



The Court System

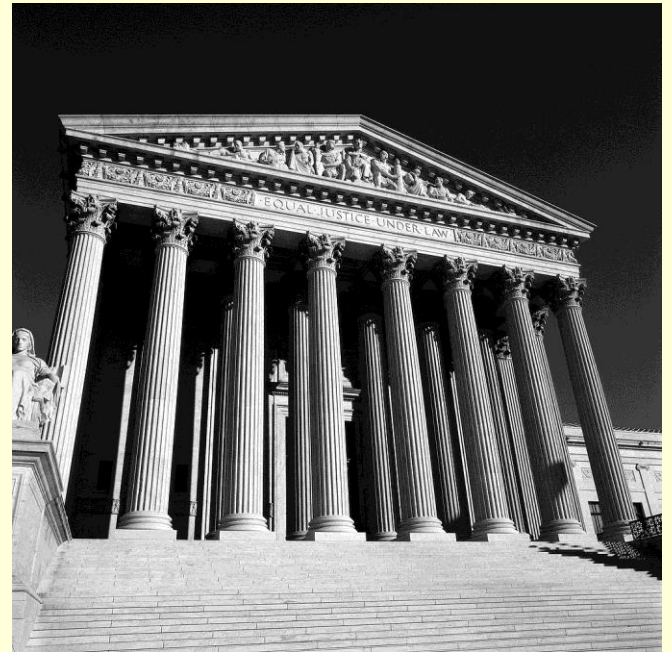
The student determines ethical issues directly related to government regulations.

BMA-LEB-3

Textbook p. 15-20
Internet Information

Dual Court System

- Federal Courts
 - District Courts
 - Courts of Appeal
 - Special US Courts
 - Supreme Court
- State Courts
 - Local Trial
 - General Trial
 - Juvenile Courts
 - Intermediate Appellate Courts
 - State Supreme Courts



Federal Courts

- Federal courts have jurisdiction over
 - Actions in which the U.S. or one state is a party (except those between a state and its citizen)
 - Cases that raise a federal question (interpreting the constitution)
 - Cases which involve citizens of many states and in which the amount of money in dispute exceeds \$75,000
 - Admiralty cases (pertaining to the sea)
 - Patent and copyright cases
 - Bankruptcy cases

