Structure of the Federal Courts

Inquire: What is the Structure of the Federal Courts as Devised by Congress?

Overview
The federal court system encompasses more territory and more people than any of the state court systems, since it takes in all 50 states and the entire population of the United States. However, the federal court system with its 136 courts is not as large as, say, the Texas Court system with 2727 separate courts.

When it comes to courts, the vast majority of the cases in America are state cases, not federal. In this lesson, we will discuss the structure of the federal courts and analyze the appellate process in the federal system.

Big Question: What is the process of an appeal through the federal courts?

Watch: A Dual Court System
Before the writing of the U.S. Constitution and the establishment of the permanent national judiciary under Article III, the states had courts. Each of the 13 colonies also had its own courts, based on the British common law model. The judiciary today continues as a dual court system, with courts at both the national and state levels. Both levels have three basic tiers consisting of trial courts, appellate courts, and finally courts of last resort, typically called supreme courts, at the top.

To add to the complexity, the state and federal court systems sometimes intersect and overlap each other, and no two states are exactly alike when it comes to the organization of their courts. Since a state’s court system is created by the state itself, each one differs in structure, the number of courts, and even name and jurisdiction. Thus, the organization of state courts closely resembles but does not perfectly mirror the more clear-cut system found at the federal level.

So, the court system in the United States is a dual court system, with each consisting of essentially three tiers: trial courts, appellate courts, and a supreme court, with the U.S. Supreme Court being the last word in both systems.

Cases heard by the U.S. Supreme Court come from two primary pathways: (1) the circuit courts or U.S. courts of appeals (after the cases have originated in the federal district courts), and (2) state supreme courts (when there is a substantive federal question in the case).
Criminal Law and Civil Law

Courts hear two different types of disputes: criminal and civil. Criminal law is always written down — usually in a “penal code” for the various jurisdictions — because if a criminal law is not written down, people cannot have "constructive knowledge" and be charged with the crime. A governmental entity is always a party to a criminal law.

On the other hand, civil law cases involve two or more private (non-government) parties, at least one of whom alleges harm or injury committed by the other. In 49 states (Louisiana being the one that is different) much of the civil law is common law, or court-made law that is found in the court’s decisions.

In both criminal and civil matters, the courts decide the remedy and resolution of the case, and in all cases, the U.S. Supreme Court is the final court of appeal.

Read: The Federal Court System

Overview

Congress has made numerous changes to the federal judicial system throughout the years, but the three-tiered structure of the system is quite clear-cut today. Federal cases typically begin at the lowest federal level, the district (or trial) court. Losing parties may appeal their case to the higher courts — first to the circuit courts, or U.S. courts of appeals, and then, if chosen by the justices, to the U.S. Supreme Court. Decisions of the higher courts are binding on the lower courts. The precedent set by each ruling, particularly by the Supreme Court’s decisions, both builds on principles and guidelines set by earlier cases and frames the ongoing operation of the courts, steering the direction of the entire system.

Reliance on precedent has enabled the federal courts to operate with logic and consistency that has helped validate their role as the key interpreters of the Constitution and the law — a legitimacy particularly vital in the United States where citizens do not elect federal judges and justices but are still subject to their rulings.

The Three Tiers of Federal Courts

There are 94 U.S. district courts in the 50 states and U.S. territories, of which 89 are in the states (at least one in each state). The others are in Washington D.C.; Puerto Rico; Guam; the U.S. Virgin Islands; and the Northern Mariana Islands. These are the trial courts of the national system, in which federal cases are tried, witness testimony is heard, and evidence is presented. No district court crosses state lines, and a single judge oversees each one. Some cases are heard by a jury, and some are not.

Courts of Appeals

There are 13 U.S. courts of appeals, or circuit courts: 11 across the nation and two in Washington D.C. (the D.C. circuit and the federal circuit courts). Each court is overseen by a rotating panel of three judges who do not hold trials but instead review the rulings of the trial (district) courts within their geographic circuit. As authorized by Congress, there are currently 179 judges. The circuit courts are often referred to as the intermediate appellate courts of the federal system, since their rulings can be appealed to the U.S. Supreme Court. Moreover, different circuits can hold legal and cultural views, which can lead to differing outcomes on similar legal questions. In such scenarios, clarification from the U.S. Supreme Court might be needed.

