ANSWERS TO WORKSHEET REGARDING THE U.S. LEGAL SYSTEM

[These questions can be answered by reading the chapters assigned from the Outline of the U.S. Legal System. The headings below point you in the right direction regarding in which chapter the information may be found; however, more than one of the assigned chapters may have to be referred to for a complete answer.]

QUESTIONS FROM OR BASED ON INFORMATION IN THE INTRODUCTION

1. What are the sources of federal law?  The sources of federal law are: the United States Constitution, legislative law (statutes), judicial law (common law or court-made law), and executive or administrative/agency law. (pp. 7-9) Note that the same sources of law exist for state law: the state’s constitution, legislative law (state statutes), judicial law (common law or state-court made law), and executive or state administrative/agency law.

2. What are federal laws called?  “Federal laws are known as statutes.” (p. 8)

3. What is a “code”?  A code is “a ‘codification’ of federal statutory law. The Code is not itself a law, it merely presents the statutes in a logical arrangement.” (pp. 8-9)

4. What is common law?  How does common law contrast to statutory law?  Common law is “a collection of judicial decisions, customs, and general principles . . . that continues to develop.” Common law applies when there are no statutes or constitutional provisions that control a particular legal issue. Common law is an important source of law because legislatures (either federal or state) have not passed statutes that can cover every possible legal issue that may arise. (pp. 12-13) Further, common law is important when a statute or constitutional provision is ambiguous such that a court must interpret the meaning of a statute or constitutional provision or a court must determine how a statute or constitutional provision applies to a particular situation.

5. If no statute is relevant to a breach of contract issue, what type of law would control?  Common law (judicial or court-made law). (p. 12)

6. What is “precedent”?  “Precedent” is a prior court decision that decided a particular issue. (p. 13). As defined by Black’s Law Dictionary (8th ed. 2004), “precedent” is:

   1. The making of law by a court in recognizing and applying new rules while administering justice.
   2. A decided case that furnishes a basis for determining later cases involving similar facts or issues.

7. What is “stare decisis”?  Stare decisis is the process through which common law develops. Courts follow prior court opinions (“precedent”), which “helps to ensure consistency and predictability” in the law. (p. 13). Black’s Law Dictionary (8th ed. 2004) defines “stare decisis” as, “[Latin ‘to stand by things decided’] The doctrine of precedent, under which it is necessary for a court to follow earlier judicial decisions when the same points arise again in litigation.”
8. What are two kinds of disputes heard by courts?  

*Civil and criminal cases (p. 14)*

9. Frances Brandon sued Hatland Groceries, Inc. in the District Court for the Southern District of Texas. Mr. Brandon filed the Complaint on May 13, 2008, alleging that Hatland Groceries was responsible for his injuries allegedly caused by Hatland Groceries’ failure to clean up spilled milk upon which Mr. Brandon slipped and fell. Answer the following questions:

   a. Is this a civil or criminal case?  *Civil (two private parties where one party is alleging a violation of common law, which here is a negligence claim) (p. 14)*

   b. Who is the plaintiff in this lawsuit?  *Frances Brandon (the party initiating the lawsuit) (p. 14)*

   c. Who is the defendant in this lawsuit?  *Hatland Groceries, Inc. (the party opposing the lawsuit) (p. 14)*

10. Brandon v. Hatland Groceries went to trial during the week of May 11-15, 2009. The jury reached a verdict in favor of Mr. Brandon in the amount of $46,238.00. Was Hatfield Groceries found (1) guilty of negligence, or (2) liable to Mr. Brandon for negligence?  *Hatland Groceries would be (2) liable to Mr. Brandon for negligence. (p. 14)*  

   Terminology differs in civil and criminal cases. A defendant in a civil case can be found to be liable to a plaintiff for damages (such as legal damages—perhaps monetary or compensatory damages—or equitable remedies). A defendant in a criminal case can be found to be guilty of a crime and can be imprisoned or ordered to pay a criminal fine.  *(p. 14)*

