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**FEDERAL & STATE COURTS**

**SS.7.C.3.11** Diagram the levels, functions, and powers of courts at the state and federal levels.

**SS.7.C.2.6** Simulate the trial process and the role of juries in the administration of justice.

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***Lesson Summary***

***Essential Questions***

How are courts organized and structured at the federal and state levels? What is the trial process and what is the role of a jury?

***NGSSS Benchmarks***

SS.7.C.3.11 Diagram the levels, functions, and powers of courts at the state and federal levels.

SS.7.C.2.6 Simulate the trial process and the role of juries in the administration of justice.

***Florida Standards***

LAFS.68.RH.1.1 LAFS.68.RH.1.2 LAFS.68.RH.2.4 LAFS.68.WHST.1.2

LAFS.68.WHST.2.4 LAFS.68.WHST.4.10 LAFS.7.SL.1.1 LAFS.7.SL.1.2

LAFS.7.SL.1.3 MAFS.K12.MP.3.1

***Overview***

In this lesson, students will learn about the levels, functions, and powers of the state and federal courts. Students will also understand how the trial process works and the role of juries.

***Learning Goals/Benchmark Clarifications***

* Students will distinguish between the levels, functions, and powers of courts at the state and federal levels.
* Students will recognize that the powers and jurisdiction of the state and federal courts are derived from their respective constitutions.
* Students will compare appellate and trial processes.
* Students will examine the significance of the role of juries in the American legal system.

***Benchmark Content Limits***

* • Items referring to state courts will be limited to those within the state of Florida.

***Civics EOC Reporting Category***

Reporting Category 4 – Organization and Function of Government

***Suggested Time Frame***

* Five 45-50 minute class periods

***Civics Content Vocabulary***

* appeal, appellate court, bailiff, case, Chief Justice, circuit courts, civil case, county courts, court clerk, court reporter, criminal case, cross-examination, defendant, direct examination, District Court of Appeals, federalism, Florida Circuit Courts, Florida Supreme Court, judge, judicial branch, judicial review, jurisdiction, juror, jury, justice, original jurisdiction, plaintiff/prosecutor, U.S. Circuit Courts of Appeal, U.S. District Courts, U.S. Supreme Court, trial court, verdict, voir dire, writ of certiorari

***Instructional Strategies***

Close reading of complex text Video analysis Trial simulation

***Materials***

Highlighters in multiple colors for students

Computer with internet access to view judicial branch video from iCivics: <http://youtu.be/IkBkc2Fxe3I>

Student activity sheets & reading materials:

* Article III
* Understanding Federal & State Courts
* Federal and State Courts Graphic Organizer
* The Judicial Branch Video Viewing Guide – Parts 1 and 2
* The Trial Process Overview
* James Bond in a Honda? Trial Simulation from iCivics: <http://www.icivics.org/teachers/lesson-plans/james-bond-honda-trial-simulation-lesson>

***Lesson Activities and Daily Schedule***

Please use the chart below to track activity completion.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Day** | **Task #** | **Steps in Lesson** | **Description** | **Completed?**  **Yes/No** |
| **Day One** | Task 1 | 1 and 2 | Hook Activity |  |
| Task 2 | 3-15 | U.S. and Florida Constitutions Activity |  |
| Task 3 | 16-23 | Understanding the Courts Reading |  |
| **Day Two** | Task 3 | 16-23 | Understanding the Courts Reading (continued) |  |
| Task 4 | 24-25 | Federal & State Courts Graphic Organizer |  |
| Task 5 | 26 | Optional Activity: Court Quest Game |  |
| **Day Three** | Task 6 | 27-30 | Judicial Branch Video Part 1 |  |
| Task 7 | 31-33 | Trial Process Overview Activity |  |
| Task 8 | 34-36 | James Bond in a Honda? Trial Simulation |  |
| **Day Four** | Task 8 | 34-36 | James Bond in a Honda? Trial Simulation (continued) |  |
| **Day Five** | Task 9 | 37-40 | Judicial Branch Video Part 2 |  |
| Task 10 | 41 | Checking for Understanding |  |

***Suggested Student Activity Sequence***

1. To begin this lesson, ask students to brainstorm and share out words and ideas they associate with the term “judicial branch.” If this term does not produce many ideas, give them the word “courts.”
2. List the ideas they come up with on the board. Teacher note: this list may include misconceptions about the judicial branch, however it will serve as an informal assessment of what your students already know.
3. Explain to students that there is a court system for the federal and state levels and to begin their study of the court systems they will look at the U.S. and Florida constitutions.
4. Place students into pairs and hand out the “Article III, Section 1” student activity sheet.
5. Explain to students that their task is to read the passage from the U.S. Constitution, summarize what they have read in four complete sentences and then write down two questions that come to mind about the court system.
6. Read aloud Article III, Section 1 from the U.S. Constitution.
7. Model the first summary sentence for the students. (View Answer Key section for sample answers).
8. Reread Article III, Section 1 and provide time for students to create three additional summary sentences.
9. Monitor student work and understanding.
10. Ask students to share their summary sentences and some of the questions they created. Teacher note: most of these questions will be related to the structure, function or powers of the courts. These questions will be answered by activities within this lesson.
11. Project the first two sentences of Article V of the Florida Constitution on the board:

“The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality.”

