

THE U.S. LEGAL SYSTEM

VLS Orientation

August 21, 2018

Professor Stephanie J. Willbanks

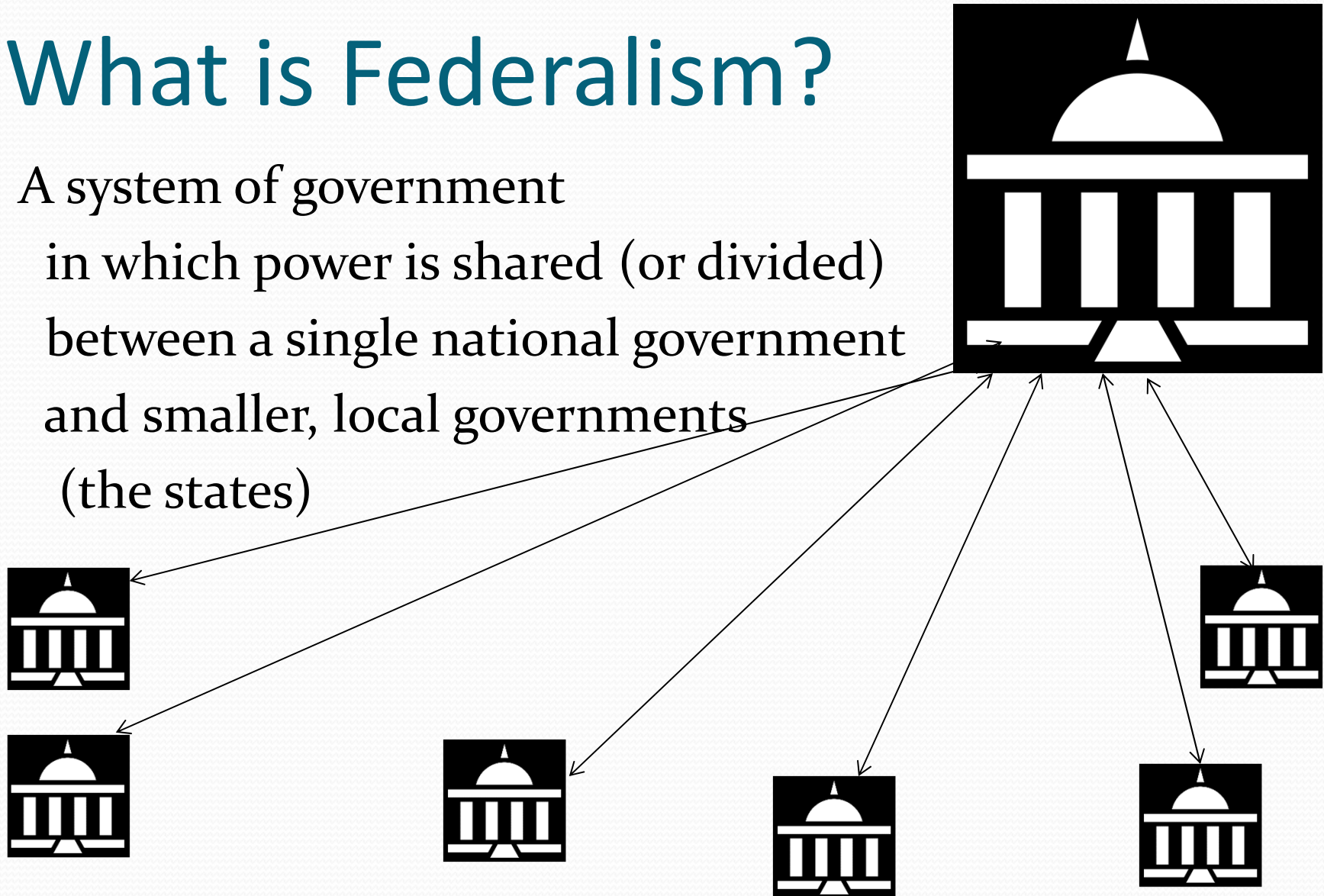


Overview of Session

- 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

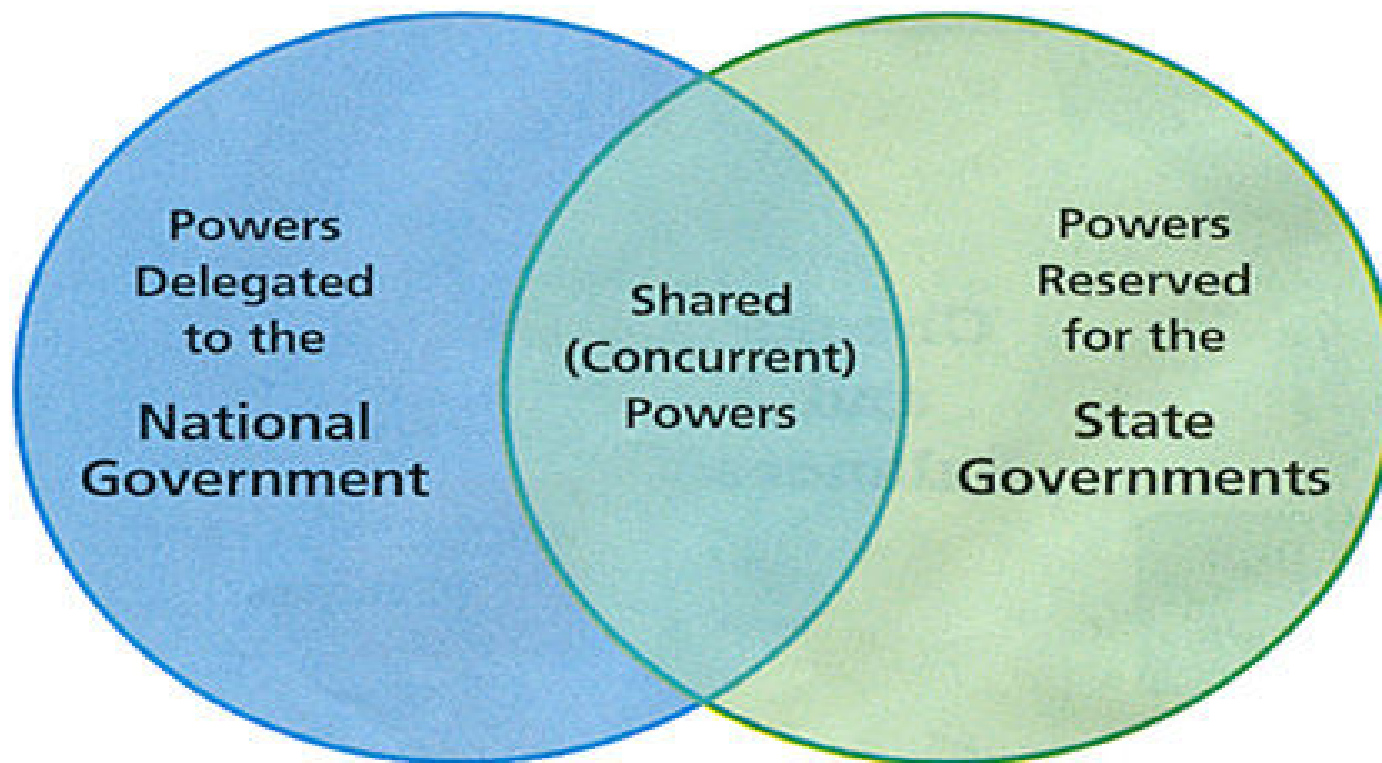
 - State courts

- Sources of the law

- Enforcement of the law

