



Federal Courts And Jurisdictions

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Background

Article III of the United States Constitution establishes the judicial power of the federal government. Under the Constitution, the authority of the federal judiciary extends only to certain "cases" and "controversies," which are identified by either the nature of the suit or the parties involved. The Constitution establishes the Supreme Court of the United States and permits Congress to establish "inferior" federal courts. The federal judiciary currently consists of the Supreme Court, courts of appeals in 12 regional judicial circuits, two intermediate [APPELLATE](#) courts with special power to hear cases originating nationwide, a total of 94 judicial districts throughout the 50 states that contain at least one federal district court and one [BANKRUPTCY](#) court, territorial courts that function as district courts in several territories, and specialized tribunals that have been established by Congress pursuant to power provided in Article I of the Constitution. The district courts serve as the trial courts in the federal system, while the courts of appeals serve as intermediate appellate courts.

The power or authority of a court to hear and decide a case or controversy is called the [JURISDICTION](#) of the court. Jurisdiction may be divided into two broad categories: subject-matter jurisdiction and personal jurisdiction. Subject-matter jurisdiction refers to the authority of a court to hear a certain type of case, while personal jurisdiction refers to the power with which a court may bind an individual party. Most cases and controversies that can be heard by the federal judiciary consist of the following:

- Cases governed by federal law, such as the federal Constitution, federal [STATUTORY](#) provisions, or federal regulations (federal question jurisdiction)
- Suits between citizens of different states (diversity jurisdiction)
- Suits between a citizen of a state and a citizen of a foreign country
- Admiralty and maritime cases
- Suits in which the United States is a party
- Suits between two states

The United States operates with a dual system of courts: the federal judiciary and the judicial systems of the states. If a party brings an action in a state court, but a federal court has jurisdiction to hear the case, the [DEFENDANT](#) may choose to "remove" the case to the federal court, subject to several limitations set forth in Title 28 of the United States Code. The defendant is not obligated to remove such a case, and questions about whether removal is proper in a particular case are often subjects of controversy in federal courts. In a case where a federal court permits a state court case to be removed but later determines that removal was improper, the federal court will remand the case to the state court.

Structure and Power of the Federal Courts

Pursuant to its Constitutional power, Congress has established inferior courts in the federal judiciary at the intermediate appellate and trial court levels. Courts that have been established under Article III of the Constitution, including the Supreme Court of the United States, United States Courts of Appeals, and United States District Courts, are called constitutional, or Article III, courts. Congress, pursuant to powers granted in Article I, may also establish legislative, or Article I, courts. These courts are designed to carry out specific legislative directives. Examples of such courts are the United States Court of Federal Claims and the United States Tax Court.

Supreme Court of the United States

The Supreme Court of the United States consists of the [CHIEF JUSTICE](#) of the United States and, since 1869, eight associate justices. The number of justices varied during the first 80 years of the country's history, beginning with five justices in 1798 and growing to as many as ten in 1863. Congress retains authority under the Constitution to establish the number of associate justices. The president of the United States nominates Supreme Court justice candidates, and appointments are made "with the advice and consent of the Senate." Under Article III of the Constitution, United States Supreme Court justices have lifetime tenure in their positions "during time of good Behaviour." Lifetime tenure is also true of the judges in the lower constitutional courts of the federal system. The chief justice presides over the Supreme Court and also holds leadership roles on the Judicial Conference of the United States, the Administrative Office of the United States, and the Federal Judicial Center.

In the vast majority of Supreme Court decisions, the Court exercises its appellate jurisdiction. The Court may assert original jurisdiction (that is, decide a case from beginning to end) if the case involves states or a state and the federal government. These types of cases are seldom filed with the Court. In exercising its appellate jurisdiction, the Court can hear cases appealed from both lower federal courts and state supreme courts if a case involves an issue of federal law. With respect to cases originating in state court, parties must exhaust their possibilities in the state court system before the Supreme Court will consider [HEARING](#) a case.

