READING MATERIALS

FOR

CLASS I

(3 October)

UNDERSTANDING FEDERAL AND STATE COURTS

Introduction

The judicial system in the United States is unique Insofar as t .5 actually made up of two different court systems: the federal court system and the state court systems. While each court system is responsible for hearing certain types of cases, neither is completely independent of the other, and the systems often interact. Furthermore solving legal disputes and vindicating legal rights are key goals of both ***court systems.*** This lesson • designed to examine the differences, similarities, and interactions between the federal and state court systems to make the public aware of how ***each*** system goes about achieving these goals.

Objectives

After completing this lesson, one should be able to.

- Understand that the American judicial system actually made up of two separate court systems: the federal court system and the state court systems.
- Know the structure of the federal court system and a typical state court system and be Ether to discuss the similarities and differences between the two.
- Distinguish between the toes of cases that are heard in the federal courts and those that are heard in the state courts.
- Comprehend how the 14th Amendment to the U.S. Constitution allows the federal courts to become involved to cases arising in state courts and how, subsequently, this shows the two systems to interact.

Overview of Key Concepts

Why Are There Two 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 national government and the state governments. The Constitution gives certain powers to the federal government and reserves the rest for the states. Therefore, while the Constitution states that the federal government is supreme with regard to those 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, meaning each government is sovereign in its own right.

Both the federal and state governments need their own court systems to apply and interpret their laws. Furthermore, both the federal and state constitutions attempt to do this by specifically spelling out the jurisdiction of their respective court systems.

For example, s nee the Constitution gives Congress 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. This is why there are two separate court systems in America. The federal court system deals with issues of law relating to those powers expressly or implicitly granted to it by the U.S. Constitution while the state court systems deal with Issues of raw relating to those matters that the U.S. Constitution did not give to the federal, government or explicitly deny to the states.

Describe the Differences In the Structure of the Federal and State Court Systems.

Federal Court System

The term ***federal court*** can actually refs to one of two types of courts. The first type of court is what is known as an Article II court. These courts get their name 'rom the fact that they derive their power from ***Article III*** of the Constitution. These courts include (1) the U.S. District Courts, (2) the U.S, Circuit Courts of Appeal, and (3) the U.S. Supreme Court. They also no include two special **courts: (a)** the U.S. Court of Claims and (b) the U.S. Court of international Trade. These courts are special because unlike the 01her courts, they are not courts of general jurisdiction. Courts of general jurisdiction can r ear almost any case. All judges of Article II courts are appointed by the President of the United States the advice and consent of the Senate and hold of during good behavior.

The second type o court also Is established by Congress. These courts are (1 magistrate courts, (2 bankruptcy courts, (3, he U.S. Court of the Military Appeals (4) the U.S. Tax Court, and (5, the U.S. Court of Veterans' Appeals. The judges of these courts are appointed by the President with the advice and consent of the Senate. They hold office for a set number ot years usually about 15. Magistrate and bankruptcy courts are attached to each U.S. District Court. The U.S Court **Military** Appeals, U.S. Tax Court, and U.S. Court of the Veterans' Appeals are called ***Article I or legislative courts.***

U.S. D strict Courts

There are 94 .S. District Courts the United States. Every state has at least one district court and some large states such as California has as many as four. Each district court has between 2 and 28 Ages. **The U.S. District** Courts are Ma: courts, or courts o ***original jurisdiction.*** This means that most federal cases begin here. U.S. District Courts 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

U.S. Circuit Courts of Appeal

There **are** 13 U.S. Circuit Courts of Appeal - the United States. These courts are divided Into 12 regional circuits and sit in various cities throughout the country. The U.S. Court o. Appeals for the Federal Circuit (the 13th Court) sits in Washington. **With** the exception of criminal cases in which a defendant s found not guilty, any party who is dissatisfied with the judgment of a U.S. District Court (or the findings of certain administrative agencies) may appeal to the U.S. Circuit Court of Appeal in his/her geographical district These Court decides will examine the trial record for only mistakes of law; the facts have already been determined by the U.S. District Court. Therefore, the court usual y will neither review the facts of the case nor take any additional evidence. When earing cases, these courts usually is in panels of three judges.