11. The Commonwealth of Pennsylvania charged Chris O’Connor with second degree murder for his alleged fatal attack of Tyler Falk on April 1, 2009. Answer the following questions:

   a. Is this is a criminal or civil case?  *Criminal case (the state government is a party to this case against Ms. O’Connor) (p. 14)*

   b. The Commonwealth of Pennsylvania is the ____ Prosecution _________ in this case.  *The government “prosecutes, in the name of the people, defendants charged with violating laws that prohibit certain conduct as injurious to the public welfare”) (p. 14)*

   c. Chris O’Connor is the __defendant_______________ in this case.  *(p. 14)*

   d. If the court would find that Ms. O’Connor committed second degree murder, is Ms. O’Connor (1) guilty of second degree murder, or (2) liable to Mr. Falk’s estate for second degree murder?  *Ms. O’Connor would be (1) guilty of second degree murder. See answer to question 10 above. (p. 14)*

12. Describe the relationship between the federal and state court systems.  *In general, there are two types of law in the United States that may govern a particular legal issue: federal and state law. The United States Constitution “carefully specify[s] the areas where Congress might enact legislation. The Tenth Amendment to the Constitution (1791) made explicit that state law would control elsewhere.” (p. 16) “[N]o state may deny a citizen any right guaranteed by the federal Constitution, [but states] may interpret their own constitutions as bestowing even more*
generous rights and privileges.” (p. 17). Specifically in regard to the court systems, the United States has a “dual court system” in which “each level of government (state and [federal]) has its own set of courts.” (p. 20) Thus, some disputes are resolved entirely in the federal courts, some disputes are resolved entirely in the state courts, and some disputes may concern both federal and state issues. (p. 20)

QUESTIONS FROM OR BASED ON INFORMATION IN CHAPTER 1

13. Does the United States Supreme Court have original or appellate jurisdiction or both? The Supreme Court can invoke both original and appellate jurisdiction. (p. 28)

   a. If both, which jurisdiction does the Supreme Court invoke primarily? The Supreme Court invokes appellate jurisdiction “overwhelmingly” in that it reviews decisions of lower courts. It is the “highest appellate tribunal in the country . . . [and] has the final word in the interpretation of the Constitution, acts of legislative bodies, and treaties.” (p. 28)

   b. What is original jurisdiction? “A court has the power to hear a case for the first time.” (p. 28)

   c. What is appellate jurisdiction? “A higher court has the authority to review cases originally decided by a lower court.” (p. 28)

14. What is “certiorari”? “Certiorari” is the device through which the Supreme Court exercises its discretion in deciding which cases it should review. (p. 28) If a party’s request to the Supreme Court to hear its case is granted, then the Court issues a “writ of certiorari, which is an order to the lower court to send up a complete record of the case. When certiorari is denied, the decision of the lower court stands.” (p. 28)

15. What are the federal courts of appeals officially called today? Courts of Appeals (p. 32)

16. What else might the federal Courts of Appeals be called? Courts of Appeals are also referred to as “Circuit Courts.” (pp. 33-34)

17. How many federal Courts of Appeals are there? There are a total of 14 Courts of Appeals: 12 regional Courts of Appeals (the 12 numbered Circuit Courts; for example, referred to as the “Court of Appeal for the Third Circuit”), the United States Court of Appeal for the Federal Circuit, and the United States Court of Appeal for the Armed Forces. (pp. 21, 34)

18. What role do the Courts of Appeals play in the federal court system? The Courts of Appeals hear cases on appeal from the federal district courts. (p. 32) Therefore, “[m]ost of the cases reviewed by the courts of appeals originate in the federal district courts. Litigants disappointed with the lower-court decision may appeal the case to the court of appeals of the circuit in which the federal district court is located. The appellate courts have also been given authority to review the decisions of certain administrative agencies.” (p. 34) The Courts of Appeals “have no original jurisdiction whatsoever; every case or controversy that comes to one of these intermediate level panels has been first argued in some other forum.” (pp. 59-60) Courts of Appeals can hear both civil and criminal cases. (p. 60)
19. What are the trial-level courts called in the federal court system? *District courts (p. 37)*

