



Mendocino County Superior Court Self-Help Legal Access Center “SHLA”

Self Help Services

Self Help Services

[Superior Court Home Page](#) [Self Help Site Map](#)

Overview of the California State Court System*

This section tells you about:

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2. [The Role of the Judiciary](#)
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The California court system

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In California, the courts are divided into two systems: federal and state. This section tells you about the state courts in California.

California has two types of state courts:

- Trial Courts
- Appellate Courts

Trial Courts

Trial Courts are also called "Superior Courts." There are 58 Trial Courts--one in each county.

In the Trial Courts, a judge, and sometimes a jury, hears testimony and evidence and decides a case by applying the law to the facts of the case.

Superior Courts handle:

- All criminal cases (felonies, misdemeanors, and traffic tickets)
- All civil cases (family law, probate, juvenile, and other civil cases)
- Appeals of small claims cases and other civil cases worth \$25,000 or less

* Court System Overview.doc adapted from the Alameda County Superior Court's Website, Nov. 2007

- Appeals of misdemeanor cases

Appellate Courts

There are two types of Appellate Courts:

- Courts of Appeal
- California Supreme Court

There are 6 Courts of Appeal and one California Supreme Court.

Courts of Appeal

The Courts of Appeal are California's intermediate courts of review. District headquarters for the Courts of Appeal are located in:

First District: San Francisco
Second District: Los Angeles
Third District: Sacramento
Fourth District: San Diego (Division One)
Fifth District: Fresno
Sixth District: San Jose

People who are not satisfied with a Trial Court decision can appeal their case in an Appellate Court. When they "appeal", they ask a higher-level court to change what the Trial Court decided.

The role of the Courts of Appeal is not to give new trials, but to review the Superior Court record (court files and transcripts) to decide if legal errors were made. To do this, the Court of Appeals may hear arguments from each side. Each side gets a chance to make a presentation and to answer the judges' questions. The oral arguments are open to the public, but there are no juries or witnesses. The Courts of Appeal cannot review death penalty cases.

In each Court of Appeal, a panel of three judges, called "justices," decides appeals from Superior Courts. The Courts of Appeal can agree with the decision of the Trial Court, agree in part and disagree in part, or disagree and reverse the Trial judge's decision. The Courts' decisions are called opinions. The opinions are public and are posted on the Supreme Court's website.

For more information about the Courts of Appeal and the cases they handle go to: www.courtinfo.ca.gov/courts/.

California Supreme Court

The Supreme Court is the state's highest court. It can review cases decided by the Courts of Appeal.

Also, certain kinds of cases go directly to the Supreme Court and are not heard first in the Court of Appeal:

- Death penalty appeals
- Disciplinary cases involving judges or lawyers

The Court conducts regular sessions in San Francisco, Los Angeles, and Sacramento. Sometimes, the Court holds special sessions in other cities in California.

There are 7 justices on the Supreme Court, and at least 4 must agree on the final decision. All other State courts in California must follow a decision made in the Supreme Court. Decisions of the Supreme Court are published in the California Official Reports, which can be found on the California Courts website at www.courtinfo.ca.gov/courts/.

The justices are appointed by the Governor then confirmed by the voters at the next general election. After the end of their 12-year term, they must be confirmed by the voters again.

The justices must be lawyers. They must have passed the California Bar Examination or have served as a judge of a court of record in California for 10 years just before their appointment.

The Judicial Council of California

In many states the Supreme Court is in charge of the overall administration of the state's courts. But in California, the Judicial Council of California does this job.

The Judicial Council plans and adopts policies and rules that say how the Courts of Appeal and the Superior Courts must work. It also conducts studies.

New policies are established after the courts have had many opportunities for comment.

The Judicial Council has 27 members who set policies for the California courts:

- The Chief Justice;
- 14 judges appointed by the Chief Justice (1 associate justice of the Supreme Court, 3 justices of the Courts of Appeal, and 10 Trial Court judges);
- 4 attorney members appointed by the State Bar Board of Governors;
- 1 member from each house of the Legislature, and
- Six advisory members, including representatives of the California Judges Association and state court administrative agencies.

