

# Courts

*at a Glance*

For Everyone from Students to Seniors



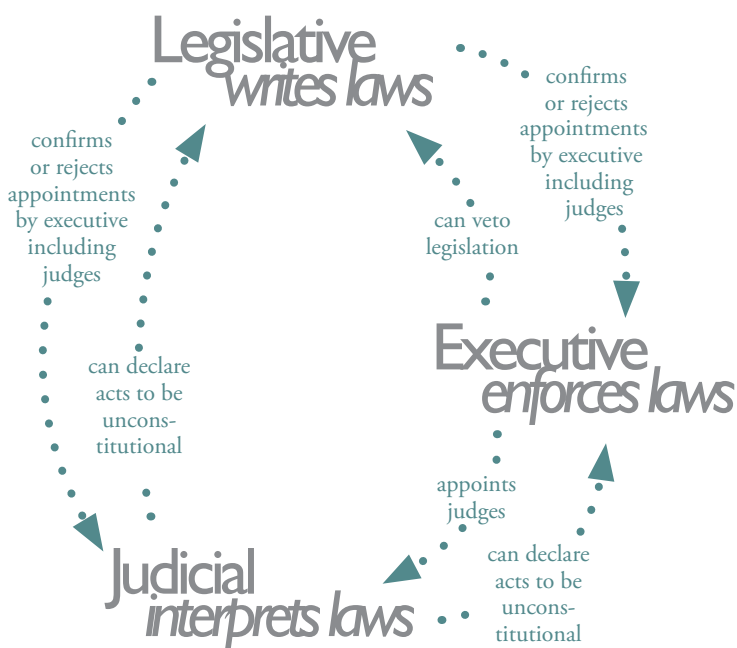
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# Branches of American Government

## Separation of Powers

The governmental system of the United States uses separation of powers. This means that the government has separate branches that deal with different aspects of governing. These three branches are the legislative, executive, and judicial branches. This system is in place for both the federal (national) and state governments. The legislative branch, which on the national level is the U.S. Congress, passes new laws. The executive branch, headed by the president, enforces laws. The judicial branch, headed by the U.S. Supreme Court, interprets laws. While each branch has its own duties, the other branches of government have some control over its actions. These interactions are called checks and balances. Checks and balances keep one branch of government from being much stronger than the others. See the diagram below for U.S. checks and balances.

## United States Checks & Balances



## Role of the Judicial Branch

Every state and the federal government have an independent judicial branch to interpret and apply state and federal laws to specific cases. By providing a place where people can go to resolve disputes according to law, through a fair process, and before a knowledgeable and neutral judge or jury, the judicial branch helps to maintain peace and order in society. Courts handle a wide range of legal disputes over contracts; property; personal injuries; child custody, support and visitation; and other important issues. Courts also determine whether traffic, criminal or juvenile laws have been violated, and, if so, they determine the penalties to be imposed.

## Role of the Legislative Branch

The legislative branch makes new laws and modifies existing laws. Every state has a state legislature that includes elected representatives from the various regions or districts within the state. The state legislature makes laws that govern the actions of individuals and businesses within the state. [Iowa's legislature includes 100 people in the House of Representatives and 50 people in the Senate.] There is also a national or federal legislature called the United States Congress, which includes the House of Representatives and the Senate. Every state has representatives in the U.S. Congress. The number of representatives a state sends to the House of Representatives is based on the state's population. There are a total of 435 members in the House of Representatives. Each state also has two representatives (called Senators) who serve in the United States Senate, for a total of 100 U.S. Senators.

## Role of the Executive Branch

The executive branch enforces laws passed by the legislature. Every state has a Governor, who is elected to be the head of the executive branch. At the national level, the President is the head of the federal executive branch. The Governor (and the President at the federal level) has the power to sign or veto (reject) laws passed by the legislature. They also have authority over a wide range of agencies and departments that assist in the enforcement of laws

and oversee how the government spends the taxpayers' money. For example, the Environmental Protection Agency, Department of Justice, Department of Commerce, and Department of Health and Human Services are all federal executive branch agencies. Almost every state has similar executive branch agencies to help enforce state laws. At the national level, the President also is the Commander-in-Chief of the armed forces and has authority to develop and maintain relations with foreign nations.

# American Court Systems

Many people are surprised to learn that there isn't a single "court system" in the United States. Every state has its own court system to handle cases that involve disputes or crimes that arise within the state. The federal government also has a court system to handle cases that involve disputes or issues governed by federal laws or the U.S. Constitution.

## State Courts

Every state has its own judicial branch, so there are 50 state court systems (plus the District of Columbia and Puerto Rico).

