

INTRODUCTION TO THE COURT SYSTEM

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PURPOSE:

This guide is a general introduction to resources available in print and online for conducting research on the Federal and New York State court systems. A bibliography of relevant titles offering information on the structure and organizations of American courts is included in the last part of this guide.

Additionally, this guide includes a general information chart on the paths that a civil action and a criminal proceeding take through the New York State court system. It can be found in the Appendix.

OUTLINE:

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I. GENERAL COURT SYSTEMS

INTRODUCTION:

Generally speaking, court systems in the United States are divided into three levels. Legal proceedings begin in trial courts. The appeals of decisions made in those trial courts are heard by intermediate appellate courts. Finally, the appeals from the intermediate courts are decided by courts of last resort. For a diagram of this general process see the charts included in the Appendix to this guide.

COURTS OF LAST RESORT

A court of last resort is the highest court in a system. In the state court systems these courts are typically called the supreme court. In New York it is called the Court of Appeals. In Massachusetts it is called the Supreme Judicial court. They are the highest authority regarding questions of state law. On the federal level The Supreme Court of the United States is the highest authority on questions of federal law. The courts of last resort accept appeals primarily from intermediate appellate courts. The scope of review is limited to issues of law only. The court will accept briefs prepared by the parties and hear oral arguments. The written opinions of these courts are published.

See: Roy M. Mersky & Donald J. Dunn, *Legal Research Illustrated* 4 (8th ed. 2002).

INTERMEDIATE APPELLATE COURTS

The Federal court system and, many states, have intermediate appellate courts that stand between the lower level trial courts and the courts of last resort. These intermediate appellate courts have authority over lower courts within their jurisdiction. While these courts can review both the facts and the law of a case, review is generally limited to claimed errors. In order to make a determination these courts will review the trial record, the briefs prepared by the parties and listen to oral arguments.

See: Roy M. Mersky & Donald J. Dunn, *Legal Research Illustrated* 4 (8th ed. 2002).

TRIAL COURTS

Trial courts are courts of general or original jurisdiction. These courts may make determinations of law and fact. Often juries will be entrusted to make the determinations of fact. During the course of proceedings in these courts the parties file pleadings, motions and other documents. The trial court (based on the courts findings) will then issue a judgment or decision. Decisions from these courts may be appealed to the intermediate appellate court and in some cases to the court of last resort.

See: Roy M. Mersky & Donald J. Dunn, *Legal Research Illustrated* 3 (8th ed. 2002).

Federal Courts System: Internet Sites

In most cases, current information about court systems is available on the internet. This part highlights three relevant sources for information on the federal court system. Researchers are advised to also consult the print titles listed in the Bibliography (Part IV), for additional information or information not available in the internet.

1) *Federal Courts* @ <http://www.uscourts.gov/courtlinks/>

The Administrative Office of the United States Courts has prepared a hyperlinked guide to the federal court system. The information includes links to the official court web site and to relevant information about a particular court. FAQs are available for information about Federal Judges, Court Information, and how to file a case in a civil, criminal and bankruptcy matters.

Detailed information is available about the following courts:

- [U.S. Supreme Court](#)
- [U.S. Courts of Appeals](#)
- [U.S. District Courts](#)
- [Bankruptcy Courts](#)

An annotated discussion of the Federal Court system, entitled “Understanding The Federal Courts” can be browsed or downloaded as a pdf file at this link:

<http://www.uscourts.gov/understand03/index.html>

2). Gretchen Feltes has prepared a useful web based guide to the U. S. Federal Legal System which contains a section on the Judiciary (Part 4). Access to the guide is at:

http://www.nyulawglobal.org/globalex/United_States.htm

3) *Zimmerman’s Research Guide*: <http://www.lexisnexis.com/infopro/zimmerman/>

LexisNexis offers the *Zimmerman’s Research Guide*, an online encyclopedia for legal researchers. This guide also offers a useful introduction to U.S. Courts.

Click on “State Courts” or “United States Courts” for information and charts about a particular court system. Zimmerman also offers links to related matters such as court clerks, court houses, court rules, forms, unreported decisions, and docket information.

II. NEW YORK STATE COURT SYSTEM

The New York Unified Court System web site at: <http://www.courts.state.ny.us/courts/> is a useful starting point for information about New York courts

Click on the “*Introduction to the Courts*” link for an overview of the New York court system. Information is available on the following courts:

- Civil Court Structure
- Criminal Court Structure
- Appellate Courts
- Trial Courts
- Town & Village Courts and
- Court of Claims

Other information available to the researcher includes:

Free case information for Criminal, Family and Housing Courts:
<http://iapps.courts.state.ny.us/webcivil/ecourtsMain>

An introductory guide (19 page document) to New York State courts:
<http://www.courts.state.ny.us/admin/NYCourts-IntroGuide.pdf>

New York Unified Court System Publications:
<http://www.courts.state.ny.us/publications/>

This section offers documents that explain the courts and laws of New York. Publications include Civil Courts and Civil Practice, Criminal Courts and Criminal Law (Criminal Justice System Handbook).