The Chief Justice is the leader of the Judicial Council. Together with the Council, s/he ensures the consistent, independent, fair, and accessible administration of justice.

The Administrative Office of the Courts serves as the staff agency to the Council.

The role of the Judiciary

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The Judiciary is another word for the court system. It is one of 3 branches in our government. The other two are the Legislative and Executive branches.

The Judiciary's role is to:

- give everyone fair access to the courts to solve legal problems fairly and efficiently.
- decide justly the guilt or innocence of anyone charged with a crime, and
- interpret the laws and protect the rights and liberties guaranteed by the Constitutions of California and the United States.

Your rights and responsibilities in Court

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Your rights

The California and U.S. Constitutions and laws guarantee you certain rights, including the right to:

- sue for money owed or for other forms of compensation or help
- defend yourself against a lawsuit
- be considered innocent until proven guilty
- defend yourself against criminal charges
- a public and speedy jury trial if you are charged with a misdemeanor or a felony
- have a lawyer represent you at public expense if you are charged with a felony or misdemeanor and cannot afford to hire a lawyer

Your Responsibilities

You are responsible for finding a lawyer who can help you with your case or choosing carefully to do the work required to represent yourself in court. If you choose not to hire a lawyer (called "self-representation" or "in Pro Per"), you must do all the legal research, prepare your documents, file and serve your documents, and present evidence.

You must learn about and follow the laws and court rules, just as if you had a lawyer. Information about both the legal process and certain areas of law are available in the Mendocino County Law Library, in room 307 of the Ukiah Superior Courthouse and the Self-Help Legal Access Center, room 304 of the Courthouse.

The Court must treat all people equally and impartially. The judge, the court personnel or the lawyers for any other person or agency cannot help you.

How a case moves through the California court system

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There are two kinds of court cases:

- Civil, and
- Criminal

Civil cases

"Civil" cases are the cases in court that aren't about breaking a criminal law (called a violation of criminal law).

There are many different kinds of cases in Civil Court. You file a civil case, or "action" in Civil Court if you think you've been hurt, financially or physically. When you are hurt, it's usually called a "tort".

The Civil Court deals with things like car accidents, and contract disputes. There are other kinds of cases in Civil Court, too.

- General Civil cases:
Cases about contracts, damage to property or someone getting hurt.
- Family cases:
Divorce (called dissolution of marriage), child support and child custody cases.
- Juvenile cases:
Cases about child abuse and neglect (called juvenile dependency). Or, when someone under 18 breaks the law (called juvenile delinquency).
- Landlord/Tenant cases:
Cases about renting or leasing a place (called real property). We give you information about "Unlawful Detainer" cases — this means whether or not the tenant can stay on the property.
- Small Claims cases:
Civil cases that are worth \$5,000 or less. You can't have a lawyer. The people in the case (called the parties) represent themselves.
- Probate cases:
Cases about taking care of people and their personal affairs. For example:
 - Using a Will or trust to transfer property after someone dies,
 - Guardianship for minors and conservatorship for adults who can't take care of themselves or handle their own finances,
 - Name changes,
 - Adoption, and
 - Elder abuse.