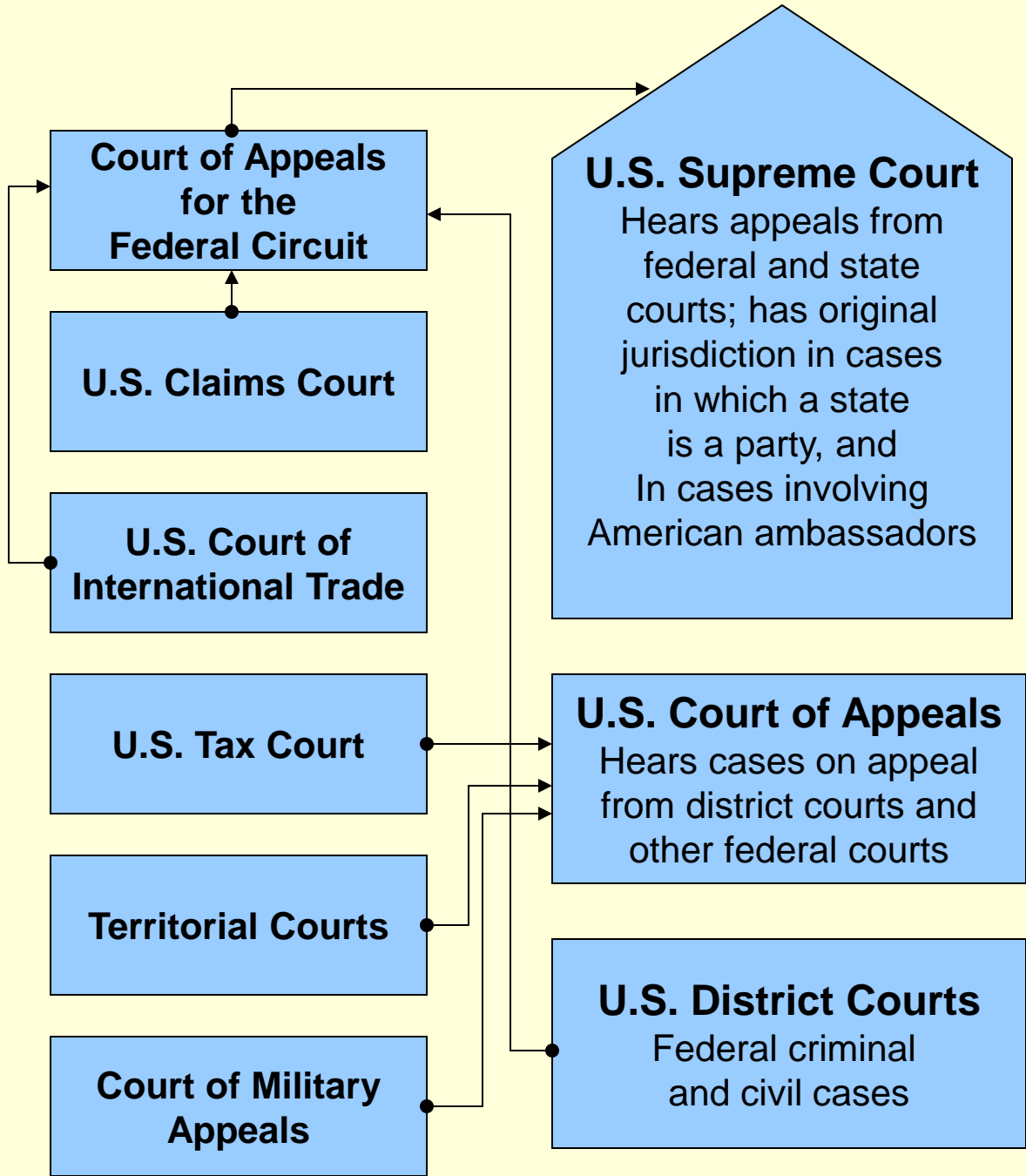
Special U.S. Courts

- The U.S. is divided into 13 judicial circuits
- There are several district courts and one court of appeals in each circuit
- In most appeals, three judges will render the decision
 - No witnesses
 - No evidence
 - No jury
 - Only questions of the law
- Appeals don't question the outcome of a prior case, they determine if the lower court correctly applied the law

Supreme Court

- Highest court in the country
- Judges
 - Chief Justice
 - 8 Associate Justices
- President chooses the justices with the consent of the Senate
- Justices serve for life
- Cases
 - Decides which appeals to hear
 - Questions about the Constitution
 - Several lower courts disagree on how to handle a situation
 - Cases involving ambassadors, consuls, and other public ministers

