**Federal and State Courts Graphic Organizer Assignment**

Directions: Your assignment is to complete the reading and reflection activity below. You will then create a diagram that illustrates the levels, structure, functions, and powers of the federal and state courts you have read about in the Understanding Federal & State Courts activity.

Your diagram must include the following:

* The vocabulary terms: Article III, appellate court, county courts, Florida Circuit Courts, Florida District Courts of Appeal, Florida Supreme Court, trial court, U.S. Circuit Courts of Appeal, U.S. District Courts, and U.S. Supreme Court.
* For each court you must explain the structure, function and power of the court. This information must be provided in complete sentences.
* Arrows or another graphic representation that shows the appellate process and how a case can move through different courts.
* Creativity!

**ARTICLE III**

**SECTION. 1.** 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. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

|  |
| --- |
| Summarize this section in four sentences. 1. 2. 3. 4. |

|  |
| --- |
| List two questions you have after reading this section. 1. 2.  |

**Understanding Federal & State Courts**

**What are the structures, functions, and powers of the two court systems in the United States?**

|  |
| --- |
| Directions: Learning new terms and concepts by determining their definition as they appear in the text is an important skill. As you read, you will learn about the fifteen terms and concepts listed below. While reading, your task is to identify the key term by highlighting it in the text, highlight or underline the evidence that helps you define the term and then summarize the term, in your own words and using complete sentences. For paragraphs that have multiple concepts, use a different color highlighter or marker to mark the evidence. When summarizing the definition for a court, when possible, include a court’s structure, the types of cases they hear and whether a court is a trial court or an appellate court.By the end of this reading, you will be able to answer the essential question: What are the levels, functions, and powers of the two court systems in the United States? |
| appeal | Chief Justice | federalism | FL Circuit Courts | FL County Courts | FL District Courts of Appeal | FL Supreme Court | judicial review |
| jurisdiction | justices | original jurisdiction | U.S. Circuit Courts of Appeal | U.S. District Courts | U.S. Supreme Court | writ of certiorari |  |

**Introduction**

The U.S. Constitution created a government system for the United States known as federalism. Federalism is the sharing of powers between the national government and the state governments. The Constitution gives certain powers to the federal government and reserves the rest for the states. Both the federal and state governments need their own court systems to apply and interpret their laws.

In both the federal and state constitutions the jurisdiction, or right and power for courts to interpret and apply the law, of each court system is outlined. The federal court system deals with issues of law relating to the powers granted to it by the U.S. Constitution. The state court systems deal with issues of law relating to those matters that the U.S. Constitution did not give to the federal government and are outlined in their own state constitution. Within the federal and state courts systems, certain courts have the power to be the first to hear a case on a specific topic. This is known as original jurisdiction. For example, the U.S. Supreme Court has original jurisdiction when there is a conflict between two states, between the president and Congress, or cases where a state is a party.

|  |  |
| --- | --- |
| Key Term | Write your summary using complete sentences. |
| federalism | Federalism is a system where power is shared between the national and state government.  |
| jurisdiction | Jurisdiction is the right and power for courts to interpret and apply the law.  |
| original jurisdiction | Original jurisdiction is the power of a court to be the first to hear a case on a specific topic.  |

**Federal Court System**

There are 94 U.S. District Courts in the United States. Every state has at least one district court, and some large states have as many as four. The U.S. District Courts are the first level of courts in the federal system and they are also the trial courts at the federal level. U.S. District Courts hear both civil and criminal cases dealing with federal laws. In the U.S. District Courts a judge and jury hear cases.

|  |  |
| --- | --- |
| Key Term | Write your summary using complete sentences. |
|  |  |

There are 13 U.S. Circuit Courts of Appeal in the United States. These courts are divided into 12 regional circuits and are located in various cities throughout the country. With the exception of criminal cases in which a defendant is found not guilty, any party who is dissatisfied with the judgment of a U.S. District Court may appeal to the U.S. Circuit Court of Appeal in his/her district. An appeal is a request, made after a trial, asking another court to decide whether or not a mistake in the law was made or if the trial was conducted improperly. When hearing cases, these courts usually sit in panels of three judges.