Today’s federal court system was not an overnight creation; it has been changing and transitioning for more than 200 years through various acts of Congress. Since district courts are not called for in Article III
of the Constitution, Congress established them and narrowly defined their jurisdiction, at first limiting them to handling only cases that arose within the district. Beginning in 1789 when there were just 13, the district courts became the basic organizational units of the federal judicial system. Gradually over the next hundred years, Congress expanded their jurisdiction, in particular over federal questions, which enables them to review constitutional issues and matters of federal law.

The circuit courts started out as the trial courts for most federal criminal cases and for some civil suits, including those initiated by the United States and those involving citizens of different states. But, early on, they did not have their own judges; the local district judge and two Supreme Court justices formed each circuit court panel. (That is how the name “circuit” arose — judges in the early circuit courts traveled from town to town to hear cases, following prescribed paths or circuits to arrive at destinations where they were needed.)

Circuit courts also exercised appellate jurisdiction (meaning they receive appeals on federal district court cases) over most civil suits that originated in the district courts; however, that role ended in 1891, and their appellate jurisdiction was turned over to the newly created circuit courts, or U.S. courts of appeals. The original circuit courts — the ones that did not have “of appeals” added to the name — were abolished in 1911, fully replaced by these new circuit courts of appeals.

While we often focus primarily on the district and circuit courts of the federal system, other federal trial courts exist that have more specialized jurisdictions, such as the Court of International Trade, Court of Federal Claims, and U.S. Tax Court. Specialized federal appeals courts include the Court of Appeals for the Armed Forces and the Court of Appeals for Veterans Claims. Cases from any of these courts may also be appealed to the Supreme Court, although that result is rare.

On the U.S. Supreme Court, there are nine justices: one chief justice and eight associate justices. Circuit courts each contain three justices, whereas federal district courts have just one judge each. As the national court of last resort for all other courts in the system, the Supreme Court plays a vital role in setting the standards of interpretation that the lower courts follow. The Supreme Court’s decisions are binding across the nation and establish the precedent by which future cases are resolved in all the system’s tiers.

The U.S. court system operates on the principle of **stare decisis** (Latin for stand by things decided), which means that today’s decisions are based largely on rulings from the past, and tomorrow’s rulings rely on what is decided today. *Stare decisis* is especially important in the U.S. common law system, in which the consistency of precedent ensures greater certainty and stability in law and constitutional interpretation, and it also contributes to the solidity and legitimacy of the court system itself. As former Supreme Court justice Benjamin Cardozo summarized it years ago, “Adherence to precedent must then be the rule rather than the exception if litigants are to have faith in the even-handed administration of justice in the courts.”

When the legal facts of one case are the same as the legal facts of another, *stare decisis* dictates that they should be decided the same way, and judges are reluctant to disregard precedent without justification. However, that does not mean there is no flexibility or that new precedents or rulings can never be created. They often are. Certainly, court interpretations can change as times and circumstances change, and as the courts themselves change when new judges are selected and take their place on the bench. For example, the membership of the Supreme Court had changed entirely between *Plessy v. Ferguson* (1896), which brought the doctrine of “separate but equal” and *Brown v. Board of Education* (1954), which required integration.
Reflect: Appointment or Election?

Poll
In many states, the judges are elected officials, meaning the people get to vote on them and every two or four years the people can “unelect” them if they are not performing as the people like. The proponents point to the accountability this brings to the judiciary. If I can unelect my city councilman, representative, senator, and even my president, why shouldn’t I be able to unelect my judges? The people opposed say it puts “justice for sale.” Judges have to raise money to get elected, and to get a judge to look favorably on a case, one can make a large donation to his campaign.

Federal judges are appointed for life. The proponents say this gives them the independence to make what they believe are the right decisions, without pressure from the people and a perhaps mistaken majority. The people opposed say this creates an elitist, egotistical judiciary detached from the people’s beliefs or wants.

Do you think judges should be elected or appointed?
- elected
- appointed

Expand: The Constitutional Basis of the Federal Courts

Discover
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. -Article III, Section 1, The Constitution of the United States

We looked at the three tiers of the federal courts in the Read section. Now, let’s look at the constitutional basis of the creation of the courts.

Notice that, according to the Constitution, Congress creates courts. By implication, Congress also has the power to reorganize and even dismantle the court system. This clause provides one of many examples of the checks and balances in the Constitution, but it also reveals the founders' intent to grant greater powers to the legislative branch than to the judicial.

The fact that most of the basic court structure has changed little since it was created by the Judiciary Act of 1789 is an indication that Congress does not readily use this power. The relative independence of the court system, as well as the evolutionary power of the judicial branch, has been generally respected by members of subsequent Congresses.