- Handle 95% of court cases in the United States.
- Handle cases involving disputes that arise under state laws
- Every state court system is unique in some way. States differ widely in how they organize their courts.
- Some states have as many as 50 different types of courts, but Iowa only has 3 courts; Supreme Court, Court of Appeals, and District Court.

## Federal Courts

There is a federal court system that handles claims under federal jurisdiction.

- Handle about 5% of court cases in the United States.
- Handle cases involving a violation of the U.S. Constitution, federal laws, or disputes over contracts or personal injuries involving citizens from different states and damages worth more than \$75,000.
- Includes U.S. district courts, Court of International Trade, Claims Court, Circuit Courts of Appeal, Court of Appeals for the Federal Circuit, and the U.S. Supreme Court.

# Types of Courts

Federal and state systems each have two different types of courts: trial courts and appellate courts. The general difference is this: trial courts hear original cases, while appellate courts hear only appeals.

## Trial Courts

In Iowa, the trial court is called the District Court. Judges and Magistrates on this level handle a wide variety of cases, from murder to traffic violations to civil cases.

- Almost all cases start in a trial court. This is where the case is filed and evidence is gathered.
- As the name suggests, trial courts are where the trial is held before a judge or jury.
- In trial courts, both sides offer witnesses and evidence to support their side and the judge or jury makes decisions based on that evidence.
- About 90% of civil and criminal cases never go to a trial. The parties involved in a civil or domestic case usually settle the dispute before trial, and many criminal defendants enter a guilty plea before trial.

## Appellate Courts

Most states (including Iowa) and the federal courts have two levels of appellate courts:

- An intermediate court of appeals, which handles all or most of the appeals coming from the trial courts in the state or federal court system. [In Iowa, this is called the Court of Appeals.]
- A Supreme Court, which is the final court of appeal. In Iowa, all appeals go first to the Supreme Court, which chooses to hear the appeal or transfers it to the Court of Appeals. Appellate courts are where a party involved in a civil case (or a defendant in a criminal case) goes if they do not agree with the decision of the judge or jury in the trial court.
- An appellate court (or court of appeals) usually includes a panel of 3 or 5 judges — or more. (The U.S. Supreme Court and a few state Supreme Courts have 9 justices.)
- In a court of appeals, there is no presentation of witnesses or physical evidence, which is done only in the trial court. The final judgment on an appeal is determined by a majority of the panel of appellate judges.

# American Court Systems Flow Chart

## Top Level: Courts of Last Resort on Appeal

### U.S. Supreme Court

The U. S. Supreme Court is free to accept or reject the cases it will hear. It must, however, hear certain rare mandatory appeals and cases within its original jurisdiction as specified by the Constitution.

### State Supreme Courts of Appeal

Called the State Supreme Court in almost all states. It's the final court of appeal for all but a small number of state cases. If a case involves a right protected by the U.S. Constitution, a party may appeal to the U.S. Circuit Court of Appeals.

## Intermediate Courts of Appeal

### State Intermediate Courts of Appeal

40 states have ICAs. These courts are the first court of appeals for most state cases. (In Iowa, this is the Court of Appeals.) In 10 states the state Supreme Court is the only court of appeals.

### U. S. Circuit Courts of Appeal

There are 12 of these courts. Each state and U.S. District Court is in one of the 12 circuits. Each court reviews cases from the U. S. District Courts in its Circuit. Appeals go to the U.S. Supreme Court.

### U. S. Court of Appeals for the Federal Circuit

This court reviews civil appeals dealing with minor claims against the U.S. government; appeals in patent-right cases and cases involving inter-national trade disputes.

## Base Level: Trial Courts

### State Trial Courts

Almost all cases involving state civil and criminal laws are initially filed in state or local trial courts. They are typically called Municipal, County, District, Circuit, or Superior Courts. In Iowa, they are called "District Courts;" there is one in each county.

Appeals from the state trial court usually go to the state intermediate court of appeals.

“About 95% of all court cases in the U.S. come through the state trial courts.”

### U. S. District Courts

There are 94 federal district courts, which handle criminal and civil cases involving: Federal statutes, The U.S. constitution, Civil cases between citizens from different states and the amount of money at stake is more than \$75,000 (This is the most common type of case in the U.S. District Court.)

Most appeals from here go to the U.S. Circuit Court of Appeals; some go to the U.S. Court of Appeals for the Federal Circuit.

### U. S. Court of International Trade

Specializes in cases that involve international trade. Appeals go to the US Court of Appeals for the Federal Circuit

### U. S. Claims Court

For federal cases involving amounts over \$10,000, conflicts from Indian Claims Commission and cases involving some government contractors. Appeals go to the CAFC.