The Supreme Court is not required to hear most requests for appeals. The decision of the Supreme Court to hear an appeal is discretionary in almost all cases today. Unless an appeal is mandatory, which is very rare, a party who wishes for the Supreme Court to hear an appeal must file a [WRIT](#) of [CERTIORARI](#), which requests that the Court review the decision of a lower court. The Court denies writs of certiorari in the vast majority of cases. The Court today grants appeals in only about one percent of the cases filed before it each year. If the Court refuses an appeal, it permits the lower court's decision to stand but does not have any other significant meaning (for example, it is not an affirmance of the lower court's opinion).

Many of the Supreme Court's decisions involve interpretation of the Constitution. The Court established itself as the primary authority to interpret the Constitution in the famous case of *Marbury v. Madison* in 1803. As the primary interpreter, the Court may invalidate an act of Congress if the act violates a right granted under the Constitution or Congress has misused powers granted to it under the Constitution. The Court does not decide "political questions," meaning those questions that another branch of government is better suited to answer. The Court also refuses to provide advice to the other branches of government. This restriction stems from the famous refusal of Chief Justice John Jay to provide advice to President George Washington about the implications under the new Constitution of a foreign policy decision.

Federal Courts of Appeals

Congress through the Judiciary Act of 1891 originally established the intermediate appellate courts in the federal judiciary to relieve the caseload on the Supreme Court justices. Prior to 1891, cases were appealed routinely to the Supreme Court, which was required in most cases to hear the appeal. The courts of appeals now have jurisdiction to hear appeals from the federal district courts in virtually all cases. Unlike the Supreme Court, courts of appeals do not have discretionary jurisdiction to decide whether to grant an appeal. Other Acts of Congress have expanded the jurisdiction of the courts of appeals to hear appeals of decisions of federal administrative agencies. Courts of appeals also have a number of additional administrative functions that have been directed by Congress.

The federal court system currently consists of 12 regional circuits, each with one court of appeals. Eleven of these circuits are numbered (for example, the Fifth Circuit governs Texas, Mississippi, and Louisiana). The twelfth circuit, the Court of Appeals of the District of Columbia, governs only Washington, D. C., but hears a number of cases involving federal agencies. Congress in 1982 created the United States Court of Appeals for the Federal Circuit, which combined the functions of the United States Court of Customs and PATENT Appeals and the United States COURT OF CLAIMS. The Federal Circuit's jurisdiction, unlike the regional circuits, is nationwide, though it only applies to areas of law that are dictated by Congress.

Federal District Courts

The federal court system includes 94 district courts in the 50 states, Washington, D. C., Puerto Rico, Guam, U. S. Virgin Islands, and Northern Mariana Islands. Most states have only one judicial district. Larger states can have between two and four districts. The district courts serve as the general trial courts of the federal system. Each district also has a bankruptcy unit, as district courts have exclusive jurisdiction over bankruptcy cases.

District courts generally have jurisdiction to hear cases involving federal law and those involving citizens of different states. If a party in a state case can prove that a federal district court has jurisdiction to hear a case, the party may remove the case to the federal court. However, the federal court may abstain from hearing a case that involves questions of both federal law and state law. A situation may also arise where a federal district court may no longer have jurisdiction to hear a case because of changes in the parties to the suit. If a case has been removed to federal district court and the federal district court lacks jurisdiction, the court on motion of one of the parties will remand the case to the appropriate state court.

Specialized Federal Courts

Congress has created a number of courts in the federal system that have specialized jurisdiction. Unlike constitutional courts, judges appointed to legislative courts do not enjoy lifetime tenure, unless Congress specifically authorized a life term. Moreover, judges in legislative courts do not enjoy the Constitutional prohibition against salary reductions of judges. A summary of these courts is as follows:

- The United States Court of Appeals for the Armed Forces reviews court martial convictions from the armed forces. Only the Supreme Court of the United States can review its cases. Judges sitting on this court enjoy neither life tenure nor protection against salary reduction.
- The United States Court of Federal Claims has jurisdiction to hear a broad range of claims brought against the United States. The court was called the United States Claims Court from 1982 to 1992. Many cases brought before this [TRIBUNAL](#) are tax cases, though the court also hears cases involving litigants who were federal employees and other parties with monetary claims against the United States. Judges sitting on this court enjoy neither life tenure nor protection against salary reduction. An adverse decision in this court is appealed to the United States Court of Appeals for the Federal

Circuit.