U.S. **Supreme Court**

The Supreme Court of the **United States sits at the apex of the federal court system. It is made up** of nine ,judges, known as justices, ands presided **over by the Chief Justice. It sits .n 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 done mainly by **a legal procedure known as a *Petition for a Writ of Certiorari (sort).*** The Court decides whether o accept such cases. Each *year,* the Court accepts between 100 and 150 of the some 7.000 cases it is asked to hear for argument The cases typically tit within **general criteria for oral arguments.** Four justices must agree to hear the case (grant cert.) 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 sys ems are made up of (1) two sets of trial courts: (a) tr at courts o 'mated jurisdiction (probate, family, traffic, etc.) and (b) 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 either elected or appointed (or a combination of both) for a certain number of years.

Trial Courts of General Jurisdiction

Trial courts of general jurisdiction are the main trial courts in the state system. They hear cases outs de the jurisdiction of the trial courts of limited jurisdiction. These involve both clv and criminal cases. One judge (often sitting with a jury) usually hears them. in such cases, the Judge decides issues of .aw, 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 names, including (1) circuit courts, (2) superior courts, (3) courts of common pleas, (4) and even, 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 of general jurisdiction 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 address only alleged procedural mistakes and errors of law made by the trial court. They will usual neither review the facts of the case which have been established during the trial, nor accept additional evidence. These courts usually sit in panels of two or three judges

Highest State Courts

Ail 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 may usually be taken to the highest state court as a matter of right. Like the intermediate appellate courts, appeals taken usually 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.

CIVIL CASES

Civil Cases

A federal civil case involves a legal dispute between two or more parties. To begin a civil lawsuit in federal court, the plaintiff files a complaint with the court and "serves" a copy of the complaint on the defendant. The complaint describes the plaintiff's injury, explains how the defendant caused the injury, and asks the court to order relief. A plaintiff may seek money to compensate for the injury, or may ask the court to order the defendant to stop the conduct that is causing the harm. The court may also order other types of relief, such as a declaration of the legal rights of the plaintiff in a particular situation.

To prepare a case for trial, the litigants may conduct "discovery." In discovery, the litigants must provide information to each other about the case, such as the identity of witnesses and copies of any documents related to the case. The purpose of discovery is to prepare for trial by requiring the litigants to assemble their evidence and prepare to call witnesses. Each side also may file requests, or "motions," with the court seeking rulings on the discovery of evidence, or on the procedures to be followed at trial.

To avoid the expense of having a trial, judges encourage the litigants to try to reach an agreement resolving their dispute.

One common method of discovery is the deposition. In a deposition, a witness is required under oath to answer questions about the case asked by the lawyers in the presence of a court reporter. The court reporter is a person specially trained to record all testimony and produce a word-for-word account called a transcript.

To avoid the expense and delay of having a trial, judges encourage the litigants to try to reach an agreement resolving their dispute. In particular, the courts encourage the use of mediation, arbitration, and other forms of alternative dispute resolution, or "ADR," designed to produce an early resolution of a dispute without the need for trial or other court proceedings. As a result, litigants often decide to resolve a civil lawsuit with an agreement known as a "settlement."

If a case is not settled, the court will schedule a trial. In a wide variety of civil cases, either side is entitled under the Constitution to request a jury trial. If the parties waive their right to a jury, then the case will be heard by a judge without a jury.

At a trial, witnesses testify under the supervision of a judge. By applying rules of evidence, the judge determines which information may be presented in the courtroom. To ensure that witnesses speak from their own knowledge and do not change their story based on what they hear another witness say, witnesses are kept out of the courtroom until it is time for them to testify.

A court reporter keeps a record of the trial proceedings.

