

Lesson Plan 4 (Content-Based Instruction)**Richard McDorman****Title: Introduction to the Florida Court System****Language skills emphasized: Reading comprehension and speaking*****General Information***

Name/type of class: English for Legal Purposes (ELP) course for non-native English speaking legal professionals (attorneys, paralegals, legal assistants) in Florida

Class size: 5-10 students

Proficiency level: High intermediate to advanced (levels 2+ to 3+ on the ILR language proficiency scale)

Length of lesson: 3 hours, 15 minutes (or divided into two class sessions, if necessary)

Overall instructional goals of the lesson:

After completion of this lesson, students will be able to:

- a) Describe the structure, organization and hierarchy of the Florida state court system.
- b) Identify the four types of Florida courts and their relationships to one another.
- c) Articulate the subject matter jurisdiction of each of the four types of Florida courts.
- d) Determine the correct jurisdiction (court level) for the most common types of civil and criminal cases.

Learning Objectives:

- a) To develop foundational familiarity with the Florida state court system.
- b) To recognize and identify each discrete level of the Florida state court system.
- c) To acquire content-specific vocabulary needed for understanding key lesson concepts.
- d) To read a summary of the Florida state court system and complete a graphical representation of that system.
- e) To read short courtroom dialogues and select the type of Florida state court where each dialogue would most likely take place.
- f) To accurately select the proper jurisdiction (court level) for the most common civil and criminal case types and scenarios.

Justification of Lesson:

Although many native Spanish-speaking professionals in Miami may succeed in their chosen line of work with limited English skills, this is not the case for most professionals and paraprofessionals in the legal field since all official court proceedings take place in English throughout the state of Florida, including Miami. While state law requires that the courts provide

qualified interpreters for witnesses and litigants, there is no such provision for members of the state bar or their assistants. Miami is home to one of the nation's largest legal industries, yet a significant number of otherwise qualified professionals (particularly paralegals and legal assistants, many of whom hold foreign law degrees and were practicing attorneys in their home countries) are unable to enter or advance in the field due to limited English proficiency given the practical need for advanced English language skills as well as the formal English language requirements imposed by state regulatory agencies (i.e., the Florida Bar).

An essential component of any occupational English program for legal professionals (English for Legal Purposes) in Miami is an introduction to the Florida state court system. Due to the size of the state and the high volume of litigated cases, Florida has a rather complex court structure compared to many other states, especially at the appellate level (Florida is unusual in having three types of courts that function as courts of appeal). In order to successfully navigate the Florida court system, learners must develop a foundational understanding of the structure and hierarchy of the system, master the fundamentals of the system's organizational and jurisdictional principles (including which court has legal authority to hear a case), and acquire the specialized vocabulary necessary to grasp key concepts and identify core elements of the system.

Materials needed:

- a) Whiteboard and dry erase marker
- b) Computers with internet access
- c) Handouts:
 1. [*An Overview of the Florida State Court System \(reading passage\)*](#)
 2. [*The Florida Court System: Hierarchy and Jurisdictional Summary \(post-reading activity\)*](#)
 3. [*The Florida Court System: Hierarchy and Jurisdictional Summary \(completed version\)*](#)
 4. [*Evaluation Activity 1: Vocabulary Exercise*](#)
 5. [*Evaluation Activity 2: Using Context to Determine Jurisdiction*](#)
 6. [*Evaluation Activity 3: Applying New Knowledge to Real-Life Court Scenarios*](#)

Lesson Plan

ORIENTATION (15 minutes)

The instructor will start the class by informing students of the topic of today's lesson (the Florida court system) and asking students to describe the court system(s) in their home country.

The purpose of this orientation activity is to establish a point of reference and departure (a familiar system) which students can use as a basis for understanding the Florida court system (an unfamiliar or partially familiar system). Beginning the lesson by emphasizing what students know instead of what they do not know can help establish confidence and self-assurance at the start of what may be a challenging topic for many students.

During this orientation activity, students will be asked to think about and comment on the following questions:

- 1) What types of courts exist in your home country? *Typical examples include civil courts, criminal courts, appellate courts, constitutional courts, military tribunals and religious courts.* Do these types of courts also exist in the United States or Florida? Why or why not?

Note: If relevant based on the students' countries of origin, the specific issue of religious courts should be handled with care and due respect for students' political and religious beliefs.

- 2) How is the court system organized in your home country? *Students from countries with unitary systems of government (such as China, Saudi Arabia, Colombia and most European states, which represent the vast majority of countries in the world and have unified national court systems) may find the United States' federal system with parallel national and state courts confusing or strange. Students from countries with federal governments or federations (such as Russia, Brazil, Mexico, Argentina and Germany) will probably find the federal system of the United States more familiar.*

Note: If the class consists of students from both groups of countries, students from each group should explain the basic structure of their country's court system. If there are no students in the class from a country with a federal system of government, then the instructor should explain the basics of American federalism but point out that today's lesson focuses on the structure of the Florida state court system, not the federal court system of the United States.

