

FOUNDATIONS OF LAW, LESSON 3: THE AMERICAN LEGAL SYSTEM

IV. THE AMERICAN LEGAL SYSTEM

A. Legal v. Lawful

1. Legal: "Legal" refers to something that is in accordance with or authorized by the law of man. It pertains to actions, activities, or conditions that comply with statutes in a particular jurisdiction.

a) Example: If an action is permitted or regulated by the statutory laws of a country, it is considered legal.

2. Lawful: "Lawful" refers to something that is morally right or justifiable and conforms to the principles of natural law and reason. It implies adherence to fundamental law, often emphasizing a sense of morality.

a) Example: If an action is not only permitted by natural law but is also considered morally and ethically right, it is described as lawful.

B. Procedure, Jurisdiction, Standing, & Venue

1. Jurisdiction- The word "jurisdiction" or juris "Law" diction "words" refers to the official power or authority of a legal entity, such as a court or government, to make legal decisions and judgments. It defines the limits or scope of authority within which a particular entity can operate and make rulings. It establishes the court's power over the parties involved and the subject matter of the case.

a) *Types of Jurisdiction:*

(1) Personal Jurisdiction: The court's authority over the parties involved, ensuring they have a sufficient connection to the court's geographic area.

(2) Subject Matter Jurisdiction: The court's authority to hear cases of a particular type or those involving specific legal issues.

(3) Territorial Jurisdiction: The geographic area within which a court has the authority to enforce its decisions.

(4) Criminal Jurisdiction

(5) Federal vs. State jurisdiction: Differentiate between federal and state courts, emphasizing their distinct roles and jurisdictional boundaries.

2. Standing- Standing is the legal right of an individual or entity to bring a lawsuit or participate in legal proceedings. To have standing, a party must show a direct and concrete interest in the outcome of the case.

a) Requirements for Standing:

(1) Injury: The party must have suffered or be likely to suffer a concrete and particularized injury.

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(a) **Maxim of Law 59o.** *Law is a rule of right; and whatever is contrary to the rule of right is an injury. 3 Buist. 313.*

(b) **Maxim of Law 94u.** *The law wills that, in every case where a man is wronged and endamaged, he shall always have a remedy. Co. Litt. 197b; Branch, Prine.; Broom, Max. 192; Bouv. Inst. 2411.*

(2) Causation: There must be a direct connection between the alleged injury and the actions of the party being sued.

(3) Redressability: The court must be able to provide a remedy that will address the harm suffered.

3. Venue- Venue refers to the specific geographic location where a legal case is heard. It is determined by rules that aim to ensure convenience for the parties involved and a fair and impartial trial.

a) Factors Affecting Venue:

(1) Location of Events: Venue is often based on where the events giving rise to the legal dispute occurred.

(2) Residence of Parties: The residence or location of the parties involved may influence venue.

(3) Convenience and Fairness: Courts consider factors such as the convenience of witnesses and the fairness of the chosen venue.

4. Error versus Usurpation

C. Levels of the Court System - The hierarchical structure of the U.S. court system consists of three main levels: trial courts, appellate courts, and supreme courts.

1. Trial Courts:

a) Jurisdiction: Trial courts, also known as district or superior courts, are the first level where legal disputes are heard. They have original jurisdiction, meaning they handle cases for the first time.

b) Function: Trial courts conduct trials, consider evidence, and make initial legal determinations. They are where witnesses testify, and evidence is presented.

2. Appellate Courts:

a) Jurisdiction: Appellate courts, also known as courts of appeals, have appellate jurisdiction. They do not conduct trials but review decisions from lower (trial) courts for legal errors.

b) Function: Appellate courts focus on legal issues and the application of the law rather than reexamining facts. They may uphold, reverse, or modify trial court decisions.

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3. Supreme Courts:
 - a) Jurisdiction: The Supreme Court is the highest level and has both original and appellate jurisdiction. It can hear certain cases directly and has the authority to review decisions from lower courts.
 - b) Function: The Supreme Court is the final arbiter on constitutional questions and significant legal issues. Its decisions set precedent and impact the entire country.
4. Appeals Process: The appeals process allows for the correction of legal errors and ensures a thorough examination of cases, contributing to the overall fairness and consistency of the legal system.
 - a) Trial Court Decisions: Parties dissatisfied with a trial court decision can appeal to an appellate court based on legal errors or issues.
 - b) Appellate Court Decisions: If a party disagrees with an appellate court ruling, they can petition for a review by the Supreme Court.
 - c) Supreme Court Decisions: The Supreme Court can choose to accept or reject a case. Its decisions are final and binding on all lower courts.

