

Lesson 2: The Organization and Processes of the Federal and State Court Systems

Lesson Abstract: The organization and processes of the judicial branch reflect the constitutional principles of separation of powers and federalism. The federal court system consists of three levels: one trial court level—the United States District Courts, and two levels of appeals — the United States Circuit Courts of Appeal (usually must decide a properly filed appeal) and the United States Supreme Court (usually chooses which appeals to decide). The Supreme Court of the United States exercises largely discretionary control of its appellate jurisdiction. Appellate jurisdiction extends over all federal court cases and over all state court cases that involve constitutional or federal law issues. One Chief Justice and eight associate justices determine the final outcome of the cases it reviews (based on the lower courts' case record), as well the final, authoritative interpretation of the Constitution and federal laws. And, just as the federal government and each state government has its own legislative and executive branches, so too the federal government and each state government have its own judicial branch. Thus, there are two court systems, each with their own organization and jurisdiction. These two systems usually operate independently, deciding those cases within their respective jurisdictions. However, where any case involves the U.S. Constitution, the court systems both end with the U.S. Supreme Court.

Content Expectations: C3.1.3; C3.2.1; C3.2.2; C3.4.1; C3.4.5

Common Core State Standards for Literacy in History and Social Studies: RH.9-10.2, 4, 9, and 10; WHST. 9-10.4, 9 and 10.

Key Concepts:

- constitutional supremacy
- dual sovereignty
- judicial review
- jurisdiction
- rule of law
- trial/appellate/supreme courts

Teacher Note: This lesson concerns the U.S. Supreme Court and the other Article III courts created by Congress. Even among these courts, this lesson does not concern the specialized courts such as the Court of International Trade or the U.S. Court of Federal Claims. Congress has also created various courts or “tribunals” pursuant to its power in Article I.

Lesson Sequence:

1. **A Court System “Quiz”:** Begin the lesson by telling students that they are about to take a brief “pop quiz” (which is not really counted as such). This “quiz” is intended to review certain concepts from the last lesson and to introduce certain concepts for this lesson. Distribute copies of “**A Court System Quiz – True or False**” found in the *Supplemental Materials (Unit 5, Lesson 2)*. Students should complete the “quiz” on their own as if it were an actual quiz. Review the correct answers and explanations with the class using the “**Quiz - Teacher Reference Sheet**” found in

the *Supplemental Materials (Unit 5, Lesson 2)*. Explain that the “quiz” anticipates the students’ learning objectives during the lesson.

Jurisdiction and Geography—The Structure of the Federal Court System:

2. Remind students that Article III directly creates the Supreme Court only. The Constitution leaves to Congress the creation and organization of the “inferior” or lower courts under the Supreme Court. Explain to students that, since the Judiciary Act of 1789, Congress has established and maintained (without break) a *system* of federal courts to exercise the “judicial power” of the U.S. within the federal jurisdiction granted by the Constitution. This part of the lesson accordingly addresses the question: What is the structure of the current system?
3. Distribute the handouts “**Structure of the Federal Courts**” and “**Reading Questions for and Diagram of the ‘Structure of the Federal Courts,’**” both of which can be found in the *Supplemental Materials (Unit 5, Lesson 2)*. Spend a few minutes explaining the following terms to students:
 - Jurisdiction – the power and authority to interpret and apply the law;
 - Original Jurisdiction - the power and authority of a tribunal (court) to entertain a lawsuit, try it, and set forth a judgment on the law and facts. When two or more states are locked in a dispute, the Supreme Court has original jurisdiction to gather and hear evidence much like a trial court.
 - Appellate Jurisdiction – the power and authority for a court to review legal decisions made by the trial court for error. For example, the U.S. Supreme Court's caseload is made up almost entirely appellate cases from the circuit courts of appeal.
 - Circuit Court of Appeals – These are the twelve federal United States courts of appeals that cover a group of states. These courts exercise only appellate review (review of lower court decisions). They are referred to as “circuit courts” because of the way that judges used to rotate among the courts. The term “circuit court” was derived from the practice of having judges ride around the countryside each year on pre-set paths – circuits – to hear cases. When the case load in a region would become large enough, then a local judiciary would be created. However, the historical term “circuit court” has remained.
4. Have students either alone or with one partner read and complete the handouts, paying particular attention to triangle (hierarchical) diagram of the federal court system that students should draw, label, and annotate as instructed in the handout. After students have time to complete this part of the assignment, review a selection of their answers to check for correct reading comprehension and correct interpretation of the map in the reading.
5. Distribute copies of “**The Structure of the Federal Court System—Map and Diagram**” sheet found in the *Supplemental Materials (Unit 5, Lesson 2)*. With students checking and correcting their prior work, review the questions, map, and diagram using the “**Map and Diagram -- Teacher Reference Sheet**”, which is found in the *Supplemental Materials (Unit 5, Lesson 2)*. Be sure students understand the following about the federal court system as you review the map and diagram:
 - The federal court system consists of three levels: one trial court (original jurisdiction) level—the *United States District Courts*, and two levels of appeals (appellate jurisdiction)—the *United*

States Circuit Courts of Appeal (usually must decide a properly filed appeal) and the *United States Supreme Court* (usually chooses which appeals to decide).

