

1: U.S. Court System Overview | Animal Legal & Historical Center

The federal system has bankruptcy and tax courts, most state systems have probate, which handles wills; family court, which oversees divorce, custody, and other related proceedings, and several others.

There exist both legal and political influences on the Supreme Court justices and their decisions. Among the legal influences on Supreme Court decisions are: Courts cannot make a ruling unless they have an actual case brought before it. The facts of a case are the relevant circumstances of a legal dispute or offense. The Supreme Court must respond to the facts of a dispute. Among the legal constraints in deciding cases, the Supreme Court must determine which laws are relevant. These include; interpretation of the Constitution, interpretation of statutes, and interpretation of precedent. Among the political influences on Supreme Court Decisions are: Each year, about 4, cases are requested for review by the Supreme Court. Less than cases are actually decided by the Court each year. There are three ways for a case to make its way to the US Supreme Court. Cases in which a state is a party and cases dealing with diplomatic personnel, like ambassadors, are the two examples. Some laws obligate or force the Supreme Court to hear them. But most come up for review on the writ of certiorari, a discretionary writ that the court grants or refuses at its own discretion. The writ is granted if four of the justices want it to be heard. In both civil and criminal law, the Supreme Court is the final court of appeal. State Courts -Each state has a court system that exist independently from the federal courts. State court systems have trial courts at the bottom level and appellate courts at the top. States vary in the way they organize and name their courts, but they usually give some lower courts specialized titles and jurisdictions. Family courts settle such issues as divorce and child-custody disputes, and probate courts handle the settlement of the estates of deceased persons. Below these specialized trial courts are less formal trial courts, such as magistrate courts and justice of the peace courts. These handle a variety of minor cases, such as traffic offenses, and usually do not use a jury. One hundred and sixty seven thousand cases were appealed at the next level, while sixty two thousand made it to the state courts of last resort. Federal Courts of Appeal When cases are appealed from district courts, they go to a federal court of appeals. Courts of appeals do not use juries or witnesses. No new evidence is submitted in an appealed case; appellate courts base their decisions on a review of lower-court records. In , the judges handled about 41, cases. There are 12 general appeals courts. All but one of them which serves only the District of Columbia serve an area consisting of three to nine states called a circuit. There is also the U. Court of Appeals for the Federal Circuit, which specializes in appeals of decisions in cases involving patents, contract claims against the federal government, federal employment cases and international trade. Go see recent Federal Courts of Appeal decisions. Between four and twenty six judges sit on each court of appeals, and each case is usually heard by a panel of three judges. Courts of appeals offer the best hope of reversal for many appellants, since the Supreme Court hears so few cases. Fewer than 1 percent of the cases heard by federal appeals courts are later reviewed by the Supreme Court. Federal District Courts All federal courts, except for the U. Supreme Court were created by Congress. There are ninety four federal district courts across the country, with at least one in every state larger states have up to four. There are about federal district-court judges who are appointed by the president with the advice of the Senate. District courts are the only courts in the federal system in which juries hear testimony in some cases, and most cases at this level are presented before a single judge. They heard about , cases in Federal district courts are bound by legal precedents established by the Supreme Court.

2: Judiciary - Wikipedia

The American system is a "common law" system, which relies heavily on court precedent in formal adjudications. In our common law system, even when a statute is at issue, judicial determinations in earlier court cases are extremely critical to the court's resolution of the matter before it.

How Does our Court System Work? The basic idea is that there are two sides, the plaintiff and the defendant, who present their arguments before an impartial judge and sometimes a jury. In a criminal case, the prosecutor acts as a plaintiff on behalf of the citizens or state. The lawyers in the case are charged with representing their respective clients to the very best of their ability. The outcome or at least the goal of this process is justice. In the United States, there are more than 51 different interpretations of this basic model. Each of the 50 states has its own rules and procedures. The federal courts also have their own rules, which are occasionally interpreted differently in different parts of the country. However, for the most part, they are all very similar. The system is generally a three-tiered one. A case is typically brought at the lowest level or court, usually a "District" or "Trial" court. Once this case is heard and a decision, or "judgment" has been made, both the defendant and the plaintiff have the opportunity to appeal the decision to an "Appellate Court" or "Court of Appeals. However they can only appeal if they believe the judge made a legal error, not just because they are disappointed in the outcome. At the Appellate Court level, there is usually a panel of three judges who hear arguments on either side. Judges at the Appellate Court can usually only decide matters of law. In general, all of the facts in the trial record are assumed to be true. The Appellate Court has three options: Again, if either party to the case does not like the decision again there must be a legal error in the lower proceedings , they can appeal to the highest court, usually called the Supreme Court and usually composed of nine justices. All 50 states and the federal courts have some version of a Supreme Court. The Supreme Court decides issues in the same manner as the Appellate Court. However, there is no court higher than the Supreme Court to which to appeal. The judgment of the Supreme Court is final. While all American court systems, or "jurisdictions," follow this basic structure there are many differences among them and all have exceptions to the is generalization. However, it is important to stress that they all do follow the same basic structure.