- 3) How many judicial levels exist in your home country? What are the names of the courts at each level? *Almost all countries have both trial courts and appellate courts/courts of appeal, although the names applied to each type of court can vary widely from country to country. Like Florida, many countries have inferior and superior tribunals at the trial level. Some countries also have intermediate courts of appeal.*
- 4) What is the name of the highest court in your home country? *In many countries, the highest court is called the Supreme Court, Supreme Court of Appeals, or the Supreme Constitutional Court.*
- 5) At what judicial level are most cases resolved in your country? Does it depend on the type of case? If so, why?
- 6) Why do you think your country has the number and types of courts that it does? *Try to steer students toward the realization that each country or region within a country has a court system that is uniquely adapted to its needs. While there is great variability in how different nations and states within the United States organize their judicial systems, no system is necessarily any better or worse than another.*

PRESENTATION (50 minutes)

Presentation Activity 1: General Overview of the Florida Court System (20 minutes)

The instructor will present a general overview of the Florida state court system, focusing on its structure and organization. *The presentation portion of the lesson will begin with this general introduction to the Florida courts. Most specialized vocabulary will be avoided until Presentation Activity 2.*

The following points will be covered during this presentation activity:

- ✚ The dichotomy between the federal (United States) and state (Florida) courts. *Ask students if they are familiar with the federal system of government in the United States (if so, have students explain what they know and then fill in any gaps). Point out that some of the terminology used to refer to federal courts and state courts can be confusing (for example, in the United States federal court system, “district courts” are trial level courts, whereas in the Florida court system, “district courts” are intermediate courts of appeal). Let students know that this unfortunate terminology is difficult even for native English speakers (especially first year law students!).*

Delay discussion of any jurisdictional issues until Presentation Activity 3.

- ✚ The distinction between trial courts (county court and circuit court) and appellate courts (district courts of appeal and the Florida Supreme Court). Explain that the term “court of first instance” is uncommon in English and should generally be avoided in favor of “trial court.” *Note: Spanish (and Portuguese) speaking students will be tempted to refer to trial courts as “courts of first instance,” which is a calque of the commonly-used Spanish legal term “tribunal de primera instancia.” Although the term “court of first instance” exists in English, it is uncommon.*

Check comprehension by asking students to explain in their own words some of the differences between trial courts and appellate courts. (Some examples are that trial courts hear original cases, grant or deny procedural motions, make findings of fact and law, and issue most final orders. Appellate courts generally do not make findings of fact but only make findings of law and review the final orders of trial courts.)

- ✚ The four distinct levels of the Florida court system and the number of courts at each level:
 - ❖ *County court* is the lowest-level trial court. There are 67 county courts in the state (one for each county).
 - ❖ *Circuit court* is the highest-level trial court. There are 20 circuit courts in the state (one for each of the 20 judicial circuits into which the state is divided).

- ❖ *District court* is the intermediate-level court of appeal. There are five district courts of appeal (also known as DCAs) in the state (one for each of the five judicial districts into which the state is divided).
- ❖ *The Florida Supreme Court* is the highest court in the state. It is primarily an appellate court, but in rare cases may act as a trial court.

Students will learn about each court in more detail during the engagement portion of the lesson.

Presentation Activity 2: Pre-Teaching Specialized Content Terminology (15 minutes)

The reading passage that will be used at the beginning of the engagement portion of the lesson contains a number of specialized terms with which students will probably be unfamiliar (or only partially familiar). Although it will not be possible to pre-teach all of these terms, some of the more important and/or problematic will be pre-taught during this presentation activity:

1. **controversy**
2. **dispute**
3. **caseload**
4. **statute**
5. **misdemeanor**
6. **felony**
7. **capital (crime)**
8. **injunction**
9. **writ**
10. **panel**
11. **binding**
12. **pending**
13. **precedent**

Suggested presentation strategies/dialogues for each term:

1. Another word for “disagreement” or “argument” is ... **controversy**. The United States and Florida constitutions specify that courts only have jurisdiction to hear cases or **controversies**.

Let students know that this is a specialized legal use of the term. Check that students understand the more general use of the term (i.e., any matter of strong disagreement or debate) and that the term is an inherently negative word (it has a negative “word charge”).

2. Elicit the term **dispute** by asking students if they know yet another term for “disagreement” or “argument.” *Tell students that terms “controversy” and “dispute” are close in meaning and in some contexts may be used interchangeably (as in the “the amount in dispute” and “the amount in controversy”).*

3. The volume of work that a court or an attorney must manage is referred its (his/her) ... **caseload**. Ask students about their current **caseloads**. What do students do to manage their caseloads?
4. Another word for “law” or “act” is ... **statute**. Ask students what the Florida law code is called (“The Florida Statutes,” which is abbreviated as “F.S.” or “Fla. Stat.” in formal legal writing). Unlike many other states, Florida does not have separate civil and criminal codes, but only one unified set of **statutes**.

Make sure students understand that in English, statutes and bylaws are separate concepts. The Spanish term for “bylaw” is the close cognate “estatuto,” which is a faux-ami since the Spanish term for “statute” is “ley” or “decreto.”

