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CHAPTER 2
COURTS AND COURT PROCEDURE

Answers to Learning Objectives

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1. The function of the courts is to declare and apply judicial precedents and to interpret the laws passed by the legislative branch of government.
2. In our society, courts are bound by decisions of higher appellate courts. Therefore appellate courts bind trial courts and all courts, both federal and state, are bound by decisions of the U.S. Supreme Court.
3. The first step in filing a lawsuit is for the plaintiff to file a complaint or petition with the clerk of the court.
4. In a jury trial, the jury is selected and sworn in. The plaintiff and then the defendant make an opening statement. The plaintiff calls witnesses and they testify. The defendant then calls witnesses to testify. After all witnesses have testified and all the evidence has been presented, closing statements are made, the judge instructs the jury, and then the jury deliberates its verdict.

Lesson Outline

1. It is the function of courts to interpret and apply the law to a given situation.
2. The power or authority each court has to hear cases is called its jurisdiction. Courts must have jurisdiction over the subject matter of the case and over the person of the parties. The location in a court system in which the case is tried is called the venue.
3. Courts are classified as:
   a. Federal courts
   b. State courts
   c. Municipal courts
   Courts may also be classified as trial courts and appellate courts.
4. Appellate courts exercise considerable authority over the courts under them.
5. Federal courts are classified as:
   a. Special federal courts
   b. District courts
   c. Circuit courts of appeals
   d. U.S. Supreme Court
6. Special federal courts include the Court of International Trade and the United States Claims Court.
7. Federal district courts are by far the largest class of federal courts.
8. Federal courts of appeals hear appeals from federal district courts.
9. The U.S. Supreme Court, for the most part, hears cases appealed from the federal courts of appeals.
10. State courts are classified as:
    a. Inferior courts
    b. Courts of original general jurisdiction
    c. Appellate courts
    d. Special courts
11. The state inferior courts include those of a very limited jurisdiction, and may be called justice courts, district courts, magistrate courts, county courts, small claims courts, or municipal courts.
12. Courts of original general jurisdiction are, for the average citizen, the most important courts in the state. It is in them that the case is first instituted. Because of variations among the states, the name of

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the court will not always indicate whether it is an inferior court or a court of record. District or circuit courts may be inferior courts in some states and courts of record in others.

13. Some states have an intermediate appellate court system. All states have a highest appellate court, usually called the state supreme court. However, in New York, the supreme court is a trial court, not an appellate court. The highest court in New York is called the court of appeals.
14. Special courts include probate courts, juvenile courts, and domestic relations courts.
15. The court officers include:
    a. A judge, justice of the peace, or magistrate, who is the chief officer
    b. The sheriff, constable, bailiff, or marshal, who is the executive officer
    c. Lawyers or attorneys, who represent the plaintiff and the defendant
16. The parties in a civil action are the plaintiff, who brings the action, and the defendant, against whom the action is brought.
    a. The complaint or petition is filed with the clerk of the court.
    b. The defendant is subjected to the power of the court by means of a summons.
17. The trial procedure follows:
    a. The attorneys make opening statements.
    b. The plaintiff presents evidence followed by the defendant's evidence.
    c. The attorney for each side summarizes the evidence.
    d. The judge instructs the jury as to the points of law which govern the case.
    e. The jury adjourns to the jury room and, in secret, arrives at its verdict.
    f. The judge enters a judgment.
18. If either the plaintiff or the defendant is dissatisfied with the court's judgment and can cite an error of law by the court, an appeal may be taken.
19. The procedure in an inferior court like a small claims court is much simpler than in a court of record.

Comments on Cases

(p. 12) Since nothing relating to Cheap Escape's claim against Haddox occurred in Franklin County, Franklin County Municipal Court lacked subject matter jurisdiction over the matter. The court pointed out that parties, by contract, could not get around the lack of contacts needed for subject matter jurisdiction in the municipal court. *Cheap Escape Co., Inc. v. Haddox LLC*, 2900 N.E.2d 601 (Ohio)

(p. 15) Federal courts are courts of limited jurisdiction. Here, Acorne's complaints did not require any relief provided for by the Copyright Act and did not require an interpretation of the Copyright Act. Thus, the court determined the claims arose under state law. *Acorne Productions, LLC v. Tjeknavorian*, 33 F.Supp.3d 175 (E.D.N.Y.)

(p. 18) In this case the court had to decide whether the amended law was a procedural law or a substantive law. Procedural laws can be applied retrospectively while substantive laws cannot. *State v. Guyer*, 353 S.W.3d 458 (Mo. Ct. App.)

Answers to Questions

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1. The chief function of the courts is to interpret and apply the law from whatever source to a given situation.
2. Before a court can try a case it must have jurisdiction over the subject matter of the case, the persons involved, and the geographic area where the events in issue occurred.

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3. A party wanting the Supreme Court to review a case asks the court to issue a writ of *certiorari,* which requires the lower court that decided the case to produce the record of the case for the Supreme Court's review.
4. a. A claim for an unpaid bill of $100 would be settled in a justice-of-the-peace court or a magistrate court.
   b. A dispute over the amount of income tax owed would be settled in the U.S. Tax Court
   c. An allegation that a court had made a mistake would be heard in an appellate court.
   d. A controversy among cousins regarding their share of a deceased grandparent's estate would be decided in a probate court.
   e. A divorce case would be handled by a domestic relations court.
   f. A damage suit for $7,500 would be settled in a trial court.
5. Lawyers ordinarily represent the parties in a lawsuit, although many states permit the parties to represent themselves. The practice of presenting one's own case is usually not advisable because a disinterested person is normally better able to assess and present the case rationally.
6. Courts of original general jurisdiction are referred to as courts of record because an official, permanent record is kept of the trial showing the testimony, evidence, statements of counsel and the judge, the judgment, and the findings of the court.
7. a. In an inferior court, the chief officer is the justice of the peace or magistrate, and the executive officer is the constable.
   b. In a state court of record, the chief officer is the judge, the executive officer is the sheriff, and the recorder is the clerk of the court.
   c. In a federal court, the chief officer is the judge, the executive officer is the marshal, and the recorder is the clerk of the court.
8. It is important to comply with procedural laws because if they are not followed the case can be lost and the decision will be as final as if it was decided on the merits of the case.
9. When a civil action is brought: 1) there is the filing of a suit, 2) notice of the suit is given to a defendant, 3) the defendant responds, 4) discovery occurs, 5) fact finding is performed by judge or jury.
10. An appellate court learns about a case by reviewing the transcript of the trial court proceedings, reading the briefs of the parties, and also possibly by hearing oral argument from the attorneys.

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