The American Legal System

Plan :

I. UNITED STATES LEGAL SYSTEM
II. THE FEDERAL COURT SYSTEM
III. THE FEDERAL COURTS
IV. ADMINISTRATIVE LAW AND COURTS
V. STATE LAW
VI. STATE COURT SYSTEM
VII. SOURCES OF LAW
VIII. CHECK AND BALANCES

I. UNITED STATES LEGAL SYSTEM

In the US, they are two separate and interacting jurisdictions :
- One at the state level ;
- One at the federal level.

Initially, the US established a confederation of 13 colonies and each of them had its own constitution, its own executive and its own judiciary.

These 13 colonies were willing to relinquish some of their powers to a stronger central federal government but they still wanted to be able to have some control and management of their internal affairs.

That’s the reason why Article VI of the US Constitution (called « the supremacy clause ») provides that the Constitution is the supreme law in the US : therefore, it takes precedence over any state constitution or law if there is a conflict.

There are 3 branches of the federal government : legislative, executive and judicial, each operating within a constitutional system known as « checks and balances » (cf. infra).

1. FEDERAL COURT AND CONGRESS

The Congress has the power to create federal courts (other than the Supreme Court) and to determine their jurisdiction. The Congress controls the type of cases that may be addressed to the federal courts.

The Congress has other basic responsibilities that determine how the federal courts will operate (for example, the congress decides how many judges there should be and where they will work).

2. FEDERAL COURTS AND THE EXECUTIVE BRANCH

There is an interaction between the judiciary and the executive branches.
For example, the President appoints federal judges with the « advice and consent » of the Senate.

II. THE FEDERAL COURT SYSTEM

1. JURISDICTION OF THE FEDERAL COURTS

Federal Courts have a limited jurisdiction which falls within 2 categories called :
- Diversity of citizenship and
- Federal Question.
• Diversity Jurisdiction of Citizenship/"Erie Doctrine"

It is when the litigants do not reside in the same state and when a certain amount of money is in dispute (the amount in controversy exceeds $75,000).

In such cases, federal procedure is used but the substance of the law is that of the state in which the case is heard (= The Erie Doctrine).

The doctrine follows from the Supreme Court landmark decision in *Erie Railroad Co. v. Tompkins* (1938).

• Federal Question

The Federal Courts have jurisdiction in all cases involving the Constitution, federal laws and treaties. Therefore, if state courts interpret the Constitution, their decision can be reviewed by the Federal Courts. This Federal Question is based on the powers expressly enumerated from the US Constitution.

2. ENUMERATED POWERS

*Article I, section 8 of the Constitution* contains the enumerated powers that are vested to the Congress.

For example: the Congress shall have Power to:

- To declare and collect taxes, to pay the Debts and provide for the common Defence and general Welfare of the United States;
- To borrow money on the credit of the United States;
- To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; (to regulate international trade and interstate commerce power);
- To declare War, to raise and support Armies, to provide and maintain a Navy;
- To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government or in any Department or Office of the United States;
- etc.

III. THE FEDERAL COURTS

1. THE SUPREME COURT OF THE UNITED STATES

It is the highest federal court of the United States.

There are 2 levels of federal courts under the Supreme Court:

- The trial courts and
- The appellate courts.

The Suprem Court consists of the Chief Justice of the US and eight associate justices.

It is the final interpreter of federal constitutional law. The cases the Suprem Court decides to hear begin in the federal or state courts and they usually deal with questions about the Constitution or federal law.

**APPEALS**

Parties who are not satisfied with the decision of a lower court must petition the U.S. Supreme Court to hear their case (= a petition for a writ of certiorari).

Therefore, the parties ask the Supreme Court to review the case. The Suprem Court is not under any obligation to hear the case. **Four of the nine justices must agree to hear the case.**

A matter will only be heard if it is considered to be ripe.

Appeals may come from the federal circuit courts or the court of last resort in each state.

2. DISTRICT COURTS

The United States district courts are the trial courts of the federal court system.
These cases may be either criminal or civil cases.
There are 94 district courts in the US.
There is at least one district court in each state.

There are also two special trial courts:
- The Court of International Trade (cases involving international trade and customs laws) and
- The U.S. Court of Federal Claims (claims for money damages against the U.S. government).