20. To answer this question, review the definition of *stare decisis* above. The following excerpt further explains the application of *stare decisis* in the United States’ court system:

“In evaluating cases under [the] system of *stare decisis*, judges consider two different kinds of precedent, *mandatory* [also called “binding”] and *persuasive* [also called “non-binding”] authority. As the names imply, courts are required to follow only the rules of law established in earlier cases that are considered to be mandatory authority. Courts may or may not be persuaded to follow earlier cases that are only persuasive authority. . . . Whether a case is mandatory or persuasive authority depends on the jurisdiction within which the case arose and the hierarchal level of that court within the jurisdiction. A previous case is binding on a court only: (1) if it arose within the same jurisdiction as the dispute presently before the court, and (2) the earlier decision was rendered by a higher level court within that jurisdiction.”

Also, to answer this question, study the chart on page 21 of the *Outline of the U.S. Legal System*, the map on page 23 of the *Outline of the U.S. Legal System*, and the following diagram that shows the federal court system in Pennsylvania:

United States Supreme Court

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Third Circuit Court of Appeals
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Western District of Pennsylvania  Middle District of Pennsylvania  Eastern District of Pennsylvania
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a. Is a Third Circuit Court opinion mandatory authority for the Western District of Pennsylvania, Middle District of Pennsylvania, and Eastern District of Pennsylvania? Why or why not? *Yes, mandatory authority. The Western, Middle, and Eastern Districts are in the same jurisdiction as the Third Circuit Court (because the Western, Middle, and Eastern Districts are in the Third Circuit) and the Third Circuit Court is a higher-level court than the three district courts.*

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1 ROBIN WELLFORD SLOCUM, LEGAL REASONING, WRITING, AND PERSUASIVE ARGUMENT 14 (LexisNexis 2d ed. 2006). The examples that the Wellford Slocum book provides are the following: “[A] Missouri state trial court judge who is interpreting a state law would not be bound by an earlier decision of the Eighth Circuit Court of Appeals, even if the Eighth Circuit had interpreted the same Missouri state law. Even though the Eighth Circuit Court of Appeals is a higher level of court than a trial court, the two cases are not within the same jurisdiction. Recall that the federal and state court systems are two parallel, and separate, legal systems. As another example, an earlier decision of the Missouri Court of Appeals would never be binding on the Missouri Supreme Court. Why? Even though the courts are within the same jurisdiction, the Missouri Court of Appeals is not a higher level court.” *Id.*

b. Is an Eastern District of Pennsylvania opinion mandatory authority for the Western District of Pennsylvania? Why or why not? No, not mandatory authority. Although the Eastern and Western Districts of Pennsylvania are in the same jurisdiction (the Third Circuit), the district court for the Eastern District of Pennsylvania is not a higher-level court than the Western District of Pennsylvania. The Eastern District opinion would be persuasive authority only.

c. Is a United States Supreme Court opinion mandatory authority for the Third Circuit Court of Appeals? Why or why not? Yes, mandatory authority. The United States Supreme Court and the Third Circuit Court of Appeals are in the same jurisdiction (the federal court system) and the United States Supreme Court is a higher-level court than the Third Circuit Court of Appeals.

d. Is a United States Supreme Court opinion mandatory authority for the Western District of Pennsylvania, Middle District of Pennsylvania, and Eastern District of Pennsylvania? Why or why not? Yes, mandatory authority. The United States Supreme Court and the three district courts are in the same jurisdiction (the federal court system) and the United States Supreme Court is a higher-level court than the three district courts.