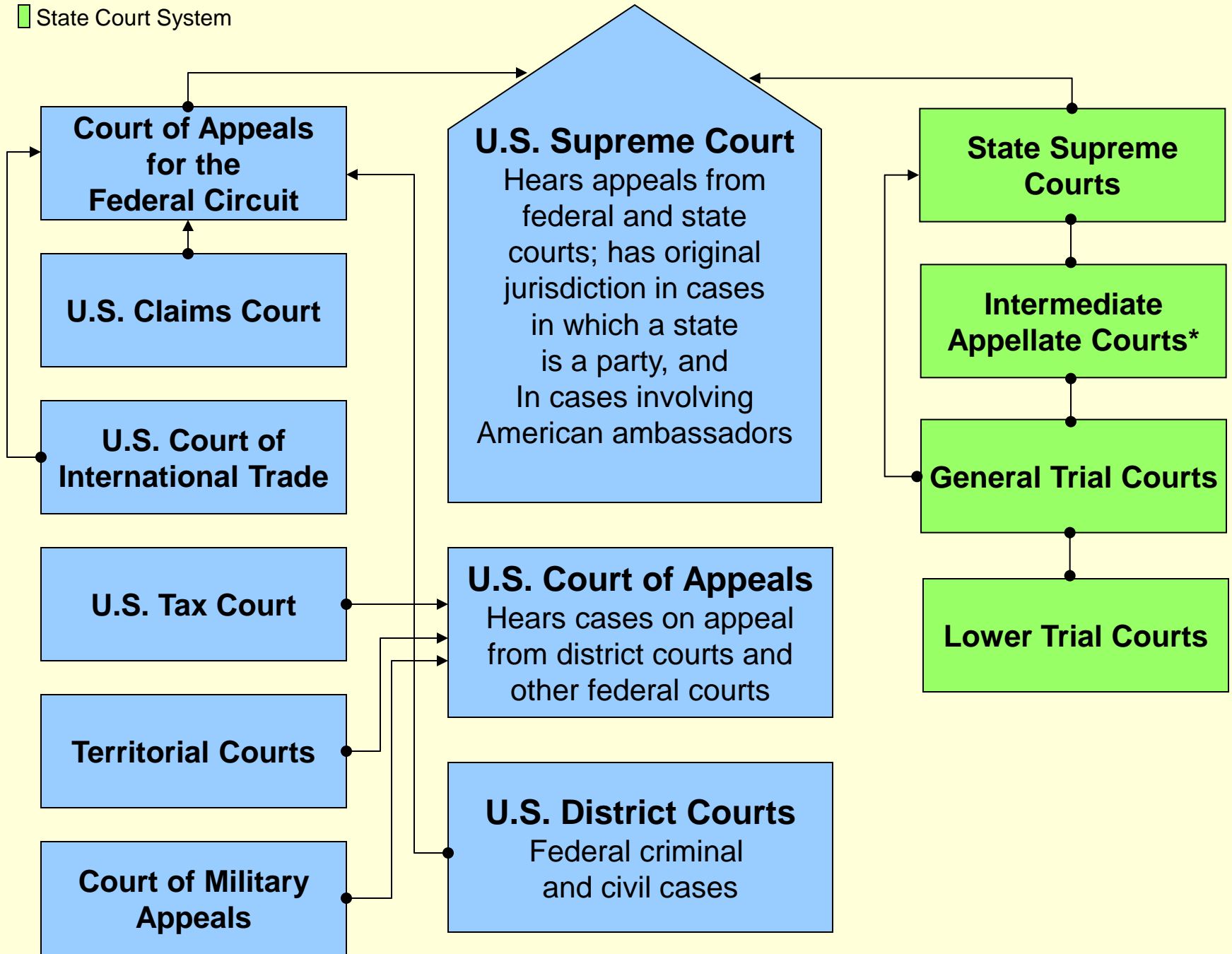
Federal Court System



State Courts

- Local Trial Court
 - Limited jurisdiction to minor matters
- General Trial Courts
 - Criminal and civil cases
- Juvenile Courts
 - Deal with juvenile offenders and children who need the protection of the state
- Intermediate Appellate Courts
 - Not in all states
- State Supreme Courts
 - Highest court in most states
 - Decides matter of law appealed from lower courts

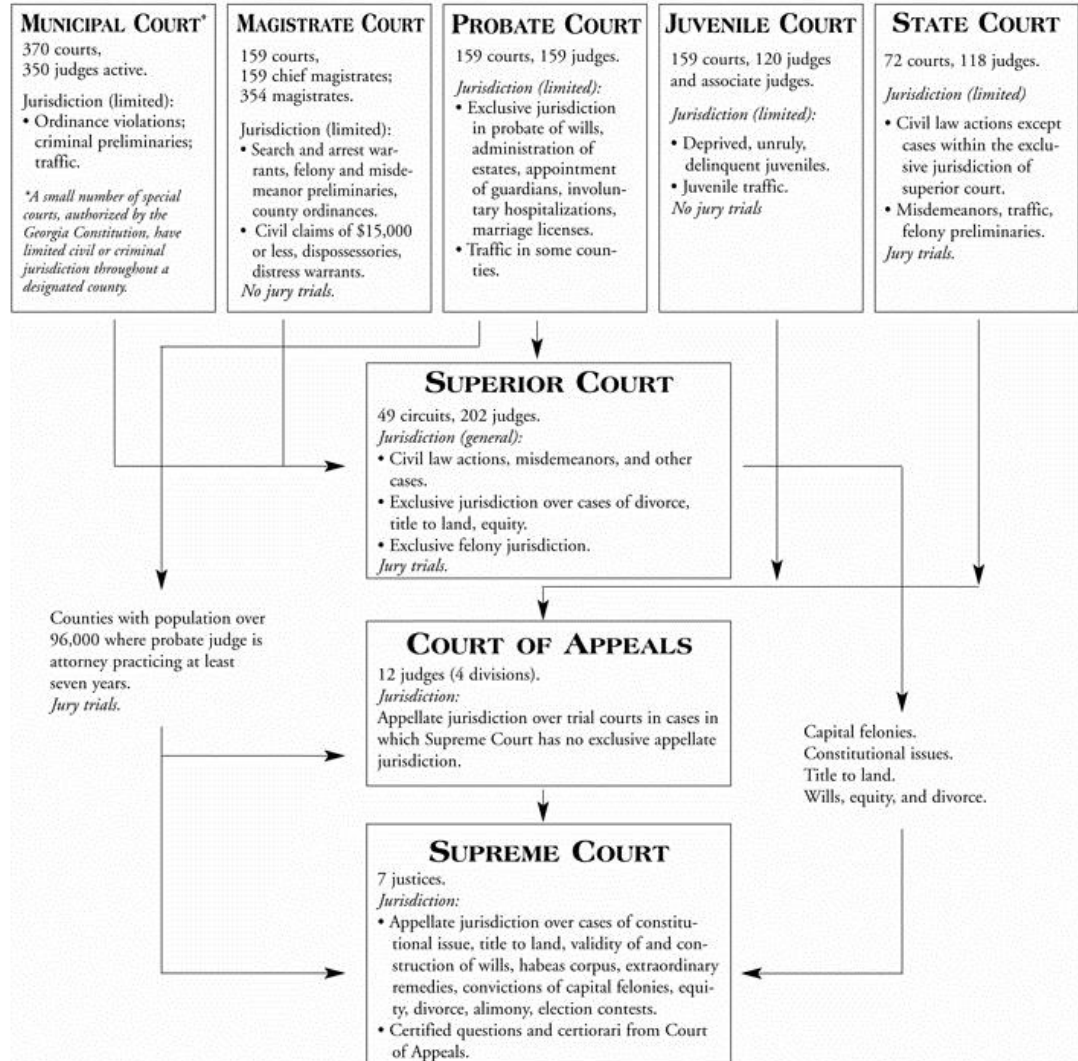
- Federal Court System
- State Court System