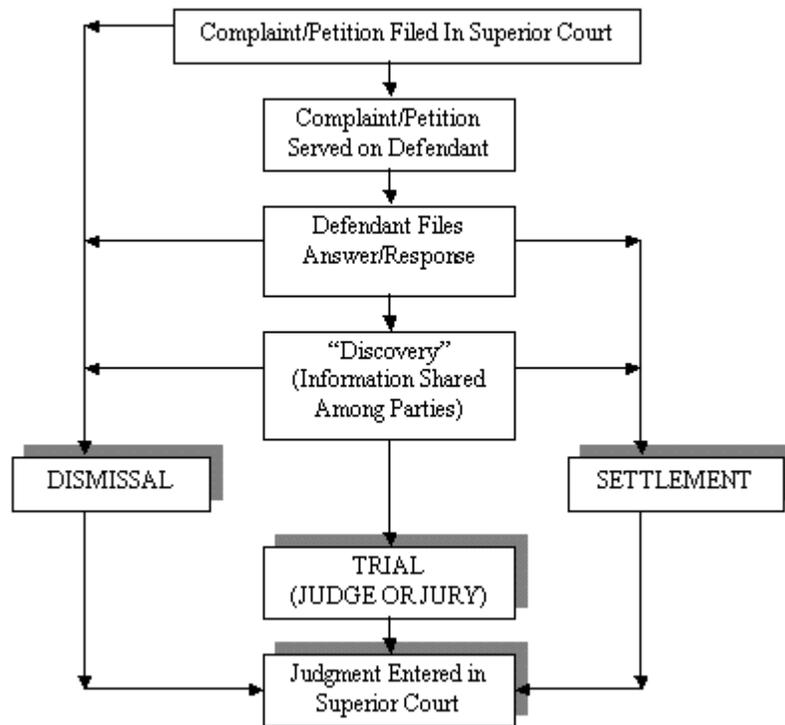
How Civil Court works

If you file a Limited or Unlimited Jurisdiction case in Superior Court ("unlimited" means your case is worth more than \$25,000), there are 6 steps:

1. Prefiling,
2. Filing,
3. Discovery,
4. Pretrial,
5. Trial, and
6. Post-Trial.

Here's a flow chart showing how a civil case moves through the court system.

How a Civil Case is Processed



Prefiling

Prefiling starts when you get hurt. There are a lot of things to do to get ready before you file a lawsuit. Often negotiation or settlement talks, including community based mediation should be considered. North Coast Resolutions (707) 462-7265 and Nuestra Casa (707) 463-8181 are two organizations in Mendocino County which should be considered before filing suit in Court.

Filing

Filing starts when you fill out your papers to start a court action. After you file your papers, you have to "serve" or give the papers to the other parties to the action than you have to wait for the other person to default or answer. There are important rules to understand regarding service, such as you yourself can not serve the papers. Contact the Self-Help Legal Access Center in room 304 inside the Ukiah Superior Courthouse for further information about service.

Discovery

Discovery starts 30 days after the other person answers. This is when you and the other person exchange information through discovery tools such as written interrogatories, formal depositions and requests for inspection. The goal of discovery is for both sides to learn about the strengths and weaknesses of your case and to eliminate surprise tactics at trial. Discovery is also important for making the parties to be better equipped to make decisions about settling out of court

Pretrial

If you can't settle your case, pretrial starts about 90 days before your trial. This is when you get ready for the trial. You must make decisions, like how you will present your evidence in court and if you need an expert witness. You will generally also file a trial brief, and have settlement conferences with the judge.

Trial

Your trial can last 1 day or many months. It depends on how complicated the case is.

Post-Trial

This means after the trial. You can appeal or collect your judgment.

Remember:

The Court won't make you hire a lawyer. But if you don't, you have to deal with every part of your case by yourself. You have to know the laws and court procedures. If you don't, you could get in trouble. You could lose your rights.

The judge or the other person's lawyer can't help you.

You can find the court's rules, laws, and procedures in:

- The California Code of Civil Procedure,
- The California Rules of Court, and
- The Local Civil Rules of Court in Santa Clara County or in the county where you file your case.
- Read these resources before you start. You can get them at your local law library or online.

There are a lot of good reasons to have a lawyer:

- Lawyers know the law. They know the ins and outs of the little things that can confuse you if you are not used to them.
- Lawyers know when the other side doesn't "play fair," (it's not always clear). They know what to do about it.
- Lawyers know about the judges and how they like to run their courtrooms. They know if you should ask for a jury trial, or a Court trial.
- Lawyers know juries. They know what juries are like, if you'll be a "likeable" plaintiff (this is very hard to figure out), and what a jury will probably do in your case.
- It takes a lot of time and money to file a lawsuit. Even for a lawyer, it can be hard emotionally.

But, there are some reasons not to hire a lawyer:

- There are many things you can handle on your own, with just a little assistance from an organization such as the Self-Help Legal Access Center and some time and energy into educating yourself about the legal process.
- You won't win just because you have a lawyer.

- Lawyers can be very expensive.
- Lawyers sometimes make mistakes.