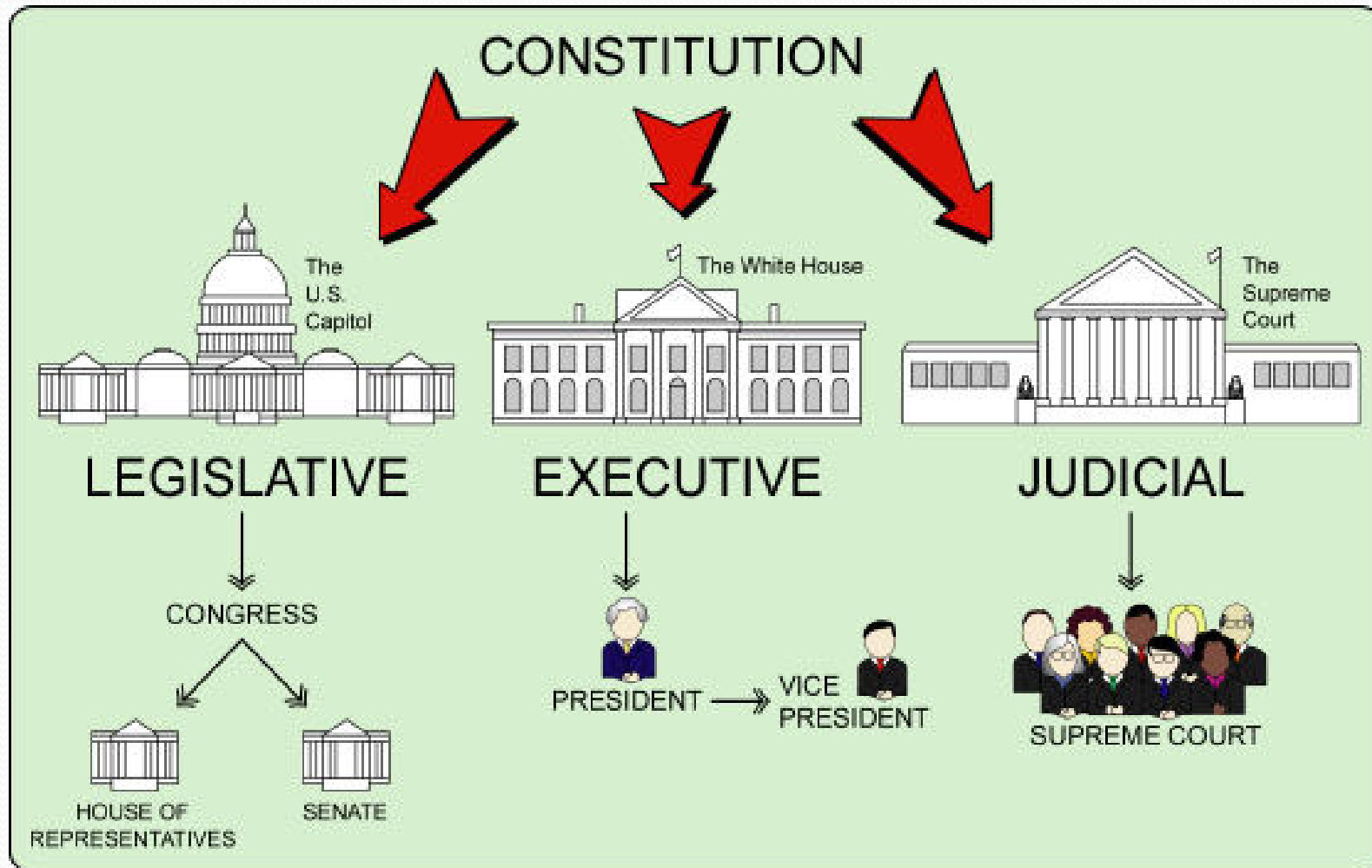
Federalism: Three Types of Powers

Federalism



The overlapping spheres of power bind the American people together.

Three Branches of Government



Sources of Law

3 Primary Categories to Keep in Mind

Constitution

Fundamental law that establishes the institution of a government, defines the scope of its powers, and guarantees any personal liberties

Statute

A law passed by a **legislative body** (a.k.a. "Act")

Common Law

Laws derived from **judicial decisions** (opinions) rather than from statutes or constitutions

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.

