



## JUST IN CASE

Email newsletter from Bovarnick & Associates

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Rob has a radio show, called The Billable Hour, which airs every Saturday morning from 7:30-8:00 a.m. on WHAT 1340 AM. The shows are also posted on the website, which can be accessed [here](#).

If you have topics that you would like Rob to tackle for his radio show and columns in Forbes.com and The Bulletin, please e-mail our director of marketing, Marc Kramer, at [marc@kramercommunications.com](mailto:marc@kramercommunications.com).

### What is the difference between Federal and State courts?

#### "ASK THE ATTORNEY"

by  
**Robert M. Bovarnick**  
**The Evening Bulletin**

The court system in the United States is divided into a system of federal courts and a system of state courts. Both systems conduct civil and criminal trials. Both have the right to have a higher court review the trial court. Both systems have, at the very top, the United States Supreme Court. So what are the differences and what determines if you are in state or federal court?

This month I will address the federal system.

The trial courts are called district courts. There are ninety four of them, with each state having at least one. Pennsylvania has three, the Eastern, Middle and Western. New Jersey and Delaware only have one district each. The District of Columbia and Puerto Rico each have a district. Also, three territories of the United States, the Virgin Islands, Guam and the Northern Mariana Islands have district courts. Philadelphia is in the Eastern District of Pennsylvania, which includes Philadelphia, Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery and Northhampton counties.

Anyone can file a lawsuit in federal court, so long as the plaintiff (the person filing the lawsuit) meets certain criteria. The first basis for a federal court to hear a case is if there is a "federal question". This means that the claim brought by the plaintiff is based on the violation of Constitution, laws or treaties of the United States. This most commonly occurs where there is a violation of a federal statute, such as the Lanham Act for a violation of a federal trademark.

The second basis for a federal court to hear a case is where there is "diversity jurisdiction". "Diversity jurisdiction" means the plaintiff is from one state and the defendants are from a state or states other than the plaintiff's state. Additionally, the amount being sued for must be more than \$75,000.

A simple example is a breach of contract case. Two parties enter into a contract for the sale of a car. If the seller and purchaser are both from Pennsylvania, the case cannot be brought in federal court, even if the buyer is purchasing the car for \$100,000. Similarly, if the buyer is from Pennsylvania and the seller from New Jersey, but the buyer is only paying \$50,000, the case cannot be brought in federal court. It is only where the buyer is from one state and the seller from another and the amount sought in the lawsuit more than \$75,000, can it be brought in federal court.

The loser of a case at trial can ask that the decision be reviewed. This is called an appeal. In the federal system, the first level appellate court is called the Court of Appeals, or the Circuit Court. There are 12 regional circuits (there is also a 13th circuit, called the United States Court of Appeals for the Armed Forces). They are numbered One through 11. The District of Columbia is its own Circuit, called the Federal Circuit (this court handles appeals from the District of Columbia district court, as well as appeals in specialized cases, such as such as cases involving patent law and cases decided by the Court of International Trade and the Court of Federal Claims). Philadelphia is part of the Third Circuit, which is comprised of Pennsylvania, New Jersey Delaware and the Virgin Islands.

After the Court of Appeals decides the appeal, the only other place to go is the United States Supreme Court. Unlike the Court of Appeals, where every one has an absolute right to appeal, you

have to ask for permission to appeal to the Supreme Court. This permission is called a writ of certiorari.

Four of the nine justices must vote to grant a writ of certiorari. This is called the "rule of four." The great majority of cases brought to the Supreme Court are denied certiorari (approximately 7,500 petitions are presented each year; between 80 and 150 are granted), because the Supreme Court is generally careful to choose only cases in which it has jurisdiction and which it considers sufficiently important to merit the use of its limited resources.

Among the most famous Supreme Court cases are Brown v. Board of Education, Roe v. Wade and Miranda v. Arizona. Bear in mind that the vast, vast majority of cases are filed in state court, not federal court. In fact, of all the civil cases filed every year, probably 90% are filed in state court. That will be a topic of the next column.

## Revitalizing Your Business Through New Ideas

**by:**  
**Marc Kramer**

With the economy going up and down getting fresh ideas will improve your chances for survival. Here are five books to consider.

- "The Home Office from Hell Cure," by Jeffrey Landers. This book provides home based business owners with advice on how to increase their visibility through speaking, web marketing and partnerships.
- "Mastering Online Marketing," By Mitch Meyerson. With the number of people reading print publications and watching television decreasing, this book shows how to successfully market products and services through the web.
- "Making the Number," by Greg Alexander, Aaron Bartels and Mike Drapeau. This book shows sales executives how to benchmark, improve performance and weed out slackers. There are great case studies and suggestions on to improve your personal performance and your team's if you have one.
- "The Million-Dollar Idea in Everyone," by Michael Collins. Companies are so desperate for revenue that they are

turning to outsiders more and more for new ideas. You learn how to cultivate your ideas and sell them to larger corporations or find funding sources that will allow you to monetize your ideas.

- "Goal Setting," by Susan Wilson and Michael Dobson. Another quick read that provides a process and methodology for developing and achieving goals. It's part of a larger series of similar short books called "Work Smart."

You can't cut your way to success. Successful business professionals innovate, organize and target the right customers.

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I enjoy being able to share with everyone the Firm's continuous growth and development. Whenever you get the chance, pick up the phone or send me an email and let me know how you are as well.

**Sincerely,**  
Rob

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