Criminal cases

If the State thinks you have committed a crime, the District Attorney's Office, representing the State, may bring criminal charges against you.

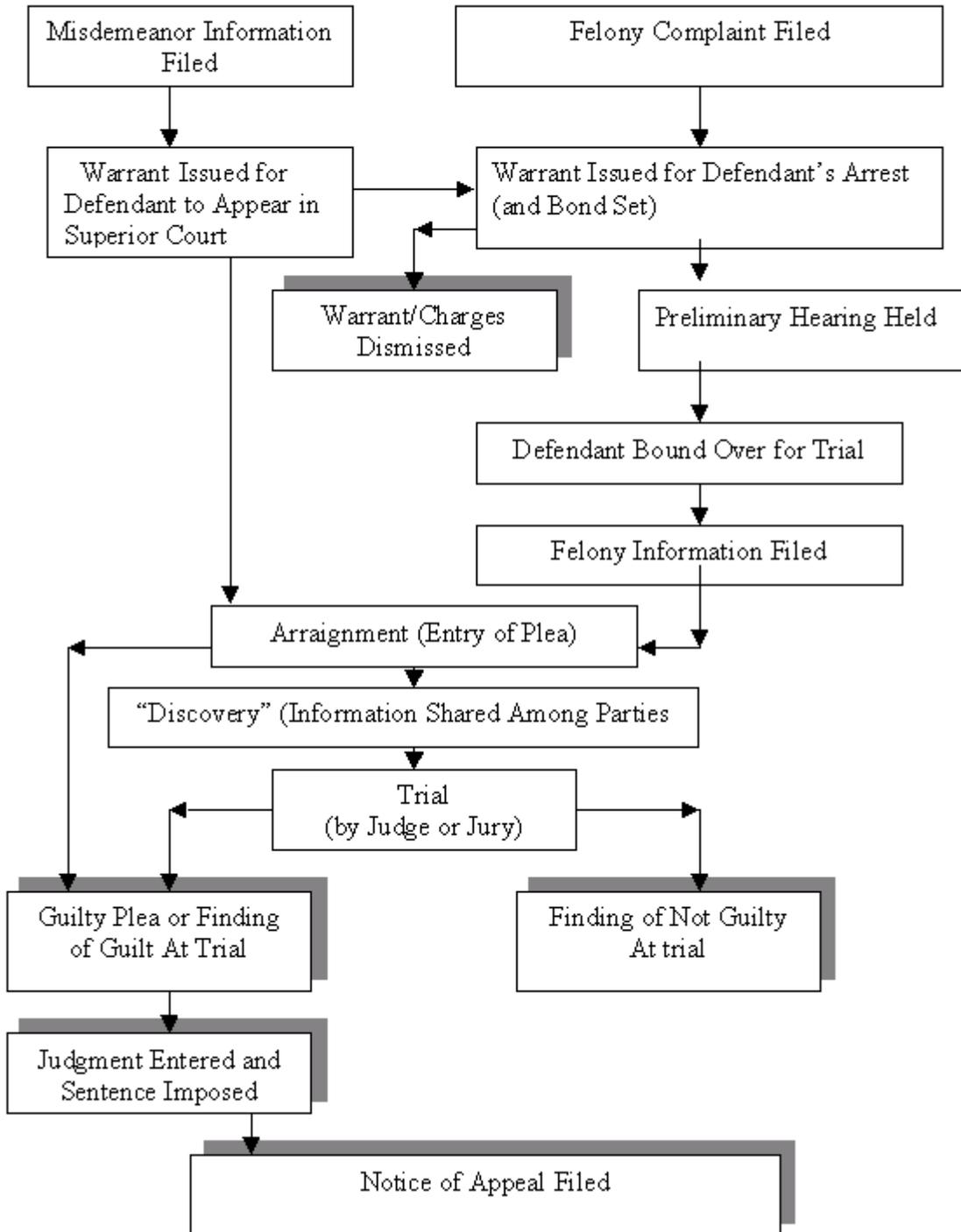
Only the State – not another person or agency – can charge you with a criminal violation.

To learn more about how criminal cases are processed, see the Criminal Court section of this website.

