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# INTRODUCTION TO THE COURT SYSTEM

Check the Library's "Location Guide" and Summit/Voyager, the Online catalog for the current location of sources mentioned in this pathfinder.

# **PURPOSE:**

This pathfinder will introduce researchers to the structure of the American court system (federal and state). It also includes general information on the path a case takes through the court system.

## **OUTLINE:**

- I. AMERICAN COURT SYSTEM
- II. FEDERAL COURT SYSTEM
- III. NEW YORK STATE COURT SYSTEM
- IV. THE PROGRESS OF CIVIL AND CRIMINAL CASES
  - A. Civil Cases
  - **B.** Criminal Cases
- V. ADDITIONAL HELP
  - A. Books
  - **B.** Internet Sites

#### I. AMERICAN COURT SYSTEM

#### **COURT OF LAST RESORT**

This is the highest court in the system. It is the last place where litigants can appeal their cases. This court accepts appeals primarily from intermediate appellate courts, rarely from trial courts. The scope of review is limited to *issues of law only*. Often, the parties need permission to have their cases heard. Depending on the jurisdiction, this court may be called the *Supreme Court* (e.g. Federal), the *Supreme Court of Appeals*, the *Supreme Judicial Court* or the *Court of Appeals* (e.g. NY).

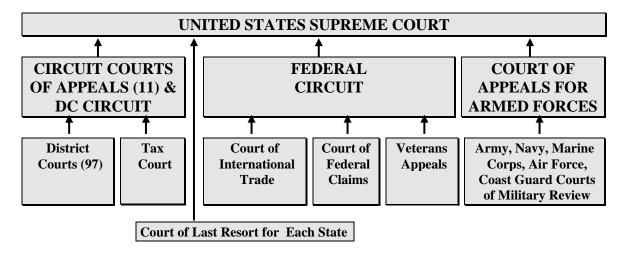
### INTERMEDIATE APPELLATE COURTS

The Federal Government and many states have appellate courts that stand between the lower level trial courts and the court of last resort. Their jurisdiction is often broader than courts of last resort. They can review both the facts and the law of a case. Like courts of last resort, they have a wide variety of names, such as the Court of Appeals (e.g. Federal), Superior Court, Commonwealth Court, Court of Criminal Appeals, Appellate Division of the Supreme Court (e.g. NY).

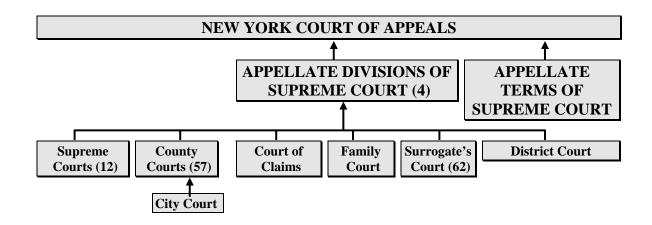
## TRIAL COURTS

Typically known as courts of general or original jurisdiction, trial courts are where litigation begins. Here judges and juries listen to witnesses, examine evidence and decide in favor of one party or the other. Decisions from these courts may be appealed to intermediate appellate courts and possibly courts of last resort. Trial courts have names that reflect what kinds of cases they can hear and where they are located, e.g, *Small Claims Court*, *Criminal Court*, *District Court* (e.g. Federal), *Supreme Court* (e.g. NY).

### II. FEDERAL COURT SYSTEM

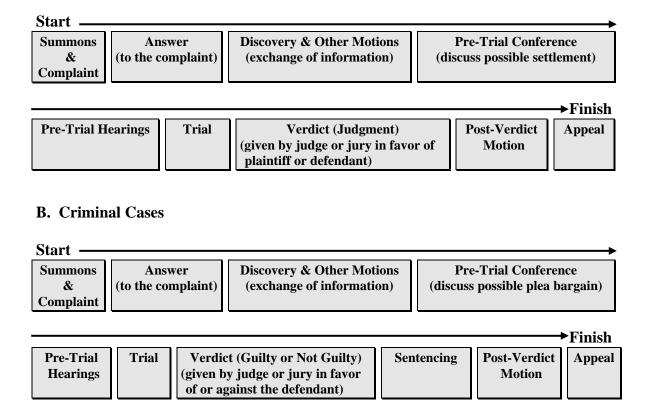


#### III. NEW YORK STATE COURT SYSTEM



### IV. THE PROGRESS OF CIVIL AND CRIMINAL CASES

### A. Civil Cases



### V. ADDITIONAL HELP

To learn more about the structure of the court system or to find out about a particular court, consult the following resources:

#### A. Books

- The American Bench: Judges of the Nation Reference KF 8700 .A19 A47
  - This is a comprehensive directory of courts and judges (federal and state) located throughout the country.
  - In addition to brief descriptions of various court systems, contact information and jurisdictional maps, there are biographical summaries of each judge and justice.
- Daniel John Meador, American Courts (West 1991) Reference KF 8720 .M4
  - This a succinct and lucid overview of the American Court System.
- BNA's Directory of State and Federal Courts, Judges, and Clerks Reference KF 8700 .A19 B15
  - Excellent guide to federal and state courts.
  - Includes a chart depicting court structure and path of appeal for each court, as well as directory information.
- The Judicial Maze: The Court System in New York State (1990) KFN 5950 .Z9 L4
  - Helpful publication by the League of Women Voters of New York State.
- Understanding the Federal Courts (1992) Reference KF 8700 .Z9 U52
  - The Administrative Office of the United States Courts prepared this very readable and illustrative guide to the Federal Court System.

## **B.** Internet Sites

- *Understanding the Federal Courts* 
  - http://www.uscourts.gov/
  - The Administrative Office of the United States Courts prepared this very readable and illustrative guide to the Federal Court System.
  - Links to Circuit, District, and Bankruptcy Courts for local rules, opinions etc.
- New York Unified Court System: <a href="http://www.courts.state.ny.us">http://www.courts.state.ny.us</a>
- New York Courts and Law Guide
  - http://www6.law.com/nv/guide/
  - This guide was produced by the New York Law Journal, and the New York State Unified Court System.
  - It includes more than 100 documents (that explain the courts and laws of New York) and is the most comprehensive explanation of the New York legal system on the Internet.