- The United States Court of International Trade has jurisdiction to hear cases involving customs, unfair import practices, and other issues regarding international trade. This court is a constitutional court, so its judges have lifetime tenure and protection against salary reduction.
- The United States Court of Appeals for Veterans Claims reviews decisions of the Board of Veteran Appeals. Appointments of judges last 15 years. An adverse decision in this court is appealed to the United States Court of Appeals for the Federal Circuit.
- The United States Tax Court is a legislative court that resolves disputes between citizens and the Internal Revenue Service. Appointments of judges last 15 years. Adverse decisions are appealed to a court of appeals in an appropriate regional circuit.

Jurisdiction of Federal Courts

No federal court has general jurisdiction, meaning that the court could hear any type of case brought before it in a particular location. The authority of a federal court to hear a case must be based on a federal law, whether it is the United States Constitution or a federal [STATUTE](#). Courts created by Congress with specialized jurisdiction are, of course, the most limited to hear a particular case because Congress permits these courts only to hear certain prescribed cases. The jurisdiction of constitutional courts is usually limited to one of two types of cases: cases involving a federal question and cases with parties with diversity of citizenship.

Diversity Jurisdiction

Article III of the Constitution provides that a federal court may hear a controversy between citizens of different states or citizens of the United States and citizens of foreign nations. Congress in Title 28 of the United States Code limits this power by requiring that the amount in controversy exceed \$75,000. The broad purpose behind diversity jurisdiction is that a state court may show [BIAS](#) towards its own citizen to the detriment of the citizen from another state. Diversity jurisdiction, to say the least, has long been a source of controversy.

One initial question in a diversity case is whether each of the parties does, in fact, reside in different states. For individuals, the question focuses on the individual's domicile rather than mere residence in a state. Thus, for example, if a party has a residence in both Texas and California, but his true domicile is Texas, then the party will be considered a citizen of Texas rather than a citizen of both states. Diversity jurisdiction requires complete diversity by all plaintiffs and all defendants in the suit, though there are limitations to this rule in the United States Code. For example, federal courts may have diversity jurisdiction to hear a case because all parties have diverse citizenship, but the court will not have supplemental jurisdiction over parties that are joined as plaintiffs in the case or over parties that intervene as plaintiffs in the case.

More difficult questions often arise when a corporation or association is a party to the suit. The right of a corporation is, in many respects, no different than the rights of an individual, since a corporation can sue or be sued. However, a corporation does not have a "domicile" that is similar to an individual. For diversity jurisdiction purposes, Congress provides that a corporation is a citizen in the state in which it is incorporated and in the state where it has its principal place of business. For smaller [CORPORATIONS](#), this question is usually not difficult, especially if the corporation has most of its offices and business in a single state. However, large national corporations may have offices in every state, so the question is much more complex. For these types of corporations, courts look to the so-called "nerve center" of the corporation, meaning the state in which most of the corporation's business is conducted.

Federal-Question Jurisdiction

The Constitution provides that federal courts have the power to hear cases that arise under the Constitution, laws, or treaties of the United States. Congress has granted this jurisdiction to federal district courts in Title 28 of the United States Code. The question of whether a case arises under a federal law is often clouded when a case involves issues with the application of both state and federal law. If a case primarily involves an issue of state law, but it also involves a remote federal issue, then the federal court is not the proper forum, and the case will be dismissed or remanded to state court. However, if a case involves important issues of both state and federal law, Congress permits a federal court, with some exceptions, to invoke supplemental jurisdiction to hear both the state claim and the federal claim in the same case.

Federal question jurisdiction must be based on the complaint of the plaintiff, not on the possibility of a federal defense. This limitation stems from the famous 1908 case of *Louisville & Nashville Railroad v. Mottley*, where the plaintiff anticipated a federal defense to a state law contract case. The Supreme Court held that the plaintiff's cause of action stated in the complaint must be based on federal law. This limitation is called the well-pleaded complaint rule. Since nothing prohibits state courts from hearing cases involving federal laws, federal courts are not required to hear all cases that involve federal laws.