1. Instruct students to take notes on their “Article III, Section 1” activity sheet in the blank box during this discussion.
2. Ask a student to summarize these sentences in their own words. Lead students to the understanding that the basic structure of the Florida state courts is outlined within these two sentences.
3. Ask students to share out the different courts they see in Article V (Supreme Court, District Courts of Appeal, Circuit Courts, and County Courts).
4. Ask the students to summarize what they have learned from both constitutions. Key points should include the following:
   * The U.S. Constitution establishes a Supreme Court and Congress can create inferior courts.
   * The Florida Constitution outlines the structure of courts for the state. This structure includes a Supreme Court, District Courts of Appeal, Circuit Courts, and County Courts.
5. Explain to students that they will use an additional resource to understand the structure and function of the courts.
6. Pass out the “Understanding the Federal & State Courts” reading and student activity sheet. Explain to students that they will complete a directed note taking activity that will help them answer the essential question: What are the structures, functions, and powers of the two court systems in the United States?
7. Review the directions with the class. Emphasize with students that it is important to write a complete summary for each key concept. When they are summarizing the definition for a court, they need to include a court’s structure, the types of cases they hear and whether a court is a trial court or an appellate court.
8. Read the introduction and model the first two answers.
9. Ask a student to summarize the term “jurisdiction” and pose the following questions for discussion: “How does each court system get their jurisdiction? How do the U.S and Florida constitutions play a role in determining jurisdiction? What evidence in the reading can you use to answer these questions?”
10. Provide time for students to complete the rest of the reading in pairs or independently.
11. Monitor student understanding.
12. Review the activity as a whole class by asking students to summarize what they have learned. Clarify any misconceptions.
13. Pass out the “Federal and State Courts Graphic Organizer” student activity sheet to each student. Explain to students that they will apply what they have learned from the reading to create a diagram that shows the levels of the federal and state courts. Teacher note: See Sample Answers section for a sample diagram.
14. Review the directions with the class and provide time for students to complete their diagram.
15. Optional Activity: Provide students with time to put their knowledge of the structure, functions, and powers of the courts into practice and have them play “Court Quest” from iCivics: <http://www.icivics.org/games/court-quest>. This game provides court case scenarios and students determine where to place the case within the federal or state court systems. Students do not need to create an account or provide any personal information in order to play this game.
16. Explain to students that a key process of the judicial branch is the trial process.
17. Pass out “The Judicial Branch Video Viewing Guide” and explain to students that they will watch a video illustrating the trial process. As they watch they need to complete Part 1 of the “Viewing Guide.”
18. Play “The Judicial Branch” video from iCivics as an introduction to the trial process http://youtu.be/IkBkc2Fxe3I. Play only until 3 minutes, 35 seconds.
19. Ask a few students to share their evidence and sentences from Part 1.
20. Pass out “The Trial Process Overview” student activity sheet and review the directions.
21. Divide students into pairs and provide them with time to read through the trial process and write a summary sentence for each step.
22. Pose the following questions for discussion: “What did you learn about the role of a jury in a trial? Why is the jury so important? What is a benefit of having a jury over a single judge in making decisions?”
23. Explain to students that they will engage in a trial simulation to apply what they have learned about the trial process.
24. Use the “James Bond in a Honda? Trial Simulation Lesson” from iCivics: <http://www.icivics.org/teachers/lesson-plans/james-bond-honda-trial-simulation-lesson> and have the class complete the two-day activity of simulating the trial process and understanding the role of a jury.
25. Debrief the activity and have the students share out their impressions of being a juror and what they thought about the trial.
26. Pose the following questions for discussion: “What if the losing side is unhappy with the decision? Do they have any options? What does it mean to appeal a case?”. Teacher note: Remind students of their reading earlier in the lesson that outlined the structure of the courts to assist with the discussion.
27. Ask students to take out “The Judicial Branch Video Viewing Guide” and to look at Part 2. Instruct students to complete Part 2 about the appellate process during the remaining minutes of the video.
28. Play the rest of “The Judicial Branch” video from iCivics that provides additional information on the appellate process: http://youtu.be/IkBkc2Fxe3I.
29. Provide students time to share out their evidence and sentences.
30. Checking for Understanding (Formative Assessment):

Instruct students to write a well-crafted response using the following prompts:

Prompt 1

Using what you read during the “Understanding Federal & State Courts” activity and what you watched during the “Judicial Branch” video, explain the difference between the trial process and the appellate process.

Prompt 2

Using what you have learned in this lesson and during the trial simulation, explain the role a jury plays in the trial process.

Teacher note: We recommend having students complete both prompts so that you are able assess all components of this benchmark.

**ARTICLE III**

**SECTION. 1.** The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

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| Summarize this section in four sentences.  1.  2.  3.    4. |

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| --- |
| List two questions you have after reading this section.  1.  2. |

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**Understanding Federal & State Courts**

**What are the structures, functions, and powers of the two court systems in the United States?**

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| Directions: Learning new terms and concepts by determining their definition as they appear in the text is an important skill. As you read, you will learn about the fifteen terms and concepts listed below. While reading, your task is to identify the key term by highlighting it in the text, highlight or underline the evidence that helps you define the term and then summarize the term, in your own words and using complete sentences.  For paragraphs that have multiple concepts, use a different color highlighter or marker to mark the evidence.  When summarizing the definition for a court, when possible, include a court’s structure, the types of cases they hear and whether a court is a trial court or an appellate court.  By the end of this reading, you will be able to answer the essential question: What are the levels, functions, and powers of the two court systems in the United States? | | | | | | | |
| appeal | Chief Justice | federalism | FL Circuit Courts | FL County Courts | FL District Courts of Appeal | FL Supreme Court | judicial review |
| jurisdiction | justices | original jurisdiction | U.S. Circuit Courts of Appeal | U.S. District Courts | U.S. Supreme Court | writ of certiorari |  |

**Introduction**

The U.S. Constitution created a government system for the United States known as federalism. Federalism is the sharing of powers between the national government and the state governments. The Constitution gives certain powers to the federal government and reserves the rest for the states. Both the federal and state governments need their own court systems to apply and interpret their laws.

In both the federal and state constitutions the jurisdiction, or right and power for courts to interpret and apply the law, of each court system is outlined. The federal court system deals with issues of law relating to the powers granted to it by the U.S. Constitution. The state court systems deal with issues of law relating to those matters that the U.S. Constitution did not give to the federal government and are outlined in their own state constitution. Within the federal and state courts systems, certain courts have the power to be the first to hear a case on a specific topic. This is known as original jurisdiction. For example, the U.S. Supreme Court has original jurisdiction when there is a conflict between two states, between the president and Congress, or cases where a state is a party.

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| Key Term | Write your summary using complete sentences. |
| federalism | Federalism is a system where power is shared between the national and state government. |
| jurisdiction | Jurisdiction is the right and power for courts to interpret and apply the law. |
| original jurisdiction | Original jurisdiction is the power of a court to be the first to hear a case on a specific topic. |

**Federal Court System**

There are 94 U.S. District Courts in the United States. Every state has at least one district court, and some large states have as many as four. The U.S. District Courts are the first level of courts in the federal system and they are also the trial courts at the federal level. U.S. District Courts hear both civil and criminal cases dealing with federal laws. In the U.S. District Courts a judge and jury hear cases.

