



State Courts And Procedures

©2010 eNotes.com, Inc. or its Licensors. Please see [copyright information](#) at the end of this document.

- [Background](#)
- [Function and Scope of State Courts](#)
- [The Concept of Jurisdiction](#)
- [General Structure of State Court Systems](#)
- [Judges and Administrative Staff](#)
- [State Provisions](#)
- [Additional Resources](#)

Background

The judicial powers of individual states are generally vested in various courts created by state constitution or (less frequently) state [STATUTE](#). Within the [BOUNDARIES](#) of each state and coexisting with state courts are numerous federal district and/or [APPELLATE](#) courts that function independently. Also coexisting within state boundaries are various administrative tribunals that also hear and decide legal matters, such as worker's compensation boards, professional licensing boards, and state administrative tribunals. Yet, there are often local, district, and/or municipal courts within the community. At first blush, it may appear overwhelming and confusing to consider what legal matter may be decided in which forum. But for the most part, each of the above courts has its own separate function and role in applying the laws to the controversies brought before it and administering justice to all.

Function and Scope of State Courts

To understand the function and scope of state courts, it is necessary to consider them in relation to the federal court system expressly created in Article III of the U. S. Constitution. Article III also establishes the type of cases that federal courts may hear and decide (federal "jurisdiction").

Article VII of the Constitution declares that "This Constitution, and the Laws of the United States . . . and all Treaties made . . . under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Later in the Constitution, the Tenth Amendment provides that "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The ultimate effect these provisions have upon state courts is to reserve to them the right to hear and decide any legal matter not expressly reserved for the exclusive [JURISDICTION](#) of federal courts (such as lawsuits between states). This matter mostly involves the "adjudication" of controversies concerning state laws, which impact the daily lives of citizens in a much greater manner than federal laws. State courts may also rule upon certain issues concerning federal law and the federal Constitution.

State legislatures are therefore free to create—and state courts are free to enforce—any law, regulation, or rule that does not conflict with or abridge the guarantees of the federal Constitution (or the state's own

constitution). The wide variance, from state to state, of both structure and procedure within the court systems is precisely due to the preservation of those independent powers to the states by the U. S. Constitution.

The Concept of Jurisdiction

A court's general authority to hear and/or "adjudicate" a legal matter is referred to as its "jurisdiction." In the United States, jurisdiction is granted to a court or court system by statute or by constitution. A court is competent to hear and decide only those cases whose subject matter fits within the court's jurisdiction. A legal decision made by a court that did not have proper jurisdiction is deemed void and nonbinding upon the litigants.

Jurisdiction may be referred to as "exclusive," "original," concurrent, general, or limited. Federal court jurisdiction may be "exclusive" over certain matters or parties (to the exclusion of any other forum) or may be "concurrent" and shared with state courts. In matters where both federal and state courts have concurrent jurisdiction, state courts may hear federal law claims (e.g., violations of [CIVIL RIGHTS](#)), and parties bringing suit may choose the forum. However, when a plaintiff raises both state and federal claims in a state court, the [DEFENDANT](#) may be able to "remove" the case to a federal court.

General Structure of State Court Systems

The general workhorse of a state court system is the trial court. This is the lowest level of court and is usually the forum in which a case or lawsuit originates. It may be a court of general jurisdiction, such as a circuit or superior court, or it may be a court of special or limited jurisdiction, such as a [PROBATE](#), juvenile, traffic, or family court. Some states handle "small claims" in separate courts, while others handle such claims in special divisions of the general trial courts. This is also true for probate and juvenile matters. Although someone may broadly refer to "juvenile court" or "small claims court," he or she may actually be referring to the juvenile or small claims "division" of the general circuit court.