Other useful Internet sites for New York Court information include:

- New York Court System Guide by the NYU Law Library:
<http://www.law.nyu.edu/library/nycourt.html>
Although written for the patrons of the NYU Law Library it is useful to the general researcher. It provides a narrative overview of the New York court system with references to relevant case reporters and directories.
- The National Center For State Courts: <http://www.ncsconline.org/>
The NCSC offers current court structure charts for each state court system.
- The New York State court system chart is available here:
http://www.ncsconline.org/D_Research/Ct_Struct/state_inc.asp?STATE=NY

III. CIVIL AND CRIMINAL CASES

Civil Cases

Understanding The Federal Courts: <http://www.uscourts.gov/understand03/index.html>
This annotated discussion of the federal court system provides an overview of the judicial process in both a criminal case and a civil case. The entire discussion can be downloaded as a pdf file.

Also useful are the following sites:

Annotated Outline of a Civil Action: http://faculty.washington.edu/tomcobb/civil_case/
The website provides a step by step guide from pretrial through an appeal. The site also includes pdfs of common court documents such as a complaint, pretrial order and trial briefs.

The Criminal Justice System Handbook:
<http://www.nycourts.gov/litigants/crimjusticesyshandbk.shtml>
This website provides a general overview of the legal process for a defendant in a criminal proceeding, from how a case begins to taking an appeal. .

Outline of Criminal and Civil Court Processes:
<http://www.utcourts.gov/howto/courtproc.htm>

While this link deals mostly with procedure, it can also be useful for the researcher who needs to understand what generally happens during a court procedure.

IV. BIBLIOGRAPHY

To learn more about the structure of the court system or to find information about a particular court, consult the following resources:

General

The American Bench: Judges of the Nation **Reference KF 8700 .A19 A47**

- Comprehensive directory of courts and judges (federal and state) located throughout the country.
- Descriptions of court systems, contact information and jurisdictional maps.
- Biographical summaries of each judge and justice.

Daniel John Meador, *American Courts* (West 1991) **Reference KF 8720 .M4**

- A succinct overview of the American court system.

BNA's Directory of State and Federal Courts, Judges, and Clerks **Reference KF 8700 .A19 B15**

- Offers a state by state and Federal listing of courts along with charts and maps.
- Illustrates the path of appeal for Federal and state courts
- Illustrates state court structure with charts and diagrams.
- Directory information for courts, judges and clerks.
- Directory of Federal Administrators, Federal Court Access Services
- List of Internet Sites for Federal and State Courts.
- Geographic Jurisdiction Indexes
- Name Indexes

Directory of State Court Clerks & County Courthouses **Reference KF8700.A19D574**

- Contact information for each county courthouse in the nation
- Listings for each state preceded by an organization chart for the state's judicial system.
- Directory information for court clerks and county clerks
- State judiciary website information
- Probate & Recording offices, vital statistics, corporate filings
- Litigation trends information (with maps and charts)

Federal-State Court Directory **Reference KF8700.A19D574**

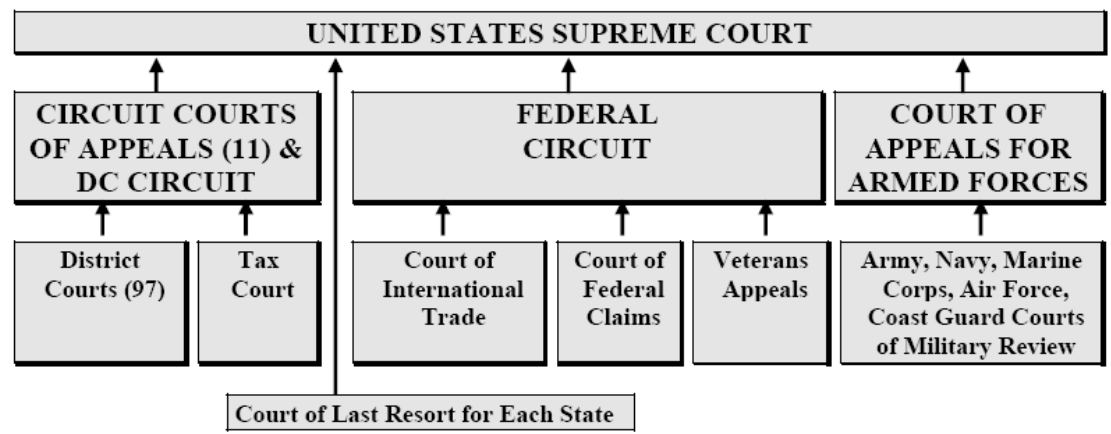
- Primer on U.S. court system and steps in the litigation process
- Directory to Federal and State courts.
- Includes directories, contact information and, organization charts
- Listing of judicial nominations, vacancies and confirmations
- Fee schedules, counties in Federal Districts,
- Bankruptcy Trustees, Administrative Law Judges,
- Internet access, bar associations directory, glossary of terms and appendixes.

