

SECTION 4

State Courts

BEFORE YOU READ

The Main Idea

State court systems include lower courts, general trial courts, appeals courts, and state supreme courts.

Reading Focus

1. What kinds of cases do state courts handle?
2. How is the state court system organized?
3. How are state judges selected?

Key Terms

penal code, p. 217
Missouri Plan, p. 220

TAKING NOTES

As you read, take notes on the state court system. Use a chart like this one to organize your notes.

State Court Cases	
State Court System	
Selection of State Judges	

Preteach

Why It Matters

Read to the class a local newspaper article concerning a trial or lawsuit. Then ask students if the trial is being held in federal or state court. Ask students if they know why this is so. If they do not, explain that if a state law is broken, a state court handles the trial; if a federal law is broken, a federal court handles the trial. Discuss with students how the court system affects their daily lives.

Key Terms

Preteach the following terms:

penal code set of criminal laws (p. 217)

Missouri Plan method of selecting judges in which a committee prepares a list of qualified judges, the governor appoints a judge from the list, and the judge faces voters in next election (p. 220)

 Vocabulary Activities: Chapter 8

Taking Notes

State Court Cases	<i>Criminal and civil cases</i>
State Court System	<i>Three types of courts from lowest to highest: trial, appeals, state supreme court</i>
Selection of State Judges	<i>Judges are elected, appointed by governor, or selected using Missouri Plan</i>



The Louisiana Supreme Court building in New Orleans

CIVICS IN PRACTICE

State legislatures write laws, and state executives put those laws into action. Then, state courts make sure everyone is following the rules. For example, a speeding ticket is usually handled in a low-level state court, such as a traffic court. Other cases are heard at different levels, all the way to the state supreme court.

State Court Cases

As a citizen, you are subject to two levels of law and two sets of judicial systems. Federal courts address violations of the United States Constitution and federal laws. State courts address violations of state constitutions and state laws. Each state is free to create its own court system to meet the state's needs. Each state is also free to determine the way in which judges for its courts are selected. But whatever the court system and however the judges are selected, the role of the state courts is the same: apply and enforce the criminal and civil laws of the state.

Each state creates its own penal code. A **penal code** is a set of criminal laws. State attorneys prosecute individuals who violate the penal code by committing a crime. These are called criminal cases. State judges hear these cases. If the criminal court finds

STATE GOVERNMENT 217

Teach the Main Idea

At Level

State Courts

1. **Teach** Ask students the Reading Focus questions to teach this section.
2. **Apply** Have students create a two-column chart. Ask them to list each type of state court in the left column and describe the types of cases it hears in the second column.
3. **Review** Describe a type of court case to students and ask them to tell you what type of court it would be tried in.
4. **Practice/Homework** Ask students to make a list of the main ideas of the section. Then have them choose one main idea and provide the supporting details for it.

Direct Teach

Reading Focus

- 1 What kinds of cases do state courts handle?

State Court Cases

Explain What is a civil case? *case in which individuals or businesses have a dispute over property or money*

Draw Conclusions How do courts interpret the law in criminal cases? *They decide if someone has violated a law.*

Reading Focus

- 2 How is the state court system organized?

State Court System

Recall Which courts hear criminal and civil cases directly? *lower courts*

Compare How are state appeals courts and state supreme courts similar? *They both hear cases on appeal and judges review the cases.*

Evaluate Why do you think it is important to have several levels in the court system? *Possible answers: to provide a system in which the decisions of judges and juries can be reviewed so that a fair trial is ensured*

 Graphic Organizer Activities: Chapter 8

Answers

Analyzing Information 1. *trial courts*
2. *appeals courts and state supreme courts*

Reading Check *In criminal cases, state attorneys prosecute someone who has broken the law. In civil cases, one person or business sues another over property or money.*

State Court System

QUICK
FACTS

Most state court systems are divided into three levels: trial courts, appeals courts, and a state supreme court.



State supreme courts are the highest court in the state judicial system. They hear cases on appeal from the lower courts.

Appeals courts review cases from trial courts whose rulings have been challenged, or appealed.

Trial courts hear all civil and criminal cases—from small-claims court cases to superior court cases.

ANALYSIS
SKILL

ANALYZING INFORMATION

1. What is the lowest level in the state court system?
2. To what courts can state cases be appealed?

a person guilty of a crime, it has the authority to punish that person.

