

UNITES STATES V. PENNSYLVANIA: A COMPARISON OF COURTS

- Grade Levels: 9-12
- Academic Standards: Academic Standards for Civics and Government 5.1A-F, 5.1L, 5.3A, 5.3B, 5.3F and 5.3G
- These materials were produced by the Administrative Office of the U.S. Courts and are used with permission. Visit www.uscourts.gov/outreach/index.html for other materials. LEAP-Kids modified the lesson for publication.

Activity Directions: The following material can be used in lots of ways. One exercise, “Stop in the Name of Law: A Lesson on the Supremes,” was developed to review these materials and is featured at the end of this lesson.

Introduction

The judicial system in the United States is unique insofar as it is made up of two different court systems: the federal court system and the state court systems. While each court system is responsible for hearing certain types of cases, neither is completely independent of the other, and the systems often interact. Furthermore, solving legal disputes and vindicating legal rights are key goals of both court systems. This lesson is designed to examine the differences, similarities, and interactions between the federal and Pennsylvania court systems.

Objectives

After completing this lesson, one should be able to:

- Understand that the American judicial system is actually made up of two separate court systems: the federal court system and state court systems.
- Know the structure of the federal court system and a typical state court system and be able to discuss the similarities and differences between the two.
- Distinguish between the types of cases that are heard in the federal courts and those that are heard in the state courts.
- Comprehend how the Fourteenth Amendment to the U.S. Constitution allows the federal courts to become involved in cases arising in state courts and how, subsequently, this allows the two systems to interact.

Overview of Key Concepts

Why Are There Two Court Systems in the United States?

The U.S. Constitution created a governmental structure for the United States known as federalism. Federalism refers to a sharing of powers between the national government and the state governments. The U.S. Constitution gives certain powers to the federal government and reserves the rest for the states. Therefore, while the U.S. Constitution states that the federal government is supreme with regard to those powers expressly or implicitly delegated to it, the states remain supreme in matters reserved to them. This supremacy of each government in its own sphere is known as separate sovereignty, meaning each government is sovereign in its own right.

Both the federal and state governments need their own court systems to apply and interpret their laws. Both the federal and state constitutions attempt to do this by specifically spelling out the jurisdiction of their respective court systems.

For example, since the U.S. Constitution gives Congress sole authority to make uniform laws concerning bankruptcies, a state court lacks jurisdiction in this matter. Likewise, since the U.S. Constitution does not give the federal government authority in most matters concerning the regulation of the family, a federal court lacks jurisdiction in a divorce case. This is why there are two separate court systems in America.

Differences in the Structure of the Federal and State Court Systems

Federal Court System

The term “federal court” actually can refer to one of two types of courts. The first type of court is what is known as an Article III court, which derives its power from Article III of the U.S. Constitution. These courts include the U.S. District Courts, U.S. Circuit Courts of Appeal and the U.S. Supreme Court. They also include two special courts: the U.S. Court of Claims; and the U.S. Court of International Trade. These courts are special because, unlike the other courts, they are not courts of general jurisdiction. Courts of general jurisdiction can hear almost any case. All judges of Article III courts are appointed by the president of the United States with the advice and consent of the Senate and hold office during good behavior.

The second type of court also is established by Congress. These courts are magistrate courts, bankruptcy courts, U.S. Court of Military Appeals, U.S. Tax Court and the U.S. Court of Veterans’ Appeals. The judges of these courts are appointed by the president with the advice and consent of the Senate. They hold office for a set number of years, usually about 15. Magistrate and bankruptcy courts are attached to each U.S. District Court. The U.S. Court of Military Appeals, U.S. Tax Court and U.S. Court of Veterans’ Appeals are called Article I, or legislative courts.

U.S. District Courts

There are 94 U.S. District Courts in the United States. Every state has at least one district court, and some large states, such as California, have as many as four. Each district court has between two and 28 judges. The U.S. District Courts are trial courts, or courts of original jurisdiction, which means that most federal cases originate there. U.S. District Courts hear both civil and criminal cases. In many cases, the judge determines issues of law while the jury (or judge sitting without a jury) determines findings of fact.

