How Can Disputes be Resolved Without Going to Court?

- Many people decide too quickly to litigate—or take their dispute to court. Often the better decision is to settle out of court.

- Parties may invoke an independent third party to act as a mediator. The mediator tries to develop a solution acceptable to both sides. His decision is not binding.

- Parties may use an arbitrator. The arbitrator holds an informal hearing and will make a decision. An arbitrator’s decision is binding.

How do Courts Settle Disputes?

- A court is a governmental forum that administers justice under the law. Courts follow impartial and thorough procedures to make decisions.

Trial Court

- The court in which a dispute is first heard is a trial court. They hear witnesses testify and reviews evidence to determine the facts of the case. The trial court will then apply what it selects as the appropriate law to the facts to reach a verdict. A trial court has original jurisdiction.

- A trial court consists of a judge and lawyers, clerks, sheriffs, bailiffs, and jury members.
  - Clerks—enter cases in the court calendar, keep records of proceedings, and compute court costs.
  - Sheriffs—serve as bailiffs
  - Bailiffs—summon witnesses, keep order in court, and take steps to carry out judgments in the state court systems
  - Juries—citizens sworn in by the court to decide issues of fact in a case

Appellate Courts

- An appellate court reviews the decisions of the lower court when a party claims an error was made during the lower court’s proceedings.

- They do not decide issues of fact, they decide if an error was made in court.

- Appellate courts review transcripts, read appellate briefs and listen to oral arguments in support of the briefs.

- Appellate courts decide if the decision should be:
  - Affirmed (upheld)
  - Reversed (overturned)
  - Amended (changed)
  - Remanded (sent back to trial court for possibly a new trial)
The Federal Court System

Origin of the Federal Court System

Through Article III of the Constitution, the people gave the power to judge certain criminal and civil matters on a system of federal courts.

Jurisdiction of the Federal Courts

There are three levels of federal courts with general jurisdiction—federal district courts, federal courts of appeals, and the U.S. Supreme Court.

Federal District Courts

The lowest level of federal courts with general jurisdiction. This is the trial court of the federal system.

It has the power to determine facts and to make initial determinations of the law to use in deciding the case.

District courts have original jurisdiction over:
Federal questions or cases that arise under the Constitution, U.S. law, and U.S. treaties
Lawsuits between citizens of different states, between a U.S. citizen and a foreign nation, or between a U.S. citizen and a citizen of a foreign nation.

Federal Court of Appeals

The federal court of appeals have appellate jurisdiction over the district courts, certain specialized federal courts, and many federal administrative agencies.

Appellate courts do not accept any new evidence or call witnesses. They review the trial transcripts, appellate briefs, and oral arguments of the attorneys.

There are 13 federal courts of appeals. 12 are circuit courts (assigned to a specific area) and 1 is dedicated to the federal circuit (handles patent cases and appeals from courts with special jurisdiction).

United States Supreme Court

The Supreme Court has original and appellate jurisdiction. It has original jurisdiction over cases affecting ambassadors, other public ministers, and consuls and those in which a state shall be party. It has appellate jurisdiction over cases on appeal from federal court of appeals or from the highest courts of the various states.

If the Supreme Court believes that a case contains a constitutional issue, the Supreme Court will issue a writ of certiorari. This is an order to turn the case over to the Supreme Court for review.
State Court System

The courts of general jurisdiction are arranged into three tiers, much like the federal court system. In the bottom layer is the trial court, the second layer is the appellate court, and the top tier is state supreme court.

State Trial Courts

- State trial courts of general jurisdiction are called superior courts, circuit courts, district courts, or courts of common pleas.

- The can hear civil or criminal matters and they are the courts of records in the state system.

- A court of record keeps an exact account of what goes on at a trial. Accuracy is vital and the record includes the transcript, evidence, statements, verdict, and judgment.

- A jury will decide the facts of the case, and if a jury is not requested, the judge will determine the facts.

State Courts of Appeals

- An appeal from a court of record is typically reviewed by a panel of judges (usually not more than 3) in a state court of appeals.

- The court of appeals will look at the transcript from the trial, read the appellate briefs, and listen to oral arguments of the attorneys to determine if the law in the case was determined correctly. No new evidence can be brought into the appeal process.

State Supreme Court

- Generally, you are entitled to a trial and to one appeal, if filed in a timely manner and in the proper form.

- Only cases that involve the most complex legal issues are taken to the justices of the supreme court (usually 3 or more justices).

- The state supreme court will review a trial much like the appellate courts.

- State supreme courts issue the final decision on matters of law appealed to them. If a U.S. Constitutional question is involved with the case, then another appeal can go to the U.S. Supreme Court.

- The state supreme court has original jurisdiction over most state impeachment cases.
State Courts with Special Jurisdiction

Associate Circuit Court

- Many states have courts below the main courts of general jurisdiction. These courts are known as associate circuit courts or county courts.

- They hear cases dealing with minor criminal cases, traffic offenses, and lawsuits in which relatively small amounts are involved (usually not more than $25,000).

City or Municipal Courts

- Cities typically have courts that administer their ordinances. These municipal courts are usually divided into traffic and criminal divisions.

Small Claims Court

- These courts handle disputes in which small amounts, generally $2500 and less, are involved.

- Attorneys are generally not required and a jury is not often present. Appeals can be heard at the state trial court.

Juvenile Courts

- Courts that hear cases involving children ages 13-18 are called juvenile courts.

- Emphasis is on rehabilitation, not punishment.

Probate Court

- When individuals die, their property and other interests must be divided according to their wishes and appropriate laws. The courts that administer wills and estates to accomplish this task are probate courts.