

2.4: Trial and Appellate Court Functions

As demonstrated earlier in [Figure 2.3.1](#), the federal and state court systems include a hierarchy of courts. Now, we will explore their functions within those structures.

Trial Courts

The principal purpose of a **trial court** is to hear evidence and decide what happened in a case when the parties disagree on particular facts. In other words, a trial court makes **findings of fact** (e.g., determining whether someone committed a crime or violated the terms of a contract). At trial, witnesses are called, and their testimonies are recorded in a trial record for future reference. Although there are some exceptions, juries typically are responsible for making findings of fact, while judges decide **questions of law**. Also, the parties can agree to have a judge serve as the finder of fact instead of a jury. A losing party is entitled to appeal the case to an **appellate court**, discussed below.

In the **federal court system**, cases are filed in the US District Court, which is a federal trial court. There are 94 judicial districts in the nation (i.e., 94 federal trial courts) named for their **geographic locations**. Some states with smaller populations have only one judicial district (e.g., North Dakota and Montana), while more populated states have multiple judicial districts (e.g., Wisconsin and Texas). See [Figure 2.4.1](#). The US Department of Justice represents the federal government in federal court in both civil and criminal cases, dividing its **US Attorneys** among the 94 judicial districts.

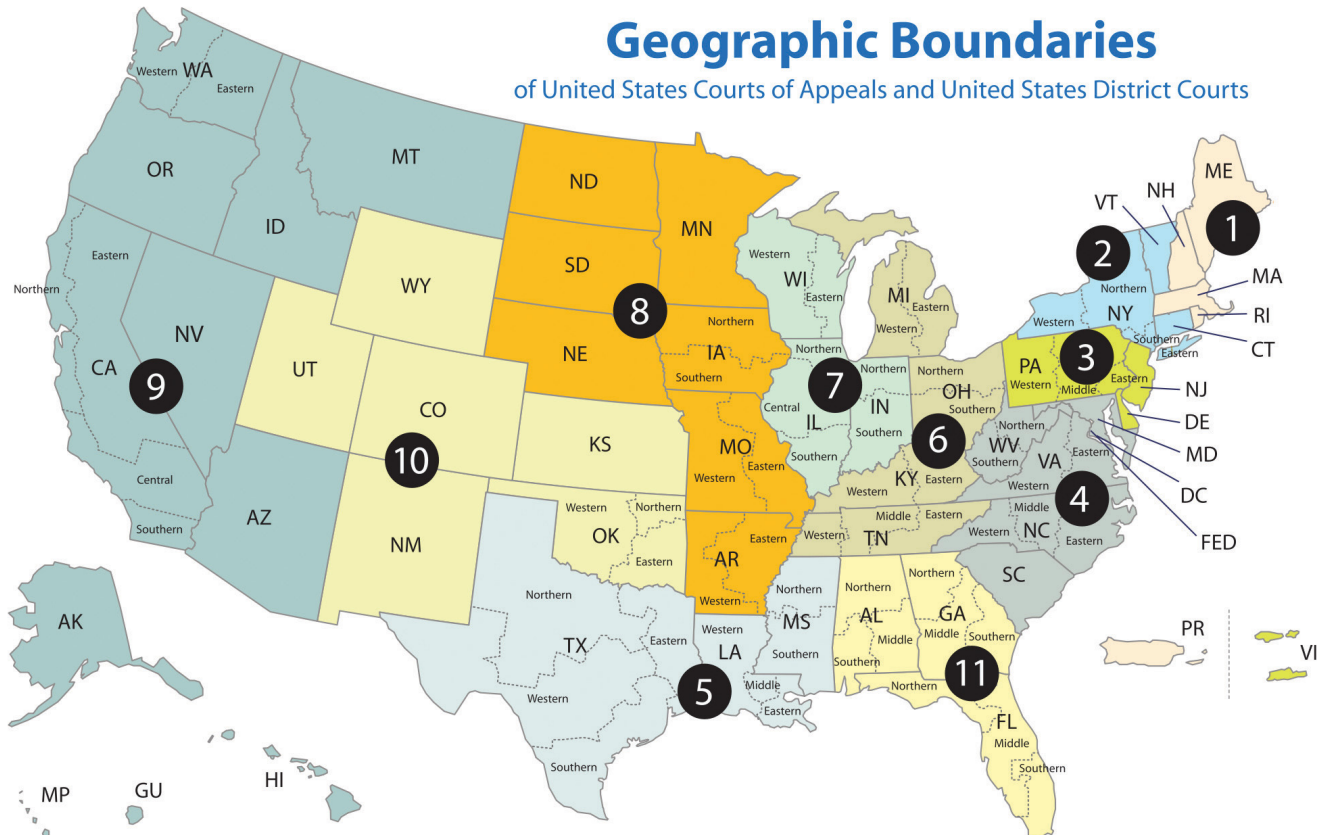


Figure 2.4.1 Geographic boundaries of the United States Courts of Appeals and United States District (Trial) Courts. (Source)