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| Key Term | Write your summary using complete sentences. |
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There are 13 U.S. Circuit Courts of Appeal in the United States. These courts are divided into 12 regional circuits and are located in various cities throughout the country. With the exception of criminal cases in which a defendant is found not guilty, any party who is dissatisfied with the judgment of a U.S. District Court may appeal to the U.S. Circuit Court of Appeal in his/her district. An appeal is a request, made after a trial, asking another court to decide whether or not a mistake in the law was made or if the trial was conducted improperly. When hearing cases, these courts usually sit in panels of three judges.

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| Key Term | Write your summary using complete sentences. |
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The Supreme Court of the United States sits at the top of the federal court system. It is made up of nine judges, known as justices, and is led by the Chief Justice. The Chief Justice is “first among equals” meaning that he is the lead justice but he only has one vote, just like the other justices. The U.S. Supreme Court is located in Washington, D.C. Parties who are not satisfied with the decision of a U.S. Circuit Court of Appeal (or, in rare cases, of a U.S. District Court) or a state supreme court can petition, or request, the U.S. Supreme Court to hear their case. This is done mainly by a procedure known as a Petition for a Writ of Certiorari (cert.). The Court reviews these petitions and decides whether to accept such cases. Each year, the Court accepts between 75-80 of the some 10,000 cases it is asked to hear for argument. The Supreme Court also has the power of judicial review. This means that the Court can determine if an action by the other two federal branches (executive and legislative) are unconstitutional.

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| Key Term | Write your summary using complete sentences. |
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**State Court System**

The Florida Constitution establishes a county court in each of Florida's 67 counties. The county courts are trial courts. At this level, civil and criminal cases are usually heard by one judge. The county courts are sometimes referred to as "the people's courts," because a large part of the courts' work involves minor arguments between citizens. These courts also handle traffic offenses, less serious criminal matters (misdemeanors), and arguments about small sums of money.

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| Key Term | Write your summary using complete sentences. |
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The Florida Constitution provides that a circuit court shall be established to serve each judicial circuit established by the Florida Legislature. There are twenty circuits in the state. The majority of jury trials in Florida begin at this level. One judge and a jury hear the trials that take place at the circuit court level. Typically, the circuit courts have jurisdiction over cases not assigned to the county courts. They also hear appeals from county court cases. This makes the circuit courts the highest trial courts and the lowest appellate courts in Florida's judicial system.

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| Key Term | Write your summary using complete sentences. |
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In Florida, the courts that are in between the circuit court and the highest court of the state are the District Courts of Appeal. The Florida Constitution provides that the Florida Legislature shall divide the state into appellate court districts and that there shall be a district court of appeal (DCA) serving each circuit court district. The state is divided into five districts for the District Courts of Appeal. These courts are located in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach. The majority of appeals are never heard by the Florida Supreme Court. Instead they are reviewed by three-judge panels at the District Courts of Appeal.

In general, decisions of the District Courts of Appeal represent the final appeal for cases. A person who is unhappy with a district court's decision may ask for review in the Florida Supreme Court and then in the United States Supreme Court, but neither court is required to accept the case for further review. Most are denied.

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| Key Term | Write your summary using complete sentences. |
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The highest court in Florida is the Florida Supreme Court, which is composed of seven justices. At least five justices must participate in every case and at least four must agree for a decision to be reached. The Court's official headquarters is the Supreme Court Building in Tallahassee. By a majority vote of the justices, one of the justices is elected to serve as Chief Justice, an office that is rotated every two years. The Chief Justice leads all events of the Court.

The jurisdiction of the Florida Supreme Court is outlined in the Florida Constitution with some flexibility so that the state Legislature can add or take away categories of cases. The Florida Supreme Court must review orders involving death sentences, district court decisions stating that a statute of the Florida Constitution illegal, and actions of the Public Service Commission having to do with utility rates and services. In addition to these required activities, the Florida Supreme Court can choose to review certain appeals from the District Courts of Appeal.

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| Key Term | Write your summary using complete sentences. |
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Reading adapted from: <http://www.uscourts.gov/about-federal-courts/court-role-and-structure>, <http://www.flcourts.org/>, and <http://www.floridasupremecourt.org/pub_info/system2.shtml>.

**Federal and State Courts Graphic Organizer Assignment**

Directions: Your assignment is to create a diagram that illustrates the levels, structure, functions, and powers of the federal and state courts you have read about in the Understanding Federal & State Courts activity.

Your diagram must include the following:

* The vocabulary terms: appellate court, county courts, Florida Circuit Courts, Florida District Courts of Appeal, Florida Supreme Court, trial court, U.S. Circuit Courts of Appeal, U.S. District Courts, and U.S. Supreme Court.
* For each court you must explain the structure, function and power of the court. This information must be provided in complete sentences.
* Arrows or another graphic representation that shows the appellate process and how a case can move through different courts.
* Creativity!

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| **The Judicial Branch Video Viewing Guide | Part 1 | Trial Process** | | |
| **Video** | **Specific** Evidence from the Video | Complete Sentence(s) |
| What do you think is going on in the video? |  |  |
| What are three key points depicted in the video? |  |  |
| Video – Additional Notes/Evidence from Group Discussion | | |
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| **The Judicial Branch Video Viewing Guide | Part 2 | Appellate Process** | | |
| **Video** | **Specific** Evidence from the Video | Complete Sentence(s) |
| What do you think is going on in the video? |  |  |
| What are three key points depicted in the video? |  |  |
| Video – Additional Notes/Evidence from Group Discussion | | |
|  | | |

**The Trial Process Overview**

**Officers of the Court:**

**Judge** - a public official authorized to decide questions brought before a court

**Court Clerk** – responsible for giving the oath to jurors and witnesses, is also responsible for court paperwork and physical evidence (These duties can also be done by the bailiff.)