End

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”*

Start







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

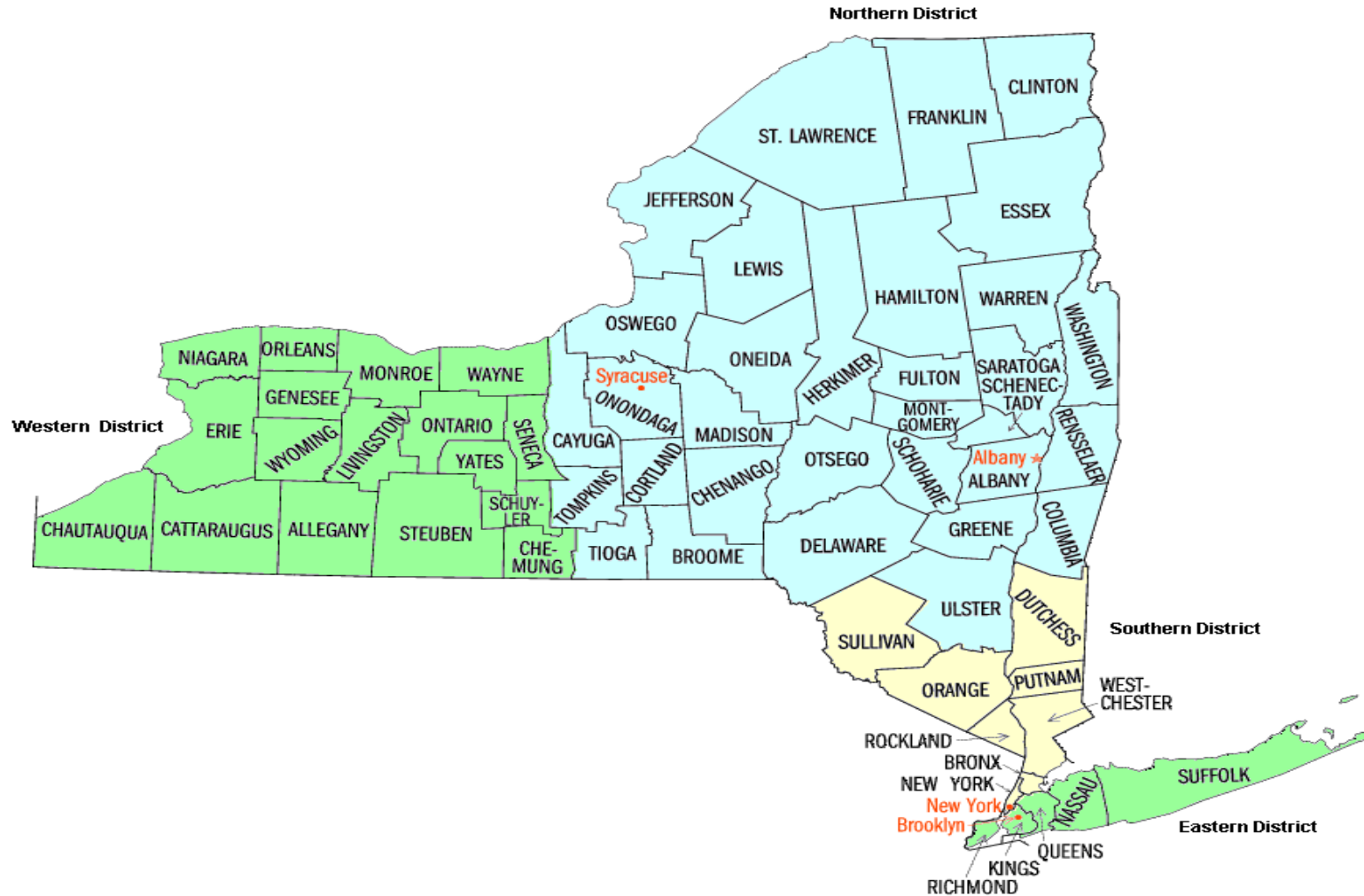
U.S. District Courts

Some states only have one
such as Vermont and Massachusetts,
and some states have more than one
such as New York and California.

