



## Legal System

- I. State Hierarchy
  - a. Disputes begin in Trial Court
    - i. Determine guilt or liability
    - ii. Determine questions of fact (determined by jury, but both parties could opt for a bench trial instead)
    - iii. Determine questions of law (done by *judge* – setting precedent)
  - b. Appellate Court (“Intermediate Appellate Court”)
    - i. Have a *right* to appeal
    - ii. Do *not* hear questions of fact here. If jury was clearly in error can get retrial.
    - iii. The idea is the people hearing the appeal weren’t in the courtroom, didn’t see the witnesses, and aren’t in a position to question the facts.
    - iv. They’re in charge only of deciding questions of law
  - c. State Supreme Court
    - i. Court has discretion over what they’ll hear
    - ii. No more *right* to appeal anymore.
- II. Federal Hierarchy
  - a. District Courts
  - b. U.S. Court of Appeals (divided into “circuits”)
  - c. U.S. Supreme Court
  - d. Can cut over from state to federal hierarchy
- III. Appellate Court Opinions
  - a. Judge writes an opinion
  - b. Usually more than one judge – usually an odd number
  - c. If the chief justice is in the majority, s/he decides who writes the opinion.
  - d. Otherwise the most senior justice in the majority does.
  - e. Once the opinion is written it becomes law!
  - f. Opinions are known as precedent and apply within the jurisdiction of the court that wrote it. Opinions from courts with different jurisdiction are “persuasive precedent.”
  - g. Concurrence: Another opinion written by a judge that agrees with the outcome but perhaps not the reasons. This is *not* law.
  - h. Dissent: Another opinion written by a judge that *disagrees* with the outcome. This is *not* law either.