**Bailiff** – keeps order in the court, calls witnesses, is in charge of and makes sure no one tries to influence the jury

**Court Reporter** – records, word for word, everything that is said as part of the trial

**Lawyers** – there is a lawyer for both sides in a trial. One side is the plaintiff (civil case) or prosecutor (criminal case) (the side who is accusing another person or group of some wrongdoing or crime) and the other is the defendant (the side being accused of a wrongdoing or crime).

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| **Steps in a Trial**  Directions: For each trial step, summarize the section in your own words and using complete sentences. | |
| ***1. Selection of a Jury***  Jurors are selected for a courtroom from the pool of available jurors. The judge or the lawyers then ask them questions about if they have any knowledge of the case or have had specific experiences that might cause them to be biased or unfair. The questioning of the potential jurors is known as voir dire (to speak the truth). The attorneys may challenge some jurors and ask the court to excuse them from the trial. When both parties have agreed upon a jury, the jurors are sworn in by the court clerk. The jurors not selected are excused.  The jurors’ role is to listen to the evidence and to determine the facts of the case. They are instructed by the judge not to discuss the case with outsiders or each other (until the judge give them the instruction to do so). |  |
| ***2. Opening Statements***  The purpose of opening statements by each lawyer is to tell jurors something about the case they will be hearing. The opening statements must be limited to facts that will be proven by the evidence.  In a trial, the two sides are known as the plaintiff or prosecutor (plaintiff in a civil case or prosecutor in a criminal case) and the defendant. In a criminal trial, the prosecutor (or government) must prove beyond a reasonable doubt that the defendant is guilty. In a civil trial, the plaintiff has to prove that the defendant is responsible for a wrongdoing. The defendant is the side accused of wrong doing either criminally or civilly. The defendant does not need to prove that he or she is innocent. |  |
| ***3. Testimony of Witnesses & Evidence***  The plaintiff or prosecutor's case is presented first. As each witness testifies, the lawyer representing the plaintiff/prosecution asks questions in what is called direct examination. Then the defendant’s lawyer has an opportunity to ask questions. This is called cross examination. Physical evidence, such as documents, weapons or photographs are presented as proof for either side.  Once the plaintiff/prosecutor’s side has questioned all of their witnesses, the defendant can present their case and question their own witnesses.  During the trial, if one attorney objects to a question, he presents his objection to the judge. Objections may be made by the other side for many reasons. The judge will either sustain or overrule the objection. If the objection is sustained, the lawyer must re-phrase the question in a proper form or ask another question. If the objection is overruled, the lawyer does not have to change the question and the witness must answer the question as asked. When each side has presented all their evidence, they "rest" their case. |  |
| ***4. Closing Arguments***  The lawyers summarize the evidence and try to persuade the jury to believe their side over the other. |  |
| ***5. Jury Instructions***  The judge reads the instructions of law to the jury, defines the issues the jurors must decide and informs them of the law that governs the case. |  |
| ***6. Deliberation – Jury Discussion***  The jury retires to the deliberation room to consider the case and reach a verdict. The jury first elects a foreperson who will see that discussions are conducted in a sensible and orderly fashion, that all issues are fully and fairly discussed, and that every juror is given a fair chance to participate. If the jurors have a question during their deliberation about the facts of the case, they may write it down and have the bailiff deliver it to the judge.  When a verdict has been reached, the jurors agreeing to the verdict sign a form and notify the bailiff. In a criminal case, the jury will find the defendant guilty or not guilty. The verdict is read by the clerk and the judge dismisses the jurors. |  |

Reading adapted from: <http://www.hamilton-co.org/MunicipalCourt/Jury/steps_in_a_trial.htm>, Accessed November, 2012 & <http://www.americanbar.org>

***Sources***

Article III reading and activity sheet: <http://constitutioncenter.org/constitution/the-articles/article-iii-the-judicial-branch>

Florida Constitution: <http://www.flsenate.gov/Laws/Constitution>

Understanding Federal & State Courts: <http://www.uscourts.gov/about-federal-courts/court-role-and-structure>, <http://www.flcourts.org/>, and <http://www.floridasupremecourt.org/pub_info/system2.shtml>

The Judicial Branch video: <http://youtu.be/IkBkc2Fxe3I>

The Trial Process Overview: <http://www.hamilton-co.org/MunicipalCourt/Jury/steps_in_a_trial.htm>, Accessed November, 2012 & <http://www.americanbar.org>

James Bond in a Honda, Trial Simulation Lesson: <http://www.icivics.org/teachers/lesson-plans/james-bond-honda-trial-simulation-lesson>

**ARTICLE III – Sample Answers**

**SECTION. 1.** The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

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| --- |
| Summarize this section in four sentences.  1. The Supreme Court is the highest court.  2. Congress can create other inferior, or lower courts.  3. Judges can hold their office while demonstrating good behavior.    4. Congress cannot lower a judge’s salary during their time in office. |

**Understanding Federal & State Courts – SAMPLE ANSWERS**

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Directions: Learning new terms and concepts by determining their definition as they appear in the text in context is an important skill. As you read, you will learn about the fifteen terms and concepts listed below. While reading, your task is to identify the key term by highlighting it in the text, highlight or underline the evidence that helps you define the term and then summarize the term, in your own words and using complete sentences.  For paragraphs that have multiple concepts, use a different color highlighter or marker to mark the evidence.  By the end of this reading, you will be able to answer the essential question: What are the levels, functions, and powers of the two court systems in the United States? | | | | | | | |
| appeal | Chief Justice | federalism | FL Circuit Courts | FL County Courts | FL District Courts of Appeal | FL Supreme Court | judicial review |
| jurisdiction | justices | original jurisdiction | U.S. Circuit Courts of Appeal | U.S. District Courts | U.S. Supreme Court | writ of certiorari |  |

**What is the structure and function of the two court systems in the United States?**

**Introduction**

The U.S. Constitution created a government system for the United States known as federalism. Federalism is the sharing of powers between the national government and the state governments. The Constitution gives certain powers to the federal government and reserves the rest for the states. Both the federal and state governments need their own court systems to apply and interpret their laws.