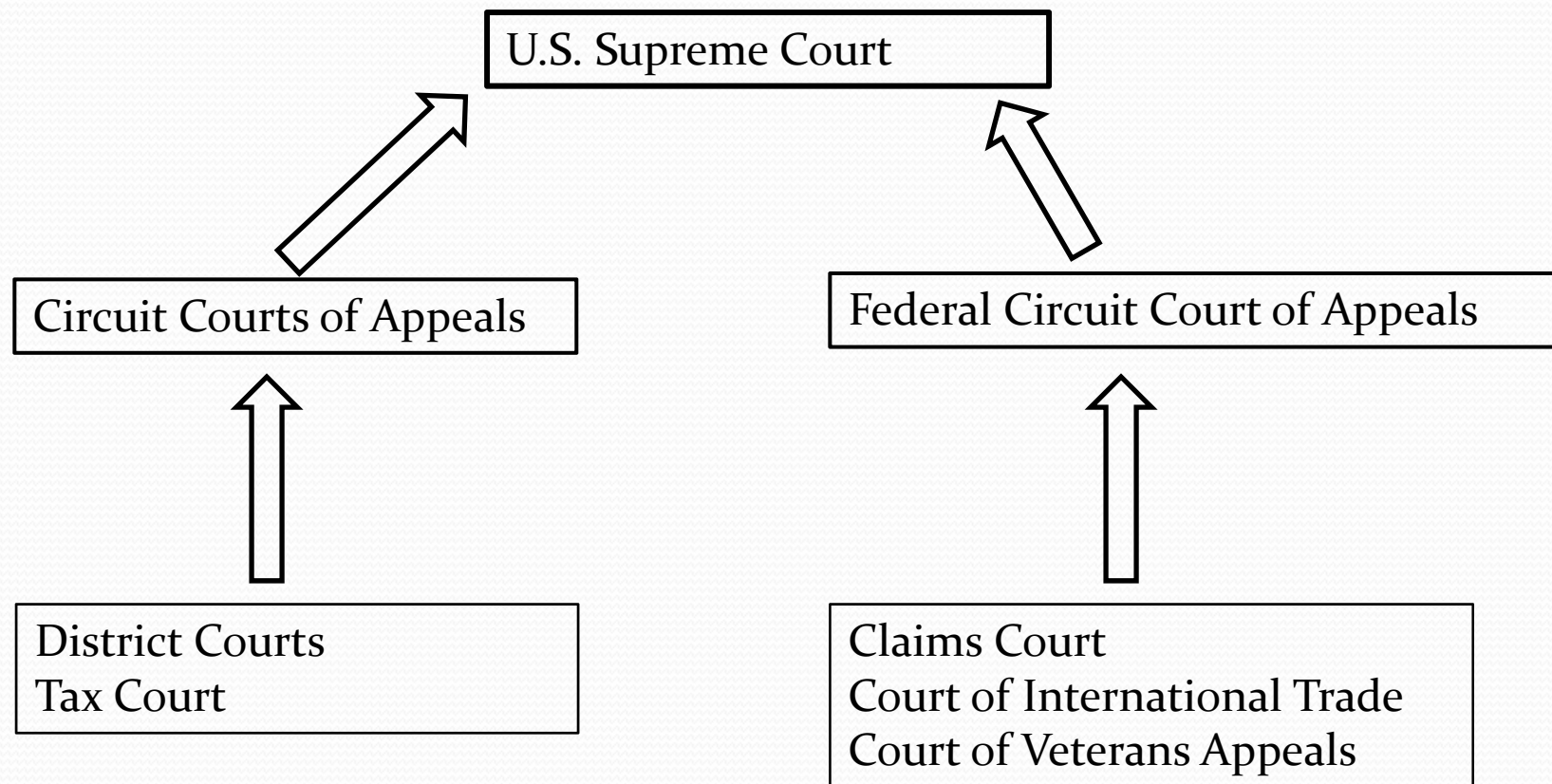
Districts depend on
population
and
commercial centers.