The Timeline of a Case: Starting the Case Pretrial A case usually begins when a plaintiff files a pleading with a trial court. For the sake of simplicity, this article focuses civil cases, however, most of these concepts also apply to criminal cases. A pleading, although different in form from jurisdiction to jurisdiction, will contain the basic claims or charges that the plaintiff brings against the defendant. Once a pleading has been filed, the defendant has an opportunity to respond to the pleading. This is simply called a "response. In criminal case, depending on the jurisdiction, either the district attorney or a grand jury a special kind of "investigative" jury decides to press charges against a person. However, even if the process starts with a grand jury, a district attorney must still file the charges. At this point in the case, the process of "discovery" usually occurs. During discover, both sides will research facts that they intend to bring to trial to prove that they are right and the other side is wrong. Both sides can make "discovery requests" of the opposing side for information. These are usually called "interrogatories. A skilled attorney can write a discovery request just broad enough to get all of the information she wants without getting overloaded with useless information although most attorneys tend to err on the side of being overbroad. If a defendant fails to respond to a pleading or if his response does not dispute anything in the pleading strongly enough, then the plaintiff can submit a motion for a "default judgment. Generally, a defendant will be given a chance to respond to this motion. He will be allowed to file his own document stating reasons why the motion should not be granted. There are many other "pretrial motions," like a default judgment motion, such as motions to exclude evidence, or the like. Either side can file pretrial motions in both civil and criminal trials. Similar to a default judgment is the "summary judgment" motion. Either side can file a motion for summary judgment at any time. This motion also asks the court to review all of the information before it and decide whether there is any chance for the opposing side to win, assuming that everything she claims is true. The opposing side, of course, is allowed to submit a response to this motion. The last step before the trial actually commences is selection of a jury in jury trials. While the rules differ from jurisdiction to jurisdiction, attorneys

are usually allowed to offer questions that they would like to ask of have asked of the jury. This process is called "voir dire. At Trial At trial, both sides are given opportunities to present their view of the facts. The plaintiff is generally allowed to go first. The parties take turns giving an "opening statement. Following this, the parties give their "closing arguments. These instructions usually explain the law and provide questions of fact for the jury to answer. Obviously, both sides are interested in explaining the law in their own way, and phrasing the questions in a way that is favorable. The judge decides on which jury instructions to use or writes her own and submits them to the jury. The jury then decides on a verdict. Motions and Appeals Either party may then submit a motion for "judgment notwithstanding the verdict" sometimes call JNOV for short if it is unhappy with the decision. This motion asks the judge to put aside the verdict and make his own judgment about the case. Typically, this only works when one side wishes to decrease the amount of money the jury thinks it should pay. Similarly, in a criminal case, defendants can submit such a motion if they feel that there was some egregious error in the trial. Once the judge has issued a judgment, the parties may then appeal to the next higher court, usually called an Appellate Court see above. They do this by submitting a petition for appeal to the court. This petition generally contains the reasons why the party thinks the judgment is wrong. An Appellate Court is not required to grant a petition to appeal. If the court grants the petition, the appealing party, called the "appellant," and the opposing party, called the "appellee," submit briefs explaining their reasons for changing or not changing the judgment below. They are limited to making arguments about issues that were raised at trial, and may not bring up any outside arguments or information. Both parties are allowed to also submit responses to the other parties brief. This can get complicated when both parties appeal. You can get terms such as "cross-appellant," etc. The parties then are given a chance to argue their case before the three judge panel. If the appellate court chooses to remand the case, the trial court will then issue a new judgment based on the opinion of the appellate court. Occasionally, there is another hearing or even a brand new trial, depending on what the appellate court decides. If one or both of the parties disagree with the decision of the Appellate Court, they may petition the Supreme Court in much the same way as they petitioned the Appellate Court. The Supreme Court is not required to grant a petition. If granted, the parties may again submit briefs about their positions as well as responses to the opposing briefs. They are then permitted a chance to argue their case before the panel of justices.

