

Name: \_\_\_\_\_

## **Federal VS. State Courts**

<b>The Federal Court System</b>	<b>The State Court System</b>
<b>STRUCTURE</b>	
<ul style="list-style-type: none"><li>Article III of the Constitution invests the judicial power of the United States in the federal court system. Article III, Section 1 specifically creates the U.S. Supreme Court and gives Congress the authority to create the lower federal courts.</li></ul>	<ul style="list-style-type: none"><li>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.</li></ul>
<ul style="list-style-type: none"><li>Congress has used this power to establish the 13 U.S. Courts of Appeals, the 94 U.S. District Courts, the U.S. Court of Claims, and the U.S. Court of International Trade. U.S. Bankruptcy Courts handle bankruptcy cases. Magistrate Judges handle some District Court matters.</li></ul>	<ul style="list-style-type: none"><li>States also usually have courts that handle specific legal matters, e.g., probate court (wills and estates); juvenile court; family court; etc.</li></ul>
<ul style="list-style-type: none"><li>Parties dissatisfied with a decision of a U.S. District Court, the U.S. Court of Claims, and/or the U.S. Court of International Trade may appeal to a U.S. Court of Appeals.</li></ul>	<ul style="list-style-type: none"><li>Parties dissatisfied with the decision of the trial court may take their case to the intermediate Court of Appeals.</li></ul>
<ul style="list-style-type: none"><li>A party may ask the U.S. Supreme Court to review a decision of the U.S. Court of Appeals, but the</li></ul>	<ul style="list-style-type: none"><li>Parties have the option to ask the highest state court to hear the case.</li></ul>

<p>Supreme Court usually is under no obligation to do so. The U.S. Supreme Court is the final arbiter of federal constitutional questions.</p>	
	<ul style="list-style-type: none"> <li>• Only certain cases are eligible for review by the U.S. Supreme Court.</li> </ul>
<p><b>SELECTION OF JUDGES</b></p>	
<p><b>The Constitution states that federal judges are to be nominated by the President and confirmed by the Senate.</b></p> <p>They hold office during good behavior, typically, for life. Through Congressional impeachment proceedings, federal judges may be removed from office for misbehavior.</p>	<p><b>State court judges are selected in a variety of ways, including</b></p> <ul style="list-style-type: none"> <li>• election,</li> <li>• appointment for a given number of years,</li> <li>• appointment for life, and</li> <li>• combinations of these methods, e.g., appointment followed by election.</li> </ul>
<p><b>TYPES OF CASES HEARD</b></p>	
<ul style="list-style-type: none"> <li>• Cases that deal with the constitutionality of a law;</li> <li>• Cases involving the laws and treaties of the U.S.;</li> <li>• Ambassadors and public ministers;</li> <li>• Disputes between two or more states;</li> <li>• Admiralty law, and</li> <li>• Bankruptcy.</li> </ul>	<ul style="list-style-type: none"> <li>• Most criminal cases, probate (involving wills and estates),</li> <li>• Most contract cases, tort cases (personal injuries), family law (marriages, divorces, adoptions), etc.</li> </ul> <p>State courts are the final arbiters of state laws and constitutions. Their interpretation of federal law or the U.S. Constitution may be appealed to the U.S. Supreme Court. The Supreme Court may choose to hear or not to hear such cases.</p>
<p><b>ARTICLE I COURTS</b></p>	

**Congress has 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 U.S. Court of Veterans' Appeals, the U.S. Court of Military Appeals, and the U.S. Tax Court.

1. Why is it so important to have a State Court System?
2. What can explain the differences in the Federal and States establishment of a court system?
3. How are State and Federal judges appointed and what could account for those differences?
4. What kind of cases does Federal and State courts have?