3. APPELLATE COURTS

There are 12 regional circuit courts.
These courts hear cases that are appealed from the 94 district courts and relieve some of the caseload of the Supreme Court.
The appellate courts review the decisions of the district courts.

4. SPECIAL FEDERAL COURTS

FEDERAL CLAIMS (= demandes fédérales) : the U.S. Court of Federal Claims has nationwide jurisdiction for cases which deal with claims for money damages against the US, unlawful appropriation of private property by the federal government, and a variety of other claims against the US.

US COURT OF INTERNATIONAL TRADE : this Court has nationwide jurisdiction over cases involving international trade and customs.

MAGISTRATE COURTS : they handle with minor criminal cases and civil cases where the parties agree to see their case dealt with by Magistrate Courts.

US Magistrate Judges are federal judges of the district courts who serve eight-year terms. They deal with minor criminal matters and they assist the District Judges with all types of cases.

Decisions taken by a Magistrate Judge can be reviewed by a District Judge of the same court.

BANKRUPTCY COURTS (= tribunaux relatifs à la faillite) : for people or businesses who can’t pay anymore their creditors from their assets and income.

THE US TAX COURT (= tribunal fiscal) : this Court hears disputes on tax matters.

IV. ADMINISTRATIVE LAW AND COURTS

Administrative Law regulates administrative agencies of government.
Administrative law is considered as a branch of public law. It deals with the decision-making of administrative units of governments (for instance : commissions).

Administrative agencies are part of the executive branch.
Administrative agencies are lawmaking bodies with limited powers delegated by Congress. The rules and regulations created by administrative agencies can be enforced as law.

Administrative agencies have the power to investigate, administer and enforce.

Administrative agencies exercice a quasi-judicial function which is known as a hearing (as required by the due process of law clause : 14th and 15th amendments of the US Constitution) : the administrative hearing process is similar to being in court for a trial, but an administrative hearing involves a dispute between a government agency and someone affected by a decision of this agency.

An administrative law judge presides at an administrative law hearing.
Administrative law judges are the only judges in the US chosen on their merit.
State law refers to the law of each US state. The fifty American states have their own state constitutions, state governments, and state courts. The state courts judges interpret the state’s constitution and statutes. Like the federal system, the state courts are arranged in a hierarchical format: trial courts and appellate courts. Every state has a court of last resort which hears appeals and is the final interpreter of state institutions and state law. They are structural differences because states vary in population: therefore, they are hundreds of judges in large states whereas small states may have a few number of judges.

VI. STATE COURT SYSTEM

Most state court systems are made up of:

- Trial courts (trial courts of limited jurisdiction and trial courts of general jurisdiction);
- Appellate courts;
- The highest state courts.

1. TRIAL COURTS OF LIMITED JURISDICTION

These courts deal with specific types of cases. They are usually presided over by a single judge. Trial courts of limited jurisdiction may be limited in subject-matter jurisdiction or by other means, such as small claims courts in many states for civil cases with a low amount in controversy.

Examples of such cases include:

- Family court (it deals with divorce, adoption, etc.);
- Juvenile court (matters concerning delinquent children under a certain age);
- Small claims courts.

2. TRIAL COURTS OF GENERAL JURISDICTION

A trial court of general jurisdiction is authorized to hear any type of civil or criminal case that is not committed exclusively to another court. In some cases, these courts can hear appeals from trial courts of limited jurisdiction.

3. INTERMEDIATE APPELLATE COURTS

Not all states have intermediate appellate courts. They are different reasons for an appeal. A common reason is that the party isn’t satisfied with a judgment of a trial court because he thinks that the trial was conducted unfairly or that the trial judge applied the wrong law, or applied the law incorrectly.

4. HIGHEST STATE COURTS

The highest state court is the state supreme court in the U.S. state court system. The state supreme courts are known by various names in the states. The highest state court exclusively hears appeals on legal issues from inferior state courts: therefore, like the intermediate appellate courts, appeals taken usually allege a mistake of law. Many state supreme courts have original jurisdiction in certain matters.
VII. SOURCES OF LAW

American law has various sources.