3: Court System Overview - The Superior Court of California, County of Santa Clara

The Supreme Court of the United States is the highest court in the American judicial system, and has the power to decide appeals on all cases brought in federal court or those brought in state court but dealing with federal law.

Summary of Basic American Legal Principles What follows are some of the fundamental principles that comprise the American legal system. Each of these is discussed in greater detail in this and other chapters of this book. They are summarized below in order to give the reader an overview of some of the basics of American common law.

Impact of Precedent—The Principle of Stare Decisis The defining principle of common law is the requirement that courts follow decisions of higher level courts within the same jurisdiction. It is from this legacy of stare decisis that a somewhat predictable, consistent body of law has emerged.

Court Hierarchy Court level or hierarchy defines to a great degree the extent to which a decision by one court will have a binding effect on another court. The federal court system, for instance, is based on a three-tiered structure, in which the United States District Courts are the trial-level courts; the United States Court of Appeals is the first level court of appeal; and the United States Supreme Court is the final arbiter of the law. Although the term most often is used in connection with the jurisdiction of a court over particular matters, one may also speak of matters being within or beyond the jurisdiction of any other governmental entity. For instance, while there is only one Supreme Court, the court of appeals is divided into 13 circuits, and there are 94 district courts. The issue of whether authority is mandatory or persuasive relates directly to the application of stare decisis principles.

Primary versus Secondary Authority The various sources of law may also be broken down into primary and secondary sources of law. Primary sources of law may be mandatory on a particular court, or they may be merely persuasive. Whether they are binding or persuasive will depend on various factors. Secondary authority is not itself law, and is never mandatory authority. A court may, however, look towards secondary sources of law for guidance as to how to resolve a particular issue. Secondary authority is also useful as a case finding tool and for general information about a particular issue.

Dual Court Systems The American legal system is based on a system of federalism, or decentralization. Most states have court systems which mirror that of the federal court system.

Interrelationship Among Various Sources of Law One of the more complex notions of American jurisprudence is the extent to which the various sources of law, from both the state and federal systems, interrelate with one another. There is a complex set of rules that defines the relative priority among various sources of law and between the state and federal systems.

What Is Common Law? Civil law systems rely less on court precedent and more on codes, which explicitly provide rules of decision for many specific disputes. Cases are legal determinations based on a set of particular facts involving parties with a genuine interest in the controversy. In cases of pure decisional law, there is no applicable statute or constitutional provision that applies. Court interpretation may rely upon prior decisional law interpreting same or some other constitutional provision. Court interpretation may rely upon prior decisional law interpreting the same or similar statute. A higher level court opinion will in effect abrogate the lower level court opinion in the same case. Has it been followed? Applied in a specific way?

The American Judicial System: A System Based on Advocacy and the Presence of Actual Controversy The American legal system is adversarial and is based on the premise that a real, live dispute involving parties with a genuine interest in its outcome will allow for the most vigorous legal debate of the issues, and that courts should not have the power to issue decisions unless they are in response to a genuine controversy.

Threshold Issues Designed to Preclude Advisory Opinions Given the prohibition against advisory opinions by the federal courts, there are certain threshold prerequisites which must be satisfied before a federal court will hear a case. Issues surrounding the applicability of these prerequisites may also arise in state courts and on petitions for review of agency orders. The principal prerequisites to court review are the following:

- Standing**—The parties must have an actual, cognizable, usually pecuniary or proprietary, interest in the litigation.
- Finality**—In the case of appeals or agency review, the action by the trial court or administrative body must be final and have a real impact on the parties.
- Exhaustion**—The parties must have exhausted any possible avenues for relief available in the trial court or administrative body.
- Ripeness**—The dispute must present a current controversy which has immediate

rather than anticipated or hypothetical effects on the parties. Mootnessâ€”The dispute must not have been resolved. Nor must the circumstances have changed in any way that renders the dispute no longer subject to controversy. No Political Questionsâ€”Courts will not involve themselves in nonjusticiable disputes that are between the other two branches of the federal government and are of a political nature. While these prerequisites are well-established, the courts tend to apply them in a pragmatic way and allow exceptions to these requirements when warranted by the facts. Courts Generally Confine Themselves to the Dispute Presented for Resolution As a jurisdictional matter, courts are supposed to restrict their holdings to the narrowest terms possible in resolving a dispute. This limitation relates to the principle of dictum, under which portions of the opinion not required for the resolution of the precise issues before the court on the facts presented by the parties are of diminished precedential value. Tendency to Avoid Constitutional Issues When Possible Federal courts also tend to avoid deciding constitutional issues when they are able to decide a case on a procedural, statutory, or some other ground. Institutional Roles in the American Legal System 1. In each of these roles, the lawyer will need to engage in factual investigation. With respect to each of these roles, the lawyer will do the following: Lawyer will work with opposing counsel to try to get a favorable resolution for the client with respect to a pending dispute. The parties may already be in litigation when they negotiate, or the parties, through their attorneys, may be negotiating a resolution to a dispute not yet in court. The art of negotiating involves many techniques individual to particular attorneys and the circumstances. The client always retains the right to accept or reject a settlement negotiated or offered by the opposing party. In litigating, the attorney will help pick a jury and participate in pretrial motions. At trial, the attorney will present evidence through testimony of witnesses, documents and perhaps demonstrative evidence e. The lawyer will also present an opening statement and closing argument, and will make and respond to evidentiary objections lodged by the opposing party. The lawyer may also make motions, sometimes supported by a memorandum in support thereof before the court, and propose to the court a set of jury instructions. Judge The judge is the final arbiter of the law. The judge is charged with the duty to state, as a positive matter, what the law is. The judge must also make evidentiary rulings, and charge the jury as to the law to be applied. In addition, the judge is to maintain order in the courtroom. Occasionally, when the parties agree, the judge may also act as trier of fact. Many state court judges are elected by popular vote. Jury The jury, a group of local citizens, is the fact-finder in most trials. The jury will receive instructions from the judge as to the law, and its members will assess the facts as they perceive them in light of the law as instructed, to return a verdict. Have questions about law school? Check out our Facebook page , follow us on Twitter or start networking with law students and lawyers on LexTalk.

4: U.S. Court System

The United States court system is actually many court systems: a federal system and 50 state systems. Each has its own structures and procedures. All are multi-tiered. Legal cases begin in a lower court and sometimes work their way up to a higher court. Some cases initiated in a state court system.

