

Introduction to business law

Law



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The United s Courts of Appeals and the Appellate Process The United s Courts of Appeals play a crucial role in the resolution of legal disputes in the US federal court system. It plays an intermediary role in the federal court system intended to relieve the Supreme Court of its workload, where unless a Supreme Court decision is made, the decision of the US Courts of Appeals are considered a final one.

In the list of cases enumerated, only the appeal of a 5th district court regarding the right of Texas high school students to recite prayers over the school's PA system falls within the jurisdiction of the Court of Appeals. While the case involving an appeal of a decision by a court martial must be heard by an appellate court, it falls within the jurisdiction of the Court of Appeals for the Armed Forces, a special appeals court that falls within military jurisdiction and hears cases under the Uniform Code of Military Justice (10 USC 941, 942).

The other cases mentioned will be heard accordingly by other courts. First, with regard to the case involving a dispute between Colorado, Utah, and Arizona over water rights, the case involving a state law prohibiting the import of nuclear waste, a civil suit between a plaintiff from Tennessee and a defendant from Kentucky, and the case involving a state's criminal laws, civil code, or constitution, these cases will be heard by the US Federal Supreme Court. According to the United States Constitution regarding the jurisdiction of the Federal Supreme Court:

The judicial power shall extend to all cases arising under this Constitution, [t]he laws of the United States, controversies between two or more states, between citizens of different states. (United States Constitution, Art. 3, Sec. 2)

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Thus, by virtue of the aforementioned cases' national significance, its implications to the Constitution and the possible conflict that may arise regarding the impartiality of District Courts, these cases may be heard by the Supreme Court. However, by virtue of the writ of certiorari, the Supreme Court may choose not hear some of these cases, particularly the one regarding the civil dispute between the plaintiff from Tennessee and the defendant from Kentucky because although this case does fall within the jurisdiction of the Supreme Court, the original jurisdiction belongs to district courts (28 USC 1332a).

On the other hand, special trial courts within the federal system will hear the following cases: the United States Court of International Trade, which has exclusive jurisdiction over disputes concerning imports and trade will hear the case involving a dispute over US customs duties imposed on Canadian wood products (28 USC 251); the United States Court of Federal Claims will hear the case involving the contract dispute between the US government and a private company (28 USC 171).

Lastly, with regard to the case involving a violation of a city ordinance against loitering and the case involving a dispute between two neighbors over damages of less than \$2, 000, the justice court with geographic jurisdiction over the individuals involved will hear the cases. This is due to the fact that loitering is only a Class C misdemeanor, while the damage claims of less than \$2, 000 do not qualify for district court hearings, which has jurisdiction over damage claims beyond in a civil suit beyond \$50, 000 (28 USC 1331a).

The US Courts of Appeals only have appellate jurisdiction. It cannot hear cases in its initial trial, nor can it hear appellate cases that fall under the <https://assignbuster.com/introduction-to-business-law-essay-samples-2/>

exclusive jurisdiction of certain special appeals courts.

References

U. S. Constitution, Art. III, . 2.

Rules of Court of Appeals for the Armed Forces, 10 U. S. C. 941, 942.

Judiciary and judicial Procedure, 28 U. S. C. 171, 251, 1331, 1332.