A deputy clerk of court also keeps a record of each person who testifies and marks for the record any documents, photographs, or other items introduced into evidence.

As the questioning of a witness proceeds, the opposing attorney may object to a question if it invites the witness to say something that is not based on the witness's personal knowledge, is unfairly prejudicial, or is irrelevant to the case. The judge rules on the objection, generally by ruling that it is either sustained or overruled. If the objection is sustained, the witness is not required to answer the question, and the attorney must move on to his next question. The court reporter records the objections so that a court of appeals can review the arguments later if necessary.

At the conclusion of the evidence, each side gives a closing argument. In a jury trial, the judge will explain the law that is relevant to the case and the decisions the jury needs to make. The jury generally is asked to determine whether the defendant is responsible for harming the plaintiff in some way, and then to determine the amount of damages that the defendant will be required to pay. If the case is being tried before a judge without a jury, known as a "bench" trial, the judge will decide these issues. In a civil case the plaintiff must convince the jury by a "preponderance of the evidence" (i.e., that it is more likely than not) that the defendant is responsible for the harm the plaintiff has suffered.

CRIMINAL CASES

Criminal Cases

The judicial process in a criminal case differs from a civil case in several important ways. At the beginning of a federal criminal case, the principal actors are the U.S. attorney (the prosecutor) and the grand jury. The U.S. attorney represents the United States in most court proceedings, including all criminal prosecutions. The grand jury reviews evidence presented by the U.S. attorney and decides whether there is sufficient evidence to require a defendant to stand trial.

After a person is arrested, a pretrial services or probation officer of the court immediately interviews the defendant and conducts an investigation of the defendant's background. The information obtained by the pretrial services or probation office will be used to help a judge decide whether to release the defendant into the community before trial, and whether to impose conditions of release.

At an initial appearance, a judge advises the defendant of the charges filed, considers whether the defendant should be held in jail until trial, and determines whether there is probable cause to believe that an offense has been committed and the defendant has committed it. Defendants who are unable to afford counsel are advised of their right to a court-appointed attorney. The court may appoint either a federal public defender or a private attorney who has agreed to accept such appointments from the court. In either type of appointment, the attorney will be paid by the court from funds appropriated by Congress. Defendants released into the community before trial may be required to obey certain restrictions, such as home confinement or drug testing, and to make periodic reports to a pretrial services officer to ensure appearance at trial.

> The standard of proof in a criminal trial is "beyond a reasonable doubt," which means the evidence must be so strong that there is no reasonable doubt that the defendant committed the crime.

The defendant enters a plea to the charges brought by the U.S. attorney at a hearing known as an arraignment. Most defendants — more than 90% — plead guilty rather than go to trial. If a defendant pleads guilty in return for the government agreeing to drop certain charges or to recommend a lenient sentence, the agreement often is called a "plea bargain." If the defendant pleads guilty, the judge may impose a sentence at that time, but more commonly will schedule a hearing to determine the sentence at a later date. In most felony cases the judge waits for the results of a presentence report, prepared by the court's probation office, before imposing sentence. If the defendant pleads not guilty, the judge will proceed to schedule a trial.

Criminal cases include a limited amount of pretrial discovery proceedings similar to those in civil cases, with substantial restrictions to protect the identity of government informants and to prevent intimidation of witnesses. The attorneys also may file motions, which are requests for rulings by the court before the trial. For example, defense attorneys often file a motion to suppress evidence, which asks the court to exclude from the trial evidence that the defendant believes was obtained by the government in violation of the defendant's constitutional rights.

In a criminal trial, the burden of proof is on the government. Defendants do not have to prove their innocence. Instead, the government must provide evidence to convince the jury of the defendant's guilt. The standard of proof in a criminal trial is proof "beyond a reasonable doubt," which means the evidence must be so strong that there is no reasonable doubt that the defendant committed the crime.

If a defendant is found not guilty, the defendant is released and the government may not appeal. Nor can the person be charged again with the same crime in a federal court. The Constitution prohibits "double jeopardy," or being tried twice for the same offense.