5. In Florida, all criminal offenses are divided into two categories: **misdemeanors** and **felonies**. Ask students if they know the difference between misdemeanors and felonies under Florida law (**misdemeanors** are punishable by up to one year in the county jail and a fine of no more than \$1,000, whereas **felonies** are punishable by incarceration in the state prison for more than one year or by death).
6. A crime that is punishable by death is known a ... **capital** offense. Ask students if they are aware of which crimes carry the death penalty in Florida. (Florida law technically recognizes three capital offenses: first degree murder, capital drug trafficking and sexual battery of a child under twelve years of age, although in practice the death penalty is only applied to a small number of offenders convicted of first degree murder with aggravating circumstances.)
7. Two types of orders that courts can issue are **writs** and **injunctions**. Ask students if they know the difference. If not, explain that both **writs** and **injunctions** are court orders that command a person or entity to do (or refrain from doing) some act. In modern usage, however, **writs** are very specific orders issued against an agent or entity of the state. In the past, there were many different types of writs. However, under modern Florida law, the only remaining writs are writs of *certiorari*, *mandamus*, *prohibition*, *habeas corpus* and *quo warranto*, with the last being extremely rare.
8. Ask students what a group of three judges hearing an appellate case is collectively referred to (a **panel**). Let students know that **panels** of more than three judges are possible under unusual circumstances. Ask students if they know when this would be the case (in Florida, this would happen when a district court of appeal meets **en banc**, or in its entirety, when all judges of the court sit together to hear the appeal).
9. Ask students if they know what it means if the decision of a higher court is **binding** on a lower court (it means that the lower court is legally required to respect its decision or **holding** and apply its legal principles to all similar cases). Check comprehension by asking students to think of some words that are similar in meaning (examples include “obligatory,” “mandatory” and “compulsory”).

10. What does it mean if a case is **pending**? (*It means that the case has not yet been resolved*). Ask students to think of some other things that can be **pending** (examples include applications, patents and payments).
11. A legal decision that has been made by a court (usually a higher court) establishing a rule or principle to be followed in future similar cases is known as a ... **precedent**. In most cases, legal **precedents** control and constrain the decisions of trial courts. Novel cases for which there is no **precedent** are known as “cases or matters of first impression.”

Presentation Activity 3: Explaining Court Jurisdiction and Hierarchy (15 minutes)

The instructor will present a jurisdictional and hierarchical summary of the Florida court system as it is described in [The Florida Court System: Hierarchy and Jurisdictional Summary \(Completed Version\)](#). However, the instructor will not distribute the chart until the engagement portion of the lesson.

Before beginning this presentation activity, the instructor will check that students understand the meaning of the key terms *jurisdiction* and *hierarchy* by asking students ...

- What is a court’s authority to hear a case is called? (**jurisdiction**)
- And what is the term used to refer to the ordered ranking of authority within a system? (**hierarchy**). *The instructor may need to provide some examples. If students have difficulty identifying or understanding the term, the instructor should assist the students by pointing out that Spanish has a close cognate, **jerarquía**.*

ENGAGEMENT (60 minutes)

After all of the presentation activities have been completed, the instructor will initiate the engagement portion of the lesson by distributing the lesson’s [reading passage](#).

Engagement Activity 1: Intensive Reading (30 minutes)

*The purpose of this activity is to provide students with an (almost) authentic text describing the organization and jurisdiction of the Florida court system. The majority of the text has been only slightly adapted from official materials published by the judicial branch of the government of the state of Florida. Potentially problematic vocabulary items are in **bold**.*

First, students will be given fifteen to twenty minutes to read the passage. Students will be advised to pay particular attention to words in **bold**, which are the vocabulary items most likely to be new to or difficult for students. As the students read the passage, the instructor will circulate throughout the room to assist students with the passage. During this activity, students will have access to computers with internet to assist them with any unknown terms or concepts.

Before the students begin to read the passage, the instructor will encourage them to read actively, looking for the following information:

- How is the Florida court system organized?
- At what court level(s) are most cases resolved?
- How many courts at each level exist in the state and why?
- What is the source of each court's jurisdiction?
- What types of cases does each type of court hear?
- How are appellate cases resolved?
- What are the different types of jurisdiction held by the Florida Supreme Court?

Once students have finished reading the passage, they will be grouped in pairs and will be given fifteen minutes to collaboratively complete the post-reading activity (filling in the chart in [The Florida Court System: Hierarchy and Jurisdictional Summary](#)).

Engagement Activity 2: Group Discussion (30 minutes)

The instructor will begin this activity by reviewing the students' work on the post-reading activity. The instructor will select one pair to present its work on each of the four court levels (i.e., one pair per level), starting with the lowest level (county court) and moving to the highest level (the Florida Supreme Court). *If there are more than eight students (four pairs) in the class, then the court levels with the most complex jurisdictional profiles (circuit court and the Florida Supreme Court) will be divided into two parts, with one part covered per pair of students.*

After each pair has presented its work and all four court levels have been reviewed, the instructor will invite the students to answer the following questions in a full group discussion format:

- In what ways are the Florida court system and the court system(s) of your home country similar? In what ways are they different? *(While this class is not part of a course in comparative jurisprudence, it is nevertheless important for students to reflect on and be able to articulate similarities and differences between court systems. In addition, the students' responses to this question will allow the instructor to gauge how well the students have acquired and synthesized the lesson content.)*
- Why do you believe the Florida court system is substantially more complex than the court systems of many other U.S. states? *(One reason is that Florida is one of the largest and most populous states in the country. Another reason is that Florida is among the most litigious states, with one of the highest per capita rates of civil and criminal cases filed.)*
- Which aspect(s) of the Florida court system did you find most difficult to understand? *(The instructor will expand on the specific issues raised by students to help fill in any gaps in knowledge.)*
- Which courts can act as courts of appeal? What types of appeals can each of these courts hear?

EVALUATION (55 minutes)

Evaluation Activity 1: Vocabulary Exercise (15 minutes)

The evaluation portion of the lesson will begin with an [exercise to test the students' comprehension of key vocabulary](#) presented during the lesson. The instructor will distribute the exercise and give students ten minutes to complete the ten multiple-choice questions. After the students have completed the exercise, the instructor will review the students' work by asking them to present and explain their answers in a round robin format.

