

Overview of the American Judicial System

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A System of Checks and Balances— Separating Government into Three Branches

- I. Legislative Branch
- II. Executive Branch
- III. Judicial Branch

Legislative Branch

- Makes the laws
 - United States Congress
 - House of Representatives
 - Senate
 - State legislatures



Executive Branch

- Enforces the laws
 - United States President/Vice President
 - State Governors/Lt. Governors



Judicial Branch

- Interprets and applies the laws
- Federal and State Courts Systems



Federal Courts

- Article III, United States Constitution
 - Vests judicial power in “one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”
 - Supreme Court
 - “Inferior Courts”
 - Circuit courts
 - District courts

Federal Court Jurisdiction

■ Federal Question Jurisdiction

■ Claims involving

- The United States government
- The United States Constitution
- Federal laws
- Controversies between states or between the United States and foreign governments

■ Diversity Jurisdiction

■ Claims involving

- Citizens of different states or United States citizens and those of another country
- At least \$75,000 in controversy

State Court Jurisdiction

- Each state has its own court system to settle disputes involving its own state laws



The Judicial Process

- District or Trial Courts
 - Criminal
 - Civil
 - Cases at law
 - Remedy sought is money
 - Cases in equity
 - Remedy sought is not money
 - Injunction
 - Replevin

A Civil Lawsuit

- Summons and Complaint
 - Plaintiff drafts and files
 - Defendant must be served
- Answer
 - Defendant's response
 - Defendant can request case be dismissed
 - Motion to Dismiss



Discovery

- Interrogatories
- Request for Production of Documents
- Depositions
 - Notice will be served
- Expert witnesses
 - Daubert hearing

Motion for Summary Judgment

- Request by either Plaintiff or Defendant
 - That the court decide the case without a trial
 - Moving party must prove:
 - There is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.
 - The evidence and all reasonable inferences must be viewed in the light most favorable to the non-moving party.

Trial

- Picking a jury
 - In cases at law
 - Voir dire
 - May be done by judge or lawyers
- Opening statements
- Witness Testimony
- Closing arguments



Verdict

- Before the verdict
 - Party may request a Directed Verdict
- After the verdict
 - Plaintiff or defendant may request Judgment Notwithstanding the Verdict or new trial
 - Defendant may request Remittitur
 - Judge may reduce size of verdict

Entry of Judgment

- Judge enters judgment
- Plaintiff or defendant may request reconsideration
- Appeals may be filed



Statutory Claims

- Rights and Remedies defined by statute
- Trial courts may have original jurisdiction
- Administrative review may be required
- Appellate review