

美國 法院構造

明 淳 龜

I

가

州法院

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가

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II

1.

Court) 가 3 1 “ (Supreme
(Inferior Courts) ”
1789 (Judiciary Act)

(U.S. Supreme Court) 12 (U.S. Courts of Appeals), 94
(U.S. District Courts)
(U.S. Claims Court), (U.S. Court of
International Trade), (U.S. Tax Court)

2.

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1 . 1 4 가 .1)

1) 가 가 , 가 ,

(2)
 11 (circuit) District of Columbia
 Circuit 1 12 (U.S. Court of Appeals)
 , 1982 (U.S. Court
 of Appeals for the Federal Circuit) 13

가 , (U.S. Claims Court)
 (U.S. Court of International Trade)

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D.C.

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(original jurisdiction)

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2).

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(appellate jurisdiction)

(appeals)

(certiorari)³⁾

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2) 가 4 州民 1
 가

3) certiorari "to be more fully informed"

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4)

(appeals)

(appeals)

(certiorari)

(appeals)

가 ,

(Rules of the Supreme Court of the United

States, 1970)

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’5)가

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(appeals)

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(certiorari)

(4)

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1) ,

(U.S. Claims Court)

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2) ,

(U.S. Court of International Trade)

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writ of certiorari

(, ,

, 103).

‘certiorari’ ‘

(, ‘

, 『 438 , 1993. 3., 6).

4)

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5)

가 ,

가

(, , 103).

3) , (U.S. Tax Court) .

III 6)

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2.

(1) 1

(District Court) .
(superior court) , (circuit court), (district court),
'Supreme Court'
(common law court) , , 1
(chancery court)

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(2) 2

가 2 가 2
가 2 가 2 가 2
Court of Appeals , Appellate Division of the
Supreme Court .

(3)

가 'Supreme Court' ,
Court of Appeals, Supreme Judicial Courts,
Supreme Court of Appeals .

6) , , 111 112 ; , , 16 20 .

7) 1 ; 『 』 11 , 1994. 12., 240

(4)

1
(court of limited jurisdiction) . (Magistrates' court)
,
. 郡法院(Municipal Court), 市法院(City Court),
(Court of Probate), (Traffic Court), (Night Court),
(Police Court)

IV. 8)

1.

가 . 4
1 Full Faith and Credit Clause⁹⁾(,
,
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2.

가 .
, (exclusive jurisdiction) :
(admiralty and maritime cases); ; .
; ;
(U.S. Code) (seizures);
(concurrent jurisdiction)
: . .
가가 1 (federal question jurisdiction);
, 他州 ,
他州 가가 1 (diversity

8) , , 112 114 ; , , 225 228 .
9) ARTICLE : SECTION1 - Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by General Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