Depending on the state court system, trial courts are known most commonly by names such as circuit court, superior court, or district court, but so can **intermediate appellate courts**. Wisconsin refers to its trial courts as circuit courts. Wisconsin has 72 counties with circuit courts, which is analogous to the 94 judicial districts in the federal system.



Figure 2.4.2 Geographic boundaries of the Wisconsin Courts of Appeals and Wisconsin Circuit (Trial) Courts. (Source)

Intermediate Appellate Courts

Intermediate appellate courts—typically referred to simply as **appellate courts**—review the decisions of trial courts, normally to determine whether the parties received a fair trial or whether the trial judge (1) applied the appropriate law or (2) interpreted the law appropriately. Thus, these courts address **questions of law**. Because the job of appellate courts is to interpret the law and determine whether the court below applied the law properly, juries do not play a role in appellate court proceedings.

Legal Lingo

A common problem with learning languages is that, frequently, different words mean or describe the same thing. For example, "bathroom," "restroom," "washroom," and "lavatory" all refer to the same thing. Depending on the area of the United States, someone might refer to a carbonated beverage as "soda," "pop," or "Coke." "Water fountain" commonly refers to a "drinking fountain," and Wisconsin residents have a history of referring to drinking fountains as a Bubbler.)

The same nuances exist in the legal world. In the context of courts, "court of appeals" and "appellate court" both refer to an **intermediate court of appeals**. But despite the fact that the US Supreme Court and state **courts of last resort** actually are appellate courts, people do not refer to them as "appellate courts."

By contrast, it is reasonable to infer that a *supreme* court is at the top of the hierarchy, thus a court of last resort. Yet, New York refers to its court of last resort as its "court of appeals."

A federal trial court is called a "district court," but a trial court in Wisconsin is called a "circuit court." A federal appellate court is called a "circuit court," but an appellate court in Wisconsin is called a "district court."

While we are on the topic of trial courts, what do you think a trial court in New York is called?

Answer

That's right: a *supreme court*. (If you already knew this, maybe you have watched *Law and Order*.) Now, you can amaze your friends and family with a "did you know . . .?" fun fact. (It is also possible that you will receive *this reaction*.)

Figures 2.4.1 (federal) and 2.4.2 (Wisconsin) demonstrate which appellate courts hear cases from which trial courts. Whether in the federal or state court system, each appellate court is responsible for hearing cases from a particular region. For example, if a party appealed the outcome of a federal case in the **Western District of Wisconsin** (the federal trial court located in Madison, Wisconsin), the **US Court of Appeals for the Seventh Circuit** (located in Chicago, Illinois) would hear the appeal. In a Wisconsin state case, an

appeal from the [Ozaukee County Circuit Court](#) (a state trial court located in Port Washington, Wisconsin) would be heard by the [Wisconsin Court of Appeals for the Second District](#) (located in Waukesha, Wisconsin).

A final note about intermediate appellate courts is that they must hear any appeal made to them. Appeals to these courts are called **appeals as of right**, which is different than appeals to courts of last resort.

Courts of Last Resort

As discussed in [Section 2.3](#), a party losing an appeal at the federal appellate court level may ask the US Supreme Court to hear its case, and this is true at the state level. However, appeals to courts of last resort are **discretionary appeals**, so they can select which cases to hear, which usually includes cases in which the multiple federal circuit courts arrive at different conclusions about the same legal issue, cases that the Court believes have substantial national importance, and cases that present federal legal issues it has never before addressed.

The US Supreme Court agrees to hear very few cases. Each Supreme Court term, the Court receives 7,000-8,000 petitions for review, and it hears only about [80 cases](#) (approximately one percent). State supreme courts tend to agree to hear a greater proportion. For instance, the Wisconsin Supreme Court hears approximately [10%](#) of the appeals made.

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