There are **3 different kinds of criminal cases**: infraction, misdemeanors and felonies.

- An *infraction* is a minor violation. Some traffic violations are infractions.
- A *misdemeanor* is a more serious crime that can be punished by up to 1 year in jail. [Click here to learn more about misdemeanors](#)
- A *felony* is the most serious kind of crime. If you are found guilty, you can be sent to state prison or receive the death penalty. [Click here to learn more about felonies](#). Here is a flow chart that shows how criminal cases move through the court system.

How a Criminal Case is Processed



Appeals

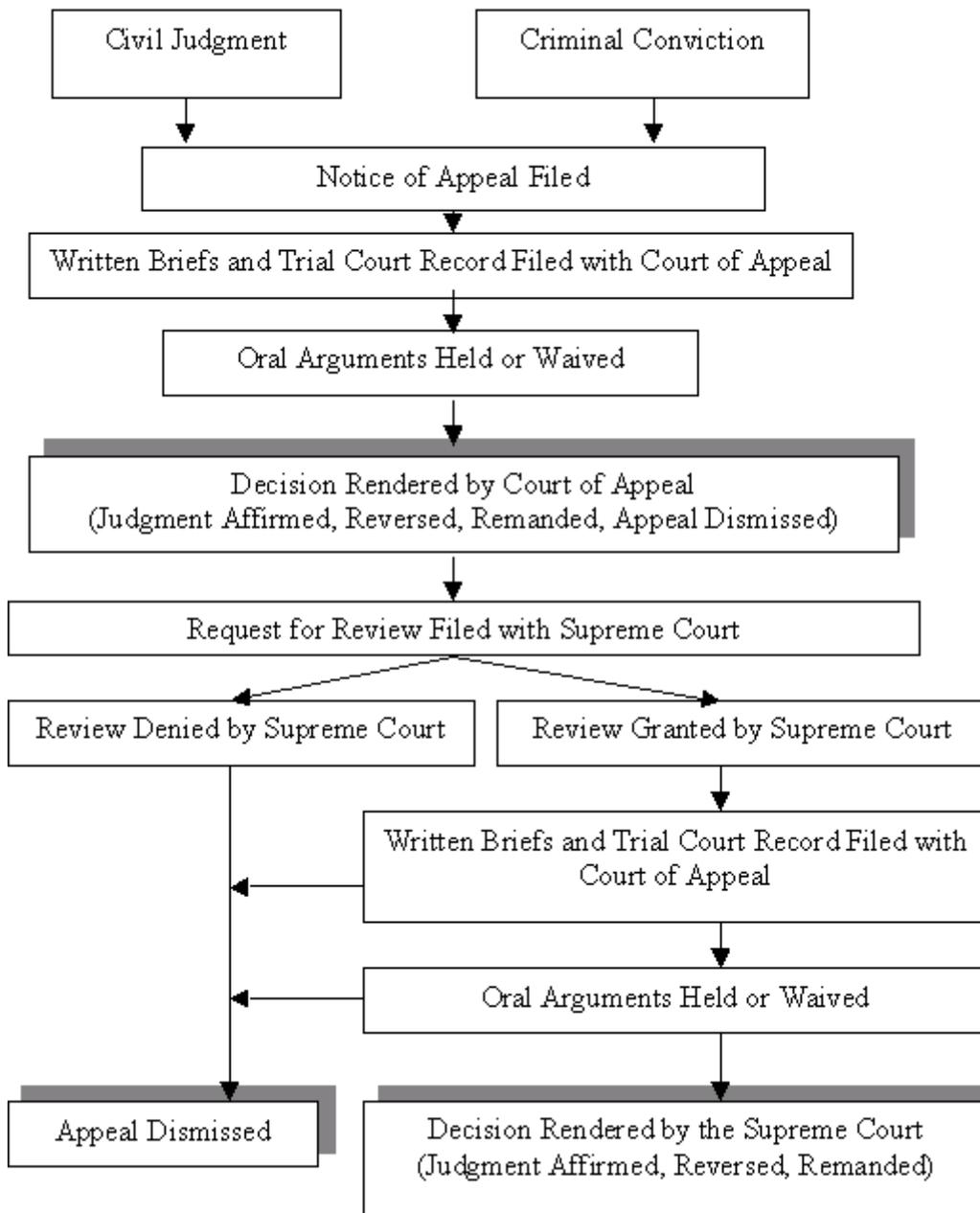
Both criminal and civil cases can be appealed. One or more plaintiffs or defendants can appeal a Superior Court's judgment to a Court of Appeal.