Admiralty and Maritime Cases

Since the development of the Constitution, federal courts have had jurisdiction to hear admiralty and maritime cases. In contract cases, the question to determine jurisdiction is whether a contract relates to maritime commerce, not the place where a contract was made or was to be performed. However, a contract to build or sell a ship does not give rise to admiralty jurisdiction. Admiralty jurisdiction arises in tort cases if the tort occurred in navigable waters or if a vessel has caused injuries on land.

Bankruptcy

Federal courts have exclusive jurisdiction over bankruptcy cases. Each federal district court has a bankruptcy unit. Bankruptcy actions arise under Title 17 of the United States Code and generally incorporate all claims brought by a [CREDITOR](#) against the [DEBTOR](#) in the bankruptcy action. The federal bankruptcy laws differ from other state laws that govern the relationship between debtor and creditor, so certainly not all debtor-creditor cases are heard in federal court.

Other Areas of Federal Jurisdiction

The Constitution and federal statutes provide federal jurisdiction in a number of areas in addition to those discussed above. Such areas include, for example, prize cases (those determining the rights to cargo and ships captured at sea), and [COPYRIGHT](#), patent, and trademark cases.

Jurisdictions of Federal Courts in the U. S. States and Territories

Each state, the District of Columbia, and Puerto Rico contain between one and four federal districts, with the number of authorized judgeships in each district varying. Other territories, including Guam, the Virgin Islands, and the Northern Mariana Island, contain district courts as well. Each state also falls within one of the twelve circuits.

ALABAMA: Located in the 11th Circuit, the state is divided into three federal districts: Northern (Birmingham), Middle (Montgomery), and Southern (Mobile).

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ALASKA: Located in the 9th Circuit, the state has one federal judicial district, based in Anchorage.

ARKANSAS: Located in the 8th Circuit, the state is divided into two federal districts: Eastern (Little Rock) and Western (Fort Smith).

CALIFORNIA: Located in the 9th Circuit, the state is divided into four districts: Northern (San Francisco), Eastern (Sacramento), Central (Los Angeles), and Southern (San Diego).

COLORADO: Located in the 10th Circuit, the state has one federal judicial district, based in Denver.

CONNECTICUT: Located in the 2nd Circuit, the state has one federal judicial district, based in New Haven.

DELAWARE: Located in the 3rd Circuit, the state has one federal judicial district, based in Wilmington.

DISTRICT OF COLUMBIA: Located in the D. C. Circuit, Washington, D. C., has its own federal district.

FLORIDA: Located in the 11th Circuit, the state has three federal judicial districts: Northern (Tallahassee), Middle (Jacksonville), and Southern (Miami).

GEORGIA: Located in the 11th Circuit, the state has three federal judicial districts: Northern (Atlanta), Middle (Macon), and Southern (Savannah).

GUAM: The territory contains a federal district, based in Agana.

HAWAII: Located in the 9th Circuit, the state has one federal district, based in Honolulu.

IDAHO: Located in the 9th Circuit, the state has one federal district, based in Boise.

ILLINOIS: Located in the 7th Circuit, the state has three federal districts: Northern (Chicago), Southern (East Saint Louis), and Central (Springfield).

INDIANA: Located in the 7th Circuit, the state has two federal districts: Northern (South Bend) and Southern (Indianapolis).

IOWA: Located in the 8th Circuit, the state has two federal districts: Northern (Cedar Rapids) and Southern (Des Moines).

KANSAS: Located in the 10th Circuit, the state has one federal district, based in Wichita.

KENTUCKY: Located in the 6th Circuit, the state has two federal districts: Eastern (Lexington) and Western (Louisville).

LOUISIANA: Located in the 5th Circuit, the state has three federal districts: Eastern (New Orleans), Middle (Baton Rouge), and Western (Shreveport).

MAINE: Located in the 1st Circuit, the state has one federal district, based in Portland.

MARYLAND: Located in the 4th Circuit, the state has one federal district, based in Baltimore.

MASSACHUSETTS: Located in the 1st Circuit, the state has one federal district, based in Boston.