- Probate courts primarily handle the administration of estates and the probating of wills. In many states, probate courts also handle such matters as competency hearings, applications for guardianships, adoptions, etc. In a minority of jurisdictions, probate courts may be referred to as surrogate's courts.
- Family courts hear cases involving (mostly) [CUSTODY](#) and [CHILD SUPPORT](#), neglect and abuse cases, and, sometimes, juvenile crime or truancy. Most family courts do not handle divorces, which are generally handled by the courts of general jurisdiction.
- Traffic courts handle civil infractions and violations involving motor vehicles, petitions for reinstatement of driving privileges, and related matters. Some may handle minor ([MISDEMEANOR](#)) criminal offenses related to motor vehicle-related violations. Most traffic courts do not handle automobile accident cases (as between the parties involved in an accident).
- Housing courts, or landlord-tenant courts, handle exactly that. In many jurisdictions, landlords must choose to file their cases in one of two courts, depending upon whether they seek [EVICTION](#), injunction, etc. (landlord-tenant court), or seek money damages (small claims court). Other jurisdictions handle all landlord-tenant related matters in a single court.
- Small-claims courts handle all civil matters in which the dollar amount in controversy does not exceed a certain amount. If a party seeks damages in an amount greater than the jurisdictional limit of the small claims court, the party must either waive his or her right to the exceeding amount or re-file the case in a court with greater jurisdiction. The maximum jurisdictional limit of small claims courts varies greatly from state to state but mostly falls in the range of \$3000 to \$7500.

Encyclopedia of Everyday Law: State Courts And Procedures

- Juvenile courts handle truancy and criminal offenses of minors. The maximum age of the minor varies from state to state but generally is either 16 or 18 years. Older juveniles who have committed serious crimes may be "bound over" to a court of general jurisdiction for determination of whether they should be tried as adults.

Importantly, states may have separate courts for criminal and civil matters. Most often, a trial court of general jurisdiction will handle both, but often on separate dockets. Many local or district courts will have limited jurisdiction for criminal matters (e.g. misdemeanors only). In such circumstances, a person charged with a [FELONY](#) may be arraigned in the district court and then "bound over" to the next level court (having proper jurisdiction) for criminal trial. Again, this varies greatly from state to state.

Every state has its own system to handle appeals from the trial courts. Most states have a three-tiered court system in which there are intermediate "appellate" courts that review jury verdicts or the opinions of trial court judges (on a limited basis and under strict criteria). These appellate courts may or may not be distinguished by separate buildings or courthouses. Often, what is referred to as a "court of appeals" is in reality a panel of justices who merely convene to hear and decide cases at the appellate level.

In a minority of states, trial court decisions receive only one appellate review at the level of the state's highest court or the court "of last resort" (generally referred to as the state's "supreme court"). Once a state's highest court has decided a matter, the only available appeal is to the U. S. Supreme Court. However, the Supreme Court is generally deferential to state supreme courts, and only reviews matters in very limited circumstances (e.g, where a state's highest court has ruled that a federal statute or treaty is invalid or unconstitutional, or where the highest courts of two or more states have ruled differently on federal issues). When a state's highest court has decided a matter that involves both federal and state issues, the U. S. Supreme Court will nonetheless refuse to review the matter if the non-federal question is decisive in the case.

Judges and Administrative Staff

Whereas most federal judges are appointed to their positions, the majority of state trial court judges are elected to their positions by the general populace. Appellate (especially supreme court) justices are often appointed by state governors or legislatures but may also be elected by voters.

What does vary greatly from state to state is whether judicial elections involve partisan politics. In some states, party politics play a direct role in judgeships; in other states, a judicial candidate's party affiliation is treated as private data (such as religious affiliation) not disclosed in campaign profiles. States also vary greatly in the extent to which they permit judicial candidates to "advertise" their candidacy and/or raise campaign funds.

State courts employ a large number of support staff, who are usually public employees paid by taxpayer funds. Generally, a judge's staff may include one or more private assistants, law clerks, court reporters, bailiffs and other court officers, and court clerks. The most important administrative office of the courthouse is that of the court clerk. This is the office that stamps and dates all lawsuits filed, serves process (or verifies the parties' service of process), posts legal notices, subpoenas witnesses, [SUMMONS](#) and prepares juries, and sends sheriffs or other court officials out to serve writs of [EXECUTION](#) to collect on unpaid judgments.