Evaluation Activity 2: Using Context to Determine Jurisdiction (20 minutes)

Once the vocabulary exercise has been completed, the instructor will inform the students that the next activity will require them to read short courtroom dialogues and determine in which type of Florida court those dialogues would take place. The instructor will inform the students that for each dialogue, only one type of Florida court has jurisdiction based on the specific content of the interactions. *Although this is certainly not the case for all possible courtroom dialogues, the particular dialogues in this activity have been carefully fashioned so that there is only one correct answer to each item. This has been done in an effort to lower the level of difficulty of the task.*

The instructor will distribute the [exercise](#) and give students ten minutes to individually complete the seven questions (students will be allowed to use their notes and the chart they completed in *Engagement Activity 1* to help them complete this exercise). After the students have completed the exercise, the instructor will review the students' work by asking them to present and explain their answers in a round robin format. For any answers over which students disagree, the instructor will invite the students to explain why they believe their answer is correct.

Evaluation Activity 3: Applying New Knowledge to Real-Life Court Scenarios (20 minutes)

For the final evaluation activity, the students will be divided into groups of three to discuss and complete a worksheet in which various legal scenarios are described. For each scenario, students will decide which court (or courts) has jurisdiction to hear and decide the case (for this activity, the students will be asked to complete the questions without accessing their notes or the chart from *Engagement Activity 1*). Unlike the prior exercise, there may be more than one correct answer to some questions. The instructor will distribute the [exercise](#) and give students ten to fifteen minutes to collaboratively complete the twelve questions. After the students have completed the exercise, the instructor will review the students' work in the same manner as in *Evaluation Activity 2*.

Note: For this activity, students will work in small groups instead of individually since this activity has a higher level of difficulty than the previous one (students must complete the exercise without accessing their notes or the court chart, and some questions have more than one correct answer).

EXPANSION (15 minutes in class plus two additional class sessions)

The instructor will conclude the class (or classes, if multiple sessions were required) by asking students to reflect on what they have learned during the lesson(s) by considering and answering the following questions:

- ❖ How well do they understand the structure and organization of the Florida state court system?
- ❖ What new vocabulary have they learned during the lesson?
- ❖ Can they accurately describe the jurisdiction and hierarchy of the Florida courts?
- ❖ How confident do they feel determining in which type of Florida court a case would be heard based on the content of courtroom dialogues? *If they do not feel confident, what can they do to increase their level of confidence?*
- ❖ How confident do they feel determining which Florida court(s) has/have jurisdiction to hear and decide specific legal scenarios? *If they do not feel confident, what can they do to increase their level of confidence?*

As a means of helping students consolidate the material they have learned in today's lesson and experience the lesson content first hand (that is, to convert theoretical knowledge into experiential knowledge), the instructor will lead an off-site field trip to three of the four types of courts the students have learned about today (county court, circuit court and district court). Miami is home to the [Miami-Dade County Court](#), the [Florida Eleventh Judicial Circuit Court](#) and the [Florida Third District Court of Appeal](#), all of which allow members of the public to view their proceedings in person. This field trip, which would require two days to complete (county court and circuit court are located in the same building in downtown Miami, but the district court of appeal is located approximately fifteen miles to the west), will give students an opportunity to integrate the lesson content with all four language skills in a completely authentic setting with the assistance of their language instructor to help scaffold their comprehension of what they see and hear. Upon their return to class after the two-day fieldtrip, students will compare what they witnessed in person to what they read and learned about in class, exploring and resolving differences between what is necessarily a partially inauthentic and simplified in-class presentation of complex material and completely authentic, uncensored real-life experiences.

An Overview of the Florida State Court System

(Source: Adapted from *Florida State Courts* at www.flcourts.org and Wikipedia article on the Florida Supreme Court at http://en.wikipedia.org/wiki/Florida_Supreme_Court.)

Introduction to the Florida State Court System

The Florida state court system has four levels. The lowest level is county court, while the highest level is the Florida Supreme Court. Although the Florida Supreme Court is the highest court in the state, very few cases ever reach the state Supreme Court. In most instances, the district courts of appeal are the highest courts to consider a case or **controversy**. In general, county courts and circuit courts are **trial courts**, while district courts and the Florida Supreme Court are **appellate courts**, although there are some exceptions to this generalization. In Florida, the vast majority of **litigated** cases are resolved at the county court or circuit court level.

County Courts

The Florida State Constitution establishes a county court in each of Florida's 67 counties. The number of judges in each county court varies with the population and **caseload** of the county. The trial jurisdiction of county courts is established by **statute**. The jurisdiction of county courts extends to civil **disputes** involving amounts of \$15,000 or less. The majority of non-jury trials (also known as bench trials) in Florida take place before one judge sitting as a judge of the county court. The county courts are sometimes referred to as "the people's courts" because a large part of the courts' work involves **voluminous** citizen disputes, such as traffic offenses, less serious criminal matters (**misdemeanors**), and relatively small monetary disputes.

Circuit Courts

Until 1973, Florida had more different kinds of trial courts than any state except New York. A **movement** developed in the late 1960s to reform this confusing system. As a result, Florida now has a simple two-**tiered** trial court system. The majority of jury trials in Florida take place before one judge sitting as judge of the circuit court. The circuit courts are sometimes referred to as courts of general jurisdiction, in recognition of the fact that most criminal and civil cases originate at this level.