If the Appellate Court finds the Superior Court made an error, it can reverse the decision or send it back to the Trial Court for further action.

To learn more about appeals, read the information above on Appellate Courts.

Here is a flow chart that shows how criminal and civil cases are appealed.

How an Appeal is Processed



Relationship of California's State court system to the Federal court system

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So far we've been talking about State courts. But, there are also Federal courts that handle federal cases that take place in California.

The Federal courts are similar in structure to State courts in California. The Supreme Court is the highest court in our country's judiciary.

There are two levels of Federal courts under the Supreme Court:

- The U.S. District Courts (the Trial Courts), and
- The U.S. Courts of Appeals (the Appellate Courts).

U.S. District Courts

The U.S. District Courts are the Trial Courts of the Federal court system. The District Courts can hear most Federal cases, including civil and criminal cases.

There are 94 U.S. District Courts in the U.S. and U.S. territories. Each district includes a United States bankruptcy court. Some states, like Alaska have only 1 District Court for the whole state. Others, like California, have several.

There are also two special Trial Courts that hear certain kinds of cases anywhere in the country:

- The Court of International Trade hears cases about international trade and custom issues.
- The U.S. Court of Federal Claims hears cases about claims for money damages against the United States, disputes over federal contracts, unlawful "takings" of private property by the federal government, and other claims against the United States.

U.S. Courts of Appeals

The U.S. District Courts are organized into 12 regional circuits and each has a U.S. Court of Appeals.

There is also one Court of Appeals of the Federal Circuit. This court has nationwide jurisdiction to hear appeals in specialized cases, like patent law cases and cases decided by the Court of International Trade and the Court of Federal Claims.