|  |  |
| --- | --- |
| Key Term | Write your summary using complete sentences. |
|  |  |
|  |  |

The Supreme Court of the United States sits at the top of the federal court system. It is made up of nine judges, known as justices, and is led by the Chief Justice. The Chief Justice is “first among equals” meaning that he is the lead justice but he only has one vote, just like the other justices. The U.S. Supreme Court is located in Washington, D.C. Parties who are not satisfied with the decision of a U.S. Circuit Court of Appeal (or, in rare cases, of a U.S. District Court) or a state supreme court can petition, or request, the U.S. Supreme Court to hear their case. This is done mainly by a procedure known as a Petition for a Writ of Certiorari (cert.). The Court reviews these petitions and decides whether to accept such cases. Each year, the Court accepts between 75-80 of the some 10,000 cases it is asked to hear for argument. The Supreme Court also has the power of judicial review. This means that the Court can determine if an action by the other two federal branches (executive and legislative) are unconstitutional.

|  |  |
| --- | --- |
| Key Term | Write your summary using complete sentences. |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

**State Court System**

The Florida Constitution establishes a county court in each of Florida's 67 counties. The county courts are trial courts. At this level, civil and criminal cases are usually heard by one judge. The county courts are sometimes referred to as "the people's courts," because a large part of the courts' work involves minor arguments between citizens. These courts also handle traffic offenses, less serious criminal matters (misdemeanors), and arguments about small sums of money.

|  |  |
| --- | --- |
| Key Term | Write your summary using complete sentences. |
|  |  |

The Florida Constitution provides that a circuit court shall be established to serve each judicial circuit established by the Florida Legislature. There are twenty circuits in the state. The majority of jury trials in Florida begin at this level. One judge and a jury hear the trials that take place at the circuit court level. Typically, the circuit courts have jurisdiction over cases not assigned to the county courts. They also hear appeals from county court cases. This makes the circuit courts the highest trial courts and the lowest appellate courts in Florida's judicial system.

|  |  |
| --- | --- |
| Key Term | Write your summary using complete sentences. |
|  |  |

In Florida, the courts that are in between the circuit court and the highest court of the state are the District Courts of Appeal. The Florida Constitution provides that the Florida Legislature shall divide the state into appellate court districts and that there shall be a district court of appeal (DCA) serving each circuit court district. The state is divided into five districts for the District Courts of Appeal. These courts are located in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach. The majority of appeals are never heard by the Florida Supreme Court. Instead they are reviewed by three-judge panels at the District Courts of Appeal.

In general, decisions of the District Courts of Appeal represent the final appeal for cases. A person who is unhappy with a district court's decision may ask for review in the Florida Supreme Court and then in the United States Supreme Court, but neither court is required to accept the case for further review. Most are denied.

|  |  |
| --- | --- |
| Key Term | Write your summary using complete sentences. |
|  |  |

The highest court in Florida is the Florida Supreme Court, which is composed of seven justices. At least five justices must participate in every case and at least four must agree for a decision to be reached. The Court's official headquarters is the Supreme Court Building in Tallahassee. By a majority vote of the justices, one of the justices is elected to serve as Chief Justice, an office that is rotated every two years. The Chief Justice leads all events of the Court.

The jurisdiction of the Florida Supreme Court is outlined in the Florida Constitution with some flexibility so that the state Legislature can add or take away categories of cases. The Florida Supreme Court must review orders involving death sentences, district court decisions stating that a statute of the Florida Constitution illegal, and actions of the Public Service Commission having to do with utility rates and services. In addition to these required activities, the Florida Supreme Court can choose to review certain appeals from the District Courts of Appeal.

|  |  |
| --- | --- |
| Key Term | Write your summary using complete sentences. |
|  |  |

Reading and activity adapted from
Article III reading and activity sheet: <http://constitutioncenter.org/constitution/the-articles/article-iii-the-judicial-branch>

Florida Constitution: <http://www.flsenate.gov/Laws/Constitution>

Understanding Federal & State Courts: <http://www.uscourts.gov/about-federal-courts/court-role-and-structure>, <http://www.flcourts.org/>, and <http://www.floridasupremecourt.org/pub_info/system2.shtml>