

The Federal Courts: Q & A

How is the federal court system set up?

The federal court system consists of three tiers. At the bottom are the federal district courts, also called trial courts. In the middle are the federal appeals courts, also known as the circuit courts of appeal. At the top is the Supreme Court. Only the Supreme Court is mentioned in Article III of the Constitution, which leaves it to Congress to establish “such inferior courts as the Congress may from time to time ordain and establish.” Even the number of justices is left up to Congress. Congress has also set up specialized federal courts concerned with matters such as taxes.

How do federal and state courts differ?

In general, federal courts may decide cases that involve the US government, the US Constitution or federal laws, and/or controversies between states or between the US and foreign governments. A case also may be filed in federal court if it involves residents of different states or US citizens and those of another country, although diversity of citizenship cases must involve more than \$75,000 in potential damages to be filed in a federal court. By federal law, federal courts also have jurisdiction over all bankruptcy matters. But the great majority of legal disputes in American courts are addressed in the separate state court systems under state law. For example, state courts have jurisdiction over virtually all divorce and child custody matters, probate and inheritance issues, real estate questions, and juvenile matters, and they handle most criminal cases, contract disputes, traffic violations, and personal injury cases. In addition, all federal judges serve in lifetime seats subject to confirmation by the US Senate whereas state court judges are chosen in a variety of ways and have varied terms on the bench.

How many federal judges are there?

There are 686 federal district judgeships, 179 seats on the federal appeals courts, and 9 Supreme Court justices. The number of judges on each district and each appeals court varies by the size and caseload of the circuit. Court of appeals and district court judgeships are created by legislation that must be enacted by Congress. The Judicial Conference (the principal policy making body concerned with the administration of the US Courts) surveys the needs of the courts every other year and presents its recommendations to the US Senate.

What role do the federal district courts play?

The federal district courts are the trial courts of the federal court system. Within limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of federal cases, including both civil lawsuits and criminal matters. There are 94 federal judicial

districts, including at least one district in each state, the District of Columbia, and Puerto Rico. Each judicial district has one or more federal judges.

What role do the federal appeals courts play?

Cases appealed from district courts go to the appeals, or circuit courts. The 94 judicial districts are organized into 12 regional circuits, each of which has a US Court of Appeals. In addition, there is the Court of Appeals for the Federal Circuit with nationwide jurisdiction to hear appeals in specialized cases. Generally, an appeal must be based on a claim that the district court judge committed a legal error. An appeals court can review the factual findings of the district court or agency, but typically will overturn a decision on factual grounds only if the findings were clearly erroneous.

Why are federal appeals court judges so important?

Because so few cases are taken for review by the Supreme Court, federal appeals court judges wield tremendous power. If the Supreme Court turns down an appeal, the decision made by the federal appeals court applies to all the states in its circuit (although not to any other states). Each case that is appealed is heard by a panel of three judges selected in rotation from all the judges on the appeals court, which means that even a few individual judges can be crucial to protecting basic rights. The losing party can ask all the judges to review the panel's decision (called an en banc review), but such reviews are uncommon.

How is the Court of the Appeals for the District of Columbia different?

The DC Court of Appeals is considered by to be the second most important court in the country. It has the sole responsibility for deciding cases having to do with decisions made by government agencies affecting issues like health care, national security, environmental rules, consumer protections, and workplace safety, among other issues. These cases are often more complex than the cases heard by other circuit courts.

What role does the Supreme Court play?

The US Supreme Court hears appeals from the federal appeals courts, which must be based on an assertion that the appeals court's interpretation of the law or Constitution was wrong. The Court usually accepts cases only where two or more circuit courts of appeals have disagreed or where an unusually important point of law is in dispute. The Supreme Court also hears appeals from state supreme courts where it is alleged that the state decision violated the federal Constitution. In addition, the Court hears disputes between states. These cases are filed directly with the court and are very rare. The court typically agrees to hear fewer than 100 cases each term.