There are 94 district courts, 13 circuit courts, and one Supreme Court throughout the country. Courts in the federal system work differently in many ways than state courts. The primary difference for civil cases as opposed to criminal cases is the types of cases that can be heard in the federal system. Federal courts are courts of limited jurisdiction, meaning they can only hear cases authorized by the United States Constitution or federal statutes. The federal district court is the starting point for any case arising under federal statutes, the Constitution, or treaties. The plaintiff has the initial choice of bringing the case in state or federal court. Criminal cases may not be brought under diversity jurisdiction. States may only bring criminal prosecutions in state courts, and the federal government may only bring criminal prosecutions in federal court. Also important to note, the principle of double jeopardy "which does not allow a defendant to be tried twice for the same charge" does not apply between the federal and state government. If, for example, the state brings a murder charge and does not get a conviction, it is possible for the federal government in some cases to file charges against the defendant if the act is also illegal under federal law. They may also be removed by impeachment by the House of Representatives and conviction by the Senate. Throughout history, fourteen federal judges have been impeached due to alleged wrongdoing. One exception to the lifetime appointment is for magistrate judges, which are selected by district judges and serve a specified term. District Courts The district courts are the general trial courts of the federal court system. Each district court has at least one United States District Judge, appointed by the President and confirmed by the Senate for a life term. District courts handle trials within the federal court system "both civil and criminal. The districts are the same as those for the U. Attorneys, and the U. Attorney is the primary prosecutor for the federal government in his or her respective area. There are over district court judges nationwide. Some tasks of the district court are given to federal magistrate judges. Magistrates are appointed by the district court by a majority vote of the judges and serve for a term of eight years if full-time and four years if part-time, but they can be reappointed after completion of their term. In criminal matters, magistrate judges may oversee certain cases, issue search warrants and arrest warrants, conduct initial hearings, set bail, decide certain motions such as a motion to suppress evidence, and other similar actions. In civil cases, magistrates often handle a variety of issues such as pre-trial motions and discovery. Federal trial courts have also been established for a few subject-specific areas. Each federal district also has a bankruptcy court for those proceedings. Circuit Courts Once the federal district court has decided a case, the case can be appealed to a United States court of appeal. There are twelve federal circuits that divide the country into different regions. Cases from the district courts of those states are appealed to the United States Court of Appeals for the Fifth Circuit, which is headquartered in New Orleans, Louisiana. Additionally, the Federal Circuit Court of Appeals has a nationwide jurisdiction over very specific issues such as patents. Each circuit court has multiple judges, ranging from six on the First Circuit to twenty-nine on the Ninth Circuit. Circuit court judges are appointed for life by the president and confirmed by the Senate. Appeals to circuit courts are first heard by a panel, consisting of three circuit court judges. En banc opinions tend to carry more weight and are usually decided only after a panel has first heard the case. Beyond the Federal Circuit, a few courts have been established to deal with appeals on specific subjects such as veterans claims United States Court of Appeals for Veterans Claims and military matters United States Court of Appeals for the Armed Forces. Supreme Court of the United States The Supreme Court of the United States is the highest court in the American judicial system, and has the power to decide appeals on all cases brought in federal court or those brought in state court but dealing with federal law. For example, if a First Amendment freedom of speech case was decided by the highest court of a state usually the state supreme court, the case could be appealed to the federal Supreme Court. However, if that same case were decided entirely on a state law similar to the First Amendment, the Supreme Court of the United States would not be able to consider the case. After

the circuit court or state supreme court has ruled on a case, either party may choose to appeal to the Supreme Court. Unlike circuit court appeals, however, the Supreme Court is usually not required to hear the appeal. If the writ is granted, the Supreme Court will take briefs and conduct oral argument. The Court typically hears cases when there are conflicting decisions across the country on a particular issue or when there is an egregious error in a case. There are nine justices on the court – eight associate justices and one chief justice. The Constitution sets no requirements for Supreme Court justices, though all current members of the court are lawyers and most have served as circuit court judges. Justices are also often former law professors. The chief justice acts as the administrator of the court and is chosen by the President and approved by the Congress when the position is vacant. The Supreme Court meets in Washington, D. The court conducts its annual term from the first Monday of October until each summer, usually ending in late June.

5: Introduction To The Federal Court System | USAO | Department of Justice

In United States legal system hierarchy, there are wide variety of forms in State Courts as described by every state's legislature. It comprises of as follows: State Supreme Court - The State Supreme Court is a trial level court of general authority in the court system of the state.