# District Court

is the Court of General Jurisdiction, with one district court in each of the 99 counties, organized into 8 judicial districts. Exclusive jurisdiction over civil, domestic, and probate cases; small claims process for cases involving \$5000 or less. Exclusive jurisdiction over juvenile, criminal, traffic violation and other violation case, except for uncontested parking violations. The court hears appeals from magistrate court and district judges hear appeals from district associate court.

“ Makes decisions and dissatisfied parties can appeal. ”

# Supreme Court

“ May accept a case or refer it to the Court of Appeals. Decision is final unless case involves a Federal issue that may be appealed to the U.S. Supreme Court. ”

is the Court of Last Appeal . There are seven Justices, and there is mandatory jurisdiction in civil, criminal, administrative agency, juvenile, disciplinary, certified questions from Federal courts and original proceeding cases.

# Court of Appeals

is the Court of Intermediate Appeal. Ninety percent of all appeals are transferred to this court. There are nine judges that sit in panels of three, and there is no discretionary jurisdiction; the court only hears cases referred to it by the Iowa Supreme Court.

“ Files opinions; its decisions may be appealed to the Iowa Supreme Court. ”

# Steps in a Criminal Case in Iowa District Courts

## Initial Appearance in Court

- Required to be held within 24 hours if defendant is held in jail.
- Magistrate / judge reads charges to defendant; determines if there are grounds for charge(s).
- Informs defendant of constitutional rights; sets bail amount, if appropriate.
- Counsel appointed for indigent defendants.
- This usually occurs in “magistrate court.”

## Preliminary Hearing

- Required to be held within 10 days after initial appearance if defendant is in custody/jail; within 20 days of initial appearance if not in custody -- unless waived (given up) by defendant.
- Judge determines, based on the county attorney’s evidence, if there is “probable cause” (or a reasonable basis) to believe the defendant committed the offense.
- This event is often waived by defendants.

## Filing of Formal Charges by the County Attorney

- If the charges include an “indictable offense” (a serious or aggravated misdemeanor or a felony), the county attorney must file a formal charging document called a “trial information.” Or the county attorney may seek an “indictment” -- a formal charge recommended by a grand jury (7 citizens selected to hear the county attorney’s evidence and determine if the defendant probably committed the crime; the grand jury does not determine guilt beyond a reasonable doubt). County attorneys in Iowa rarely use a grand jury; they usually file a trial information.
- Formal charges must be filed within 45 days after initial appearance or the case could be dismissed.

## Arraignment

- Required to occur as soon as practicable after the filing of formal charges.
- Judge determines whether there is sufficient evidence to proceed.
- Defendant required to enter a plea of guilty or not guilty.

## Pretrial Matters

- Defense and prosecution continue to investigate the case.
- Attorneys file motions (e.g., to exclude some or all evidence because it was obtained illegally by police; to dismiss the charges because the arrest was illegal). A judge or magistrate enters decisions on these motions.
- Prosecutor and defense attorney may engage in “plea negotiations” (what charges and sentence the prosecutor might recommend if the defendant pleads guilty before trial); a judge must approve any agreement.

## Trial

- Indictable cases go to a jury trial, unless defendant requests a trial before a judge.
- Jury trials: 12 jurors; a verdict of guilty “beyond a reasonable doubt” or not guilty must be unanimous, or the judge will declare a mistrial. A prosecutor may bring the case to a jury trial again after a mistrial.
- If found “not guilty” after trial, a defendant may not be tried again on that charge.

## Sentencing

Defendants who are convicted can be sentenced to jail, prison, probation, treatment (for drugs or alcohol addiction), pay a fine and/or restitution to the victim.

“ Trial must take place within 90 days after indictment or filing of an information, unless the defendant waives the right to a speedy trial; but all criminal trials must be started within one year from arraignment unless good cause for further delay is shown. ”

# Ways that cases are concluded without trial:

Some cases are dismissed because the plaintiff fails to serve the petition/complaint on the defendant.

Some cases end in a default judgment against the defendant for failure to file an answer.

- Settled by the parties (most cases are in this group)
- Summary judgment entered by a judge
- Dismissed by judge if the plaintiff fails to move the case forward.

Small claims cases (\$5000 or less) are usually handled by magistrates or district associate judges.

## Steps in a Civil Case in Iowa District Courts

1

### Filing

Plaintiff (petitioner) files a written complaint (petition) and serves a copy on the defendant

2

### Answer

Defendant files a written answer and serves a copy on the plaintiff

3

### Pre-trial activities

- Discovery / investigation
- Motions decided by judge, if necessary
- Settlement discussions in most cases

4

### Trial date is set

- Further settlement discussions (optional)
- Final motions before trial (optional)
- (Some cases settle at this stage.)

5

### Trial

Less than 3% of civil cases in Iowa go to a jury trial. (Some cases settle after the trial starts.)