

# Double Take: Dual Court System

Name: \_\_\_\_\_



*The federal court system was established by the U.S. Constitution.*

When we have a legal problem—either a serious dispute with another person or company, or involvement in a possible crime—we have two options for justice: the **federal (or national) court system** and the **state court system**. We call this the *dual court system* since there are two sets of courts. Both the federal and state court systems are in place to promote justice by fairly resolving disputes or determining whether a crime has been committed and exactly what the punishment should be.

## BOGO on Two?

Not exactly. When the Framers sat down in 1787 to create our

federal government, there were already governments in place in all thirteen of the states. Those states had pretty much been running their own individual governments, including their own courts, since they had been colonies under British rule. The Framers didn't want the new national government to replace state governments. What they wanted was protection against tyranny, so they envisioned a federal system, with national and state governments existing side-by-side sharing power. We call this **federalism**. So when Article III of the Constitution created the federal judicial branch, it didn't abolish state courts. It left them (and state governments) in place and created an additional national system of courts instead. Typically, if you have a case, it will enter and stay in only one of these court systems.

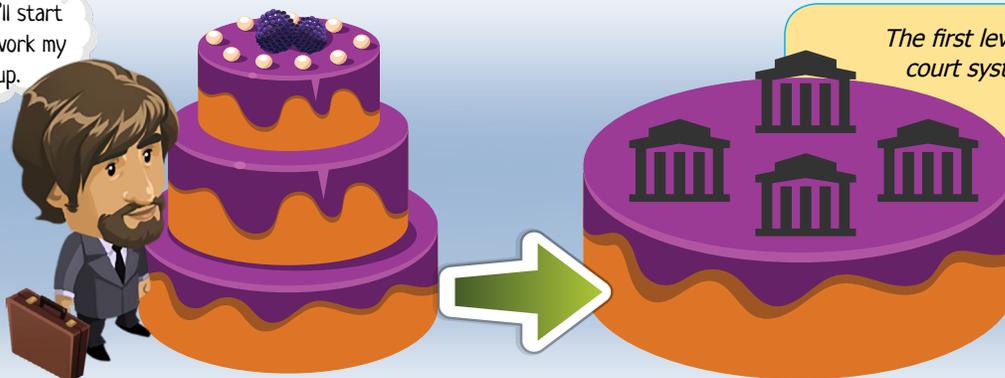


## Federal Court: Level 1

The only federal court Article III actually created was the U.S. Supreme Court. But the Constitution gave Congress the ability to create lower courts, which it did right away. Congress set up a three-tiered system. Think of it like a wedding cake—*mmm, tasty!*

Most cases start in the courts that make up the first tier. (That's the large bottom level of the cake). The courts in this tier are called **trial courts**, and in the federal system they're known as **district courts**. This is where a case involving a federal law or dispute comes the first time it is heard. During a trial in a federal district court, both sides get to present evidence and call witnesses to testify on their behalf. Either a judge or a jury issues a decision, called a **verdict**. The verdict is based on the lawyers' arguments, the evidence, and, most importantly, how the law applies in the case. There are 94 U.S. District Courts. Each state has at least one and so do the District of Columbia and the territories of Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.

I guess I'll start here and work my way up.



*The first level of the federal court system is made up of trial courts called district courts.*