Overview of Session

- The Basics of Federalism
- Sources of the Law (a brief summary)
- The Federal Court System
- The State Court System
- Questions?
What is Federalism?
A system of government in which power is shared (or divided) between a single national government and smaller, local governments (the states)
Why is Federalism Important?

The concept of federalism pervades almost everything you will study --

The court system
  Federal courts
  State courts
Sources of the law
Enforcement of the law
Federalism: Three Types of Powers

The overlapping spheres of power bind the American people together.
Three Branches of Government

- LEGISLATIVE
  - CONGRESS
    - HOUSE OF REPRESENTATIVES
    - SENATE

- EXECUTIVE
  - PRESIDENT
  - VICE PRESIDENT

- JUDICIAL
  - SUPREME COURT
Sources of Law

3 Primary Categories to Keep in Mind

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<tr>
<th><strong>Constitution</strong></th>
<th><strong>Statute</strong></th>
<th><strong>Common Law</strong></th>
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<td>Fundamental law that establishes the institution of a government, defines the scope of its powers, and guarantees personal liberties</td>
<td>A law passed by a <strong>legislative body</strong> (a.k.a. “Act”)</td>
<td>Laws derived from <strong>judicial decisions</strong> (opinions) rather than from statutes or constitutions</td>
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Common Law

The body of law that develops and derives through judicial decisions, rather than statutes.

Often referred to as “judge made law.”
The Judicial System: The Courts

Courts –

- federal or state
- trial or appellate
- general jurisdiction or
  specialized jurisdiction

Create, Interpret, and Enforce Law
Judicial Opinions, i.e., cases

Nearly all judicial opinions ("cases") you read in law school are written by appellate courts or supreme courts (federal or state).

Not trial courts...
Stare Decisis

Fundamental legal doctrine requiring that when a court has laid down a principle of law that applies to a certain set of facts, courts will adhere to that principle and apply it to all future cases with similar facts.
Precedent

- *Stare decisis* is the principle under which courts make current decisions consistent with previously decided decisions.

- The previously decided decisions are called “precedent.”
Structure of Courts in the U.S.

**Supreme Court** ("highest appellate court"): Panel of judges (no jury); correct errors made in appellate court; harmonize conflicting laws. *Lawyers & Judges ("9") only*

**Court of Appeals** ("intermediate appellate court"): Panel of judges (no jury); reviews errors made in trial court. Does NOT "re-hear" trial – no live witnesses, uses only "paper" (documents) from trial court. *Lawyers & Judges ("3/5/7") only*

**Trial Court** ("trial level"): Judge & jury: hears witnesses testimony; admits evidence; determines guilt (criminal trial) or liability (civil trial). *"Lots of people" / "Exciting"*
Two Distinct Court Systems

Federal Court System

United States Supreme Court
(1 court – 9 “ justices ”)

U.S. Circuit Courts of Appeal
(13 nationwide – 179 judges)

United States District Court
(94 nationwide)

State Court System

[State] Supreme Court
(e.g. Supreme Court of Virginia)

[State] Court of Appeals
(e.g. Court of Appeals of Virginia)

[State] Trial Court
(e.g. General District Court)
Courts - Key Concept:

JURISDICTION
The Power Of The Court To Decide The Issue(s)
Part Geographic Part Defined By Law/Statutes
Jurisdiction

- **Subject Matter**
  - Does *this* court have the power to decide this case?
- **Personal**
  - Can the plaintiff sue in this court?
  - Does the defendant have to appear in this court?
Federal Courts

Are Courts of Limited Jurisdiction

They can only hear cases as specified by Congress.

The two major types are:
  Federal question
  Diversity – citizens of different states
Source of the **Federal** Court System

“The judicial Power of the United States, shall be vested in one **supreme Court**, and in such **inferior Courts** as the Congress may from time to time ordain and establish . . .”

U.S. Const. Article III
Federal Trial Courts

- District Courts (94 districts) -- Geographic

- Specialized Courts – Specialized Subject Matter
  - Claims Court
  - Court of International Trade
  - Court of Veterans Appeals
  - Tax Court
U.S. District Courts

Some states only have one such as Vermont and Massachusetts, and some states have more than one such as New York and California. Districts depend on population and commercial centers.
N.Y. Federal District Courts by Geography
U.S. Circuit Courts of Appeals

- U.S. Supreme Court
  - Circuit Courts of Appeals
    - District Courts
    - Tax Court
  - Federal Circuit Court of Appeals
    - Claims Court
    - Court of International Trade
    - Court of Veterans Appeals
One Supreme Court: SCOTUS
State Courts

Are courts of GENERAL JURISDICTION

Meaning that state courts generally hear and decide almost any type of case.
Source of **State** Court Systems

“The judicial power of the State shall be vested in a unified judicial system which shall be composed of a **Supreme Court, a Superior Court, and such other subordinate courts** as the General Assembly may from time to time ordain and establish.”

Chapter 2, Article 4 of the Vermont Constitution
Supreme Courts: The Final Word On Questions of Law

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<td>• Federal Regulations (judicial review)</td>
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<td>• Federal Common Law (cases)</td>
<td>• State Common Law (cases)</td>
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Examples Of State Court Systems

Vermont
- Vermont Supreme Court
- Trial Courts

Texas
- Texas Supreme Court
- Civil and Criminal Courts of Appeals
- Trial Courts
Relationship Between Federal & State Courts

Start

US Supreme Court

US Circuit Courts of Appeals

US Federal District Courts

Highest State Court

State Appeals Court

State Trial Courts

End

1% Only!
Questions?