In both the federal and state constitutions the jurisdiction, or right and power for courts to interpret and apply the law, of each court system is outlined. The federal court system deals with issues of law relating to the powers granted to it by the U.S. Constitution. The state court systems deal with issues of law relating to those matters that the U.S. Constitution did not give to the federal government and are outlined in their own state constitution. Within the federal and state courts systems, certain courts have the power to be the first to hear a case on a specific topic. This is known as original jurisdiction. For example, the U.S. Supreme Court has original jurisdiction when there is a conflict between two states, between the president and Congress, or cases where a state is a party.

|  |  |
| --- | --- |
| Key Term | Write your summary using complete sentences. |
| federalism | Federalism is a governmental system where power is shared between the national and state government. |
| jurisdiction | Jurisdiction is the right and power for courts to interpret and apply the law. |

**Federal Court System**

There are 94 U.S. District Courts in the United States. Every state has at least one district court, and some large states have as many as four. The U.S. District Courts are the first level of courts in the federal system and they are also the trial courts at the federal level. U.S. District Courts hear both civil and criminal cases dealing with federal laws. In the U.S. District Courts cases are heard by a judge and jury.

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| --- | --- |
| Key Term | Write your summary using complete sentences. |
| U.S District Courts | The U.S. District Courts are where most federal cases begin. The U.S. District Courts are courts of original jurisdiction and hear civil and criminal cases. |
| original jurisdiction | Original jurisdiction means that a court can hold a trial. |

There are 13 U.S. Circuit Courts of Appeal in the United States. These courts are divided into 12 regional circuits and are located in various cities throughout the country. With the exception of criminal cases in which a defendant is found not guilty, any party who is dissatisfied with the judgment of a U.S. District Court may appeal to the U.S. Circuit Court of Appeal in his/her district. An appeal is a request, made after a trial, asking another court to decide whether or not a mistake in the law was made or if the trial was conducted improperly. When hearing cases, these courts usually sit in panels of three judges.

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| --- | --- |
| Key Term | Write your summary using complete sentences. |
| U.S Circuit Courts of Appeal | The U.S. Circuit Courts of Appeal are courts where parties who are dissatisfied with the judgment of a U.S. District court judgment can take their case. These courts are divided regionally and there is usually a panel of judges. |
| appeal | An appeal is a request made to another court to decide whether or not a mistake was made in determining the law or if something was done improperly during the trial. |

The Supreme Court of the United States sits at the top of the federal court system. It is made up of nine judges, known as justices, and is led by the Chief Justice. The Chief Justice is “first among equals” meaning that he is the lead justice but he only has one vote, just like the other justices. The U.S. Supreme Court is located in Washington, D.C. Parties who are not satisfied with the decision of a U.S. Circuit Court of Appeal (or, in rare cases, of a U.S. District Court) or a state supreme court can petition, or request, the U.S. Supreme Court to hear their case. This is done mainly by a procedure known as a Petition for a Writ of Certiorari (cert.). The Court reviews these petitions and decides whether to accept such cases. Each year, the Court accepts between 75-80 of the some 10,000 cases it is asked to hear for argument. The Supreme Court also has the power of judicial review. This means that the Court can determine if an action by the other two federal branches (executive and legislative) are unconstitutional.

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| Key Term | Write your definition(s) using complete sentences. |
| U.S Supreme Court | The U.S. Supreme Court is at the top of the federal court system. The court has nine justices and is led by the Chief Justice. |
| justice | A justice is what judges are called at the U.S. Supreme Court. |
| Chief Justice | The Chief Justice is the leader of the justices at the U.S. Supreme Court. He is known as the “first among equals.” |
| writ of certiorari | This is the procedure to see if the U.S. Supreme Court will hear your case. |
| judicial review | Judicial review is the power of the Supreme Court to determine if an action of the other two branches is unconstitutional. |

**State Court System**

The Florida Constitution establishes a county court in each of Florida's 67 counties. The county courts are trial courts. At this level, civil and criminal cases are usually heard by one judge. The county courts are sometimes referred to as "the people's courts," because a large part of the courts' work involves minor arguments between citizens. These courts also handle traffic offenses, less serious criminal matters (misdemeanors), and arguments about small sums of money.

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| Key Term | Write your summary using complete sentences. |
| FL County Courts | There is a county court in every county in Florida. The county courts are where the majority of non-jury trials occur and they are referred to as “the people’s courts” because they handle minor arguments between citizens and minor criminal matters. |

The Florida Constitution provides that a circuit court shall be established to serve each judicial circuit established by the Florida Legislature. There are twenty circuits in the state. The majority of jury trials in Florida begin at this level. One judge and a jury hear the trials that take place at the circuit court level. Typically, the circuit courts have jurisdiction over cases not assigned to the county courts. They also hear appeals from county court cases. This makes the circuit courts the highest trial courts and the lowest appellate courts in Florida's judicial system.

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| Key Term | Write your summary using complete sentences. |
| FL Circuit Courts | There are twenty circuit courts in the state of Florida. The Circuit Courts have jurisdiction over matters not covered by the county courts. The majority of jury trials take place in these courts and they are heard by one judge and a jury. This court is also the first step in the appellate process. |

In Florida, the courts that are in between the circuit court and the highest court of the state are the District Courts of Appeal. The Florida Constitution provides that the Florida Legislature shall divide the state into appellate court districts and that there shall be a district court of appeal (DCA) serving each circuit court district. The state is divided into five districts for the District Courts of Appeal. These courts are located in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach. The majority of appeals are never heard by the Florida Supreme Court. Instead they are reviewed by three-judge panels at the District Courts of Appeal.

In general, decisions of the District Courts of Appeal represent the final appeal for cases. A person who is unhappy with a district court's decision may ask for review in the Florida Supreme Court and then in the United States Supreme Court, but neither court is required to accept the case for further review. Most are denied.

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| Key Term | Write your summary using complete sentences. |
| FL District Courts of Appeal | The Florida District Courts of Appeal are the courts in between the circuit court and the highest court of the state. At this level, cases are reviewed by panels of three judges and most cases do not go further than this level of court. There are five districts for courts of appeal throughout the state. |

The highest court in Florida is the Florida Supreme Court, which is composed of seven justices. At least five justices must participate in every case and at least four must agree for a decision to be reached. The Court's official headquarters is the Supreme Court Building in Tallahassee. By a majority vote of the justices, one of the justices is elected to serve as Chief Justice, an office that is rotated every two years. The Chief Justice leads all events of the Court.