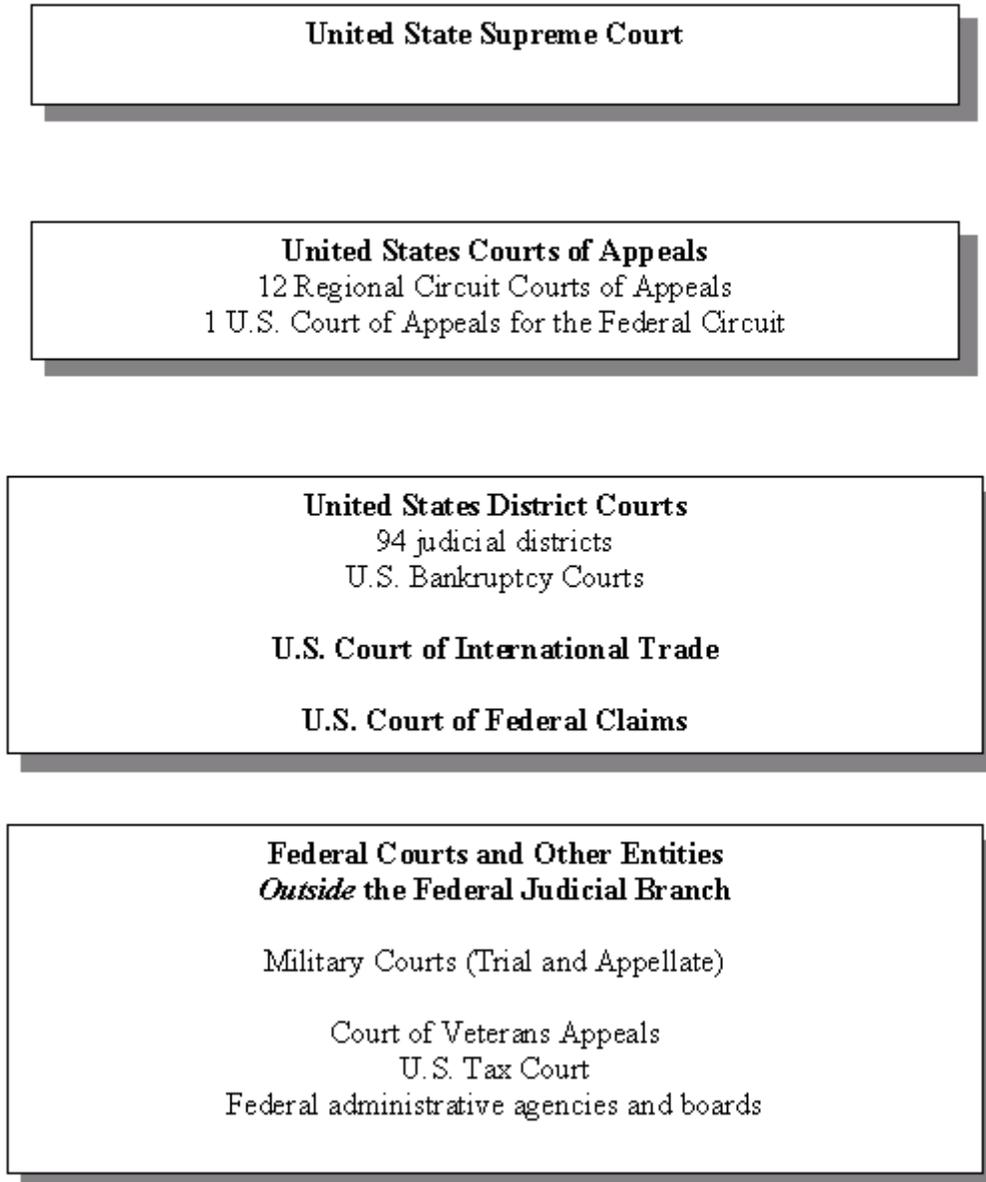
A Court of Appeals hears appeals from the district courts in its circuit. It can also hear appeals from decisions of federal administrative agencies.

U.S. Supreme Court

The United States Supreme Court has a Chief Justice and 8 associate justices. The Supreme Court can choose a limited number of cases from the cases it is asked to decide. Those cases may begin in the Federal or State courts. And, they usually involve important questions about the Constitution or federal law.

Here is a flow chart that shows how criminal cases move through the court system.

The structure of the federal court system is depicted graphically below:



Jurisdiction of the Federal courts

There are restrictions on the powers of Federal courts. They can only consider cases where:

- There is a real legal problem. They cannot make decisions about hypothetical cases.
- The plaintiff was in some way legally harmed by the defendant.
- The law the two parties are arguing about was meant to deal with the problem they are having.
- The court legally has the power to solve the problem.
- The issue the two parties are arguing about is still a problem that matters.

The Federal courts handle two main types of cases. These are cases with:

- "Federal question" jurisdiction and
- "Diversity" jurisdiction.

Federal question jurisdiction

These types of cases have to do with the United States government, the United States Constitution, or federal laws.

Diversity jurisdiction

These types of cases happen when the two parties are from different states or different countries. Any diversity jurisdiction case can be filed in State court instead of Federal court. But, if the case is worth less than \$75,000, you must file it in State court.

Federal courts also handle all bankruptcy cases.

Usually, they do not deal with cases about:

- divorce and child custody,
- probate and inheritance,
- real estate,
- juvenile matters,
- criminal charges,
- contract disputes,
- traffic violations, or
- personal injury.

These cases almost always go to State courts. Or, sometimes they are solved by special parts of the Federal Executive or Legislative branches.

For more information about the Federal court system, go to:
<http://www.uscourts.gov/>.