1. CONSTITUTIONAL LAW

It defines the scope and application of the terms of the Constitution.

2. STATUTES AND ORDINANCES

They are legislation passed on the federal, state or local levels.

3. COMMON LAW

It is mainly based on the idea of precedent: the facts of a case are compared to previous cases having similar facts in order to reach a decision by analogy. Much of the common law has now been fixed in statutes. Most states have codes. Common law / Statutory law = statutory law is passed by legislatures.

4. ADMINISTRATIVE LAW

Administrative law is made by administrative agencies (cf. supra).

VIII. CHECK AND BALANCES

Checks and Balances was set up by the US Constitution to ensure that no one branch of government would become too powerful.

The national government is divided into three branches: legislative, executive, and judicial.

Each branch has powers that it can use to check and balance the operations and power of the other two branches.

For example:

CHECKS AND BALANCES OF THE LEGISLATIVE BRANCH
The Legislative Branch has the following powers over the Executive Branch:

• May remove the president through impeachment

The Legislative Branch has the following powers over the Judicial Branch:

• May remove judges through impeachment
• Senate approves appointments of judges

CHECKS AND BALANCES OF THE EXECUTIVE BRANCH
The Executive Branch has the following powers over the Legislative Branch:

• Veto power
• Ability to call special sessions of Congress

The Executive Branch has the following powers over the Judicial Branch:

• President appoints Supreme Court and other federal judges

CHECKS AND BALANCES OF THE JUDICIAL BRANCH
The Judicial Branch has the following powers over the Executive Branch:

• Judges, once appointed for life, are free from controls from the executive branch

The Judicial Branch has the following checks over the Legislative Branch:

• Courts can judge legislative acts to be unconstitutional
VOCABULAIRE :

-willing to relinquish = prêt à céder
-their internal affairs = leurs affaires internes
-the article provides = l’article prévoit
-it takes precedence = elle prévaut
-dans le cadre d’un système constitutionnel
-checks and balances = équilibre des pouvoirs
-requires cooperation = exige une coopération
-laws are enacted = les lois sont votées
-to determine their jurisdiction = déterminer leur compétence
-the type of cases = le type d’affaires
-advice and consent = l’avis et le consentement
-limited jurisdiction = compétence limitée
-which falls within 2 categories = qui entrent dans 2 catégories
-Diversity of citizenship = diversité de citoyenneté
-Federal question = question fédérale
-the litigants = les parties
-is in dispute = est en jeu / est controversé
-diversity jurisdiction = compétence fondée sur la diversité de citoyenneté
-a state law dispute = un litige portant sur la loi étatique
-the substance of the law = le fondement du droit
-landmark decision = décision historique
-their decision can be reviewed = leurs décisions peuvent être réexaminées
-the powers expressly enumerated = les pouvoirs expressément énumérés
-welfare = bien-être / prospérité
-To borrow money = emprunter de l’argent
-to raise and support Armies = lever et entretenir les Armées
-the foregoing Powers = les pouvoirs précédents
-other Powers vested by this Constitution = les autres pouvoirs conférés par cette Constitution
-The trial courts = les tribunaux de première instance
-The appellate courts = les cours d’appel
-the Chief Justice = le juge en Chef
-associate justices = juges adjoints
-to petition = adresser une demande / une pétition à
-justices = juges
-ripe = mature / mûre (peut-être en état d’être jugé ?)
-the federal circuit courts = les cours d’appel fédérales
-The district courts = tribunaux de première instance
-international trade = commerce international
-customs laws = droit douanier
-money damages = dommages-intérêts
-to relieve = soulager
-the caseload = le nombre d’affaires / la charge de travail
-nationwide jurisdiction = compétence nationale
-unlawful = illicite
-8 year terms = un mandat de 8 ans
-businesses = entreprises
-their assets = leurs biens
-income = revenu
-beyond = au-delà de
-the decision-making = la prise de décisions
-regulations = règlements
-enforce = faire exécuter
-hearing = audience
-due process of law clause = l’application régulière de la loi
-statutes = lois
-matter of right = problème de droit
-to allege = invoquer
-the scope = la portée
-was set up = a été établi / mis en place
-to ensure = pour s’assurer
-too powerful = trop puissante
-impeachment = destitution