Georgia Court System

- Georgia State Court System
 - <http://www.georgiacourts.org/aoc/selfhelp/>
 - Click Guide to the Georgia Courts
 - Answer the questions in your notes
- Which 5 courts have limited jurisdiction?
- Which one of these 5 courts has jury trials?
- Which court would you go to in order to get a marriage license?
- Which court would you go to if there was a warrant out for your arrest?
- Which court has jurisdiction over divorces?
- Which court would hear a case relating to the Georgia Constitution?

The Georgia Court System



As of July 2007.

Lower Trial Courts

General Trial Court

Intermediate Appellate Court

State Supreme Court

Two Types of Law

- Substantive Law
 - Tells us what the law is
 - Examples:
 - Criminal Law
 - Business Law
 - Family Law
 - Bankruptcy Law
- Procedural Law
 - Tell us how the law works
 - Examples:
 - Civil Procedures
 - Criminal Procedures

Criminal Law vs. Civil Law

- Criminal Law
 - Government brings cases against those who have 'offended' the public
 - Used to protect the public from harm
- Civil Law
 - Enacted to govern the relationships between two individual parties
 - Does not normally involve the government
 - Also known as litigation

Civil Law - Litigation

- Advantage
 - It is fair
 - It has been around a long time and the courts have been able to develop rules
- Disadvantage
 - Costly and Time Consuming
 - A lawyer is hired to investigate and bring the case to court
 - If you represent yourself, you must follow the same rules as an attorney

Civil Law - Important Statutes

- Survival Statutes
 - If a plaintiff dies, a representative for the deceased can continue the case
- Statutes of Limitation
 - Time limits enacted for a plaintiff to sue a defendant

Samples Statutes of Limitation Georgia

- **Professional Malpractice:** 2 to 5 years
- **Personal Injury:** 2 to 4 years
- **Fraud:** 2 years
- **Libel / Slander / Defamation:** 1 year
- **Injury to Personal Property:** 4 years
- **Product Liability:** 2 years
- **Contracts:** Written, 6 years; Oral, 4 years

Alternative Dispute Resolution

- Substitute for a lawsuit

Type/Definition	Advantage	Disadvantage
<u>Mediation</u> - A third party comes in to help groups come to a compromise		
<u>Arbitration</u> - A third party is hired to settle a dispute		
<u>Conciliation</u> - A third party goes back and forth between two groups to seek a consensus		
<u>Negotiation</u> - A spokesperson is appointed from each group to make an agreement		

Civil Case Procedure

1. Pleadings - formal papers filed with the court by the plaintiff and defendant
 - Methods of Discovery:
 - Depositions – Witness testimony given under oath to be used in court at a later date
 - Interrogatories – A formal set of questions given to a plaintiff or defendant used to determine the facts of a case in advance
 - Request for documents
 - Physical/mental examinations
 - Requests for admission

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

Plaintiff, Ernesto Fair, by and through his attorneys, Ronald V. Miller, Jr., and Miller & Zois, LLC, requests that Defendant, Diana Smith, admit or deny the following statements of law. If objection is made, please state the reason for the objection. Please specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. Also, please note that the term "car crash" refers to the motor vehicle collision which is the subject of this lawsuit and which occurred on or about March 17, 2002.