U.S. Circuit Courts of Appeal

There are 13 U.S. Circuit Courts of Appeal in the United States. These courts are divided into 12 regional circuits and sit in various cities throughout the country. The U.S. Court of Appeals for the Federal Circuit (the 13th Court) sits in Washington. 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 (or the findings of certain administrative agencies) may appeal to the U.S. Circuit Court of Appeal in his/her geographical district. These courts will examine the trial record for only mistakes of law; the facts have already been determined by the U.S. District Court. Therefore, the court usually will neither review the facts of the case nor take any additional evidence. When hearing cases, these courts usually sit in panels of three judges.

U.S. Supreme Court

The Supreme Court of the United States sits at the apex of the federal court system. It is made up of nine judges, known as justices, and is presided over by the chief justice. It sits 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 the U.S. Supreme Court to hear their case. This is done mainly by a legal procedure known as a Petition for a Writ of Certiorari (cert.). Each year, the court accepts between 100 and 150 of the some 7,000 cases it is asked to hear for argument. The cases typically fit within general criteria for oral arguments. Four justices must agree to hear the case (grant cert). While primarily an appellate court, the court does have original jurisdiction over cases involving ambassadors and two or more states.

Special Article III Courts

1. *U.S. Court of Claims*: This court sits in Washington, D.C. and handles cases involving suits against the government.
2. *U.S. Court of International Trade*: This court sits in New York and handles cases involving tariffs and international trade disputes.

Special Courts Created by Congress

1. *Magistrate judges*: These judges handle certain criminal and civil matters, often with the consent of the parties.
2. *Bankruptcy courts*: These courts handle cases arising under the Bankruptcy Code.
3. *U.S. Court of Military Appeals*: This court is the final appellate court for cases arising under the Uniform Code of Military Justice.
4. *U.S. Tax Court*: This court handles cases arising over alleged tax deficiencies.
5. *U.S. Court of Veterans' Appeals*: This court handles certain cases arising from the denial of veterans' benefits.

State Court Systems Generally/Pennsylvania Courts

While no two state court systems are exactly alike, there are sufficient similarities to provide an example of what a typical state court system looks like. Most state court systems are made up of: two sets of trial courts — trial courts of limited jurisdiction and trial courts of general jurisdiction; intermediate appellate courts — in many, but not all, states; and the highest state courts — called by various names. Pennsylvania has a Supreme Court as its highest appeals court, two mid-level appellate courts with unique jurisdictions (Superior and Commonwealth courts), a system of trial courts called courts of Common Pleas and a minor judiciary with Philadelphia Traffic Court, Philadelphia Municipal Court, Pittsburgh Magisterial Court and a statewide system of Magisterial District Judges. For more information on Pennsylvania courts, visit www.courts.state.pa.us. Unlike federal judges, most state court judges are not appointed for life, but are either elected or appointed (or a combination of both) for a certain number of years. In Pennsylvania, before justices, judges and district judges can be appointed or elected to their positions, they must meet certain basic requirements such as citizenship and residency. In addition, all but Magisterial District Judges and Philadelphia Traffic Court judges must be members of the Bar of the Pennsylvania Supreme Court.

Jurists are also subject to strict standards of conduct, and they may be removed, suspended or otherwise disciplined for misconduct in office. Those standards are specified in the Pennsylvania Constitution, the “Code of Judicial Conduct” in the Pennsylvania Rules of Court, which applies to appellate and trial court judges, the “Rules of Conduct, Office Standards and Civil Procedures

for District Justices” and such other court rules and orders as have been promulgated by the state Supreme Court.

Judicial elections occur in odd-numbered years. With the exception of the special courts judges, all judges within the Pennsylvania Unified Judicial System are elected to 10-year terms. Magisterial District judges and judges of Philadelphia’s Municipal and Traffic courts are elected to terms of six years, while judges of Pittsburgh Magistrates Court are appointed by the mayor to four-year terms. Vacancies occurring before an election may be filled by gubernatorial appointment, subject to Senate confirmation, until such time as an election is held.

