# Business Law

## January 23, 2013

**Bifurcated** – The court system in the USA is bifurcated. We have both a state and federal court system.

**Federal & State Court Structure** – High Appellate Court -> Intermediate Appellate Court -> Trial Court.

**Jurisdiction** – If the court has jurisdiction over the case it means it has the authority to make a binding decision.

**Jury** – You will only have a jury at the trial level ONLY. Their job is to determine what the true facts are.

**Judge** – The judge in a case of no jury is the finder of the facts and determines what the punishment is. Applies the law.

**Intermediate Appellate Court** – When someone asks for an appeal from the trial court. The intermediate court is REQUIRED to take the case, whereas the highest appellate court is NOT required to take the case in the case of an appeal from the intermediate appellate court. The facts are determined at the trial court level; the facts are set in stone by this point in the case. All the court reviews is the application of the law to the facts, as those facts were determined at the trial level. They can affirm (to say they got it right) or reverse (to say the trial court may of applied it wrong). They can reverse and render (here’s what the outcome should be) or reverse (send it back to the trial court). 3 Judges

**Highest Appellate Court** – The high court is only to review the application of the law. Affirm, reverse, or reverse and remand. 9 Justices (not called judges)

**Appellate** – Filed the appeal, the one who asks the intermediate court to review the case.

**Appellee** – The person who did not file the appeal to the intermediate court.

**Petitioner** – The one who petitions the high court to review the decision of the intermediate court. They may have been the appellate or appellee or the

**Respondent** – The one who has to respond to the petitioners request.

**Differences between State and Federal Court System** –

**Federal Court System** – US Bankruptcy, Maritime, and Tax situations have

**State Court System** – If it’s not a subject of dispute, federal question, or diversity of citizenship (all parties from Texas) then it has to be filed in the state court.

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