The jurisdiction of the Florida Supreme Court is outlined in the Florida Constitution with some flexibility so that the state Legislature can add or take away categories of cases. The Florida Supreme Court must review orders involving death sentences, district court decisions stating that a statute of the Florida Constitution illegal, and actions of the Public Service Commission having to do with utility rates and services. In addition to these required activities, the Florida Supreme Court can choose to review certain appeals from the District Courts of Appeal.

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| Key Term | Write your summary using complete sentences. |
| FL Supreme Court | The Florida Supreme court is the highest court in the state. This court has seven justices and at least five justices must participate in every case. To reach a decision, four of the five justices must agree. The Supreme Court is located in Tallahassee. The Florida Supreme Court can choose to hear appeals from the Florida District Courts of Appeal and they are required to hear certain cases as determined by the state legislature. |

Reading adapted from: <http://www.uscourts.gov/about-federal-courts/court-role-and-structure>, <http://www.flcourts.org/>, and <http://www.floridasupremecourt.org/pub_info/system2.shtml>.

**The Federal and Florida State Court Systems – Sample Graphic Organizer**

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| |  | | --- | | **The Federal Court System** |      |  | | --- | | **The U.S. Supreme Court**   * This is the highest court in the United States. * The Supreme Court is structured with eight justices and a Chief Justice. * This court has the power to hear appeals from U.S. Circuit Courts of Appeal and from state supreme courts. * The Supreme Court has the power of judicial review. * The U.S. Supreme Court is an appellate court. |  |  | | --- | | **U.S. Circuit Courts of Appeal**   * There are 12 circuits in the U.S. * These courts have panels of three judges that hear cases. * This court has the power to hear appeals from U.S. District Courts. * The U.S. Circuit Courts of Appeal are appellate courts. |  |  | | --- | | **U.S. District Courts**   * There are 94 district courts in the U.S. * The courts are structured with a judge and a jury. * This court level is where most federal cases start. * This court has the power to hear civil and criminal cases related to federal laws. * The U.S. District Courts are trial courts. | | |  | | --- | | **The Florida State Court System** |      |  | | --- | | **The Florida Supreme Court**   * This is the highest court in Florida and is located in Tallahassee. * The FL Supreme Court is structured with seven justices, one justice serves as Chief Justice. * This court has the power to hear appeals from the District Courts of Appeal as well as other cases as assigned from the FL Legislature. * The Florida Supreme Court is an appellate court. |  |  | | --- | | **Florida District Courts of Appeal**   * There are 5 districts in Florida. * The courts have panels of three judges that hear cases. * This court has the power to hear appeals from Florida Circuit Courts. * The Florida District Courts of Appeal are appellate courts. |  |  | | --- | | **Florida Circuit Courts**   * There are 20 circuit courts in Florida. * The courts are structured with a judge and a jury. * This court has the power to hear trials on cases not assigned to county courts and appeals from county courts. * The Florida Circuit Courts are trial and appellate courts. |  |  | | --- | | **Florida County Courts**   * There is a county court in every Florida county. * The courts are structured with a judge. * This court has the power minor arguments between citizens and minor criminal offenses. * The Florida County Courts are trial courts. | |

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| **The Judicial Branch Video Viewing Guide | Part 1 | Trial Process – Sample Answers** | | |
| **Video** | **Specific** Evidence from the Video | Complete Sentence |
| What do you think is going on in the video? | Judge, courtroom, jury, lawyers | This video is explaining what happens during a trial. |
| What are three key points depicted in the video? | 1. police and two people arguing  2. paperwork being held by the lawyers  3. people sitting in the jury box  4. lawyer holding a baggy with a cell phone  5. football referees, objection!  6. people sitting in the jury box  7. law book | 1. People come to court when they have a problem and need help resolving it. (This can be if someone has committed a crime (criminal case) or if two people have a disagreement (civil case)).  2. Before a case begins in court, the complaint and the answer are filed so that the judge knows all of the information before both parties come to court.  3. A judge or jury gets to decide what really happened based on what is shared by both parties.  4. The jury will look at evidence, look at pictures, hear witnesses and sometimes watch videos.  5. The judge acts like a referee.  6. The jury has to decide if anyone broke the law and determine a verdict.  7. The judge has to educate jurors so that they understand the law. |

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| **The Judicial Branch Video Viewing Guide | Part 2 | Appellate Process** | | |
| **Video** | **Specific** Evidence from the Video | Complete Sentence |
| What do you think is going on in the video? | elevator buttons with different levels of government | This section of the video is about how to appeal your case. |
| What are three key points depicted in the video? | 1. Court of Appeals, no jury, only a panel of judges  2. Supreme Court, highest court, highest button on the elevator  3. justice not judge  4. President and Senate  5. supreme law of the land | 1. At the Court of Appeals there is no jury. Instead, a panel of judges hears the case.  2. The Supreme Court is the highest court in the country.  3. At the Supreme Court, judges are called justices.  4. Justices are chosen by the President and voted on by the Senate.  5. Decisions made at the Supreme Court are the supreme law of the land. |

**The Trial Process Overview – Sample Answers**

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| **Steps in a Trial**  Directions: For each trial step, summarize the section in your own words and using complete sentences. |
| ***1. Selection of a Jury***  Jurors are selected for a trial by a process called voir dire. A juror’s job is to listen to the evidence and determine the facts of the case. |
| ***2. Opening Statements***  During opening statements, each lawyer will tell the jury the facts about the case. In a trial there are two sides, the plaintiff/prosecutor and the defendant. The plaintiff /prosecutor must prove that the defendant has committed a crime or is guilty of a wrongdoing. |
| ***3. Testimony of Witnesses & Evidence***  The plaintiff/prosecutor’s case is presented first in a trial. Each lawyer gets to question each witness. After the plaintiff/prosecutor has questioned all of their witnesses, the defendant can present their case. Sometimes, the lawyers will object a question asked by the other side. The judge will either sustain or overrule the objection. |
| ***4. Closing Arguments***  During closing arguments, each lawyer summarizes the evidence and tries to persuade the jury to believe their side. |
| ***5. Jury Instructions***  The judge provides directions to the jury. |
| ***6. Deliberation – Jury Discussion***  The jury deliberates and reaches a verdict. The jury elects a foreperson who will oversee the discussions. When the jury has reached a verdict, the jurors sign a form and notify the bailiff. |