State courts also hear civil law cases. Civil cases are disputes between individuals or businesses over property or money. They may also involve disputes between a business and the government, or between an individual and the government.

READING CHECK  **Contrasting** How do criminal cases and civil cases differ?

State Court System

Like the federal judicial branch, state court systems are structured in levels. In state court systems, state judges perform most of the same duties that federal judges perform. Three types of courts are found in most states—general trial courts, appeals courts, and a state supreme court.

Trial Courts

Lower courts generally hear minor cases, including misdemeanor criminal cases and civil cases involving small amounts of money. Judges conduct hearings in these courts without a jury.

In many cities and towns, a justice of the peace hears cases. A justice of the peace can hand down fines or short jail sentences. These lower courts may also be called magistrate's courts or police courts. Their judges are usually elected. Many large cities have municipal courts, which may be divided into courts that handle specific types of cases. For example, traffic courts hear cases involving traffic violations, and family courts hear cases involving family disputes.

Most states have small-claims courts, which usually handle cases involving less than \$5,000. No lawyers are needed. Each person in

Differentiating Instruction

Below Level

Learners Having Difficulty

Create a Mock Court Docket

1. Organize students into mixed level pairs.
2. Ask each pair to create a mock court docket that includes three civil cases and three criminal cases. They should describe each case and indicate which type of case each one is.
3. Have each pair share one of their court cases with the class before collecting the dockets.

LS Verbal/Linguistic

Religious Displays on Public Property

In some circumstances, the U.S. government may recognize the role religion plays in the country. But it can be difficult to determine when the government's acknowledgement of religion is constitutional.

Two Supreme Court opinions issued on the same day in 2005 illustrate how complicated this issue is. In *Van Orden v. Perry*, the Court allowed Texas to keep a six-foot monument of the Ten Commandments on the grounds of the state capitol. Because the monument was one among 38 other markers commemorating Texas history, the Court concluded that the

display was primarily historical and did not endorse religion.

However, in *McCreary County v. American Civil Liberties Union of Kentucky*, the Court found that displays of the Ten Commandments in two county courthouses in Kentucky were unconstitutional. These displays, the Court stated, specifically highlighted the religious foundation of American law and thus did endorse religion.

Why was a display of the Ten Commandments constitutional in one case and unconstitutional in the other? Explain in your own words.



the dispute explains his or her side of the argument, and the judge makes a decision. Major criminal and civil cases are handled in general trial courts. A jury hears most cases, and a judge presides. Some trial courts hear only civil cases, and others hear only criminal cases. In many states, voters elect these general trial court judges. Other names for trial courts in some states are superior courts and courts of common pleas.

Appeals Courts

Sometimes a person believes his or her case was not handled fairly in a trial court. That person may appeal the decision to an appeals court or an intermediate court of appeals. An appeal is a request for another court to consider the case. The usual basis for an appeal is that the person's guaranteed right to a fair trial was violated during the trial.

Appeals courts do not use juries. Instead, appeals court judges examine the trial record of the lower court and hear

arguments from the lawyers on both sides. If the person is still not satisfied with the appeals court's decision, he or she can appeal again to the state supreme court.

State Supreme Court

The state supreme court is the highest court in most states. The judges who sit on the state supreme court hear cases on appeal in much the same way as the U.S. Supreme Court. Decisions on state law by the state supreme court are final.

READING CHECK **Finding the Main Idea** What roles do judges play in the different levels of state courts?

Selection of State Judges

In most states, citizens elect state supreme court judges. But in some states, the governor appoints supreme court judges. State law determines how judges are selected in each state and the length of each type of judge's term.

Direct Teach

Reading Focus

3 How are state judges selected?

Selection of State Judges

Explain How does the Missouri Plan work? *Judges, lawyers, and citizens create a list of qualified judges and the governor appoints one of them. In the next election, voters decide whether the judge stays in office.*

Sequence What happens at the end of a judge's term in most states? *Voters may elect the judge to a new term or vote to replace the judge.*

go.hrw.com

Online Resources

KEYWORD: SZ7 CH8
ACTIVITY: State Courts

Teaching Tip

Pacing After students read about each type of case or court, ask them a few questions about what they have read to make sure they understand it. Then move on to the next case or court and repeat the same procedure.