If the verdict is guilty, the judge determines the defendant's sentence according to special federal sentencing guidelines issued by the United States Sentencing Commission. The court's probation office prepares a report for the court that applies the sentencing guidelines to the individual defendant and the crimes for which he or she has been found guilty. During sentencing, the court may consider not only the evidence produced at trial, but all relevant information that may be provided by the pretrial services officer, the U.S. attorney, and the defense attorney. In unusual circumstances, the court may depart from the sentence calculated according to the sentencing guidelines.

A sentence may include time in prison, a fine to be paid to the government, and restitution to be paid to crime victims. The court's probation officers assist the court in enforcing any conditions that are imposed as part of a criminal sentence. The supervision of offenders also may involve services such as substance abuse testing and treatment programs, job counseling, and alternative detention options.

THE APPEALS PROCESS

The Appeals Process

The losing party in a decision by a trial court in the federal system normally is entitled to appeal the decision to a federal court of appeals. Similarly, a litigant who is not satisfied with a decision made by a federal administrative agency usually may file a petition for review of the agency decision by a court of appeals. Judicial review in cases involving certain federal agencies or programs — for example, disputes over Social Security benefits — may be obtained first in a district court rather than a court of appeals.

In a civil case either side may appeal the verdict. In a criminal case, the defendant may appeal a guilty verdict, but the government may not appeal if a defendant is found not guilty. Either side in a criminal case may appeal with respect to the sentence that is imposed after a guilty verdict.

In most bankruptcy courts, an appeal of a ruling by a bankruptcy judge may be taken to the district court. Several courts of appeals, however, have established a bankruptcy appellate panel consisting of three bankruptcy judges to hear appeals directly from the bankruptcy courts. In either situation, the party that loses in the initial bankruptcy appeal may then appeal to the court of appeals.

In a criminal case, the defendant may appeal a guilty verdict, but the government may not appeal if a defendant is found not guilty.

A litigant who files an appeal, known as an "appellant," must show that the trial court or administrative agency made a legal error that affected the decision in the case. The court of appeals makes its decision based on the record of the case established by the trial court or agency. It does not receive additional evidence or hear witnesses. The court of appeals also may review the factual findings of the trial court or agency, but typically may only overturn a decision on factual grounds if the findings were "clearly erroneous."

Appeals are decided by panels of three judges working together. The appellant presents legal arguments to the panel, in writing, in a document called a "brief." In the brief, the appellant tries to persuade the judges that the trial court made an error, and that its decision should be reversed. On the other hand, the party defending against the appeal, known as the "appellee," tries in its brief to show why the trial court decision was correct, or why any error made by the trial court was not significant enough to affect the outcome of the case.

The court of appeals decision usually will be the last word in a case, unless it sends the case back to the trial court for additional proceedings, or the parties ask the U.S. Supreme Court to review the case.

Although some cases are decided on the basis of written briefs alone, many cases are selected for an "oral argument" before the court. Oral argument in the court of appeals is a structured discussion between the appellate lawyers and the panel of judges focusing on the legal principles in dispute. Each side is given a short time — usually about 15 minutes — to present arguments to the court.

The court of appeals decision usually will be the final word in the case, unless it sends the case back to the trial court for additional proceedings, or the parties ask the U.S. Supreme Court to review the case. In some cases the decision may be reviewed en banc, that is, by a larger group of judges (usually all) of the court of appeals for the circuit.

A litigant who loses in a federal court of appeals, or in the highest court of a state, may file a petition for a "writ of certiorari," which is a document asking the Supreme Court to review the case. The Supreme Court, however, does not have to grant review. The Court typically will agree to hear a case only when it involves an unusually important legal principle, or when two or more federal appellate courts have interpreted a law differently. There are also a small number of special circumstances in which the Supreme Court is required by law to hear an appeal. When the Supreme Court hears a case, the parties are required to file written briefs and the Court may hear oral argument.