Constitutional Courts
Courts established by the Judiciary Act of 1789 are called constitutional courts because they are mentioned in Article III (they are the "inferior courts" in the quote above). Judges who preside over these courts are nominated by the president, confirmed by the Senate, and serve lifetime terms as long as they exhibit “good behavior.” Over the years, Congress has created other courts to handle cases for special purposes.
Legislative Courts

Those latter courts are referred to as "legislative courts." For example, by the early 20th century, Congress had set up the U.S. territorial courts to hear federal cases in the territories that the United States began acquiring during the late 1800s. Judges for legislative courts are also appointed by the president and confirmed by the Senate, but they serve fixed, limited terms.

The Judicial Circuits

The federal court system is divided into 12 geographic circuits. For example, Circuit One includes the New England states of Maine, New Hampshire, and Massachusetts. Circuit Nine includes seven states in the far western part of the country. Originally, each state in each circuit was to have one district court, where all federal cases from the state originated.

Over time, as the population grew, additional district courts were added. Today, a total of 94 district courts exist; they are staffed by more than 600 judges. Some circuits have more than others, based on population, but each circuit still has only one court of appeals. Cases not settled in the courts of appeal may be appealed further, but only to the Supreme Court.

District Courts and Courts of Appeals

Most cases that deal with federal questions or offenses begin in district courts, which are almost always granted original jurisdiction. District courts hear appeals cases only in the rare case of a constitutional question that may arise in state courts. About 80 percent of all federal cases are heard in district courts, and most of them end there. The number of judges assigned to district courts varies from two to 28, depending on caseloads and population.

Courts of Appeal

By the late 19th century, so many people were appealing their cases to the Supreme Court that Congress created another type of constitutional court: the courts of appeals. Today, along with 12 courts of appeals (one for each circuit), a 13th court, the Court of Appeals for the Federal Circuit, hears cases that deal with patents, contracts, and financial claims against the federal government.

Courts of appeals never hear cases on original jurisdiction, and most appeals come from district courts within their circuits. They do sometimes hear cases from decisions of federal regulatory agencies as well.

Appeals courts have no juries, and panels of judges (usually three) decide the cases. Their decisions are almost always final. Their decisions may be appealed only to the Supreme Court, and because the Court is able to hear only a very small percentage of them, almost no cases go further than the appeals courts.

Thus, even though the founders surely intended that Congress hold a great deal of power over the judicial branch, in reality the basic organization of federal courts has remained mostly the same throughout U.S. history. Congress has created new courts and reorganized others, and the system has grown increasingly complex. The courts have a great deal of independence, however, and they have established the judicial branch as a strong coequal to Congress and the president.
Lesson Toolbox

Additional Resources and Readings

Title: Structure of the Court System: Crash Course Government and Politics #19
● Description: A video discussing the structure of the U.S. court system and how exactly it manages to keep things moving smoothly
● https://www.youtube.com/watch?v=IGyx5UEwgtA&t=9s

Title: Legal System Basics: Crash Course Government and Politics #18
● Description: A video discussing the judicial branch and the basics of the legal system
● https://www.youtube.com/watch?v=mXw-hEB263k&list=PLfnE1uHYzu_rZiUgxkqqET4-J3nnBljAE&index=1

Title: AP Gov: What is the Structure of the Judicial Branch? - Parts 1 & 2
● Description: A video discussing the structure of the judicial branch
● https://www.youtube.com/watch?v=MOYf1tkS3Co

Lesson Glossary

precedent: the principles or guidelines established by courts in earlier cases that frame the ongoing operation of the courts, steering the direction of the entire system
district courts: the trial courts of the federal court system where cases are tried, evidence is presented, and witness testimony is heard
courts of appeals: the appellate courts of the federal court system that review decisions of the lower (district) courts; also called circuit courts
circuit courts: the appeals (appellate) courts of the federal court system that review decisions of the lower (district) courts; also called court of appeals
stare decisis: the principle by which courts rely on past decisions and their precedents when making decisions in new cases

Check Your Knowledge

1. Like the Constitutional Courts, Legislative Court judges are appointed by the president and confirmed by the Senate, but unlike the Constitutional Courts, they serve fixed, limited terms.
   A. True
   B. False

2. Cases not settled in the courts of appeals may be appealed further, but only to the Supreme Court.
   A. True
   B. False

3. Along with 13 courts of appeals, a 14th court, the Court of Appeals for the Federal Circuit, hears cases that deal with patents, contracts, and financial claims against the federal government.
   A. True
   B. False
Answer Key:

Citations

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