The state Constitution provides that a circuit court shall be established to serve each judicial circuit established by the Legislature, of which there are twenty. Within each circuit, there may be any number of judges, depending on the population and caseload of the particular area. Circuit courts have general trial jurisdiction over matters not assigned by statute to the county courts and also **hear** appeals from county court cases. Thus, circuit courts are simultaneously the highest trial courts and the lowest appellate courts in Florida's judicial system.

The trial jurisdiction of circuit courts includes, among other matters, original jurisdiction over civil disputes involving more than \$15,000; controversies involving the **estates** of decedents, **minors**, and persons adjudicated as **incapacitated**; cases relating to juveniles; criminal prosecutions for all **felonies**; tax disputes; actions to determine the title and boundaries of real property; suits for declaratory judgments (that is, to determine the legal rights or responsibilities

of parties under the terms of written **instruments**, laws, or regulations before a dispute arises and leads to litigation); and requests for **injunctions** to prevent persons or entities from acting in a manner that is asserted to be unlawful. Lastly, circuit courts are also granted the power to issue the extraordinary **writs** of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, and all other writs necessary to the complete exercise of their jurisdiction.

District Courts

The **bulk** of trial court decisions that are appealed are never heard by the Florida Supreme Court. Rather, they are reviewed by three-judge **panels** of the district courts of appeal. The Florida Constitution now provides that the Legislature shall divide the State into appellate court districts and that there shall be a district court of appeal (DCA) serving each district. There are five such districts that are **headquartered** in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach. The district courts of appeal can hear appeals from final judgments and can review certain non-final orders. By general law, the district courts have been granted the power to review final actions taken by state agencies in carrying out the duties of the **executive** branch of government.

As a general rule, decisions of the district courts of appeal represent the final appellate review of litigated cases. A person who is **displeased** with a district court's express decision may ask for review in the Florida Supreme Court and then in the United States Supreme Court, but neither tribunal is required to accept the case for further review. Most are denied.

The Florida Supreme Court

The Supreme Court of the State of Florida is the highest court in the state. The Florida Supreme Court consists of seven judges: the Chief Justice and six Justices who are appointed by the Governor to six-year terms and remain in office if retained in a general election near the end of each term. The Court is the final **arbiter** of Florida law, and its decisions are **binding** authority for all other Florida state courts.

The jurisdiction of the Supreme Court of Florida is **laid out** in Article V of the Florida Constitution. The Supreme Court of Florida has appellate jurisdiction that is discretionary (cases the Court may choose to hear if it wishes) in most cases and mandatory (cases the Court must hear) in a few cases. In some matters, the Court has original jurisdiction, meaning that the case can begin and end in the Supreme Court absent a **basis** for further appeal to the Supreme Court of the United States. In other matters, the Court has exclusive jurisdiction, meaning that it is the only court or governmental body with the legal authority to resolve the issue (such matters include regulation of the Florida Bar and admissions to the same, creating or amending the Florida Rules of Court, and determining whether the governor is incapacitated and therefore unable to fulfill his constitutional duties).

The Florida Constitution establishes mandatory appellate jurisdiction for the following:

- Cases in which the death penalty is imposed (but solely to review findings of lower courts on the *law*, not on the *facts*). In such instances, the Florida Supreme Court directly

reviews Florida Circuit Court decisions, **skipping** the intermediate Florida District Courts of Appeal (DCAs).

- Decisions by the DCAs declaring *invalid* a state statute or constitutional provision.

The Florida Constitution provides discretionary appellate jurisdiction for a much larger set of circumstances, including (but not limited to):