Judges may serve an unlimited number of terms and are re-elected at the pleasure of the electorate. The “merit retention” provision of the Pennsylvania Constitution allows justices and judges from the Court of Common Pleas to the Supreme Court to run for re-election on a “yes-no” vote without ballot reference to political affiliation. This provision was designed to remove judges from the pressures of the political arena once they begin their first terms of office. Mandatory retirement age for judges is 70 years, but retired judges may, with the approval of the Supreme Court, continue to serve the commonwealth as senior judges. This service helps ease court backlogs. These senior judges may serve in this role as senior judges until they reach the age of 75.

Trial Courts of Limited Jurisdiction

Trial courts of limited jurisdiction are courts that deal with only specific types of cases. They are often located in/near the county courthouse and are usually presided over by a single judge. A judge sitting without a jury hears most of the cases heard by these courts. Some examples of trial courts of limited jurisdiction include:

1. *Probate court*: This court handles matters concerning administering the estate of a person who has died (decedent). It sees that the provisions of a will are carried out or sees that a decedent’s property is distributed according to state law if he/she died intestate (without a will).
2. *Family court*: This court handles matters concerning adoption, annulments, divorce, alimony, custody, child support, etc.
3. *Traffic court*: This court usually handles minor violations of traffic laws.
4. *Juvenile court*: This court usually handles cases involving delinquent children under a certain age, for example, 18 or 21.
5. *Small claims court*: This court usually handles suits between private persons of a relatively low dollar amount, for example, less than \$5,000.
6. *Municipal court*: This court usually handles cases involving offenses against city ordinances.

Visit www.courts.state.pa.us/Index/DJ/IndexDJ.asp to learn more about these special courts in Pennsylvania.

Trial Courts of General Jurisdiction

Trial courts of general jurisdiction are the main trial courts in the state system. They hear cases outside the jurisdiction of the trial courts of limited jurisdiction. These cases are both civil and criminal. One judge (often sitting with a jury) usually hears them. In such cases, the judge decides issues of law while the jury decides issues of fact. A record of the proceeding is made

and may be used on appeal. These courts are called by a variety of names, including circuit courts, superior courts, courts of common pleas and even, in New York, supreme courts. In certain cases, these courts can hear appeals from trial courts of limited jurisdiction. In Pennsylvania, the courts of Common Pleas handle this role. Visit www.courts.state.pa.us/Index/CommonPleas/indexCommonPleas.asp to learn more about these courts.

Intermediate Appellate Courts

Many, but not all, states have intermediate appellate courts between the trial courts of general jurisdiction and the highest court in the state. Any party, except in a case where a defendant in a criminal trial has been found not guilty, who is not satisfied with the judgment of a state trial court, may appeal the matter to an appropriate intermediate appellate court. Such appeals are usually a matter of right (meaning the court must hear them). However, these courts address only alleged procedural mistakes and errors of law made by the trial court. They will usually neither review the facts of the case, which were established during the trial, nor accept additional evidence. These courts usually sit in panels of two or three judges. Pennsylvania has two intermediate appellate courts — the Superior Court (www.superior.court.state.pa.us/) and the Commonwealth Court (www.courts.state.pa.us/Index/CWealth/IndexCwealth.asp).

Highest State Courts

All states have some sort of highest court. While they are usually referred to as supreme courts, some, such as the highest court in Maryland, are known as courts of appeal. In states with intermediate appellate courts, the highest state courts usually have discretionary review as to whether to accept a case. In states without intermediate appellate courts, appeals usually are taken to the highest state court as a matter of right. Like the intermediate appellate courts, appeals taken usually allege a mistake of law and not fact. In addition, many state supreme courts have original jurisdiction in certain matters. For example, the highest courts in several states have original jurisdiction over controversies regarding elections and the reapportionment of legislative districts. These courts often sit in panels of three, five, seven or nine judges/justices. The Pennsylvania Supreme Court has seven justices. Visit www.courts.state.pa.us/Index/Supreme/IndexSupreme.asp to learn more about this court.