D. Role of courts in interpreting laws: The judiciary plays a crucial role in interpreting laws and resolving legal disputes within a legal system. This function is essential for maintaining the rule of law, upholding justice, and ensuring a fair and orderly society. Here are key aspects of the judiciary's role in this regard:

1. Interpreting Laws:
 - a) Statutory Interpretation: Judges interpret statutes and laws to determine their meaning and application. This involves analyzing legislative intent, precedent, and legal principles to understand how laws should be applied in specific cases.
 - b) Common Law Development: In addition to statutory interpretation, the judiciary contributes to the development of common law through decisions in individual cases. Precedents set by higher courts guide future rulings and help shape the legal landscape.
 - c) Constitutional Interpretation:
 - (1) Guardian of the Constitution: The judiciary, particularly the Supreme Court, serves as the ultimate interpreter of the Constitution. It ensures that laws and government actions align with constitutional principles, protecting fundamental rights and maintaining the balance of power.
2. Resolving Legal Disputes:
 - a) Adjudication: Courts provide a forum for individuals and entities to resolve disputes through adjudication. Parties present evidence, legal arguments, and witnesses to support their cases, and judges make impartial decisions based on the applicable law.

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- b) Civil and Criminal Cases: The judiciary handles both civil and criminal cases, addressing issues ranging from contract disputes and family matters to criminal offenses. The resolution of these cases contributes to societal order and individual justice.
- 3. Checks and Balances:
 - a) Judicial Review: The power of judicial review allows the judiciary to examine the constitutionality of laws and government actions. This serves as a crucial check on the legislative and executive branches, preventing overreach and ensuring that government actions adhere to legal principles.
- 4. Fairness and Impartiality: Key Legal Concepts
 - a) Due Process: The judiciary ensures that legal proceedings adhere to the principles of due process, guaranteeing fair treatment and protection of individual rights. This includes the right to a fair trial, access to legal representation, and the opportunity to present a defense.
 - b) Equal protection: Explore the constitutional guarantee of equal protection under the law, addressing its application to various groups and situations.
 - c) Legal precedent: Explain how precedent influences judicial decision-making, contributing to the stability and consistency of legal interpretation.
- E. Attorneys, lawyers, and judges: Outline the roles of legal professionals, discussing the responsibilities of attorneys in advocating for clients and judges in applying the law.
 - 1. Legal education and bar admission:
 - a) Education:
 - (1) Undergraduate Degree: As a first step, individuals typically complete a bachelor's degree from an accredited college or university. The undergraduate degree can be in any field, but aspiring lawyers often choose majors in areas such as political science, history, or pre-law.
 - (2) Law School: After completing their undergraduate education, individuals must attend law school. Law school typically takes three years to complete and leads to the award of a Juris Doctor (J.D.) degree. Law schools must be accredited by the American Bar Association (ABA).
 - b) Licensing Requirements:
 - (1) Bar Exam: The bar exam is a standardized test administered by each state's bar association. It assesses an individual's knowledge of state-specific and general legal principles. The format and subjects tested may vary by jurisdiction.

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- (2) Character and Fitness Evaluation: In addition to passing the bar exam, individuals are required to undergo a character and fitness evaluation. This process assesses the applicant's moral character and suitability to practice law.
 - (3) Multistate Professional Responsibility Examination (MPRE): Some states also require candidates to pass the MPRE, a separate examination that tests knowledge of professional conduct and ethical standards.
 - c) Additional Requirements:
 - (1) Admission to the Bar: Once an individual passes the bar exam and satisfies other state-specific requirements, they can apply for admission to the bar. This often involves submitting an application, character references, and other documentation.
 - (2) Continuing Legal Education (CLE): After gaining admission to the bar, attorneys are generally required to engage in ongoing education through CLE programs. This ensures that attorneys stay informed about changes in the law and maintain their competence throughout their careers.
 - d) Importance of the Bar Exam:
 - (1) Professional Competence: The bar exam is a critical component of the licensing process as it tests an individual's knowledge of foundational legal principles and their ability to apply them. It ensures that attorneys possess the necessary skills and understanding to practice law competently.
 - (2) Protection of the Public: By setting a standard for legal knowledge and competence, the bar exam helps protect the public by ensuring that only qualified individuals are authorized to provide legal services.
- F. Contemporary Legal Issues
 1. Landmark cases: Highlight influential legal decisions that have shaped American jurisprudence.