

JAIL BULLETIN

Number 72

February, 1991

STRUCTURE OF STATE AND FEDERAL COURTS

All correctional suits are brought through federal or state courts. This Bulletin addresses the similarities and differences between those courts. Within each state, there are two court systems: federal and state.

TRIAL COURTS

Persons who are charged and convicted of state criminal laws are tried in state criminal courts. Disputes regarding contracts or injuries between citizens of the same state are also heard in state civil courts.

Constitutional questions, such as those involving Section 1983, can be heard in state courts, but generally the plaintiffs sue in federal court.

Federal courts are similar in structure to the state courts. Violations of federal criminal law and civil suits regarding alleged violations of federal law or the U.S. Constitution are heard in federal district courts. Contract and injury cases may be heard in federal district courts where the opposing parties are from different states and at least \$10,000 in damages is alleged. Persons convicted of federal laws become prisoners of the federal government.

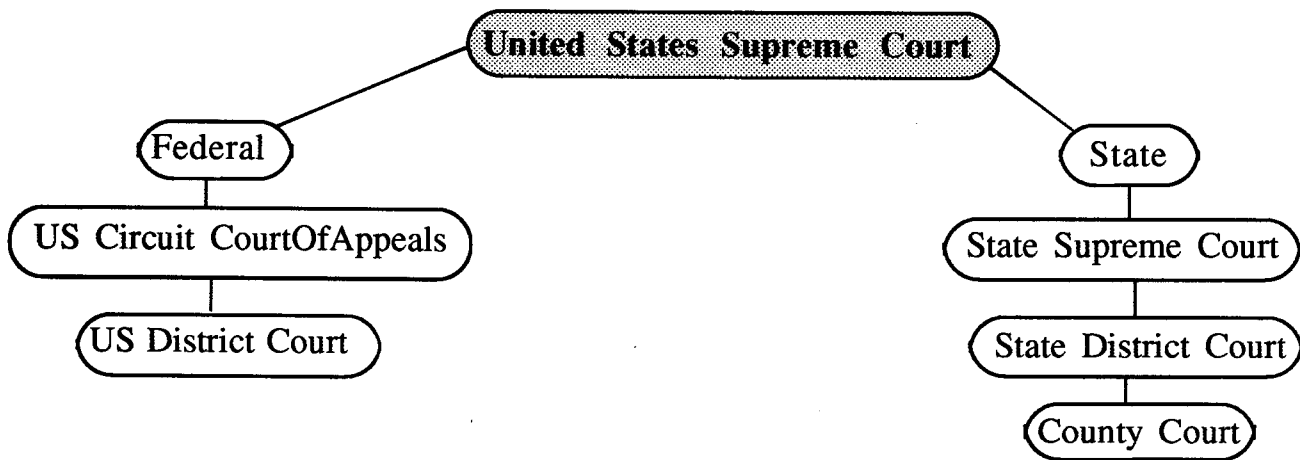
COURT STRUCTURE AND THE APPEALS PROCESS

Both state and federal court systems have different levels. Generally, at the lower level are the trial courts which hear criminal cases and civil suits. There are also appellate courts to which the losing party in a trial may appeal.

In the appellate courts, a case is not retried. It is reviewed on the record. The courts only hear arguments from both sides, usually written and/or oral, regarding matters of law in the case, not the facts of the case. The judges do not rehear the testimony of witnesses or re-examine all the trial evidence. What they are most concerned with are legal errors of the trial judge regarding such issues as admissibility of evidence, instructions to the jury, etc.

All courts fall under the authority of the United States Supreme Court as that court is the final arbiter in all cases which come before it. The structure of the state and federal courts can be demonstrated by the following chart.

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Federal courts are divided into thirteen circuits. Circuits are divided geographically and are somewhat evenly distributed according to population. There are ninety-four federal districts within the thirteen circuits.

The federal district courts are the trial courts. Cases are appealed to the circuit court of appeals for the circuit in which the district court is located. Nebraska cases are appealed to the 8th Circuit Court of Appeals in St. Louis, Missouri.

Cases from the Circuit Court of Appeals may be appealed to the U.S. Supreme Court. The Supreme Court only hears about 2% of the cases appealed to it, thus letting the Circuit Court of Appeals decision stand in most cases.

State courts are similarly structured, but there are local differences depending on the state. Suffice to note at the trial level there are a variety of municipal or county courts such as small claims court, landlord-tenant court, domestic relations court, civil court, and criminal court.

Lower level trial courts may not be authorized to have jury cases. But generally, criminal and civil courts hearing serious cases are required to provide for juries.

