**Federal Court System**

The United States operates under a dual court system, with both federal and state courts. State court systems vary, and the federal system is discussed below.

**Types of Federal Courts**

Article I courts, also known as legislative or special courts

These courts were created to carry out the powers of Congress enumerated in the Constitution. Examples of these courts include the Claims Court, which hears lawsuits against the federal government, Courts of Military Appeals, and the District of Columbia Courts. Judges in these courts hold fixed terms of office, in contrast to the lifelong terms of all other federal judges.

Article III courts, also known as constitutional courts

Article III of the Constitution, in addition to creating a Supreme Court, gives Congress the power to create inferior courts. The constitutional courts are the mainstay of the federal court system, handling cases that involve the interpretation and application of a provision in any federal law or treaty or in the Constitution. There are three levels of constitutional courts:

• District courts are the first level, and they decide 80–90% of all federal cases. These courts have original jurisdiction, which means they are the “trial courts” that hear a case for the first time. There are 94 district courts in the 50 states, the District of Columbia, and the territories of Puerto Rico, Virgin Islands, Guam, and Northern Mariana Islands. Serving in these district courts are more than 640 judges. Cases are tried by judge and jury and may include civil, criminal, or constitutional cases. These courts also may empanel grand juries to issue indictments—orders that charge (not convict) an individual with a crime. Constitutional courts also use magistrates—individuals who serve as judges—to issue warrants, hold preliminary hearings, and set bail.

• Courts of appeal, also known as circuit courts, have appellate jurisdiction, meaning they hear cases on appeal from district courts and regulatory commissions. The United States is divided into 12 geographic regions, or circuits, presided over by almost 180 judges. Most cases are heard by a panel of three judges, except in cases of extreme importance, when all judges of a circuit court hear a particular case “en banc.”

• The United States Supreme Court is the highest level of the federal constitutional courts. Also known as the “highest court in the land” or the “court of last resort,” it is the only court specifically mentioned in the Constitution. It consists of eight associate justices and one chief justice, making nine total. Although this number is set by Congress and may be changed, the long-standing tradition makes this unlikely, as President Franklin Roosevelt found in the 1930s when he unsuccessfully attempted to add three more justices. The Supreme Court has both original and appellate jurisdiction. It has original jurisdiction over controversies between two or more states and cases brought against ambassadors. It has appellate jurisdiction over cases coming out of the courts of appeals and the state supreme courts, which comprise over 98% of its cases.

**How a Case Is Appealed**

The losing party in a case can appeal the decision to the next highest court. In order for a court to grant the appeal—that is, agree to overturn the decision of the lower court—here must be an error in the procedures followed by the last court to hear the case, or an error in how the law was interpreted. The court of appeals will only reverse a decision if the trial court (judge, jury, attorney[s], or other procedure) committed an error or misinterpreted the law, including the Constitution. Only rarely are appeals granted on the basis of new evidence. Whoever loses at the court of appeals can then appeal to the Supreme Court, where the same rules apply.

**Powers of Constitutional Courts**

Constitutional courts have three key powers:

• Judicial review of acts of the legislature to determine their constitutionality. If a law is found to be unconstitutional, the courts may disallow its enforcement. The Supreme Court assumed this power, an important feature of the U.S. system of checks and balances, in the 1803 case of *Marbury v. Madison*. In this landmark decision, the first chief justice, John Marshall, ruled that the Judiciary Act of 1789 passed by Congress conflicted with the Constitution—and the Supreme Court had the right to say so. Since 1803 more than 1000 state laws and more than 120 federal laws have been struck down.

• Interpret the meaning or proper application of broadly worded laws of Congress and the Constitution.

• Overrule earlier Supreme Court decisions: For example, the 1896 decision in *Plessy v. Ferguson* that allowed “separate but equal” schools for black and white students was overturned by the 1954 ruling in *Brown v. Board of Education of Topeka*, when the Court declared segregated schools to be inherently unequal.

**What the Courts Can and Cannot Do**

Judicial power is passive. Courts cannot reach out and take cases—they must be brought to the court. Once a case is rightfully before the court, judges actively interpret the laws and, in so doing, significantly influence the law- making and enforcement processes of the legislative and executive branches. Evidence of such judicial law-making can be seen when the courts strike down a law by finding it to be unconstitutional.

Judges and justices are also professionally bound by the concept of *stare decisis* (from the Latin, “stand by a decision”). This concept binds judges and justices to previous decisions of the courts so as to provide continuity among the courts and over time. If a similar case has already been decided, the courts will tend to rely on that earlier decision for guidance and direction. These previous cases are known as precedent. Judges and justices are free, however, to break the ties of the past and make their own rulings, as in the *Plessy v. Ferguson* and *Brown v. Board of Education* cases. There is no constitutional or legal requirement that a court follow *stare decisis*.

The court’s decision can have significant impact beyond the case being presented. For example, after the Supreme Court decided *Brown v. Board*, many new cases ensued that addressed issues such as busing to achieve racial integration in schools, and affirmative action to achieve greater equality in the workplace and in higher education.