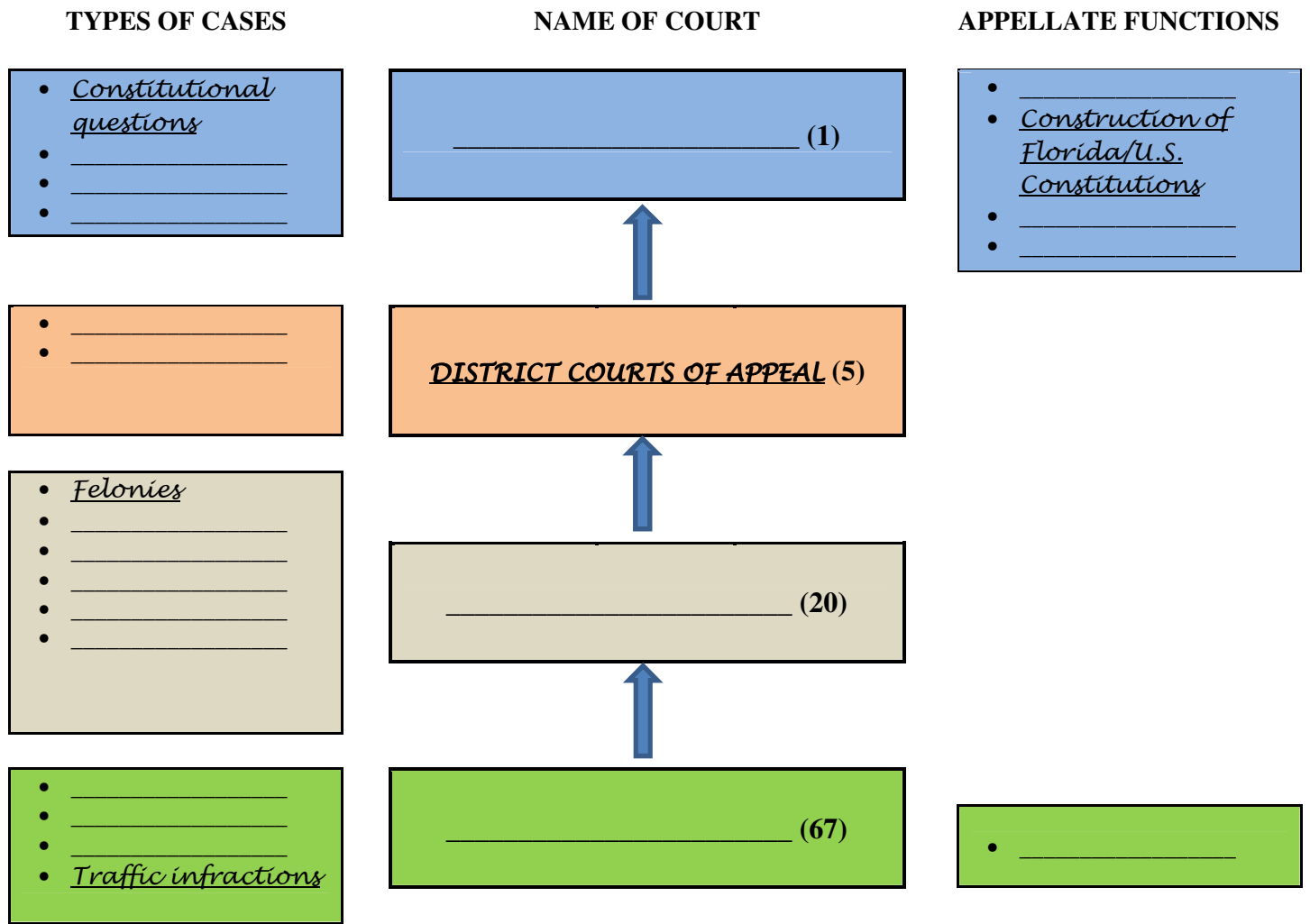
- DCA decisions expressly declaring a state statute or constitutional provision to be valid.
- DCA decisions that expressly affects a class of constitutional/state officers.
- DCA decisions that *expressly* and *directly* conflict with the decision of another DCA or of the Florida Supreme Court (including decisions that the DCA certifies to be in conflict with an opinion of another DCA).
- DCA decisions that the DCA certifies, or orders or judgments of trial courts certified by a DCA in which appeal is **pending**, to be of “great public importance,” or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the Supreme Court.

Questions of law certified by the Supreme Court of the United States or a United States court of appeals as determinative of a cause before them, for which there is no controlling **precedent** by the Florida Supreme Court.

The Florida Court System: Hierarchy and Jurisdictional Summary

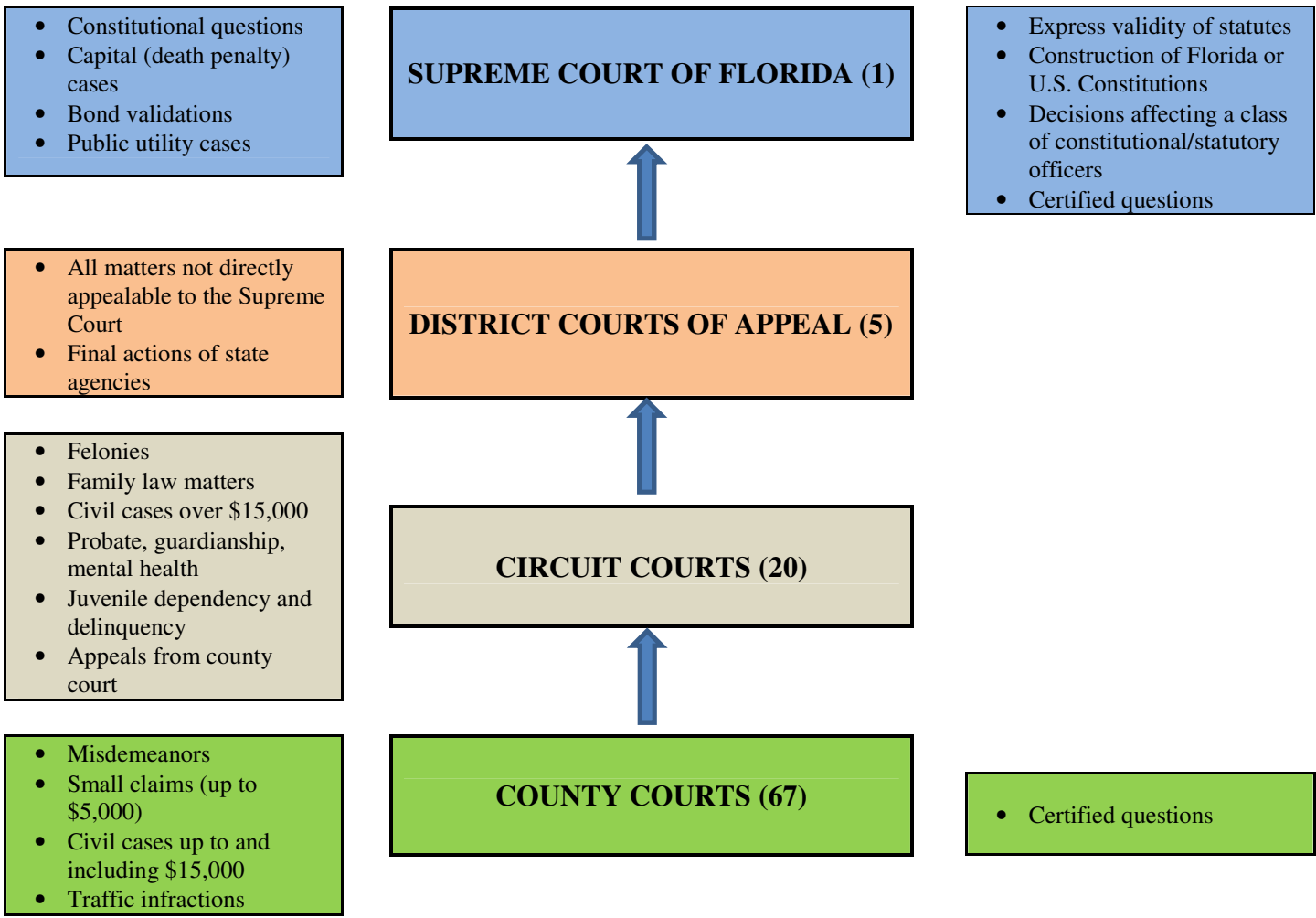
Complete the following chart by filling in the blanks based on the information you learned about during today's lesson. You may refer to the reading passage and your notes as you complete this activity. Under **Name of Court**, the number in parentheses indicates the number of courts at that level in the state.