Federal constitutional law originates from the U. State constitutional law originates from the individual state constitutions. Statutes and Ordinances are legislation passed on the federal, state, or local levels. Common Law is based on the concept of precedence - on how the courts have interpreted the law. Under common law, the facts of a particular case are determined and compared to previous cases having similar facts in order to reach a decision by analogy. Common law applies mostly at the state level. It originated in the 13th century when royal judges began recording their decisions and the reasoning behind the decisions. Administrative Law - federal, state, and local level. Administrative law is made by administrative agencies that define the intent of the legislative body that passed the law. The sources of law have both vertical and horizontal dimensions. Vertical dimensions include federal authority, state authority, and concurrent authority. Federalism refers to this form of government, in which there is national and local authority. Federal authority covers laws related to patents, pensions and profit sharing, and labor issues. State authority covers business association, contracts, and trade secrets. Concurrent authority covers security law, tax law, and employment law. Note that employment law refers to non-union relationships; labor law refers to union relationships. The horizontal dimension is related to the separation of power between the executive branch, which creates administrative law, the legislative branch, which creates statutes, and the judicial branch, which creates common law. The judicial system in the U. State courts may use different terminology; for example, trial courts may be called courts of common plea, appellate courts may be called superior courts or commonwealth courts. Classifications of Law Substantive law vs. Substantive law creates, defines, and regulates legal rights and obligations. Procedural law defines the rules that are used to enforce substantive law. Common law is defined by judges. Statutory law is passed by legislatures. For example, the Securities Act of is statutory law. Criminal law is between private parties and society. Civil law is between private parties only. Jurisdiction Jurisdiction is the power of a court to hear a particular case. In order for a court to have jurisdiction, it must have both subject matter jurisdiction the power to hear the type of claim being asserted and personal jurisdiction power over the person. To satisfy subject matter jurisdiction, a federal court must have either: Federal question jurisdiction - federal courts have federal question jurisdiction in cases involving the federal constitution, federal statutes, or federal treaties. Miscellaneous - certain types of cases such as those related to patents, bankruptcy, admiralty maritime cases , trademarks and copyrights, etc. Items 3 and 4 may be heard only by federal courts. Personal Jurisdiction Types of personal jurisdiction: For non-residents of a state, a state court may still have jurisdiction if the person travels regularly to the state on business or has a post office box in the state. Each state has its own definition of what constitutes doing business in the state, as determined by common law. The contract can specify a third state in which neither party does business. The states whose laws are used can be specified in the contract. The defendant then may file a counterclaim. Counterclaims are lawsuits within a lawsuit in which the defendant files a claim against the plaintiff. There then may be a preliminary motion, of which the outcome can be dismissal due to no legal claim based on reading the complaint, or a summary judgement in which a decision can be based on the facts of the case that are not in dispute. The middle phase of a lawsuit is the discovery phase, in which each side attempts to determine how strong their case is. The discovery phase consists of interrogatories, depositions, and admissions. By this point, most cases are settled. The end phase of a lawsuit is the trial, beginning with a pre-trial conference in which the parties attempt to settle in front of a judge without going to court. The trial then proceeds with the evidence and then a judgement and possibly a post-judgement. The post-judgement may be that a new trial is necessary, such as in cases of mistrial. The defendant usually has the right to one appeal within a certain period of time. An appeal is filed with the appellate court, there are briefs, oral arguments, and then a decision. The defendant is served and the assets are levied. The defendant, however, may choose to file for bankruptcy protection, in which case all creditors are

stopped, including court judgements. Remedies There are two types of remedies: Legal remedies are money-based and seek to financially compensate one for the damage that has occurred. Equitable remedies require a specific performance. Examples of equitable remedies are injunctions, restitution, and reformation. In cases where damages are difficult to quantify, equitable remedies may be more appropriate. Legal Case Study When attempting to understand how courts interpret the law, it is worthwhile to study past cases of similar legal issues. Past legal cases provide the opportunity to understand the law by studying well-argued positions from both sides. When studying a case, the following points should be identified: One should identify which facts are important and which are not. One should isolate the specific legal issue relevant to the case.

6: List of courts of the United States - Wikipedia

United States Court Systems This report is designed to give an overview of both the United States Court system and the Michigan State Court system. It will discuss each system individually and explain each court and general knowledge about that court.

History[edit] Lady Justice Latin: *Justitia* , symbol of the judiciary. For instance, in France , the jurisprudence constante of the Court of Cassation or the Council of State is equivalent in practice with case law. However, the Louisiana Supreme Court notes the principal difference between the two legal doctrines: They also make law but in a limited sense, limited to the facts of particular cases based upon prior case law in areas where the legislature has not made law. For instance, the tort of negligence is not derived from statute law in most common law jurisdictions. The term common law refers to this kind of law. In civil law jurisdictions, courts interpret the law, but are prohibited from creating law, and thus do not issue rulings more general than the actual case to be judged. Jurisprudence plays a similar role to case law. In the United States court system , the Supreme Court is the final authority on the interpretation of the federal Constitution and all statutes and regulations created pursuant to it, as well as the constitutionality of the various state laws; in the US federal court system , federal cases are tried in trial courts , known as the US district courts , followed by appellate courts and then the Supreme Court. Other countries such as Argentina have mixed systems that include lower courts, appeals courts, a cassation court for criminal law and a Supreme Court. In this system the Supreme Court is always the final authority, but criminal cases have four stages, one more than civil law does. On the court sits a total of nine justices. This number has been changed several times. Once appointed, assistant judges still may not qualify to sit alone until they have served for five years, and have been appointed by the Supreme Court of Japan. Judges require ten years of experience in practical affairs, as a public prosecutor or practicing attorney. In the Japanese judicial branch there is the Supreme Court, eight high courts, fifty district courts, fifty family courts, and summary courts. Other justices are appointed by the Supreme Court and serve for six years. Federal courts consist of the 21 magistrates of the Supreme Court, 32 circuit tribunals and 98 district courts. Supreme Court Judges must be of ages 35 to 65 and hold a law degree during the five years preceding their nomination. The Supreme Court justices serve for a life term or until retirement. The Supreme Court is located in Washington, D. The United States federal court system consists of 94 federal judicial districts. The 94 districts are then divided into twelve regional circuits. The United States has five different types of courts that are considered subordinate to the Supreme Court:

