

## Federal and State Court Systems

### Lesson 1 The Judicial System in Our Democracy

#### Review Questions

#### I. Early Systems of Law

- A. In democratic societies, law resolves conflict between and among individuals and groups and protects individuals against government power. It defines criminal acts and determines the punishments for them.
- B. The Code of Hammurabi divided law into categories we use today: criminal law, property law, and family law. The Ten Commandments became a model for ethical laws, the ideals of which have been adopted in the United States.
- C. Common law is made by judges as they resolve individual cases. In the American colonies, English colonists used the common law they were familiar with, which was English common law. When they studied law, colonial lawyers studied English sources, especially the important four-volume work by William Blackstone, *Commentaries on the Laws*.

#### II. Principles of Democracy in the Judiciary

- A. The legislative branch writes the laws, while the executive branch enforces them. When the meaning of a law passed by the legislature and enforced by the executive branch is unclear, the judicial branch provides an interpretation of the law.
- B. According to the rule of law, no individual, group, organization, or governmental entity is above the law. Everyone must obey the law and be held accountable for violating it. Laws must be clear and known to all and must be equally, fairly, and consistently enforced.
- C. Judicial review is the power of courts to say that laws and actions of local, state, or national governments are invalid because they conflict with the Constitution. It also allows courts to declare an action of the executive or legislative branch unconstitutional, thus checking the power of those branches.

#### III. Judicial Independence

- A. Judicial independence means that the judicial branch is able to judge impartially, free from influence or pressure from other branches or powers. The fair selection of judges, fair procedures, the power of judicial review, and the benefit of an executive branch that will enforce court orders all contribute to judicial independence.

#### Summary and Reflection

According to our democratic principles, every person should have a free and equal opportunity to pursue individual goals and desires. Laws and the judicial system keep one person's pursuit of happiness from infringing upon that of others. The rule of law requires that no person, group, organization, or governmental entity be above the law. Judicial review gives the judiciary the power to say that laws and actions of local, state, or national governments are invalid because they conflict with the Constitution. Judicial independence allows the judiciary to act impartially, making fair decisions without undue influence by outside forces. All three uphold democracy.

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**TD Snyder**



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








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