N.Y. Federal District Courts by Geography



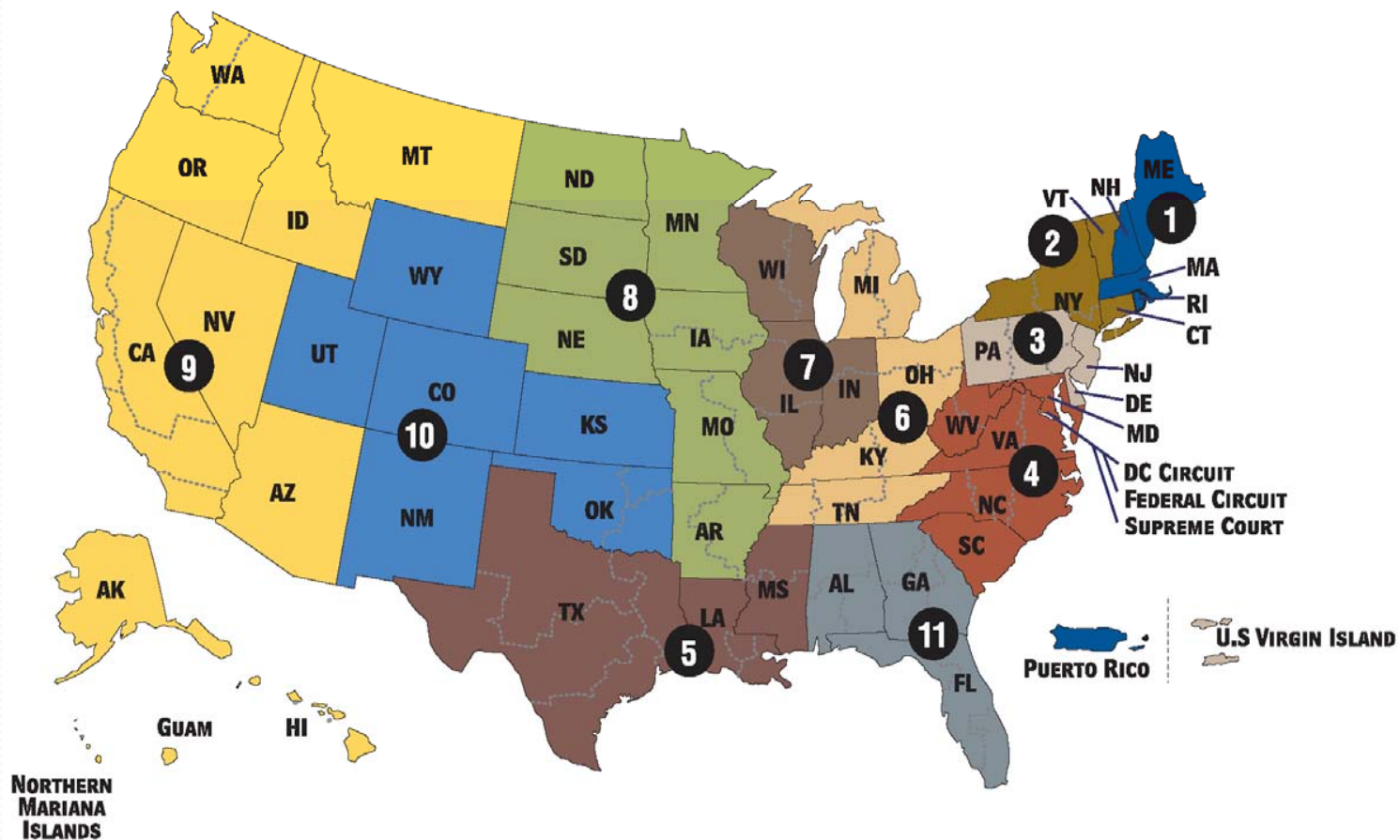
U.S. Circuit Courts of Appeals



U.S. Circuit Courts of Appeals

Geographic Boundaries

of United States Courts of Appeals and United States District Courts



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

U. S. Supreme Court

The Last Word on

- U. S. Constitution
- Federal Statutes
- Federal Regulations
(judicial review)
- Federal Common Law
(cases)

State Supreme Courts

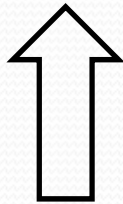
The Last Word on

- State Constitution
- State Statutes
- State Regulations
- State Common Law
(cases)