e. The Southern District of New York is in the Second Circuit Court of Appeals. Is a Third Circuit Court of Appeals opinion mandatory authority for the Southern District of New York? Why or why not? No, not mandatory authority. Although the Third Circuit Court of Appeals is a higher-level court than the Southern District of New York, the Southern District of New York is not in the same jurisdiction. The Southern District of New York is in the Second Circuit, not the Third Circuit. The Third Circuit Court of Appeals opinion would be persuasive authority only.

f. You represent Roy Price in a civil action for breach of contract in the District Court for the Eastern District of Pennsylvania. At issue is whether the parties entered into a valid agreement.

i. After researching the issue, you find the case, Oswald v. Shift Down Corp., which is an opinion from the Third Circuit Court of Appeals, on the precise issue of whether the parties in that case entered into a valid agreement. Is the Oswald v. Shift Down Corp. case mandatory or persuasive authority and why? Mandatory authority. The Eastern District of Pennsylvania is in the same jurisdiction as the Third Circuit Court and the Third Circuit Court is a higher-level court than the Eastern District of Pennsylvania.

ii. You also find the case, Jupiter Owens Co. v. Fremont Shipping, Inc., which is an opinion from the Sixth Circuit Court of Appeals, also on the precise issue of whether the parties in that case entered into a valid agreement. Is the Jupiter Owens Co. v. Fremont Shipping, Inc. case mandatory or persuasive authority and why? Persuasive authority. Although the Sixth Circuit Court of Appeals is a higher-level court than the Eastern District of Pennsylvania, the Eastern District of Pennsylvania is not in the same jurisdiction. The Eastern District of Pennsylvania is in the Third Circuit, not the Sixth Circuit.
QUESTIONS FROM OR BASED ON INFORMATION IN CHAPTER 2

21. Are all state courts organized the same? No. Each state has its own, unique court system. Therefore, states can have different levels of courts and different names for the courts. (p. 46) For each state law issue that you must analyze, look up that state’s court system so that you can determine whether a court opinion from that state is mandatory or persuasive authority for your legal issue.

22. Review the definition of mandatory and persuasive authority above in Question 20. Also, for your information as you answer this question, the following diagram shows the state court system in Pennsylvania:

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                       Pennsylvania Supreme Court
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                    /                   \
                   Superior Court               Commonwealth Court
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                     /                   \
                      County Courts of Common Pleas
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a. Is a Superior Court opinion mandatory authority for a county court? Why or why not? Yes, mandatory authority. The Superior Court is in the same jurisdiction as the county court (both are in the Commonwealth of Pennsylvania) and the Third Superior Court is a higher-level court than a county court.

b. Is a Superior Court opinion mandatory authority for the Commonwealth Court? Why or why not? No, not mandatory authority. Although the Superior and Commonwealth Courts of Pennsylvania are in the same jurisdiction (the Commonwealth of Pennsylvania), the Superior Court is not a higher-level court than the Commonwealth Court. The Superior Court opinion would be persuasive authority only.

c. Is a Pennsylvania Supreme Court opinion mandatory authority for the Superior and Commonwealth Courts? Why or why not? Yes, mandatory authority. The Pennsylvania Supreme Court and the Superior and Commonwealth Courts are in the same jurisdiction (the Commonwealth of Pennsylvania) and the Pennsylvania Supreme Court is a higher-level court than the Superior and Commonwealth Courts.

d. Is a Pennsylvania Supreme Court opinion mandatory authority for the county courts? Why or why not? Yes, mandatory authority. The Pennsylvania Supreme Court and the county courts are in the same jurisdiction (the Commonwealth of Pennsylvania) and the Pennsylvania Supreme Court is a higher-level court than the county courts.