***Civics Content Vocabulary***

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| **Word/Term** | **Part of Speech** | **Definition** |
| **appeal** | noun | a request, made after a trial, asking a higher court to decide whether that trial was conducted properly |
| **appellate court** | noun | any court that has the power to hear appeals from lower courts |
| **bailiff** | noun | court official who keeps order in the court, calls witnesses, is in charge of and makes sure no one tries to influence the jury |
| **case** | noun | a matter that goes before a judge or court of law |
| **Chief Justice** | proper noun | the head justice, the Chief Justice is “first among equals” |
| **circuit courts** | noun | a court for a defined region of a state (usually including several counties) that has specific divisions and hears cases involving more serious crimes (felonies) and civil cases involving large amounts of money (more than $1000) |
| **civil case** | noun | a case involving the rights of citizens |
| **county courts** | noun | a court that hears both civil and criminal cases involving less serious crimes or minor issues for one specific county |
| **court** | noun | a place where justice is administered |
| **court clerk** | noun | court officer responsible for giving the oath to jurors and witnesses, is also responsible for court paperwork and physical evidence |
| **court reporter** | noun | court officer who records, word for word, everything that is said as part of the trial |
| **criminal case** | noun | a case involving someone who is accused of committing an illegal activity |
| **cross- examination** | noun | the follow-up questioning of a witness by the side that did not call the witness to the stand |
| **defendant** | noun | the person who answers the legal action of a plaintiff |
| **direct examination** | noun | the first questioning of a witness by the side that called the witness to the stand |
| **District Court**  **of Appeals** | proper noun | an appellate court in the state court system that reviews decisions made by the lower trial courts |
| **federalism** | noun | a system of government in which power is divided and shared between national, state, and local government |
| **Florida Circuit Courts** | proper noun | the courts that have general jurisdiction over matters not covered by the county courts |
| **Florida County Courts** | proper noun | the courts where most non-jury trials occur; they are referred to as “the people’s courts” because they handle minor disagreements between citizens and minor criminal offenses |
| **Florida**  **Supreme Court** | proper noun | the highest court in Florida |
| **judge** | noun | a public official who decides questions brought before a court |
| **judicial branch** | noun | the branch of government that interprets the laws made by the legislative branch |
| **judicial review** | noun | the power of the judicial branch to review the actions of the executive and legislative branches and determine whether or not they are unconstitutional (this includes laws passed by Congress); the U.S. Supreme Court case *Marbury v. Madison* established this power |
| **jurisdiction** | noun | the right and power for courts to hear a case, interpret and apply the law |
| **juror** | noun | a member of a jury |
| **jury** | noun | a group of citizens sworn to give a true verdict according to the evidence presented in a court of law |
| **justice** | noun | the title given to judges of the U.S. Supreme Court and Florida Supreme Court |
| **original jurisdiction** | noun | the power of a court to be the first to hear a case on a specific topic |
| **plaintiff/**  **prosecutor** | noun | the person who brings legal action against another person |
| **trial court** | noun | the local, state, or federal court that is the first to hear a civil or criminal case; involves a hearing and decision with a single judge, with or without a jury |
| **U.S. Circuit**  **Court of Appeals** | proper noun | the courts where parties who are dissatisfied with the judgment of a U.S. District court may take their case |
| **U.S. District**  **Courts** | proper noun | the courts where most federal cases begin, the U.S. District Courts are courts of original jurisdiction and hear civil and criminal cases |
| **U.S. Supreme Court** | proper noun | the highest court of the United States; it sits at the top of the federal court system |
| **verdict** | noun | a judgment |
| **voir dire** | noun | the process of questioning potential member of a jury for a trial |
| **writ of certiorari** | noun | the procedure to see if the U.S. Supreme Court will hear a case; a writ of certiorari is issued when a higher level court agrees to hear an appeal of a lower court’s decision |

***Essential Teacher Content Background Information***

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| **This section addresses the following issues:**   1. The Design of the U.S. Court System in the U.S. Constitution 2. The Powers of the U.S. Court System in the U.S. Constitution 3. The Power of the Judicial Review and Interpreting the U.S. Constitution 4. The Judicial Branch in Florida |

**1. The Design of the U.S. Court System in the U.S. Constitution**

Article III of the U.S. Constitution outlines the court system in the United States, which is divided into three sections.

The first section of Article III provides information about the organization of the court system, which is divided into two parts, supreme and inferior. This means that only the U.S. Supreme Court is established by the U.S. Constitution. Otherwise, it is up to the U.S. Congress to create, mandate (such as to the states) and support all other courts. The court system that has since been created includes several layers of courts.

The first section also makes an indirect reference to the Declaration of Independence. In that document, the colonists complained that King George III had denied the court system independence in its decision making as follows:

He has obstructed the Administration of Justice by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.

These two statements suggest that King George III had deprived the courts the right to make independent decisions. Judges whose views contradicted the king’s views were at risk of losing their jobs or having their salaries reduced. The Founders’ response to this was to create a judiciary branch that enjoyed independence in that judges held their positions for life and their salaries were never reduced as long as they held office.

The uniqueness of Article III, Section 1 is in its vagueness. There is no set number of judges on the U.S. Supreme Court (Tradition keeps the number at nine; this number is not a constitutional requirement) or on any other court, and there is no set number of courts. It is up to Congress to decide how many members there will be on the U.S. Supreme Court and on other courts.