State Provisions

ALABAMA: See Title 12 of the Alabama Code of 1975, also available at <http://www.legislatures.state.al.us/codeofAlabama/1975>. Alabama's courts of limited jurisdiction are probate, county, justice, and recorder's courts. Its trial court of general jurisdiction is the "circuit court." Alabama has separate appellate courts for criminal and civil appeals and one supreme court.

ALASKA: Alaska has [MAGISTRATE](#) and district courts of limited jurisdiction. Its general trial courts are called "superior courts." Its court of last resort is its state supreme court.

ARIZONA: Courts of limited jurisdiction include "justice courts," municipal courts, and magistrate offices. The superior courts are the trial courts of general jurisdiction. Arizona has a court of appeals and a supreme court.

ARKANSAS: See Title 16, Subtitle 2 of the Arkansas Code establishes the state court system, available at <http://www.arkleg.state.ar.us/dcode>. Arkansas operates county, municipal, common pleas, justice, and police courts of limited jurisdiction. It maintains the [COMMON LAW](#) general jurisdiction courts of Chancery and Probate and has a single supreme court of last resort.

CALIFORNIA: California's circuit courts are the courts of general jurisdiction. It also maintains municipal and justice courts of limited jurisdiction. California has both a court of appeals and a supreme court.

COLORADO: See Title 13 of the Colorado Constitution. Colorado maintains limited jurisdiction courts, including superior, juvenile, probate, county, and municipal courts. The superior court is the court of general jurisdiction. Colorado has both a court of appeals and a supreme court.

CONNECTICUT: Connecticut has juvenile, common pleas, and probate courts of limited jurisdiction. The district court is the court of general jurisdiction. Appeals go directly to the state supreme court.

DELAWARE: Delaware maintains limited jurisdictions courts for family, municipal, and justice. Its general jurisdiction court is the superior court, and appeals are made directly to the state supreme court. See Title 10 of the Delaware Code.

DISTRICT OF COLUMBIA: See Title 11 of the statutes.

FLORIDA: Florida's court of general jurisdiction is its circuit court. It also maintains county courts of limited jurisdiction. It has a district court of appeals and a state supreme court. See Title V of Florida's statutes.

GEORGIA: See Title 15 of the Georgia Code. Georgia has probate, civil justice, criminal justice, and small claims courts of limited jurisdiction. Its superior courts are the courts of general jurisdiction. The state maintains both an appeals court and a supreme court.

HAWAII: Division 4 of the state laws discuss the state's court system. Hawaii utilizes district courts of limited jurisdiction and circuit courts of general jurisdiction. Appeals go directly to the Hawaii Supreme Court.

IDAHO: The district court is the court of general jurisdiction, but within that court is the magistrate's court of limited jurisdiction. Idaho's appeals go directly to the state supreme court.

ILLINOIS: Illinois circuit courts are the courts of general jurisdiction. The state maintains both a court of appeals and a state supreme court.

Encyclopedia of Everyday Law: State Courts And Procedures

INDIANA: The Indiana Code establishes county, municipal, magistrate, probate, juvenile, and [JUSTICE OF THE PEACE](#) courts of limited jurisdiction. Indiana has circuit civil and criminal courts of general jurisdiction, and has both a court of appeals and a state supreme court.

IOWA: See Title XV, Subtitle 2 of the Iowa Code establishes the court system, which includes the district court as the court of general jurisdiction and appeals go directly to the state supreme court.

KANSAS: See Chapters 20 of the Kansas Statutes, available at <http://www.kslegislature.org/cgi-bin/statutes/index.cgi>. Kansas has probate, municipal, county, and juvenile courts of limited jurisdiction. Its district courts are courts of general jurisdiction, and appeals are made to the state supreme court.

KENTUCKY: Kentucky has county, justice, and police courts of limited jurisdiction. It has a claims court for claims against the state or its agencies. Kentucky's courts of general jurisdiction are its district and circuit courts, and the state maintains both a court of appeals and a state supreme court.

