



# Riverside County Law Library

## Jurisdiction

### What is jurisdiction?

Jurisdiction refers to the court's official power to hear cases and pass legal judgments. However, the court must have the two following jurisdictions in order to make a legally valid decision:

- *Subject Matter Jurisdiction*: The state legislature and Congress grants the court the power to hear or rule over the specific kind of case. Subject matter jurisdiction refers primarily to the court's power to make decisions in particular issues, such as contracts or torts.
- *Personal Jurisdiction*: The parties involved grant the court the power to make a decision. The parties must live within the district and be present for the trial. If the parties have significant ties to the district, then residency may not be a requirement. "Significant ties" can include local property, business ties, or even the use of the local roads.

**Reference:** Nolo's Plain English Dictionary (2015) Retrieved 11/05/2015

<http://www.nolo.com/dictionary/jurisdiction-term.html>

### When do I file in federal court?

When involved in a lawsuit, the case will generally be held in state court. However, federal courts have jurisdiction in two kinds of cases

- The case involves a federal law
- The case involves a citizen from a different state or a foreign national (called the diversity of citizenship) and involves over \$75,000 in monetary damages

### What is "concurrent jurisdiction"?

Concurrent jurisdiction occurs when two or more courts have jurisdiction to hear the case. This often leads to a practice known as a "forum shopping": plaintiffs will deliberately choose a court that will be most favorable and strategic for the case.

*We recommend that you begin your research with the resources followed by an asterisk.*

### Online resources:

The Superior Court of California Self-Help\*

<http://www.courts.ca.gov/9617.htm>

Website provides information on types of jurisdiction and the meaning of venue.

Subject Matter Jurisdiction- Nolo

<http://www.nolo.com/legal-encyclopedia/subject-matter-jurisdiction-state-federal-29884.html>



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Website further explains when a case should be heard in federal court, as opposed to state court, and explains the consequences of filing in the wrong court.

Legal Information Institute Encyclopedia

[https://www.law.cornell.edu/wex/forum\\_shopping](https://www.law.cornell.edu/wex/forum_shopping)

Website explains “forum shopping” and includes attached links for further information.

### **Print resources:**

Title: Represent Yourself in Court\* (R-d) (I)

Publisher: Nolo Press

CallNo: KF 8841.B47 2013

ISBN: 9781413319446

Description: A book on how to prepare and present your case, with a section in Chapter 3 on figuring out which court has the power to hear your case.

Title: Federal Jurisdiction in a Nutshell (R)

Publisher: West

CallNo: KF 8858.Z9 C87 1999

ISBN: 9780314243522

Description: This concise book explains what cases fall under federal jurisdiction.

Title: California Civil Procedure before Trial (R) (I)

Publisher: CEB

CallNo: CEB KFC 1020.A75 C344

ISBN: 978-0881242713

Description: A set of three practice guides which includes chapters on both California and federal jurisdiction. It also discusses relationships between state and federal subject matter jurisdiction.

*Call numbers are for use in RCLL. Initials after title specify which library the item can be located (R) Riverside, (R-d) Riverside reference desk, (I) Indio/Desert Branch, (T) Temecula. ISBN numbers are for use outside of the library, such as for personal purchase.*

### **Pertinent Codes:**

U.S. Code Title 28 (Judiciary and Judicial Procedure), Part IV (Jurisdiction and Venue)

*This guide is also available on our website*

<http://www.rclawlibrary.org/research/research-guides>

Please Note: The information presented in this research guide is intended to provide a foundation for legal research. For information pertaining to your case please consult with an attorney, court facilitator, or specialist.