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MICHIGAN: Located in the 6th Circuit, the state has two federal districts: Eastern (Detroit) and Western (Grand Rapids).

MINNESOTA: Located in the 8th Circuit, the state has one federal district, based in St. Paul.

MISSISSIPPI: Located in the 5th Circuit, the state has two federal districts: Northern (Oxford) and Southern (Jackson).

MISSOURI: Located in the 8th Circuit, the state has two federal districts: Eastern (Saint Louis) and Western (Kansas City).

MONTANA: Located in the 9th Circuit, the state has one federal district, based in Billings.

NEBRASKA: Located in the 8th Circuit, the state has one federal district, based in Omaha.

NEVADA: Located in the 9th Circuit, the state has one federal district, based in Las Vegas.

NEW HAMPSHIRE: Located in the 1st Circuit, the state has one federal district, based in Concord.

NEW JERSEY: Located in the 3rd Circuit, the state has one federal district, based in Newark.

NEW MEXICO: Located in the 10th Circuit, the state has one federal district, based in Albuquerque.

NEW YORK: Located in the 2nd Circuit, the state has four federal districts: Northern (Syracuse), Eastern (Brooklyn), Southern (New York City), and Western (Buffalo).

NORTH CAROLINA: Located in the 4th Circuit, the state has three federal districts: Eastern (Raleigh), Middle (Greensboro), and Western (Asheville).

NORTH DAKOTA: Located in the 8th Circuit, the state has one federal district, based in Bismarck.

NORTH MARINA ISLANDS: The territory contains a federal district, based in Saipan.

OHIO: Located in the 6th Circuit, the state has two federal districts: Northern (Cleveland) and Southern (Columbus).

OKLAHOMA: Located in the 10th Circuit, the state has three federal districts: Northern (Tulsa), Eastern (Muskogee), and Western (Oklahoma City).

OREGON: Located in the 9th Circuit, the state has one federal district, based in Portland.

PENNSYLVANIA: Located in the 3rd Circuit, the state has three federal districts: Eastern (Philadelphia), Middle (Scranton), and Western (Pittsburgh).

PUERTO RICO: The territory contains a federal district, based in Hato Rey.

RHODE ISLAND: Located in the 1st Circuit, the state has one federal district, located in Providence.

SOUTH CAROLINA: Located in the 4th Circuit, the state contains one federal district, located in Columbia.

SOUTH DAKOTA: Located in the 8th Circuit, the state contains one federal district, based in Sioux Falls.

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TENNESSEE: Located in the 6th Circuit, the state contains three federal districts: Eastern (Knoxville), Middle (Nashville), and Western (Memphis).

TEXAS: Located in the 5th Circuit, the state contains four federal districts: Northern (Dallas), Southern (Houston), Eastern (Tyler), and Western (San Antonio).

UTAH: Located in the 10th Circuit, the state contains one federal district, based in Salt Lake City.

VERMONT: Located in the 2nd Circuit, the state contains one federal district, based in Burlington.

VIRGIN ISLANDS: The territory contains a federal district, based in Saint Thomas.

VIRGINIA: Located in the 4th Circuit, the state contains two federal districts: Eastern (Alexandria) and Western (Roanoke).

WASHINGTON: Located in the 9th Circuit, the state contains two federal districts: Eastern (Spokane) and Western (Seattle).

WEST VIRGINIA: Located in the 4th Circuit, the state contains two federal districts: Northern (Elkins) and Southern (Charleston).

WISCONSIN: Located in the 7th Circuit, the state contains two federal districts: Eastern (Milwaukee) and Western (Madison).

WYOMING: Located in the 10th Circuit, the state contains one federal district, based in Cheyenne.

Additional Resources

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Organizations

Administrative Offices of the Courts

Thurgood Marshall Federal Judiciary Building,

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Federal Judicial Center (FJC)

Thurgood Marshall Federal Judiciary Building
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URL: <http://www.fjc.gov/>

Supreme Court of the United States

U. S. Supreme Court Building
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Washington, DC 20543
Phone: (202) 479-3000
URL: <http://www.supremecourtus.gov/>

United States Sentencing Commission (USSC)

Office of Public Affairs
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