Federal courts in California

The federal courts located in California are:

United States District Court, Southern District of California
 Website: <http://www.casd.uscourts.gov/>

<p>Edward J. Schwartz Courthouse Address: U.S. District Court Southern District 940 Front Street San Diego, CA 92101-8900</p> <p>Phone: (619) 557-5600</p> <p>Hours of Operation: M-F 7:00 a.m. - 6:00 p.m.</p>	<p>USDC Clerk's Office Address: U.S. District Court Southern District of CA Office of the Clerk 880 Front Street, Suite 4290 San Diego, CA 92101-8900</p> <p>Phone: (619) 557-5600</p> <p>Hours of Operation: M-F 8:30 a.m. - 4:30 p.m.</p>
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United States District Court, Central District of California
Website: <http://www.cacd.uscourts.gov/>

<p>Eastern Division - Riverside Address: Riverside Courthouse Eastern Division of Central District 3470 Twelfth Street Riverside, CA 92501</p> <p>Phone: (909) 328-4450</p> <p>Hours of Operation: M-F 8:30 a.m. to 4:00 p.m.</p>	<p>Southern Division - Santa Ana Address: Santa Ana Courthouse Southern Division of Central District 411 West Fourth Street, Room 1053 Santa Ana, CA 92701-4516</p> <p>Phone: (714) 338-4750</p> <p>Hours of Operation: M-F 8:30 a.m. to 4:00 p.m.</p>
<p>Western Division - Roybal Federal Bldg. Address: Roybal Federal Bldg. Western Division of Central District 255 East Temple Street Los Angeles, CA 90012</p> <p>Phone: (213) 894-3535</p> <p>Hours of Operation M-F 8:30 a.m. to 4:00 p.m.</p>	<p>Western Division - Spring Street Courthouse Address: Spring Street Courthouse Western Division of Central District 312 N. Spring Street Los Angeles, CA 90012</p> <p>Phone: (213) 894-3535</p> <p>Hours of Operation M-F 8:30 a.m. to 4:00 p.m.</p>

United States District Court, Northern District of California
Website: <http://www.cand.uscourts.gov/>

* Court System Overview.doc adapted from the Alameda County Superior Court's Website, Nov. 2007

<p>Northern District - Oakland Courthouse Address: Oakland Courthouse Northern District of California 1301 Clay Street, Suite 400 S Oakland, CA 94612-5212</p> <p>Phone: (510) 637-3530</p> <p>Hours of Operation M-F 9:00 AM - 4:00 PM</p>	<p>Northern District - San Francisco Courthouse Address: San Francisco Courthouse Northern District of California 450 Golden Gate Ave. San Francisco, CA 94102</p> <p>Phone: (415) 522-2000</p> <p>Hours of Operation M-F 9:00 AM - 4:00 PM</p>
<p>Northern District - San Jose Courthouse Address: San Jose Courthouse Northern District of California 280 South 1st Street San Jose, CA 95113</p> <p>Phone: 408-535-5364</p> <p>Hours of Operation M-F 9:00 AM - 4:00 PM</p>	

United States District Court, Eastern District of California
Website: <http://www.caed.uscourts.gov/>

<p>Eastern District - Sacramento Courthouse Address: Sacramento Courthouse Eastern District of California 501 I Street, Suite. 4-200 Sacramento, CA 95814</p> <p>Phone: 916-930-4000</p> <p>Hours of Operation M-F 8:30 AM - 4:30 PM</p>	<p>Eastern District - Fresno Courthouse Address: Fresno Courthouse Eastern District of California 1130 O Street Fresno, CA 93721</p> <p>Phone: 559-498-7483</p> <p>Hours of Operation: M-F 8:30am to 4:30pm</p>
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United States Court of Appeal for the Ninth Circuit

United States Court of Appeal for the Ninth
Circuit - San Francisco Courthouse

Address:

San Francisco Courthouse
95 Seventh Street
San Francisco, CA 94103

Phone:

(415) 556-9800

Hours of Operation

M-F 8:30 AM - 5:00 PM

United States Court of Appeal for the
Ninth Circuit - Pasadena, CA

Address:

Pasadena Courthouse
125 South Grand Avenue
Pasadena, CA 91105

Phone:

(626) 229-7250

Hours of Operation

M-F 8:30 AM - 5:00 PM

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For further assistance with your legal matter visit:

Self-Help Legal Access Center "SHLA"

Room 304, Ukiah Courthouse

100 North State Street

707.468.2020

Mon – Thurs 12 to 4 PM