- The 94 *United States District Courts* have original jurisdiction over most federal criminal and civil cases arising within a geographical area (district) within a state (some states have only one district, whose boundaries are the state's). At the district court level, cases are heard by one judge and jury trials are held.
- The 13 *United States Circuit Courts of Appeal* have appellate jurisdiction over most federal cases appealed from all the U.S. District Courts in the states making up their respective "circuits" (a region of several states). Usually three judges per case review a case on appeal to determine whether the district court made errors in the case. Appellate review is based on the record made in the U.S. District Court with no new evidence taken or jury involved. **Teacher Note:** There are 11 regional appellate courts and two specialized appellate courts – the Court of Appeals for the D.C. Circuit and the Circuit Court of Appeals for the Federal Circuit.
- The single *Supreme Court of the United States* very rarely uses its original jurisdiction, but exercises largely discretionary control of its appellate jurisdiction over all federal court cases and over all state court cases that involve constitutional or federal law issues. One Chief Justice and eight associate justices determine the final outcome of the cases it reviews (based on the lower courts' case record), as well the final, authoritative interpretation of the Constitution and federal laws.

6. A Case Study of Dual Sovereignty: One Lawsuit, Two Systems, Two Results: Remind students that federalism includes the principle of dual sovereignty. Ask students to reflect on what the term "dual sovereignty" may mean. Guide students to understand that, just as the federal government and each state government has its own legislative branch, and just as the federal government and each state government has its own executive branch, so too the federal government and each state government has its own judicial branch. That is, there are two court systems, each with their own organization and jurisdiction. Explain to students that the two systems usually operate independently, deciding those cases within their respective jurisdictions. However, where any case involves the U.S. Constitution, the court systems both end with the U.S. Supreme Court.

To see how these separate but related systems operate, students will consider a case study about a Michigan case, *Sitz v. Dept. of State Police*, which went all the way to the U.S. Supreme Court, *and after that*, all the way to the Michigan Supreme Court. **Teacher Note:** Sitz sued the Michigan State Police in state court to begin the case, but since it was the Dept. of State Police that sought U.S. Supreme Court review, the case in that Court is known as *Dept. of State Police v. Sitz*.

7. Distribute copies of "**A Case Study of Dual Sovereignty: *Sitz v. Dept. of State Police*,**" which is found in the *Supplemental Materials (Unit 5, Lesson 2)*. Allow time for students to read the case summary and think about the questions that follow. Then, divide students into groups of three and assign each group one of the questions to prepare an answer for the class. Note that there will be more than one group addressing the same question. Distribute chart paper and marker for students to use in their explanation if necessary (especially for groups answering question 1).
8. After about 5 minutes, have each group present their answers to the class. Student groups addressing the same question should present in tandem. Use the "**Teacher Reference Sheet - A Case Study of Dual Sovereignty**" which is also found in the *Supplemental Materials (Unit 5,*

Lesson 2) to guide the discussion after each presentation. After all groups have presented, be sure to emphasize to students that the U.S. Supreme Court has the final power in a case to interpret and apply the U.S. Constitution and federal law, whether the case starts in federal or state court. Distinguish that from situations in which state supreme courts have the final power -- those cases that interpret and apply state law, including state constitutional law. And, some cases, like *Sitz*, may involve both kinds of law, so both court systems may exercise judicial power to resolve the case. Finally, point out to students that *Sitz* implies that a case may reach the U.S. Supreme Court through *either* of *two* paths—through the federal court system *or* state court system. The key is whether a case involves some provision of the U.S. Constitution or federal law (and so almost always concerns the US Supreme Court’s power of judicial review).