7: 5 Things That Are Different About British Courts | Anglophenia | BBC America

This week Craig Benzine is going to talk about the structure of the U.S. court system and how exactly it manages to keep things moving smoothly. We'll talk about trial courts, district courts.

When they "appeal", they ask a higher-level court to change what the Trial Court decided. The role of the Courts of Appeal is not to give new trials, but to review the Superior Court record court files and transcripts to decide if legal errors were made. To do this, the Court of Appeals may hear arguments from each side. The oral arguments are open to the public, but there are no juries or witnesses. The Courts of Appeal cannot review death penalty cases. In each Court of Appeal, a panel of three judges, called "justices," decides appeals from Superior Courts. For more information about the Courts of Appeal and the cases they handle go to: It can review cases decided by the Courts of Appeal. Also, certain kinds of cases go directly to the Supreme Court and are not heard first in the Court of Appeal: Death penalty appeals Disciplinary cases involving judges or lawyers The Court conducts regular sessions in San Francisco, Los Angeles, and Sacramento. Sometimes, the Court holds special sessions in other cities in California. There are 7 justices on the Supreme Court, and at least 4 must agree on the final decision. All other State courts in California must follow a decision made in the Supreme Court. Decisions of the Supreme Court are published in the California Official Reports, which can be found on the California Courts website at www.courts.ca.gov. The justices are appointed by the Governor then confirmed by the voters at the next general election. After the end of their year term, they must be confirmed by the voters again. The justices must be lawyers. They must have passed the California Bar Examination or have served as a judge of a court of record in California for 10 years just before their appointment. But in California, the Judicial Council of California does this job. The Judicial Council plans and adopts policies and rules that say how the Courts of Appeal and the Superior Courts must work. It also conducts studies. New policies are established after the courts have had many opportunities for comment. The Judicial Council has 27 members who set policies for the California courts: The Chief Justice; 14 judges appointed by the Chief Justice 1 associate justice of the Supreme Court, 3 justices of the Courts of Appeal, and 10 Trial Court judges ; 4 attorney members appointed by the State Bar Board of Governors; 1 member from each house of the Legislature, and Six advisory members, including representatives of the California Judges Association and state court administrative agencies. The Chief Justice is the leader of the Judicial Council. The Administrative Office of the Courts serves as the staff agency to the Council. More information on the Judicial Council can be found on the California Courts website. Educators looking for information about the judicial branch may also be interested in Civics Education information on the California Courts website. The Role of the Judiciary The Judiciary is another word for the court system. It is one of 3 branches in our government. The other two are the Legislative and Executive branches. Constitutions and laws guarantee you certain rights, including the right to: If you choose not to hire a lawyer, you must do all the legal research, prepare your documents, file and serve your documents, and present evidence. You must learn about and follow the laws and court rules, just as if you had a lawyer. The Court must treat all people equally and impartially. The judge, the court personnel or the lawyers for any other person or agency cannot help you. How a case moves through the California court system There are two kinds of court cases: There are many different kinds of cases in Civil Court. The Civil Court deals with things like car accidents, and contract disputes. There are other kinds of cases in Civil Court, too. The Self-Help section of this website has information on the most common kinds of civil cases. For more detailed information, you can click on the topic that interests you. Cases about contracts, damage to property or someone getting hurt. Divorce also called dissolution of marriage , child support and child custody cases. Cases about child abuse and neglect juvenile dependency cases. Or, when someone under 18 breaks the law juvenile justice cases. Cases about renting or leasing a place called real property. We give you information about "Unlawful Detainer" cases " this means whether or not the tenant can stay on the property. The people in the case called the parties represent themselves. Cases about taking care of people and their personal affairs.

