The Federal Court System

Constitutional and Legislative Courts

There are three types of constitutional courts: federal district courts, federal appellate courts, and the United States Supreme Court. Constitutional courts exercise the judicial powers found in Article III of the Constitution. Judges in these courts are given special protection directly by the Constitution. Judges in constitutional courts cannot be fired, nor have their salaries reduced while they are in office. Judges can only be removed through the impeachment process.

The president appoints the judges of all constitutional courts. Presidents must select candidates that they think will pass the scrutiny of the Senate Judiciary Committee, which must approve the appointment. However, there are times when a president will fight arduously for a specific appointment. If the president becomes too insistent on his appointments, the Senate may be slow to offer a confirmation, which results in a backlog in the appointment process. The unwritten rule of senatorial courtesy is exercised in the state-level judicial appointment process. If a senator from the state in which the nominee will serve opposes the candidate for a judicial position, the appointment will not be confirmed. Therefore, these senators are often consulted prior to placing a nominee's name in the running for a position.

Federal district courts are constitutional courts. These are courts of original jurisdiction, meaning that they are the first courts to hear cases, usually in a trial setting. They hear criminal and civil suits and are the only federal courts that hear trials. No appeals are heard in federal district courts. Types of cases that are under the jurisdiction of federal district courts include federal crimes, civil suits under federal law, civil suits between citizens of different states where the amount in question exceeds $50,000, bankruptcy proceedings, cases involving some federal administrative agencies, maritime law cases, and cases that involve the naturalization of aliens.

The Fifth Amendment of the Constitution states that federal district courts must use grand juries to determine if a person should stand trial in a criminal case. District courts also have petit juries that determine the innocence or guilt of a party during the actual trial. The 50 states are divided into 89 federal court districts, and Washington D.C. and Puerto Rico also each have a federal district court. Five hundred sixty-three judges serve these courts. They are appointed by the president, confirmed by the Senate, and serve as judges for life with good behavior. The 91 federal district courts hear over 300,000 cases per year and tend to have a long backlog of cases.

Federal courts of appeal, established in 1891, are also constitutional courts. These courts only have appellate jurisdiction, meaning that they hear cases brought to them on appeal from lower courts. They do not hear cases of original jurisdiction and do not hold trials. Courts with appellate jurisdiction do not review the factual records of cases, only the legal issues involved with cases. The 12 federal courts of appeal in the U.S. hear about 35,000 appeals per year, with cases coming from the tax court, federal district courts, and territorial courts. States are grouped into 11 regions, or circuits, with one appellate court for each circuit. Washington, D.C., is home to the additional court. Each circuit has one Supreme Court justice assigned to it who acts as the head of the circuit. There are 168 judges serving as federal appeal judges. Just as judges in federal district courts, they are appointed by the president, confirmed by the Senate, and serve as judges for life with good behavior.
Legislative courts are not constitutional courts. They are highly specialized courts that Congress created to help carry out functions that were at one time legislative duties. Judges in these special courts do not have the protection of the Constitution. They have fixed terms of office and can be removed, demoted, or have their salaries reduced. There are several legislative courts including claim court, territorial courts, tax court, the Court of International Trade, the Court of Appeals for the Federal Circuit, and the Court of Military Appeals.

In the Court of Claims, formed in 1982, people can sue the government with congressional approval. This court uses trial juries and settles specific claims against the government. If the plaintiff wins the case, Congress must appropriate the money for settlement. The Court of Claims has 16 judges who serve 15-year terms.

Territorial courts act as district courts for U.S. overseas territories, including the Virgin Islands, Guam, and North Mariana Islands. Federal Tax Court, established in 1969, determines civil cases brought by citizens against the Internal Revenue Service (IRS). They do not hear criminal or tax fraud cases. The federal tax court has 19 judges who serve 12-year terms. One of these judges serves as the chief judge of this court.

The Court of International Trade has gone through many changes in its history. It was originally designed in 1890 as the Board of U.S. General Appraisers. In 1926, it became the U.S. Customs Court. It took its current shape in 1980. Sitting as a panel of three judges, this court customarily hears tariff and trade disputes. The nine judges on this court serve life terms.

The Court of Appeals for the Federal Circuit was established in 1982 and has 12 judges who serve life terms. It hears civil case appeals from the trade and claim courts. The Court of Military Appeals was established in 1950 and has three judges who serve 15-year terms. These judges review disputed court martial cases. Although it is rare, appeals from the Court of Military Appeals can go to the Supreme Court.