Cases can be appealed to a State District Court or directly to the State Supreme Court in a similar manner as in the federal courts. Cases can also be appealed from the State Supreme Court to the United States Supreme Court.

PRECEDENCE CASE LAW AND JURISDICTION - HOW THE JUDICIAL BRANCH MAKES LAW

Courts have a unique power to create law. When a state or federal appeals court decides a case and issues a written opinion, that opinion is referred to as case law or precedent.

The decision or opinion has the full force and effect of law within that court's jurisdiction. Jurisdiction is that area over which that court has authority to hear and decide cases.

For example, if a state district court decided that strip searching newly booked prisoners required "probable cause", that is the precedent or case law in that jurisdiction. This means that all jails and police lockups under the jurisdiction of that court would be required to have probable cause to strip search newly booked prisoners.

If the state statute or jail standards had required only "reasonable suspicion" (a lower level of proof), the appeals court by its action would have declared that law or jail standard unconstitutional or illegal and created the higher level of proof ("probable cause").

Note that precedent or case law is written and is law. The written opinion is printed in bound law books or reporters. The law books are used by attorneys in researching case law either for cases they are currently litigating, or for developing the basis for appeals.

Before law books or reporters are published, cases are reported in monthly or quarterly publications. These are the vehicles for disseminating new case law before they can be printed in bound law books.

There are a number of jail, prison and corrections periodicals available. They are an invaluable resource as they address the latest opinions in case law.

Often these periodicals highlight a particular issue of current interest, such as suicide, searches, etc. These highlights examine the issues by looking at case law across the nation, indicating trends, and the latest in judicial thought on that issue. In addition, the opinions of legal scholars may be included.

Precedent is a most important element of our system of justice as it is binding on all lower courts. Also, it is the law by which correctional administrators are governed. Many correctional standards today, especially those referring to life, health, safety or constitutional matters, are based upon precedent or case law.

A State Supreme Court can affirm or invalidate the precedent of a State Court. If affirmed, the lower court's decision stands. If invalidated, a new precedent is established through the Supreme Court's opinion.

On the federal level, things are a bit more complicated. A Circuit Court of Appeals in the First Judicial Circuit may decide a matter one way, and the court in the Fifth Judicial Circuit may decide another.

Using the example cited above, the First Circuit may decide that probable cause is needed to strip search, where the Fifth Circuit may decide that only reasonable suspicion is necessary.

In this case, precedence or case law for the First Circuit is probable cause, and case law for the Fifth Circuit is reasonable suspicion.

If there are sufficient differences across all the federal circuits, the Supreme Court may decide to settle the issue. Its decision is case law or precedent which is binding upon all state and federal courts within its jurisdiction. Further, all state and federal laws and standards must conform to the new case law.

When there is a difference between precedents of a state court and federal Appeals Court, the federal court is a higher authority and its precedent is binding on all the states within its jurisdiction.

This issue of the "Jail Bulletin" was adapted from information contained in the "Jail Inspector Programmed Instruction Training Program", Thomas A. Rosazza, Author.

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of in-service training each year. The Jail Bulletin may be used to supplement in-service training if an officer studies the Bulletin, completes the quiz and this process is documented by the jail administrator for review during the annual jail inspection.

**SUBJECT: STRUCTURE OF STATE
AND FEDERAL COURTS &
PRECEDENCE AND JURISDICTION**

NAME _____

DATE _____

NUMBER: 72

1. Appellate courts are most concerned with _____ of the trial judge.
2. All courts fall under the authority of the _____.
3. Cases appealed from a Federal District Court in Nebraska go to the _____ Circuit Court of Appeals in St. Louis, Missouri.
4. Another term for case law is _____.
5. An area that a court has authority to hear and decide cases in is called the court's _____.
6. When there is a difference between precedents of a state court and a federal appeals court, the state court is a higher authority within the state and its precedent is binding.

TRUE

FALSE

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of in-service training each year. The Jail Bulletin may be used to supplement in-service training if an officer studies the Bulletin, completes the quiz and this process is documented by the jail administrator for review during the annual jail inspection.

**SUBJECT: STRUCTURE OF STATE
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1. Appellate courts are most concerned with LEGAL ERRORS of the trial judge.
2. All courts fall under the authority of the U.S. SUPREME COURT.
3. Cases appealed from a Federal District Court in Nebraska go to the 8TH Circuit Court of Appeals in St. Louis, Missouri.
4. Another term for case law is PRECEDENT.
5. An area that a court has authority to hear and decide cases in is called the court's JURISDICTION.
6. When there is a difference between precedents of a state court and a federal appeals court, the state court is a higher authority within the state and its precedent is binding.

TRUE

FALSE