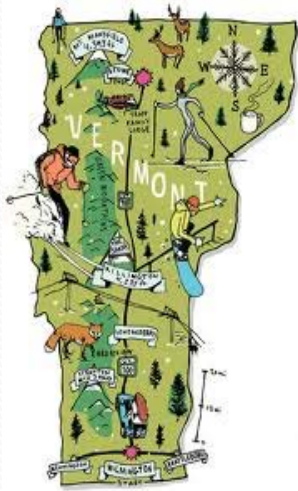
Examples Of State Court Systems

Vermont

Vermont Supreme Court



Trial Courts



Texas

Texas Supreme Court



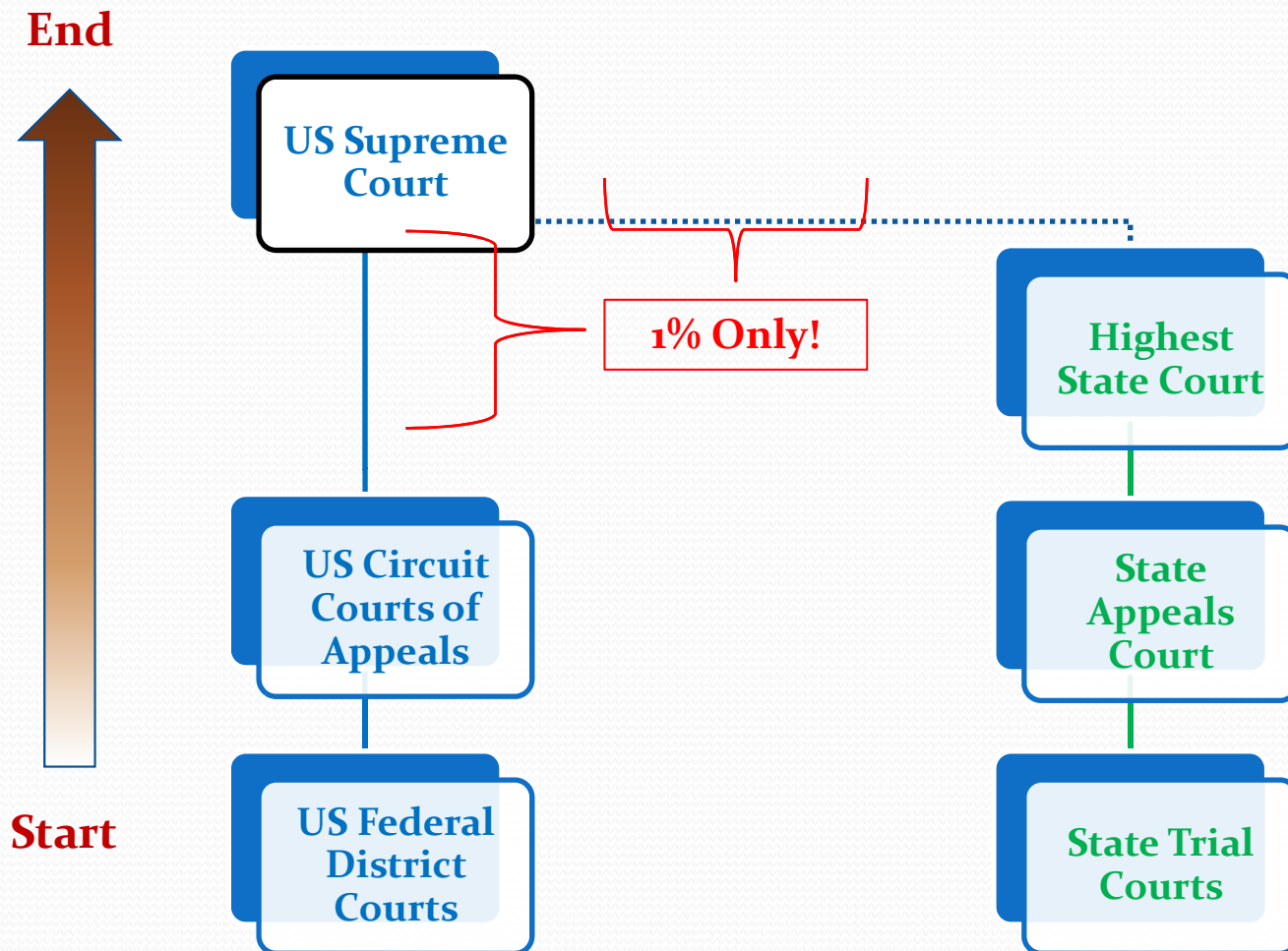
Civil and Criminal Courts
of Appeals



Trial Courts



Relationship Between Federal & State Courts



Questions?