Hint: The top blue box represents the highest court in the state, while the bottom green box represents the lowest level of the Florida state court system.



The Florida Court System: Hierarchy and Jurisdictional Summary (Completed Version)

(Source: Adapted from *Florida State Courts* at www.flcourts.org)



Evaluation Activity 1: Vocabulary Exercise

Select the word or phrase that is closest in meaning to the word in **bold**. Note: All example sentences are taken from the reading passage.

Example:

In most instances, the district courts of appeal are the highest courts to consider a case or **controversy**.

(a) disagreement (b) appeal (c) retrial (d) question

The correct answer is (a) **disagreement** because *controversy* and *disagreement* are close in meaning.

(Teacher's edition only: correct answers are in bold.)

1. In Florida, the vast majority of **litigated** cases are resolved at the county court or circuit court level.

(a) important (b) **contested** (c) settled (d) difficult

2. The trial jurisdiction of county courts is established by **statute**.

(a) custom (b) records (c) **law** (d) policy

3. As a result, Florida now has a simple two-**tiered** trial court system.

(a) governed (b) optioned (c) paneled (d) **leveled**

4. The **bulk** of trial court decisions that are appealed are never heard by the Florida Supreme Court. Rather, they are reviewed by three-judge **panels** of the district courts of appeal.

(a) minority/levels (b) greatest number/members
(c) **majority/boards** (d) most serious/groups

5. A person who is **displeased** with a district court's express decision may ask for review in the Florida Supreme Court and then in the United States Supreme Court, but neither tribunal is required to accept the case for further review.

(a) puzzled (b) questioned (c) satisfied (d) **unhappy**

6. The jurisdiction of the Supreme Court of Florida is **laid out** in Article V of the Florida Constitution.

(a) ordered (b) **described** (c) elevated (d) limited

7. The Court is the final **arbiter** of Florida law, and its decisions are **binding** authority for all other Florida state courts.

- (a) **decider/mandatory** (b) authority/optional
 (c) questioner/final (d) arbitration/official

8. In such instances, the Florida Supreme Court directly reviews Florida Circuit Court decisions, **skipping** the intermediate Florida District Courts of Appeal (DCAs).

- (a) informing (b) overruling (c) **bypassing** (d) ignoring

9. DCA decisions that the DCA certifies, or orders or judgments of trial courts certified by a DCA in which appeal is **pending**, to be of “great public importance,” or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the Supreme Court.

- (a) under way (b) finally granted (c) starting proceedings (d) **awaiting resolution**

10. Questions of law certified by the Supreme Court of the United States or a United States court of appeals as determinative of a **cause** before them, for which there is no controlling **precedent** by the Florida Supreme Court.

- (a) **case/standard** (b) effect/question
 (c) issue/factor (d) matter/resolution

Evaluation Activity 2: Using Context to Determine Jurisdiction

In which of the four levels of the Florida court system (*county court, circuit court, district court* or the *Florida Supreme Court*) would you hear the following interactions? Use the context clues in the dialogues below to determine which court has jurisdiction over the case. Be sure to explain your answers.

Example:

Attorney: “Your honor, at this time I’d like to make a motion to dismiss counts two through five of the indictment on the grounds that the probable cause affidavit fails to allege a criminal offense.”

Judge: “Those are all second degree felonies, aren’t they?”

Attorney: “That’s correct, judge.”

Court level: *Circuit court*. Reason: *Only circuit courts can hear felony cases at the trial level.*

1. *Judge:* “It’s my understanding that you were going more than sixty miles an hour in a fifty mile-an-hour zone.”

Defendant: “That’s what the ticket says, your honor, but I don’t believe I was actually going that fast.”

Court level: _____ . Reason: _____

2. *Court Clerk:* “All rise. Court is now in session: the Honorable Justices Stevens, Lopez and White presiding.”

