

CAN MY CASE BE HEARD IN FEDERAL COURT?

Both Plaintiffs and Defendants Need to Make a Strategic Choice About Which Court Is the Best One to Preside Over a Specific Case



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In the United States, there is both a federal court system and a state court system. The federal court system consists of the United States Supreme Court, which is the highest court in the land. It also includes the U.S. Court of Appeals; the U.S. District Courts; bankruptcy courts; a federal judiciary branch; and courts of special jurisdiction.

Although the federal court system hears many very important cases, it does not hear very many cases. This is because most criminal matters are state matters and most civil disputes are also resolved in state court. If you wish to bring your claim in a federal court, there are very specific situations in which this is possible. You need to consult with an experienced Las Vegas litigation lawyer for help determining if a federal court case is an option.

Choosing a Court Where Your Claim Will Be Heard

When you are facing criminal charges, you do not get to decide whether you will be tried in a state or a federal court. This decision is made based on whether you have broken federal or state laws and on whether federal prosecutors decide to take action against you.

When you wish to file a lawsuit, on the other hand, you may have a choice of whether to sue in federal court or in state court. In some situations, you may believe that federal court rules of procedure will be better for you or that you will get a better outcome in a federal court. In other situations, you may believe that the state court is the best place for your case to be heard. The process of making

a strategic decision on which court should hear your case is called forum shopping.

While forum shopping is possible sometimes, it is not always an option. This is



because you can have your case heard in federal court only if a federal court has jurisdiction. Jurisdiction refers to the legal authority of a court to make a decision that will be binding on the plaintiff and defendant involved in the case. A court must have:

- Personal jurisdiction. Authority over the parties to the case.
- Subject matter jurisdiction. Authority over the specific laws that apply to the dispute.

Federal courts have personal jurisdiction over people living in or doing business in the U.S., so personal jurisdiction should not limit you from bringing your case in federal court. However, subject matter jurisdiction is more limited.

When Does a Federal Court Have Jurisdiction?

A federal court has jurisdiction over two different kinds of cases:

- Federal question cases: Cases arising out of a federal statute or law; or cases arising out of the U.S. Constitution. For example, if you believe that your constitutional rights have been violated, you can make a federal court

claim. If your case arises out of a federal statute, like Title VII of the Civil Rights Act, then you may have your case heard in federal court.

- Diversity Jurisdiction cases. If a plaintiff and defendant are from a different state or one of the parties is from out-of-the-country, then the federal court may have the authority to resolve the dispute. Diversity jurisdiction exists because of a belief that a state may favor a local resident over someone from outside. Diversity jurisdiction exists only when the amount in controversy (the amount of money at stake in the lawsuit) exceeds \$75,000.



If your case falls into one of these two categories, then you will have the option of bringing your claim in federal court. If your case does not fall into one of these

categories, then you cannot make a federal claim and your case will need to be heard in state court.

Who Can Have a Case Heard in Federal Court?

A plaintiff whose cases arises out of a federal question or who has a claim against a defendant from another state may decide to file a federal lawsuit. However, a plaintiff is not the only one who has the ability to forum shop. If a defendant is sued in a state court, for example, he could ask to have his case removed to a federal court.

Both plaintiffs and defendants need to make a strategic choice about which court is the best one to preside over a specific case. An experienced litigator with a background on representing clients in both state and federal claims can help you to make an informed choice about where your case should be heard.

About Pintar Albiston, Attorneys at Law



Pintar Albiston is known for our ability to accommodate client requests. We are hands-on, and if we don't "pick up" the second you call, you may be certain we will get right back to you. We offer flat fee rates so that your fees are predictable.

Family Law Attorneys

Whether you live in Las Vegas, Henderson or North Las Vegas, our lawyers realize that every family situation is different. We will work with you to determine your objectives whether it relates to divorce, child custody or child support. We will take the time needed to explore your options and then work to obtain fair and workable solutions that allow you to move forward with your life.

Our firm confidently handles every aspect of family law disputes, including child support, child custody and parenting matters both during and after the divorce or other legal dispute.

We will keep your goals and best interests in mind when pursuing a fair and equitable divorce that divides assets properly. We will always keep your children's best interests in mind when resolving child custody and child support issues.

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