For an example of how a case moved through the court system and reached the U.S. Supreme Court, see the *Tinker v. Des Moines* case study in the lesson for SS.7.C.3.12 – Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison, Plessy v. Ferguson, Brown v. Board of Education, Gideon v. Wainwright, Miranda v. Arizona, In re Gault, Tinker v. Des Moines, Hazelwood v. Kuhlmeier, United States v. Nixon,* and *Bush v. Gore.*

**2. The Powers of the U.S. Court System in the U.S. Constitution**

The U.S. Constitution outlines the power of the courts in two ways. First, Article III, Section 2 provides a specific list of the types of cases that are heard by the courts. From there, the Constitution is specific as to which types of cases are heard by the U.S. Supreme Court as the first court that hears the case (“original jurisdiction”) or whether the case comes to the U.S. Supreme Court on appeal.

Cases that are first heard by the U.S. Supreme Court tend to be those cases involving certain types of disputes. These disputes may include conflicts between two states, between the president and Congress, or cases where a state is a party. Other than the types of cases outlined in Article III, Section 2, all other cases come before the U.S. Supreme Court in its role as the highest court of appeal. The U.S. Constitution is very specific as to which types of cases may come before it as cases of original jurisdiction, but is otherwise vague as to which types of cases are to be heard on appeal, which the Court may reject. In a typical year, the U.S. Supreme Court is asked to grant a hearing to approximately 10,000 cases; it usually accepts less than 1% or 75-80 cases. For those cases rejected by the U.S. Supreme Court, the decision made at the most recent court that heard the case is deemed the final decision in that case. Cases decided by the U.S. Supreme Court may not be appealed.

**3. The Power of Judicial Review and Interpreting the U.S. Constitution**

The design of the court system, where there is no set number of judges or courts, and that judges remain in office for life, retirement, or unlikely removal, indicates that, except in limited cases of original jurisdiction, the courts were not expected to be very powerful. Had the Founders believed that the courts might abuse their power, they may have been more specific in their design of the courts, set terms of office for judges, or otherwise provided for judicial accountability.

The U.S. Supreme Court decided, in 1803, that it had the sole right to decide whether an act of Congress or the president violated the U.S. Constitution. In essence, the Court decided that it had the power to make law through a process called “case law” where the Court interprets what the U.S. Constitution means and whether, based on that meaning, a law is nullified because it is incongruent with the U.S. Constitution. Later, following ratification of the 14th Amendment in 1868, the U.S. Supreme Court’s power of judicial review grew to include states such that the U.S. Supreme Court may now declare state laws unconstitutional. These case law processes have broadened the role of the U.S. Supreme Court because it gives the Court powers beyond those stated in the U.S. Constitution.

**4. The Judicial Branch in Florida**

Florida’s judicial branch is outlined in Article V of the Florida Constitution. The court system is divided into multiple divisions including a supreme court, district courts of appeal, circuit courts and county courts. Florida’s court system is mixed in that the judges presiding at the county and city level are elected, while Florida’s state court judges, including members of the Supreme Court, are appointed through merit selection.

The following information about Florida’s court system is adapted from “Florida’s State Court System” available on the Florida Supreme Court “Public Information Link”

(<http://www.floridasupremecourt.org/pub_info/system2.shtml>).

**Florida Supreme Court**

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| **Court Description** | **Jurisdiction** |
| The highest Court in Florida is the Supreme Court, which is composed of seven Justices. At least five Justices must participate in every case and at least four must agree for a decision to be reached. The Court's official headquarters is the Supreme Court Building in Tallahassee. | The jurisdiction of the Supreme Court is set out in the Constitution with some degree of flexibility extended to the Legislature. The Court must review final orders imposing death sentences and district court decisions declaring a State statute or provision of the State Constitution invalid. Finally, the Court creates rules governing the practice and procedure in all Florida courts. |

**District Courts of Appeal**

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| **Court Description** | **Jurisdiction** |
| Most trial cases that are appealed are reviewed by three-judge panels of the District Courts of Appeal (DCA).  The Constitution provides that the Legislature divides the State into appellate court districts with a DCA serving each district. The five DCA districts are headquartered in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach.  In each district court, a chief judge, who is selected by the district court judges within the district, is responsible for the administrative duties of the court. | DCAs hear appeals from final judgments and review certain non-final orders. District courts have the power to review final actions taken by state agencies in carrying out the duties of the executive branch.  District courts are granted constitutional authority to issue the extraordinary writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, as well as all other writs necessary to the complete exercise of their jurisdiction.  District court decisions represent the final appellate review of litigated cases. A person displeased with a district court's decision may ask for a Florida Supreme Court review and, if still displeased, a U.S. Supreme Court review, though most such requests are denied. |

**Circuit Courts**

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| **Court Description** | **Jurisdiction** |
| Florida has a two-tiered trial court system. Most jury trials in Florida take place before one judge sitting as judge of the circuit court. The circuit courts are sometimes referred to as courts of general jurisdiction, in that most criminal and civil cases originate at this level. The Florida Constitution provides that a circuit court shall be established to serve each judicial circuit established by the Legislature, of which there are twenty. Within each circuit, there may be any number of judges, depending upon the population and caseload of an area.  Circuit court judges are elected by the voters of the circuits in nonpartisan, contested elections and serve six year terms.  A chief judge is chosen from among the circuit judges and county judges in each judicial circuit to carry out administrative responsibilities for all trial courts (both circuit and county courts) within the circuit. | Circuit courts have general trial jurisdiction over matters not assigned by statute to the county courts and also hear appeals from county court cases. Thus, circuit courts are simultaneously the highest trial courts and the lowest appellate courts in Florida's judicial system. |

**County Courts**

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| **Court Description** | **Jurisdiction** |
| The Constitution establishes a county court in each of Florida's 67 counties. The number of judges in each county court varies with the population and caseload of the county. To be eligible for the office of county judge, one must be eligible to vote in the county and a Florida Bar member for at least five years except in counties with a population of 40,000 or less when the person must only be a member of The Florida Bar. County judges serve for six years.    County judges are eligible for assignment to circuit court, and they are frequently assigned as such within the judicial circuit that embraces their counties. | The trial jurisdiction of county courts is established by statute. The jurisdiction of county courts extends to civil disputes involving $15,000 or less. Most non-jury trials in Florida take place before one judge sitting as a judge of the county court. The county courts are sometimes referred to as "the people's courts," probably because a large part of the courts' work involves citizen disputes, such as traffic offenses, less serious criminal matters (misdemeanors), and relatively small monetary disputes. |