Justice Stevens: “Thank you. Please be seated.”

Court level: _____ . Reason: _____

3. *Attorney:* “Your honors, the controlling case under these circumstances is *State v. Jefferson*.”

Justice Quince: “But didn’t the Fourth DCA hold that *Jefferson* is no longer relevant since the new statute became effective?”

Attorney: “Yes, your honor. That’s what the DCA held, but we believe that the court misinterpreted the statute. That’s why we’re asking you to overturn the DCA’s decision.”

Court level: _____ . Reason: _____

4. *Attorney:* “Ms. Alvarez, why else do you believe you should be awarded custody of your two minor children.”

Client: “Well, they’ve been living with me since they were born and to be honest, their father hasn’t really shown much interest in them. He’s also

currently incarcerated, so he can't take care of them right now anyway.”
Judge: “I think I've heard enough. I'm deciding to grant sole custody of both minor children to their mother, Ms. Alvarez.”

Court level: _____ . Reason: _____

5. *Court Clerk:* “At this time, the Court will hear case number 120041: *McGinley vs. the State of Florida Department of Economic Opportunity.*”

Judge: “This is an appeal of a final order denying unemployment benefits?”

Court Clerk: “Yes, your honor. The state agency is represented by Mr. Caldwell and Ms. McGinley is appearing *pro se.*”

Court level: _____ . Reason: _____

6. *Justice Pariente:* “It's my understanding that the lower court declared section 794.05 to be unconstitutional on the grounds that it violates the Equal Protection Clause.”

Attorney General: “Correct, your honor. However, it's the position of the State that the statute is in fact constitutional.”

Justice Lewis: “Yet the Defendant claims that section two of the statute provides unequal protection to emancipated minors. Isn't that a problem?”

Attorney General: “We don't believe so, your honor, at least not to the point of causing the statute to become unconstitutional.”

Court level: _____ . Reason: _____

7. *Plaintiff:* “And that's when I saw her run over my garden hose. It cost me fifty dollars to replace the hose and over four hundred dollars for the landscaping.”

Judge: “So the total amount of your claim is four hundred ninety-six dollars?”

Plaintiff: “Yes, ma'am. I sent her a letter asking her to pay me but she never answered. That's why I had to file this case to get my money back.”

Court level: _____ . Reason: _____

Answer Key (*Teacher's Edition only*)

1. Court level: **County court**. Reason: All non-criminal traffic infraction cases are heard in county court.
2. Court level: **District court**. Reason: Only district courts of appeal have panels of three judges.
3. Court level: **Florida Supreme Court**. Reason: The case involves review of a decision of a district court of appeal.
4. Court level: **Circuit court**. Reason: All family law cases are heard in circuit court.
5. Court level: **District court**. Reason: Appeals of final decisions of state agencies are heard by the district courts of appeal.
6. Court level: **Florida Supreme Court**. Reason: Cases involving constitutional questions, including decisions of trial-level courts declaring a state statute unconstitutional, are heard by the Florida Supreme Court.
7. Court level: **County court**. Reason: Civil cases involving amounts under \$15,000 are heard in the small claims division of county court.

Evaluation Activity 3: Applying New Knowledge to Real-Life Court Scenarios

Based on what you have learned about the Florida court system, indicate which level(s) of the Florida court system (*county court, circuit court, district court* or the *Florida Supreme Court*) the following types of cases or actions would be heard. Once you have completed this activity, you will have the chance to review your answers with your assigned partner. Be prepared to explain your answers. In some cases, there may be more than one correct answer.

Example: A criminal case in which the death penalty was imposed. *Circuit court.*

1. A case in which a driver received two traffic tickets—one for running a red light and another for speeding (both non-criminal infractions)—and wishes to contest the charges.
2. A case in which someone wants to have her name legally changed.
3. An appeal of a conviction for resisting arrest without a violence (a first-degree misdemeanor) in which no other criminal offenses were charged.
4. An appeal of a ruling from the State of Florida Department of Revenue (a state agency) declaring that a business owes unpaid state income taxes.
5. A bond hearing for an individual charged with two criminal offenses: possessing stolen property (a third-degree felony) and loitering and prowling (a second-degree misdemeanor).
6. A petition for a writ of mandamus to compel the Hillsborough County supervisor of elections to register someone to vote (the supervisor has refused to allow the registration on the grounds that the attempted registrant does not meet the state's residency requirements).
7. A direct appeal of a criminal case in which the defendant was sentenced to death for capital murder.
8. A direct appeal of a criminal case in which the defendant was sentenced to life in prison for capital murder.
9. A civil case in which a woman is suing her neighbor for negligently breaking an antique garden gnome in her front yard which she claims is worth \$17,000.
10. A civil case in which a woman is suing her neighbor for negligently breaking an antique ceramic flamingo in her back yard which she claims is worth \$14,999.
11. A case in which a law school graduate has been denied admission to the Florida Bar due to a prior criminal conviction.
12. A case to answer a question of great public importance certified by a judge of the Broward County Court.

Answer Key (Teacher's Edition only)

1. **County court**
2. **Circuit court**
3. **Circuit court**
4. **District court of appeal**
5. **Circuit court**
6. **Circuit court, district court of appeal or Florida Supreme Court**
7. **Florida Supreme Court**
8. **District court of appeal**
9. **Circuit court**
10. **County court**
11. **Florida Supreme Court**
12. **District court of appeal**