

Double Take: Dual Court System

Name: _____

STATE COURTS HAVE JURISDICTION OVER CASES INVOLVING:

- State law and its constitution
- Most criminal cases
- Traffic violations
- Inheritance (i.e. wills and estates)
- Family law (i.e. divorce, child custody, and adoption)
- Landlord–tenant disputes
- Personal injuries
- Broken contracts

State Courts Are Busy!

State courts have jurisdiction, or authority, to hear any case not exclusively given to the federal courts. In general, most **criminal cases** involve state criminal laws and therefore take place in state court. **Civil cases**, such as cases involving family law (think divorces and adoptions), personal injuries, broken contracts, and wills are also more likely to be heard in a state court. Looking at the statistics in 2017, for example, nearly 360,000 cases were filed in federal district courts while over 80,000,000 cases were filed in state district courts!

When it comes to interpreting state laws and constitutions, state courts have the final say. But a state court's interpretation of a federal law or the U.S. Constitution may be appealed to the U.S. Supreme Court. For example, if a person on trial in a state court for murder claims that the police obtained evidence without a

warrant and in violation of the Fourth Amendment, the state court's decision on that constitutional issue could be appealed to the Supreme Court. But the Supreme Court may or may not hear that appeal since it generally agrees to hear only cases that have national significance, or which will resolve inconsistent lower court rulings.



How the Two Court Systems Interact and Overlap

Remember, cases involving a federal law or the U.S. Constitution, and those between parties from different states and those involving more than \$75,000 may be heard in a federal court. All other cases (and, by far, most cases) are heard in state courts. But it's more complicated than that. In addition to the state court decisions that involve federal laws or constitutional rights and therefore can be appealed to the U.S. Supreme Court, there are cases which could be tried in either court system. *Whaaattt?* Yes!

When more than one court has the authority to hear a case, it's called **concurrent jurisdiction**. Concurrent is a word that means existing at the same time. In cases involving concurrent jurisdiction, the party may choose which court system—federal or state—is best to hear the case. For example, preventing employment discrimination has been an important concern for federal and state governments. Similar federal and state laws exist that prevent an employer from treating an employee unfairly based on his or her race, gender, age, ethnicity, religion, or sexual orientation. Massachusetts, like many states, has a law prohibiting employment discrimination. If a worker in Massachusetts felt that her employer was paying her less solely on the basis of her gender, she could choose to bring her case to either the state court of Massachusetts or the Federal District Court for the District of Massachusetts. Her lawyer would help her decide which court would be best, taking into consideration factors such as how soon the case might be heard and what result might be likely in each court.