8: American Legal System

The Structure of the Court System The American Court system is based on the English Common Law system. The basic idea is that there are two sides, the plaintiff and the defendant, who present their arguments before an impartial judge (and sometimes a jury).

Main content Court Role and Structure Federal courts hear cases involving the constitutionality of a law, cases involving the laws and treaties of the U. The federal judiciary operates separately from the executive and legislative branches, but often works with them as the Constitution requires. Federal laws are passed by Congress and signed by the President. The judicial branch decides the constitutionality of federal laws and resolves other disputes about federal laws. Courts decide what really happened and what should be done about it. They decide whether a person committed a crime and what the punishment should be. Depending on the dispute or crime, some cases end up in the federal courts and some end up in state courts. Learn more about the different types of federal courts. Article III of the U. Constitution created the Supreme Court and authorized Congress to pass laws establishing a system of lower courts. Learn more about the Supreme Court. Courts of Appeals There are 13 appellate courts that sit below the U. Supreme Court, and they are called the U. The 94 federal judicial districts are organized into 12 regional circuits, each of which has a court of appeals. Appeals courts consist of three judges and do not use a jury. A court of appeals hears challenges to district court decisions from courts located within its circuit, as well as appeals from decisions of federal administrative agencies. In addition, the Court of Appeals for the Federal Circuit has nationwide jurisdiction to hear appeals in specialized cases, such as those involving patent laws, and cases decided by the U. Court of International Trade and the U. Court of Federal Claims. Learn more about the courts of appeals. These panels are a unit of the federal courts of appeals, and must be established by that circuit. Five circuits have established panels: District courts resolve disputes by determining the facts and applying legal principles to decide who is right. Trial courts include the district judge who tries the case and a jury that decides the case. Magistrate judges assist district judges in preparing cases for trial. They may also conduct trials in misdemeanor cases. There is at least one district court in each state, and the District of Columbia. Each district includes a U. Four territories of the United States have U. There are also two special trial courts. The Court of International Trade addresses cases involving international trade and customs laws. Bankruptcy Courts Federal courts have exclusive jurisdiction over bankruptcy cases involving personal, business, or farm bankruptcy. This means a bankruptcy case cannot be filed in state court. Through the bankruptcy process, individuals or businesses that can no longer pay their creditors may either seek a court-supervised liquidation of their assets, or they may reorganize their financial affairs and work out a plan to pay their debts. Article I Courts Congress created several Article I, or legislative courts, that do not have full judicial power. Judicial power is the authority to be the final decider in all questions of Constitutional law, all questions of federal law and to hear claims at the core of habeas corpus issues. Article I Courts are:

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Federal courts hear cases involving the constitutionality of a law, cases involving the laws and treaties of the U.S. ambassadors and public ministers, disputes between two or more states, admiralty law, also known as maritime law, and bankruptcy cases.

Constitution is the supreme law of the land in the United States. It creates a federal system of government in which power is shared between the federal government and the state governments. Due to federalism, both the federal government and each of the state governments have their own court systems. Supreme Court and gives Congress the authority to create the lower federal courts. The Constitution and laws of each state establish the state courts. A court of last resort, often known as a Supreme Court, is usually the highest court. Some states also have an intermediate Court of Appeals. Below these appeals courts are the state trial courts. Some are referred to as Circuit or District Courts. Congress has used this power to establish the 13 U. Courts of Appeals, the 94 U. District Courts, the U. Court of Claims, and the U. Court of International Trade. Bankruptcy Courts handle bankruptcy cases. Magistrate Judges handle some District Court matters. States also usually have courts that handle specific legal matters, e. Parties dissatisfied with a decision of a U. District Court, the U. Court of International Trade may appeal to a U. Parties dissatisfied with the decision of the trial court may take their case to the intermediate Court of Appeals. A party may ask the U. Supreme Court to review a decision of the U. Court of Appeals, but the Supreme Court usually is under no obligation to do so. Supreme Court is the final arbiter of federal constitutional questions. Parties have the option to ask the highest state court to hear the case. Only certain cases are eligible for review by the U. They hold office during good behavior, typically, for life. Through Congressional impeachment proceedings, federal judges may be removed from office for misbehavior. State court judges are selected in a variety of ways, including election, appointment for a given number of years, appointment for life, and combinations of these methods, e. Types of Cases Heard.

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