Differentiating Instruction

Above Level

Advanced Learners/GATE

Interview a Court Official

1. Ask students to interview a court official—a local judge, court officer, or district attorney.
2. Tell students to find out the official's role in the court process. Then have them ask the official to explain the conditions that exist in your town or community that result in the delay of trials and the settling of cases out of court.
3. Ask students to summarize their interviews in a brief report and share the report with the class. **IS** **Interpersonal, Verbal/Linguistic**

Answers

American Religious Liberties

Possible answer: In the first case, the religious display was just one display among many that together explained Texas history. In the second case, the purpose of the religious display was determined to be only religious, not historical.

Reading Check *trial courts: make decisions, hand out punishment, preside over cases; appeals courts: examine trial record of lower court and hear lawyers' arguments; state supreme court: same role as appeals courts*

Review & Assess

Close

List the types of cases and courts on the board and ask students to describe each.

Review

 Online Quiz: Section 4

 Quiz Game

 Vocabulary Activities: Chapter 24

Assess

SE Section 4 Assessment

 Daily Quizzes: Section 4

Reteach

 Main Idea Activities for Differentiated Instruction: Section 4

ECON 101

Small Claims Court

How much might you have to pay as a result of a judgment in a small-claims court? If you have ever seen judges deciding real cases on television, then you are already familiar with small claims courts. They decide cases such as unpaid personal debt, past-due rent, and reimbursement for goods and services. The maximum amount of money that can be involved in a small claims dispute is usually \$5,000.

ANALYSIS SKILL ANALYZING ECONOMICS

Why are small claims courts an important part of the judicial system?

Election of Judges

People who support electing judges argue that elections make judges responsible to the people who will be affected by their decisions. Supporters of elected judges also argue that when the governor appoints judges, he or she is free to appoint political supporters or friends.

Those who oppose the election of judge-

es argue that judges should make decisions based on the facts and on the law that applies, not on what might please voters. Supporters of appointed judges believe that judges should be selected based on their abilities.

The Missouri Plan

Some states have adopted a method of selecting judges called the **Missouri Plan**. Under this plan, a committee of judges, lawyers, and ordinary citizens prepares a list of qualified judges. The governor appoints a judge from this list. The judge must then face the voters in the next election.

Terms of Service

State court judicial terms are set by state law. In most states, judges face the voters at the end of their term. Voters may elect the judge to a new term or may vote to replace the judge. Most states have methods for removing judges, usually by impeachment or recall.

READING CHECK  **Making Inferences** Why might the Missouri Plan combine the best qualities of the election and appointment methods?

go.hrw.com

Online Quiz

KEYWORD: S27 HP8

SECTION 4 ASSESSMENT

Reviewing Ideas and Terms

- a. Define** Write a brief definition of the term **penal code**.
b. Draw Conclusions Civil court cases often involve disputes over contracts and other types of business agreements. Why do you think it is important to read through contracts carefully before signing?
- a. Recall** What are the four levels of state court systems?
b. Elaborate Why do most states have low-level courts such as small-claims courts and traffic courts?
c. Compare and Contrast What are the differences between general trial courts and appeals courts?
- a. Define** Write a brief definition of the term **Missouri Plan**.

- b. Elaborate** Do you think that electing judges is the best way to select state court judges? Why or why not?

Critical Thinking

- Sequencing** Copy the graphic organizer. Use it to identify the steps a civil case might go through in a state court system. Explain what happens at each stage.



Focus on Writing

- Supporting a Point of View** In one or two paragraphs, explain why it is important for a state judicial system to have different levels and different kinds of courts.

220 CHAPTER 8

Answers

Analyzing Economics They provide a place where disputes involving smaller amounts of money can be heard.

Reading Check Citizens have a say in who gets appointed and the judges face the voters in the next election, but the governor selects the judge for the first term.

220

Section 4 Assessment Answers

- a.** penal code, p. 217 **b.** to try to avoid such suits
- a.** lower courts, general trial courts, appeals courts, state supreme courts **b.** Possible answer: to handle the large volume of cases that involve small claims and traffic disputes **c.** general trial: jury or judge hears case and makes decision; appeals: judges examine trial record of lower court
- a.** Missouri Plan, p. 220 **b.** Possible answers: Yes, people should be able to elect judges whose decisions will affect them. No, the governor and people in the legal profession are better qualified to select judges.
- trial court: jury makes decision; appeals court: judges uphold or overturn decision; supreme court: judges uphold or overturn decision
- Students should recognize that there are many different types of cases that need to be heard, and higher courts are needed to review decisions of lower courts to ensure just decisions.