REQUESTS FOR ADMISSION

1. Admit that you were driving a 2000 Toyota with Maryland motor vehicle tags on the date of the car crash.
2. Admit that immediately prior to impact, you failed to negotiate a turn on the date of the car crash.
3. Admit that Plaintiff did not contribute to the cause of the car crash.
4. Admit that had you negotiated the turn at a slower speed, you would have avoided striking the Plaintiff's vehicle on the date of the car crash.
5. The bill for the moist heating pad from Liberty Orthopedic and Supply Company was reasonable regarding the treatment rendered for the car crash complained of in the Plaintiff's Complaint.
6. Your insurance company offered only \$50,000 to settle this lawsuit.

2. Pretrial Hearing

- Informal meeting in front of a judge

3. If the case is not settled, the parties must decide what type of trial they want

- Jury Trial
- Court Trial

Jury Trial

4. Selection of Jury

- Those who have been called to serve on jury duty are selected from the jury pool
- The jury pool consists of members of the community who have been randomly selected to serve on the jury
- Attorneys are allowed to question jurors about their background, education, experiences, relationships, attitudes, and employment
- Attorneys can object to certain members of the pool serving on the jury if they feel the juror cannot be impartial

Jury Trial

5. Arguments and Evidence

- Opening Statements – Explain what the lawyers intend to prove
 - Plaintiff then Defendant
- Evidence – Expert witnesses give evidence
 - Plaintiff
 - Defendant cross-examines
 - Defendant
 - Plaintiff cross-examines
- Closing Argument
 - Plaintiff
 - Defendant

Jury Trial

6. Instructions to the jury

7. Verdict and Judgment

- Jury members go to the jury room to talk about the case
- The jury decides who has won the case – the verdict
- The court issues a judgment

8. Remedy applied

- When the defendant is found liable, he must make a monetary payment or another action (do or not do something)

Jury Trial

9. Execution of Judgment

- Judgment is enforced and carried out

Appeal

- The parties can appeal a decision by the judge
- The appeal can only be based on a legal mistake that was made by the judge
- This is why attorneys object to certain procedures and decisions made by the judge at a lower level court
- There is no retrial

Criminal Trial Procedure

1. A person is arrested
 - Trial is planned for later to give the lawyers time to prepare their cases
 - The defendant does have rights:
 - Miranda Rights – Read by the police
 - Bail – Determined by a judge
 - Search and Seizure – With permission or a warrant

2. The Arraignment

- The suspect is brought before the court as soon as possible after the arrest
- The judge may dismiss the case or decide there is probable cause that a crime was committed
- If there is probable cause, a grand jury is assembled
- A grand jury listens to the information presented by the prosecutor and decides if the person arrested must stand trial
- If the grand jury issues an indictment, he is arraigned and asked to plead guilty or not guilty

Pleas

- If a person pleads guilty
 - The judge imposes a sentence
 - May be offered a plea agreement for a lesser sentence
- If a person pleads not guilty
 - The case goes to trial

3. The Trial

- The defendant may request a jury trial or be tried before a judge
- Jury Trial
 - Opening Statements
 - Evidence
 - Closing Statements
- In a criminal trial, the jury must have a unanimous verdict
 - If the jurors cannot agree, it is called a mistrial
 - The prosecutor may ask for a new trial
- If a defendant is found:
 - Not guilty, he is released
 - Guilty, the judge imposes a sentence

Sentencing

- Fine
 - The payment of money as a penalty for committing a crime
- Imprisonment
 - The amount of time the guilty person will serve in jail
- The Death Penalty
 - A jury must determine if a defendant deserves the death penalty

Double Jeopardy

- A person found not guilty of a crime cannot be tried twice for the same crime in the same court
- Defined in the Fifth Amendment

Juvenile Cases

1. A Detention Hearing
2. Home life investigated
3. Judge can dismiss charges or conduct an adjudicatory hearing
 - The juvenile may be allowed to return home on probation
 - The juvenile may be placed in an agency or foster home
 - The juvenile may be sent to a training or reform school

Typically, judges want juveniles to be rehabilitated
not punished