Courts do not represent government; the government creates them either by law or by constitution. The duty of the court is to enforce the law for the good of society. Courts are equally available to anyone who has a reason to sue or to anyone formally accused of a crime.

The court system of the United States is divided into two parts:

1. The State system
2. The Federal system

A) Important Issues

i) Original and Appellate jurisdiction.

Courts with original jurisdiction are trial courts in which actions of all kinds are first started. An appeal to a higher court to correct an error by lower court must be addressed to a court that has appellate jurisdiction. Appellate courts can only determine whether there was a mistake in applying the law or procedure. They cannot review the trial courts findings of fact.

ii) Courts of Law and Courts of Equity.

Courts of law administer justice according to criminal law and common law. Courts of equity administer justice according to criminal law and common law. Courts of equity administer justice according to "fairness".

Some States had two different court systems. In other states, the same courts could sit in equity or in law, but cases and procedures were kept separate. As time passed most states abolished the difference between law and equity. Most have courts of general jurisdiction that may apply rules of law or equity as applicable.

Federal courts, by 1938, Federal Rules for Civil Procedures established are system for processing both law and equity cases in federal courts called civil actions.

- e.g. mining causes subsidence of house.
- Money damages (legal remedy).
- Injunction against mining (equitable remedy).

At common law, everyone has right to jury trial.
At equity, the trial is by judge only.
iii) Civil and criminal trials.

It is not unusual for states to have some courts with jurisdiction over civil cases and others with jurisdiction over criminal cases.

B) Federal Courts.

The federal court system is organized on levels. There are 12 judicial districts with each state, District of Columbia, Puerto Rico, Guam, Northern Mariana Islands and Virgin Islands wholly within a district. Judicial districts are called circuits. In each circuit are district courts and U.S. courts of appeal. There is at least one district court for each state. California is in the 9th judicial district.

There are certain specialized federal courts:

a. Tax Court
b. U.S. Court of International trade
c. U.S. court of customs and Patent appeals
d. Bankruptcy courts
e. U.S. court of claims
f. U.S. court of Military appeals

The US. Supreme Court is the highest court in the land. It has the power to review any court decision that involves constitutional or federal law. Nine justices on the Supreme Court decide the case and whether the will take the case. If decisions have been contradictory in different circuits, they will take a case to settle a point of law.

Judges are appointed for life to these courts by the president with the consent of senate.

Federal courts also have jurisdiction over admiralty, Maritime, Bankruptcy, patent, copyright, postal, internal revenue matters.

C). State Courts

State Courts are organized in layers.

Lowest Level Courts of limited jurisdiction
(Justice of peace court (Justice court), Magistrates Court, police court, city court, traffic court and small claims court)
Limited by amount of money
Severity of crimes
No court record
No jury
Higher Level  Courts of unlimited jurisdiction
   (County court, Circuit court, Superior Court, District court, Court of
   common pleas)
   Special courts (Juvenile, criminal, probate)

Highest Level  Appellate Division
   16 states have intermediate appellate court
   Appellate court Judges on bench, majority decision

For a case to be brought in a state court, the court must have.

1. Jurisdiction of the subject matter of the action

2. Jurisdiction of the parties to the lawsuit, defendant, present in state for service.

There are two type of action

   a. Transitory. One brought in any state regardless of where the action arose.
      - Actions for damages, personal injury, property damage and
        breach of contract.

   b. Local. State statute regulate -
      Lesser courts for small amounts (small claims court-
      California $5000 limit)

   d. Judge and Jury

The distinguishing feature of the English and American legal system is trial by jury. When a case
is tried in front of a jury, it is up to the jury to decide the facts of the case, and decide who is telling
the truth. The judge on the bench is the judge of the law.

When the case is tried before a judge only, he determines the law and the facts.

Types of Trial

   Criminal Standard is “beyond reasonable doubt”.
      Federal - unanimous verdict.
      State - unanimous verdict but may only be 6 jurors.

   Civil Standard is “preponderance of evidence”.
      Federal - unanimous verdict.
      State - majority of jurors or number specified by statute.

In federal cases, the 7th Amendment says trial by jury for more then $20.

In state cases, there are statutes for trial proceedings that may allow less than unanimous verdicts
G. Most Suits brought at State level

When does an aggrieved person bring his suit in federal court and when does he bring it in State court? In almost all cases a person seeking justice brings his suit in state in which he lives.

For federal Court, suit between citizens of different states, between a citizen and an alien, or that a suit involves a question arising under the constitution of U.S. (called a federal question) or in civil cases greater than $1000 involving U.S. Property.