New York:

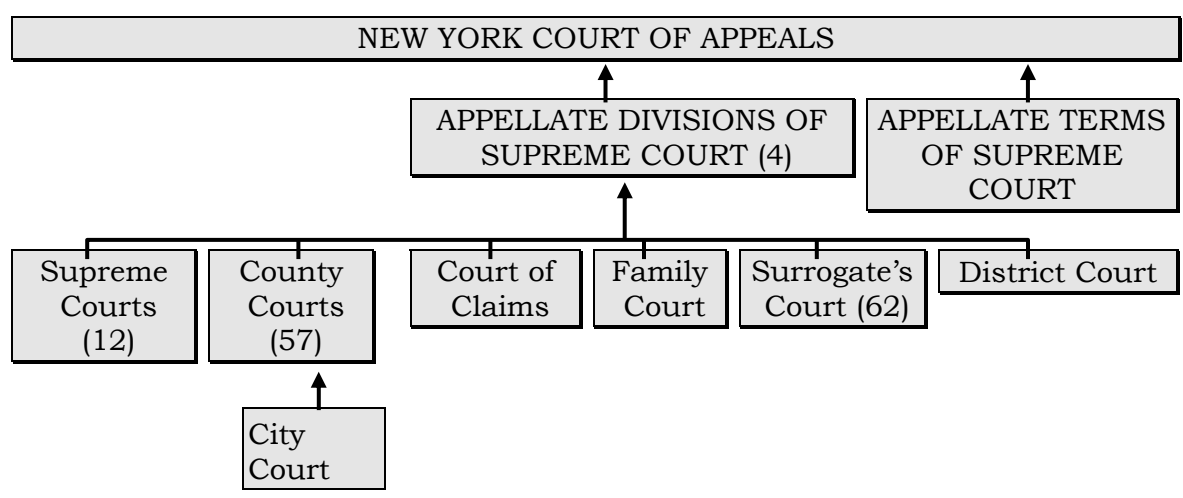
Manz, William H., *Gibson's New York Legal Research Guide*, 3rd Reference **KFN5074.G53 2004**

Appendix

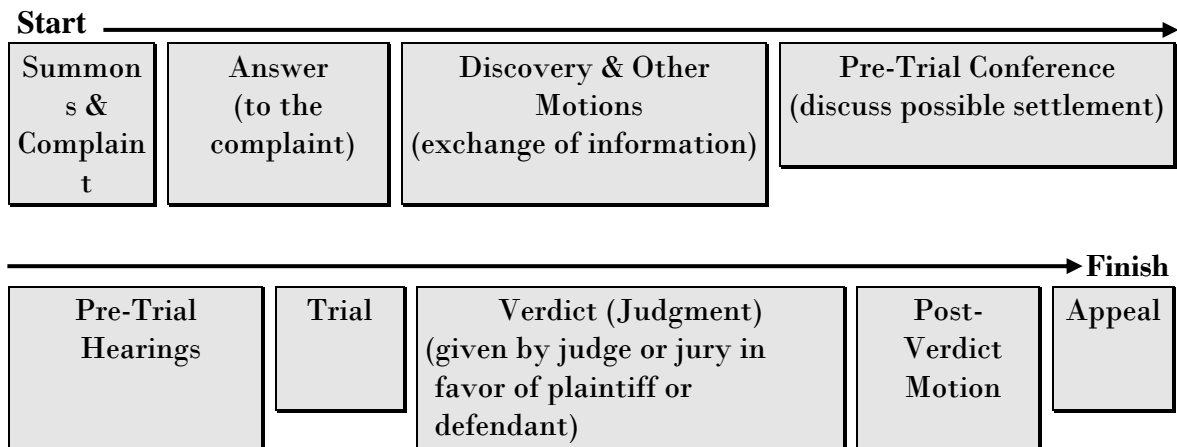
FEDERAL COURT SYSTEM



New York Court System



Civil Action Flowchart



Criminal Proceeding Flowchart

