

CHAPTER 2- FEDERAL AND STATE COURT SYSTEMS

I. Federalism: 3 branches

A. Legislative: enacts/makes laws

B. Executive: enforces laws

C. Judicial: interprets laws

** see govt chart on p. 33

II. Jurisdiction: power to hear cases

A. Federal: 1. federal Q's-see p. 35

2. diversity Q's

B. Concurrent: case may be commenced in federal OR state court

**See p. 36: Class Action Fairness Act of 2005

C. Exclusive : only that particular ct may hear that particular kind of case

D. Standing: personal stake in case; see pp. 38 & 39: Sierra Club & Bush wire-tapping examples

III. Federal Court Structure:

A. United States District Courts

1. civil or criminal
2. trial court: finds facts and applies laws
3. cases reported in Federal Supplement (F. Supp. ; F. Supp. 2d)
4. Citation form:(see p. 57)

B. United States Circuit Courts of Appeal

1. appellate jurisdiction only: reviews whether U.S. District Courts have applied laws correctly
2. 11 numbered and 2 named circuits—See map on p. 42
3. also reviews some decisions from federal agencies
4. cases reported in Federal Reporter: F., F.2d , F.3d
5. Citation form:(see p. 57)

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C. United States Supreme Court

1. Court of last resort
2. 9 justices, one of which is chief
3. discretionary jurisdiction: see p. 47, Fig. 2-4 and rule of four on p. 49
4. get into by writ of certiorari (appeal)
5. cases reported in variety of places
 - a. official: United States Reports: U.S.
 - b. unofficial: (1) West's Supreme Court Reporter: S. Ct.

(2) United States Supreme Court Reports, Lawyer's Edition: L. Ed.

D. Specialized Courts : see p. 52

E. See chart on p. 53 for comprehensive structure of federal system

IV. State Court Structure

A. Most states have 3 levels:

1. trial
2. intermediate appellate

3. final appellate

B. Check Bluebook, Table T.1 under each state for the appellate structure for that state

** see p. 56: <http://www.cqpress.com>

C. Most state appellate courts report their appellate decisions to a West's regional reporter- See Bluebook for info on each state's official and unofficial reporters

D. Judges appointed or elected or combination of both

E. Citation form:(see p. 57)

1. State with official and unofficial reporter:

2. State with no official reporter:

**Note CyberSites on p. 60: bookmark