LOUISIANA: Louisiana has city, juvenile, mayor's justice, traffic, family, municipal, and parish courts of limited jurisdiction. It maintains both a court of appeals and a supreme court. <http://www.legis.state.la.us>.

MAINE: See Maine Statutes, Titles 14, 15, and 16. Maine has limited jurisdiction probate and district courts. Its superior courts are courts of general jurisdiction, and the court of last resort is called the "supreme judicial court."

MARYLAND: See "Courts and Judicial Proceedings," available at http://mlis.state.md.us/cgi-win/web_statutes.exe. Maryland has orphans and district courts of limited jurisdiction. Its "circuit of counties" courts are the courts of general jurisdiction, and its court of appeals and court of special appeals are the courts of last resort.

MASSACHUSETTS: See Chapters 211-222 of the General Laws of Massachusetts, "Courts, Judicial Officers and Proceedings." The state's courts of general jurisdiction are its superior courts. The state has land, probate, municipal, district, juvenile, and housing courts of limited jurisdiction. The court of last resort is the state's supreme judicial court, but the state also has a court of appeals.

MICHIGAN: Michigan's Constitution creates its courts, which include a court of appeals and a state supreme court. Michigan's courts of general jurisdiction are its circuit courts, generally at the county level. It maintains a few "recorder's courts" for criminal cases. Limited jurisdiction courts include those for common pleas, municipal, district, and probate.

MINNESOTA: See Chapters 480-494 for court systems. Minnesota has county, municipal, and probate courts of limited jurisdiction. Its district courts have general jurisdiction, and it has a supreme court and court of appeals.

MISSISSIPPI: See Title 9 of Mississippi Code of 1972, available at <http://www.mscode.com/free/statutes>. The state maintains family, county, city police, and justice courts of limited jurisdiction, has chancery and circuit courts of general jurisdiction, and a state supreme court.

MISSOURI: The state has probate, courts of criminal correction, magistrate, and municipal courts of limited jurisdiction. Its circuit courts are courts of general jurisdiction, and the state has both a court of appeals and a state supreme court.

Encyclopedia of Everyday Law: State Courts And Procedures

MONTANA: See Title 3 of state statutes. The state maintains municipal, justice, city, and workman's compensation courts of special or limited jurisdiction. The district court is the state's court of general jurisdiction, and maintains a state supreme court.

NEBRASKA: See Chapters 24 to 27 of the Nebraska statutes at <http://statutes.unicam.state.ne.us/Nebraska> has county, municipal, juvenile, and workman's compensation courts of limited jurisdiction. Its district court is the state's court of general jurisdiction, and it maintains a state supreme court.

NEVADA: See Title 1 of the Nevada Revised Statutes for a general discussion of the state's court system. Nevada has municipal and justice courts of limited jurisdiction. Its district court is the state's court of general jurisdiction, and it maintains a state supreme court.

NEW HAMPSHIRE: New Hampshire has probate, district, and municipal courts of limited jurisdiction. Its superior court is the state's court of general jurisdiction, and it maintains a state supreme court.

NEW JERSEY: New Jersey maintains municipal, county district, juvenile and domestic relations courts of limited jurisdiction. Its superior court is the state's court of general jurisdiction, and it maintains a state supreme court.

NEW MEXICO: Chapters 34 and 35 of the state statutes address the court system. New Mexico maintains probate, municipal, small claims, and magistrate courts of limited jurisdiction, as well as a court of appeals and a state supreme court.

NEW YORK: See Chapter 30 of the New York State Consolidated Laws, available at <http://assembly.state.ny.us/leg/NewYork> refers to its highest **APPELLATE COURT** as its "superior court," and its courts of general jurisdiction as "supreme courts," mostly at the county level. New York City maintains several courts of limited jurisdiction for civil and criminal dockets, and the state also maintains a court of appeals.

NORTH CAROLINA: See Chapters 7 of the North Carolina General Statutes. The state maintains its superior courts as courts of general jurisdiction. It has a court of appeals and a state supreme court.

