower trial courts and may allow both sides to make oral arguments.
- Appeal Results
- Most convictions are confirmed.
  - Some decisions are reversed and cases remanded.
  - Recourse may be to a state supreme court.



# The Federal Compromise Produces a Dual Court System



## There are **THREE** levels to the U.S. Federal Court System:

- 1) U.S. District Courts, 2) U.S. Courts of Appeal, and 3) The U.S. Supreme Court



### Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases



### Courts of Appeal

- Intermediate level in the federal system
- 12 regional "circuit" courts, including D.C. Circuit
- No original jurisdiction; strictly appellate



### District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
- No appellate jurisdiction
- Original jurisdiction over most cases



# Procedures at Appeal Court

---

- Both sides of the case present arguments
  - Ask the court to review to verdict
  - Support the decision already made by the court
- Panel of Judges decide if a case will be appealed
  - 1. uphold the courts decision
  - 2. reverse the courts original decision
  - 3. send back to lower court to be tried again
- **Majority Decision** – decision made by the court
  - Unanimous - all justices vote the same way
- **Dissenting Opinion** – document issued by judges who disagree with court ruling
- **Concurring Opinion** – agree with original decision, but for different reasons.

# How are decisions made?

- precedent:

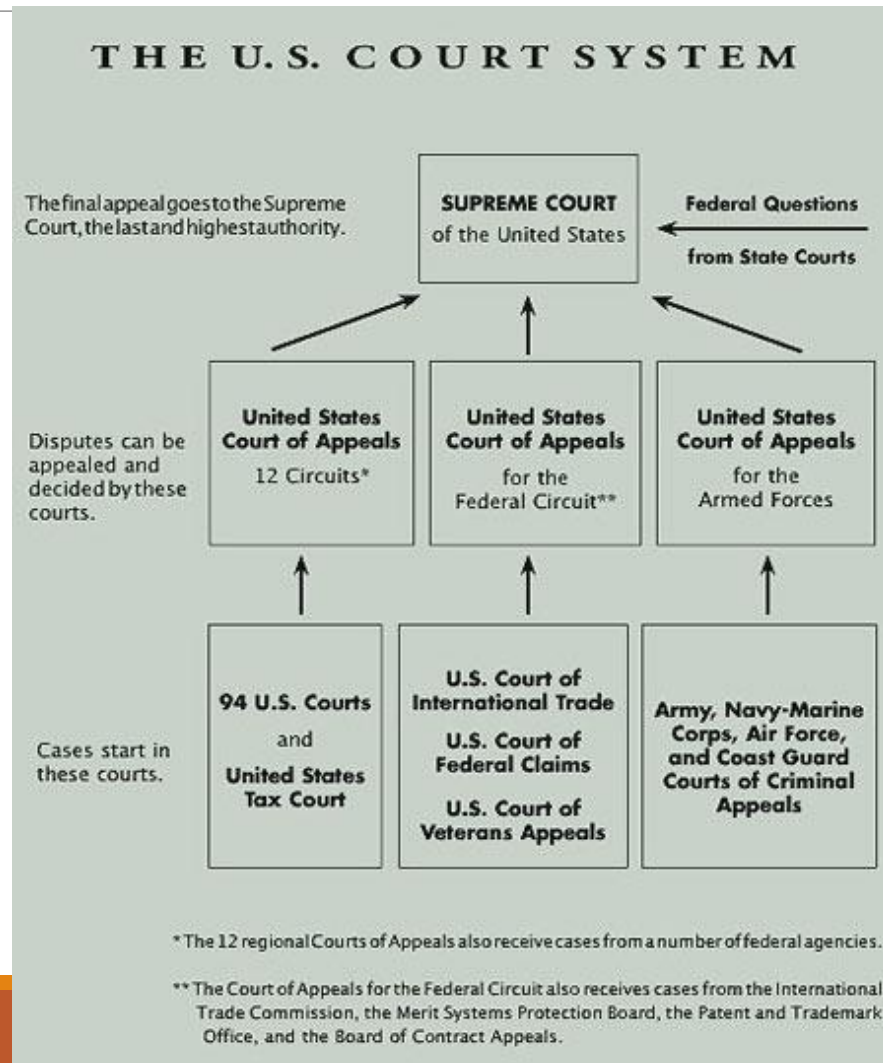
- a previous judicial decision that serves as a rule for settling subsequent (later) cases of a similar nature (becomes important cases for later reference)

- stare decisis:

- in Court rulings, a reliance on precedents or past decisions to make a decision in the current case (let the law stand)

# 13.4

## Local State and Federal Courts



# Jurisdiction

---

- ❑ United States has many levels of Courts
  - ❑ Military Courts, State Courts, District of Columbia, Tribal Courts
  
- ❑ **Jurisdiction** – power or authority over an area
  
- ❑ Federal courts hear cases that question federal law
  - ❑ **Statute** – federal law, laws created by the legislative branch
  - ❑ Fed courts also can hear cases about state laws.
- ❑ State Courts – hear cases about individual state law

# State and Local Courts

- State Courts

---

- **General Jurisdiction** – able to hear a wide variety of cases that deal with state or local laws.
- Each state has its own, independent judicial system.
- Cannot be bound by the federal courts.
- One state system cannot bind another court system.

