

## WHY TWO COURT SYSTEMS?

The Judicial Branch has two court systems: federal and state. While each hears certain types of cases, neither is completely independent of the other. The two systems often interact and share the goal of fairly handling legal issues.

The U.S. Constitution created a governmental structure known as federalism that calls for the sharing of powers between the national and state governments. The Constitution gives certain powers to the federal government and reserves the rest for the states.

The federal court system deals with legal issues expressly or implicitly granted to it by the U.S. Constitution. The state court systems deal with their respective state constitutions and the legal issues that the U.S. Constitution did not give to the federal government or explicitly deny to the states.

For example, because the Constitution gives Congress sole authority to make uniform laws concerning bankruptcies, a state court would lack jurisdiction. Likewise, since the Constitution does not give the federal government authority in most family law matters, a federal court would lack jurisdiction in a divorce case.

- **Comparing State and Federal Courts**  
Discover the differences in structure, judicial selection, and cases heard in each system.
- **Cases in Federal and State Courts**  
Find out what types of cases are heard in federal courts and state courts. How are they different?

## COMPARING STATE & FEDERAL COURTS

Discover the differences in structure, judicial selection, and cases heard in each system.

The U.S. 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.

The Federal Court System	The State Court System
<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 Supreme Court usually is under no obligation to do so. The U.S. Supreme Court is the final arbiter of federal constitutional questions.</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>
	<ul style="list-style-type: none"> <li>Only certain cases are eligible for review by the U.S. Supreme Court.</li> </ul>
<b>SELECTION OF JUDGES</b>	
<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>
<b>TYPES OF CASES HEARD</b>	
<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> </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>

- Admiralty law, and
- Bankruptcy.

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.

#### ARTICLE I COURTS

**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 and 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.

## CASES IN FEDERAL AND STATE COURTS

Find out what types of cases are heard in federal courts and state courts. How are they different? How are they similar?

State Courts	Federal Courts	State or Federal Courts
Crimes under state legislation.	Crimes under statutes enacted by Congress.	Crimes punishable under both federal and state law.
State constitutional issues and cases involving state laws or regulations.	Most cases involving federal laws or regulations (for example: tax, Social Security, broadcasting, civil rights).	Federal constitutional issues.
Family law issues.	Matters involving interstate and international commerce, including airline and railroad regulation.	Certain civil rights claims.
Real property issues.	Cases involving securities and commodities regulation, including takeover of publicly held corporations.	"Class action" cases.
Most private contract disputes (except those resolved under bankruptcy law).	Admiralty cases.	Environmental regulations.
Most issues involving the regulation of trades and professions.	International trade law matters.	Certain disputes involving federal law.
Most professional malpractice issues.	Patent, copyright, and other intellectual property issues.	
Most issues involving the internal governance of business associations such as partnerships and corporations.	Cases involving rights under treaties, foreign states, and foreign nationals.	
Most personal injury lawsuits.	State law disputes when "diversity of citizenship" exists.	
Most workers' injury claims.	Bankruptcy matters.	
Probate and inheritance matters.	Disputes between states.	
Most traffic violations and registration of motor vehicles.	Habeas corpus actions.	
	Traffic violations and other misdemeanors occurring on certain federal property.	