What Types of Cases Are Heard by Federal Courts? By State Courts?

Note: The definitions for the terms in this section come from Black's Law Dictionary, Seventh Edition.

Jurisdiction of the Federal Courts

The jurisdiction of the federal courts is spelled out in Article III, Section 2, of the U.S. Constitution. Federal courts are courts of limited jurisdiction because they can hear only two main types of cases:

1. Diversity of Citizenship

Federal courts can have jurisdiction over a case of a civil nature in which the parties are residents of different states, and the amount in question exceeds the amount set by federal law (currently \$75,000). The federal courts are often required to apply state law when dealing with these cases since the issues concern matters of state law. The fact that the

parties are from different states and that the amount in question is high enough, is what manages to get such cases into federal court.

2. **Federal Question**

Federal courts have jurisdiction over cases that arise under the U.S. Constitution, the laws of the United States and the treaties made under the authority of the United States. These issues are the sole prerogative of the federal courts and include the following types of cases:

- *Suits between states*: Cases in which two or more states are a party.
- *Cases involving ambassadors and other high-ranking public figures*: Cases arising between foreign ambassadors and other high-ranking public officials.
- *Federal crimes*: Crimes defined by or mentioned in the U.S. Constitution or those defined and/or punished by federal statute. Such crimes include treason against the United States, piracy, counterfeiting, crimes against the law of nations and crimes relating to the federal government's authority to regulate interstate commerce. However, most crimes are state matters.
- *Bankruptcy*: The statutory procedure, usually triggered by insolvency, by which a person is relieved of most debts and undergoes a judicially supervised reorganization or liquidation for the benefit of the person's creditors.
- *Patent, copyright, and trademark cases*
 - (1) *Patent*: The exclusive right to make, use or sell an invention for a specified period (usually 17 years), granted by the federal government to the inventor if the device or process is novel, useful and non-obvious.
 - (2) *Copyright*: The body of law relating to a property right in an original work of authorship (such as a literary, musical, artistic, photographic or film work) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform and display the work.
 - (3) *Trademark*: A word, phrase, logo or other graphic symbol used by a manufacturer or seller to distinguish its product or products from those of others.
- *Admiralty*: The system of jurisprudence that has grown out of the practice of admiralty courts: courts that exercise jurisdiction over all maritime contracts; torts; injuries; and offenses.
- *Antitrust*: The body of law designed to protect trade and commerce from restraining monopolies, price fixing and price discrimination.
- *Securities and banking regulation*: The body of law protecting the public by regulating the registration, offering, and trading of securities and the regulation of banking practices.
- *Other cases specified by federal statute*: Any other cases specified by an applicable federal statute.

In addition, the federal courts have jurisdiction over several other types of cases arising from acts of Congress. For example, the courts have jurisdiction in a wide variety of civil rights, labor relations and environmental cases. While these laws provide a "floor" for the states, they do not

provide a “ceiling.” If states regulate more extensively in these areas than the federal government, then state courts also will have jurisdiction in these areas.

Jurisdiction of the State Courts

The jurisdiction of the state courts extends to basically any type of case that does not fall within the exclusive jurisdiction of the federal courts. State courts are common-law courts, which means that they not only have the authority to apply or interpret the law, but they also often have the authority to create law if it does not yet exist by act of the legislature to create an equitable remedy to a specific legal problem. Examples of cases within the jurisdiction of the state courts usually include the following:

1. *Cases involving the state constitution:* Cases involving the interpretation of a state constitution.
2. *State criminal offenses:* Crimes defined and/or punished by the state constitution or applicable state statute. Most crimes are state criminal offenses and include offenses such as murder, theft, breaking and entering and destruction of property.
3. *Tort and personal injury law:* Civil wrongs for which a remedy may be obtained, usually in the form of damages; a breach of duty that the law imposes on everyone in the same relation to one another as those involved in a given transaction.
4. *Contract law:* Agreements between two or more parties creating obligations that are either enforceable or otherwise recognized as law.
5. *Probate:* The judicial process by which a testamentary document is established to be a valid will, the proving of a will to the satisfaction of a court, the distribution of a decedent’s assets according to the provisions of the will or the process whereby a decedent’s assets are distributed according to state law should the decedent have died intestate.
6. *Family:* The body of law dealing with marriage, divorce, adoption, child custody and support, and domestic-relations issues.
7. *Sale of goods:* The law concerning the sale of goods (moveable objects) involved in commerce (especially with regards to the Uniform Commercial Code).
8. *Corporations and business organization:* The law concerning, among other things, the establishment, dissolution, and asset distribution of corporations, partnerships, limited partnerships, limited liability companies, etc.
9. *Election issues:* The law concerning voter registration, voting in general, legislative reapportionment, etc.
10. *Municipal/zoning ordinances:* The law involving municipal ordinances, including zoning ordinances that set aside certain areas for residential, commercial, industrial or other development.
11. *Traffic regulation:* A prescribed rule of conduct for traffic. A rule intended to promote the orderly and safe flow of traffic.
12. *Real property:* Land and anything growing on, attached to or erected on it, excluding anything that may be severed without injury to the land.

Areas of Concurrent Jurisdiction for Federal and State Courts

In addition to areas in which the states have regulated on a matter more extensively than the federal government, state courts have concurrent jurisdiction with federal courts concerning the following points of law:

1. **Diversity of Citizenship**

In civil cases involving citizens of two or more states in which the dollar amount in question exceeds \$75,000, a state court may hear the case if the defendant in the case does not petition to have the case removed to federal court. Furthermore, if a civil case involves two or more citizens of different states but the amount in question does not exceed \$75,000, the case must be heard by a state court.

2. **Federal Question:** Any state court may interpret the U.S. Constitution, federal statute, treaty, etc., if the applicable constitutional provision, statute, or treaty has direct bearing on a case brought in state court under a state law. However, by interpreting the U.S. Constitution, federal statute or treaty, the state is subjecting itself to federal review. This means that after a state supreme court has acted on a case, the U.S. Supreme Court may review it. In such instances, the U.S. Supreme Court is concerned only with reviewing the state court's interpretation of the applicable federal constitutional provision, statute or treaty. It does not review any matters of law that are under the exclusive jurisdiction of the state courts.

Answers to the handout:

- 1) US
- 2) PA
- 3) S (Although Pennsylvania Supreme Court Justice Michael Eakin has written opinions in verse.)
- 4) Both PA and US
- 5) Both PA and US
- 6) PA
- 7) Both S and PA
- 8) PA
- 9) PA
- 10) All three: S, PA and US

STOP IN THE NAME OF LAW: A LESSON ON THE SUPREMES STUDENT HANDOUT

Diana Ross was the acknowledged leader of the singing group the Supremes. Chief Justice Ralph Cappy is the leader of the Pennsylvania Supreme Court and Chief Justice John Roberts is the leader of the United States Supreme Court. For the following statements, please note which "Supreme" is being discussed — the answers are "S" for Diana Ross' Supremes, "PA" for Justice Cappy's Supremes and "US" for Justice Roberts' Supremes. Some of the statements may have more than one answer.

- 1) These Supremes are appointed for life.
- 2) These Supremes can be voted out of office even if the justice being voted out of office is doing a great job as justice.
- 3) These Supremes have waxed poetically about life and love.
- 4) These Supremes can lose their job through impeachment.
- 5) These Supremes may look at both the United States and Pennsylvania constitutions when making decisions involving Pennsylvania law.
- 6) These Supremes must retire from the bench at age 70.
- 7) These Supremes have had an African-American woman as part of their group.
- 8) These Supremes need to be lawyers.
- 9) Chief Justice Robert Nix became the first minority chief justice of these Supremes.
- 10) Independence from outside pressure is important to these Supremes.