- Types of Courts

- 1. Minor Courts – (justice courts, municipal courts, inferior trial courts)
  - Specialized to hear specific cases (Divorce, traffic, juvenile cases)
- 2. Small Claims – lawsuits dealing with money, wills,
- 3. General Trial – superior courts, county courts, court of common plea
  - Civil or criminal cases
- 4. Appeals Court -



# Types of Courts (cont)

## **Trail Court**

- State courts can hear any kind of case, unless a federal statute states otherwise.
- Limited v. general jurisdiction.
- Geographic: Usually by county.
- One judge.
- **Parties = Plaintiff and defendant.**

## ■ **Intermediate Appellate Courts**

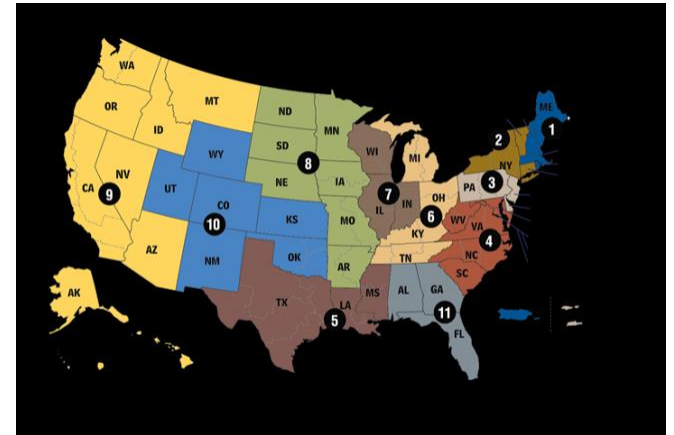
- Loser has an appeal as a right.
- Three judges hear case.
- Parties = appellant and appellee.

## ■ **State Supreme Courts**

- May or may not have to hear the case.
- Justices (odd number).

# Federal Courts

- Supreme Court – Highest Court in the USA
  - Constitution creates lower courts
  - **Limited Jurisdiction** – hear cases that deal with federal law.
    - Cases that deal with multiple states
    - Ambassadors
    - Laws that question the Constitution
- Federal Trials
  - 94 Federal Courts
    - Criminal and civil cases
  - **12 regional circuits** – trial courts + hears federal appeal cases



# Appointment of Judges

- President nominates someone to become a judge
  - Senate majority vote confirms
    - Judges serve for life



# Other Federal Courts

- **Military Commissions**

**Outside normal judicial system, rulings may be challenged in federal court**

**Court Martial** – court/trial dealing with military personnel.

- **National Security Courts**

**Foreign Intelligence Surveillance Court reviews requests to spy on “agents of a foreign power” in U.S.**

**Alien Terrorist Removal Court reviews requests to remove suspected terrorists from U.S.**

# Other Federal Courts

- **U.S. Court of International Trade**

**Hears cases involving laws and rules of international trade**

- **U.S. Court of Federal Claims**

**Hears cases involving disputes over veterans' benefits**

- **U.S. Tax Court**

**Hears cases involving federal tax disputes**

- **The Federal Circuit**

**Hears cases involving claims over \$10,000 owed by U.S. government.**

**United States has sovereign immunity**

**In some circumstances the government can be sue**

- **U.S. Court of Appeals for the Armed Forces**

**Hears cases involving appeals from courts-martial, or military courts**

# THE FEDERAL COURT SYSTEM

Supreme Court



Courts of Appeals

U.S. Court of Appeals for the Federal Circuit

12 U.S. Courts of Appeals

U.S. Court of Appeals for the Armed Services

District and Other Courts

U.S. Court of Appeals for Veterans Claims

U.S. Court of Federal Claims

U.S. Court of International Trade

94 District Courts

U.S. Tax Court

Military Courts

Territorial Courts

Courts of the District of Columbia

Appeals from the Highest State Courts

Appeals from the Federal Regulatory Agencies