

Practice Pointer: State and Federal courts can decide issues of state or federal law

How can a court consider a case?

- A court can only consider a case if it has **jurisdiction** to hear it, meaning the court is authorized to hear and determine the case.

Can a federal court **decide** an issue of state law?

YES!

- Also known as a **diversity action**. A federal court can decide an issue of state law if the state issue is presented with a related federal issue or if the state question is raised in a dispute between parties of different states in a case.

Can a federal court decision **change** state law?

NO AND YES!

- A federal court decision generally cannot change state law, it may persuade the state to review state law. ‘

However,

The U.S. Supreme Court can determine whether state law violates the U.S. Constitution. The decision of The U.S. Supreme Court could invalidate state law.

Can the state **change** federal law?

NO!

- The state cannot control or change federal law.

Can state courts **decide** issues of federal law?

YES!

- State courts can decide issues of federal law, but a state court decision on federal law does not change the federal law. However, it may persuade federal governing bodies to change federal law.

The federal government controls ALL issues of federal law, and state governments exercise authority over all issues of state law.

Under certain circumstances state and federal courts can decide issues of state or federal law.

REAL LIFE

Let's say two individuals get into a car accident, the plaintiff is from New Jersey and the defendant is from Connecticut this would be considered a diversity action. Therefore, a federal court can decide an issue of state law because the dispute is between parties of different states.