9. How Cases Get to the Supreme Court from the State and Federal Court Systems. Display an overhead and distribute copies of “**The Federal and State Court Systems**” which is found in the *Supplemental Materials (Unit 5, Lesson 2)*. Mark the overhead while pointing out to students such features and implications of the chart as the following:
- The two court systems, state and federal, each have three basic levels or tiers, one with original jurisdiction and two with appellate jurisdiction. Both systems work independently, each with its own caseload within its own jurisdiction. Point out that the arrows in the diagram show the path of appeal (the way a case moves through the systems).
 - The state court systems handle the great majority of cases compared to the federal system (annually, state courts address over 100 times more cases than the federal courts). Give examples of common types of state cases include common criminal cases such as murder, robbery, rape, etc. and civil cases like those involving contract, real estate, personal injury, family law, etc.
 - Both systems are connected at the U.S. Supreme Court. The Supreme Court is the final appeal for and has the final authority over any case involving the U.S. Constitution and federal law. This means that judicial review extends to all courts in both systems. The Court’s role at the top of both systems is intended to assure that the Constitution and federal law, which apply throughout the nation, have one consistent interpretation everywhere.
 - On the chart, notice that the Supreme Court normally has few cases under its original jurisdiction. Although thousands of appeals come to it each year, the Court exercises its discretionary appellate jurisdiction to accept a relatively small number of cases for full review and decision. Point out the difference in numbers on the chart to students.
10. After reviewing the chart with the class, indicate that students will now analyze hypothetical examples of cases illustrating state versus federal jurisdiction, as well as the two paths to the Supreme Court. Accordingly, distribute the 3-column table of “**Examples of the Jurisdiction of the State and Federal Court Systems**” and the “**Federal and State Court Systems Case Scenarios**,” both of which are found in the *Supplemental Materials (Unit 5, Lesson 2)*. **Teacher Note:** It may also be helpful to consult the “**Reference Guide - Federalism**” used in Unit 2 and reproduced in the *Supplemental Materials (Unit 5, Lesson 2)*.
11. Review a few selected scenarios from assignment that illustrate a state case that ends at the state supreme court; a state case that ends at the U.S. Supreme Court; a federal case that ends at the U.S. Supreme Court. Use the “**Teacher Reference Guide for Case Scenarios**” found in the *Supplemental Materials (Unit 5, Lesson 2)* to explain how to analyze information like the scenarios

provide to determine whether a case belongs in state or federal court (or perhaps either), whether it is at the trial or an appellate level of the state or federal system, and whether it might be appealed to the U.S. Supreme Court.

12. Wrap-Up: Two Paths to the “Court of Last Resort.” Distribute and have students complete copies of the second version of the quiz “**A Court System True/False Quiz – Take Two**”, which is found in the *Supplemental Materials (Unit 5, Lesson 2)*. This version is identical to the first version, except (a) students are directed to write a correction that makes any false statement true; and, (b) there are two additional short answer questions at the end of the “quiz”—namely: (1) Why is the U.S. Supreme Court known as the “court of last resort,” both for state and federal court cases? (2) Why is it important that the judicial branch of the national government have such a court at the top of the system?

Assessment

The quiz and short answers in Step 12 serve as the assessment for this lesson.

Reference Section

Content Expectations:

- C3.1.3:** Analyze the purposes, organization, functions, and process of the judicial branch as enumerated in Article III of the Constitution
- C3.2.1:** Explain how the principles of enumerated powers, federalism, separation of powers, bicameralism, checks and balances, republicanism, rule of law, individual rights, inalienable rights, separation of church and state, and popular sovereignty serve to limit the power of government.
- C3.2.2:** Use court cases to explain how the Constitution is maintained as the supreme law of the land (e.g., *Marbury v. Madison*, *Gibbons v. Ogden*, *McCulloch v. Maryland*).
- C3.4.1:** Explain why the rule of law has a central place in American society (e.g., Supreme Court cases like *Marbury v. Madison*, *US v. Nixon*; practices such as submitting bills to legal counsel to ensure congressional compliance with the law).
- C3.4.5:** Analyze the various levels and responsibilities of courts in the federal and state judicial systems and explain the relationships among them.

Common Core State Standards for Literacy in History and Social Studies:

- RH.9-10.2:** Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.
- RH.9-10.4:** Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social studies.
- RH.9-10.9:** Compare and contrast treatments of the same topic in several primary and secondary sources.
- RH.9-10.10:** By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.
- WHST. 9-10.4:** Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.
- WHST.9-10.9:** Draw evidence from informational texts to support analysis, reflection, and research.
- WHST.9-10.10:** Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Instructional Resources

Equipment/Manipulative
Computer with Projector

Student Resource

Lee P. Arbetman and Edward L. O'Brien, *Street Law: A Course in Practical Law*, 6th ed. (Lincolnwood, IL: National Textbook Co., 1999), Figure 5.2, p. 53, citing "Administrative Office of The United States Courts, January, 1993."

"Understanding the Federal Courts." Administrative Office of the U.S. Courts, Leonidas Ralph Mecham, Director, 2003), pp. 9-10. 7 Jan. 2013

<<http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/FederalCourtsStructure.aspx>>.

Zuschlag, Dirk. *Supplemental Materials (Unit 5, Lesson 2)*. Teacher-made materials. Oakland Schools, 2012.

Teacher Resource

Kenneth Janda, Jeffrey M. Berry, and Jerry Goldman, *The Challenge of Democracy*, 9th ed. (Boston: Houghton Mifflin Co., 2008, p. 429).

Understanding the Federal Courts. United States Courts. 7 Jan. 2013

<<http://www.uscourts.gov/EducationalResources/FederalCourtBasics/UnderstandingTheFederalCourts.aspx>>.

"Understanding Federal and State Courts Case Study." United States Courts. 7 Jan. 2013

<<http://www.uscourts.gov/EducationalResources/FederalCourtBasics/CourtStructure/UnderstandingFederalAndStateCourtsCaseStudy.aspx>>.