NORTH DAKOTA: See Chapter 27-33 of the Century Code. Its district court is the court of general jurisdiction. The county courts are courts of limited jurisdiction. North Dakota has a state supreme court.

OHIO: Ohio's Courts of Common Pleas are the courts of general jurisdiction. It also maintains municipal, county, and courts of claims are courts of limited jurisdiction. It maintains a court of appeals and the court of last resort is the state supreme court.

OKLAHOMA: See Title 20 of the Oklahoma Statutes. The district court is the court of general jurisdiction. The state maintains municipal courts of limited jurisdiction. It has separate courts of appeal for criminal and civil cases and has a supreme court of last resort.

OREGON: See Chapters 1 to 10 of the Oregon Revised Statutes. Oregon maintains district, county, justice, and municipal courts of limited jurisdiction. Its court of general jurisdiction is the circuit court. Oregon maintains a court of appeals and a state supreme court.

PENNSYLVANIA: Pennsylvania's Courts of Common Pleas are the courts of general jurisdiction. It also maintains municipal, traffic, and justice of the peace courts of limited jurisdiction. Its appellate courts are the superior court and the commonwealth court, and the court of last resort is the state supreme court.

Encyclopedia of Everyday Law: State Courts And Procedures

RHODE ISLAND: The state maintains district, probate, family and police courts of limited jurisdiction. The court of general jurisdiction is the superior court, and the state has a supreme court.

SOUTH CAROLINA: The circuit court is the court of general jurisdiction. South Carolina maintains county, probate, magistrate, city recorder's, and family courts of limited jurisdiction. The state's court of last resort is the state supreme court.

TENNESSEE: See Titles 16. The courts of general jurisdiction include chancery court, circuit court, criminal court, and law equity court. There are limited jurisdiction courts for municipal, juvenile, domestic relations cases. Tennessee has separate courts of appeals for criminal and civil cases, and a state supreme court.

TEXAS: Texas maintains criminal district, domestic relations, juvenile, probate, and county courts of limited jurisdiction. Its court of general jurisdiction is the district court. There are separate courts of appeal for civil and criminal cases, and the state has a supreme court.

UTAH: The state has juvenile, city, and justice courts of limited jurisdiction. The district court is the court of general jurisdiction, and the state has a supreme court.

VERMONT: Vermont maintains district and probate courts of limited jurisdiction, while its superior courts are the courts of general jurisdiction. Vermont has a state supreme court.

VIRGINIA: Virginia has general district, juvenile, and domestic relations courts of limited jurisdiction. Its circuit courts are the courts of general jurisdiction, and the state supreme court is the court of last resort.

WASHINGTON: See Titles 2 and 3 of the Revised Code of Washington, and the superior court is the court of general jurisdiction. It maintains district and municipal courts of limited jurisdiction. The state has a court of appeals and a state supreme court.

WEST VIRGINIA: See Chapters 50 and 51. Police courts of limited jurisdiction, circuit courts of general jurisdiction. The court of last resort is the supreme court of appeals.

WISCONSIN: See Chapters 750 to 758 of the Wisconsin Statutes. The state maintains municipal courts of limited jurisdiction. The county circuit courts are the courts of general jurisdiction. The state supreme court is the court of last resort.

WYOMING: Wyoming maintains justice and municipal courts of limited jurisdiction. Its court of general jurisdiction is the state district court, and it has a state supreme court.

Additional Resources

The Court TV Cradle-to-grave Legal Survival Guide. Little, Brown and Company: 1995.

How and When to Be Your Own Lawyer. Schachner, Robert W., Avery Publishing Group, Inc. 1993.

Copyright Notice

©2010 eNotes.com, Inc.

ALL RIGHTS RESERVED.

Encyclopedia of Everyday Law: State Courts And Procedures

No part of this work covered by the copyright hereon may be reproduced or used in any form or by any means graphic, electronic, or mechanical, including photocopying, recording, taping, Web distribution or information storage retrieval systems without the written permission of the publisher.

For complete copyright information, please see the online version of this work:
<http://www.enotes.com/everyday-law-encyclopedia>