

Court systems

[Law](#), [Court](#)



When the founding fathers of the United States began to conceive the notion of how the nation's legal system should work, they were determined we should have a country that operated differently and more effectively than the one left behind in the days of British control. They decided that states should have the power to make and govern their own laws and also the ability to enforce those laws. This did not eliminate the need for federal court systems, however, and so the dual court system was born. The dual court system is the formal name for the way our country's legal system works.

The dual courts it refers to are the federal and state court systems. The state court system is constructed of local and state courts that are under the purview of state governments. The federal court system was established by the legislative body under the influence of the Constitution of the United States (Schmallegger, 2009). The state legislatures are free to create and enforce their own laws, but the federal government is there to oversee and intervene when necessary to ensure that there are no conflicts within the state systems or when the necessity exists because of multiple state involvements.

In the state court system, each individual state has a separate system of courts that operated under the Constitution and laws of that particular state. Historically, the state courts are modeled after the British judicial system that was first brought to the United States when it was composed of English colonies. During that time, each of the original American colony had its own court system for resolving both civil and criminal disputes. As the colonies grew in size, it became necessary for counties to have their own court

systems as well, which allowed the general court to focus its attention on appeals.

The general court did reserve jurisdiction on certain cases, but typically only simple civil trials were heard there. All of the American colonies had a fully functional court system in place with these sort of arrangements in place by 1776 (Schmallegger, 2009). The turn of the century and early 1900s brought a measurable increase in civil litigation and criminal arrests, which forced the government to find new ways to keep up with the heavier load of reported cases (Schmallegger, 2009). Their answer was to establish multiple new courts at different levels of jurisdiction; including trial, appellate, and supreme court levels.

They assigned particular duties and responsibilities to each level of court, from regulating ordinances and city laws to handling minor disputes like property and divorce. One especially important model that was adapted for use in state courts was the New York State Field Code of 1848. This code clarified jurisdictional claims of different issues and gave specifics in the matter of court procedures and regulations. It also established a set of simplified rules for pleadings and how they were to be brought before the court in different situations.

It was named the "Field Code" because it was proposed by a man named David Dudley Field (Field Code of New York, 2011). The court system we have today is much more advanced, thanks mostly to new changes that have been introduced by the American Bar Association and the American Judicature Society (Schmallegger, 2009). Most of the changes center around

reducing redundancies in the court system. This makes the courts much more capable of handling a bigger load of cases because they are not wasting time on cases that are also being handled at another level.

The three tier system of the courts is still used, but the court system is much more effective and centralized thanks to the changes by these organizations. Like the state court system, the federal court system also has its foundations in the United States Constitution and in colonial law. Specifically, Article III Section 2 of the United States Constitution gives the federal courts jurisdiction over federal laws and treaties (Schmallegger, 2009). In general, this means that federal courts have purview over cases that cross between states or have clear federal jurisdiction such as terrorism cases or cyber crime.

In the federal court system, there is only one of the three tiers that is actually mandated by United States Constitution. This is the Supreme Court of the United States. It was formed in 1789 and has always had one Chief Justice and eight Associate Justices. As the name suggests, the Supreme Court is the final and "supreme" word on any case that it hears. The Supreme court rules on appeals and also has jurisdiction over certain proprietary cases like those involving high ranking diplomats of both the United States and other foreign nations (Supreme Court of The United States, 2011).

The other two tiers of the federal court system are the federal district courts and the court of appeals. The kind of cases handled by the federal district courts are cases relating to alleged Constitutional violations, maritime cases,

cases that directly involve a state, cases involving the federal government, and cases that include foreign governments or citizens. The appeals court, on the other hand, addresses exactly what it sounds like. It has direct jurisdiction in cases that involve a challenge to an order of a federal regulatory agency, such as the Securities and Exchange Commission or Department of Homeland Security.

There are also a few exceptions to federal jurisdiction, such as the military justice system, which is special and applies only to members of the United States Military and is carried out in the form of non judicial punishments and court martial proceedings (Supreme Court of The United States, 2011) Since the concept first formed in England and was carried over and adapted by our nation's founding fathers, the dual court system as continued to become more effective and make American Justice some of the most effective and civilized in the world.

From an outside perspective, our court system may seem complex and confusing, but the different levels of government all work effectively together because of the decades of improvements and legislation changes on both a state and federal level. Once you understand the details of the dual court system, it is actually much simpler than it seems.