Check the Library’s “Location Guide” and Summit/Voyager, the Online catalog for the current location of sources mentioned in this pathfinder.

PURPOSE:
This pathfinder will introduce researchers to the structure of the American court system (federal and state). It also includes general information on the path a case takes through the court system.

OUTLINE:

I. AMERICAN COURT SYSTEM

II. FEDERAL COURT SYSTEM

III. NEW YORK STATE COURT SYSTEM

IV. THE PROGRESS OF CIVIL AND CRIMINAL CASES
   A. Civil Cases
   B. Criminal Cases

V. ADDITIONAL HELP
   A. Books
   B. Internet Sites
### AMERICAN COURT SYSTEM

#### COURT OF LAST RESORT
This is the highest court in the system. It is the last place where litigants can appeal their cases. This court accepts appeals primarily from intermediate appellate courts, rarely from trial courts. The scope of review is limited to issues of law only. Often, the parties need permission to have their cases heard. Depending on the jurisdiction, this court may be called the Supreme Court (e.g. Federal), the Supreme Court of Appeals, the Supreme Judicial Court or the Court of Appeals (e.g. NY).

#### INTERMEDIATE APPELLATE COURTS
The Federal Government and many states have appellate courts that stand between the lower level trial courts and the court of last resort. Their jurisdiction is often broader than courts of last resort. They can review both the facts and the law of a case. Like courts of last resort, they have a wide variety of names, such as the Court of Appeals (e.g. Federal), Superior Court, Commonwealth Court, Court of Criminal Appeals, Appellate Division of the Supreme Court (e.g. NY).

#### TRIAL COURTS
Typically known as courts of general or original jurisdiction, trial courts are where litigation begins. Here judges and juries listen to witnesses, examine evidence and decide in favor of one party or the other. Decisions from these courts may be appealed to intermediate appellate courts and possibly courts of last resort. Trial courts have names that reflect what kinds of cases they can hear and where they are located, e.g, Small Claims Court, Criminal Court, District Court (e.g. Federal), Supreme Court (e.g. NY).

### FEDERAL COURT SYSTEM

#### UNITED STATES SUPREME COURT

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<td>District Courts (97)</td>
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<td>Army, Navy, Marine Corps, Air Force, Coast Guard Courts of Military Review</td>
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<td>Tax Court</td>
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<td>Veterans Appeals</td>
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Court of Last Resort for Each State

Rev. 07/03
THE PROGRESS OF CIVIL AND CRIMINAL CASES

A. Civil Cases

Start

| Summons & Complaint | Answer (to the complaint) | Discovery & Other Motions (exchange of information) | Pre-Trial Conference (discuss possible settlement) |

Finish

| Pre-Trial Hearings | Trial | Verdict (Judgment) (given by judge or jury in favor of plaintiff or defendant) | Post-Verdict Motion | Appeal |

B. Criminal Cases

Start

| Summons & Complaint | Answer (to the complaint) | Discovery & Other Motions (exchange of information) | Pre-Trial Conference (discuss possible plea bargain) |

Finish

| Pre-Trial Hearings | Trial | Verdict (Guilty or Not Guilty) (given by judge or jury in favor of or against the defendant) | Sentencing | Post-Verdict Motion | Appeal |

ADDITIONAL HELP

To learn more about the structure of the court system or to find out about a particular court, consult the following resources:
A. Books

- *The American Bench: Judges of the Nation* Reference KF 8700 .A19 A47
  - This is a comprehensive directory of courts and judges (federal and state) located throughout the country.
  - In addition to brief descriptions of various court systems, contact information and jurisdictional maps, there are biographical summaries of each judge and justice.
  - Succinct and lucid overview of the American Court System.
  - Excellent guide to federal and state courts.
  - Includes a chart depicting court structure and path of appeal for each court, as well as directory information.
  - Helpful publication by the League of Women Voters of New York State.
  - The Administrative Office of the United States Courts prepared this very readable and illustrative guide to the Federal Court System.

B. Internet Sites

- *Understanding the Federal Courts*
  - The Administrative Office of the United States Courts prepared this very readable and illustrative guide to the Federal Court System.
  - Links to Circuit, District, and Bankruptcy Courts for local rules, opinions etc.
- *New York Unified Court System*: [http://www.courts.state.ny.us](http://www.courts.state.ny.us)

- *New York Courts and Law Guide*
  - This guide was produced by the New York Law Journal, and the New York State Unified Court System.
  - It includes more than 100 documents (that explain the courts and laws of New York) and is the most comprehensive explanation of the New York legal system on the Internet.