e. You represent Phillippe Lopez in a civil action for intentional battery in the Court of Common Pleas for Cambria County. At issue is whether Ms. Roehl’s striking of Mr. Lopez constituted an intentional battery. After researching the issue, you find the case, White v. Kramer, which is an opinion from the Pennsylvania Superior Court, on the precise issue of whether a defendant’s conduct was an
intentional battery. Is the White v. Kramer case mandatory or persuasive authority and why? Mandatory authority. The Superior Court is in the same jurisdiction as the Court of Common Pleas for Cambria County (the Commonwealth of Pennsylvania) and the Superior Court is a higher-level court than the Court of Common Pleas for Cambria County. If, however, the White v. Kramer case had been decided by the Supreme Court of Michigan, then the case would have been persuasive authority only (higher-level court, but different jurisdiction).

23. In Pennsylvania, based on the chart above, identify which court is the:
   a. Court of general jurisdiction? County courts (trial courts that hear civil and criminal cases and are often divided into judicial districts) (pp. 49-51)
   b. Intermediate appellate court? Superior and Commonwealth Courts (courts that relieve the appellate burden from the state’s highest court) (p. 51)
   c. Court of last resort? Pennsylvania Supreme Court (courts that have jurisdiction over state law issues and are the final arbiters in those matters; the court’s cases primarily come from the intermediate appellate courts) (pp. 51-52)

24. What does “de novo” mean? When a court hears an appeal “de novo,” then that court hears an issue as if it had not been heard before and as if no prior decision had been made. (p. 51) Black’s Law Dictionary (8th ed. 2004) defines “trial de novo” as, “A new trial on the entire case – that is, on both questions of fact and issues of law – conducted as if there had been no trial in the first instance.” Black’s Law Dictionary (8th ed. 2004) defines “de novo judicial review” as, “A court’s nondeferential review of an administrative decision, usu. through a review of the administrative record plus any additional evidence the parties present.”

25. What does “en banc” mean? “En banc” refers to all judges of a court hearing the case, as contrasted to courts in which only a panel of judges hear the case. (p. 51) Black’s Law Dictionary (8th ed. 2004) defines “en banc” as, “With all judges present and participating; in full court.”

QUESTIONS FROM OR BASED ON INFORMATION IN CHAPTER 3

26. May a federal district court hear criminal and civil cases? Yes, a federal court may hear criminal and civil cases. (p. 58)

27. What are some examples of civil cases that federal courts can hear? Federal courts hear “[l]itigation concerning the interpretation or application of the United States Constitution, acts of Congress, or U.S. treaties.” In other words, federal courts can decide legal issues concerning a question of federal law, such as civil rights cases, patent and copyright cases, passport and naturalization proceedings, admiralty and maritime disputes, and violations of U.S. postal laws. Federal courts can also hear other civil cases depending on the amount of damages at issue and the residency of the parties involved in the case. Finally, federal courts can hear cases from prisoners who allege a violation of a federally protected right. (p. 59)
QUESTIONS FROM OR BASED ON INFORMATION IN CHAPTER 5

28. Who are parties to criminal actions? A federal or state government is always a party to a criminal action. “It prosecutes, in the name of the people, defendants charged with violating laws that prohibit certain conduct as injurious to the public welfare.” (p. 14) The defendant is the party against whom the government is alleging a violation of a criminal law. (pp. 14, 92-93)

29. What is a “crime” in general? “An action constitutes a [] crime only if it specifically violates a criminal statute duly enacted by Congress, a state legislature, or some other public authority.” Most crimes are “sins of commission” and only a few are “sins of omission.” (p. 92)

30. What is a “felony”? Felonies are the most serious crimes for which the penalty may be death or imprisonment. Examples of felonies include murder, rape, and armed robbery. (pp. 92-93)

31. What is a “misdemeanor”? Misdemeanors are offenses that are less serious than felonies. These are petty offenses that are punishable by confinement in jail or a fine. Examples of misdemeanors are public drunkenness, small-time gambling, and vagrancy. (pp. 92-93) A third category of crime may be “infractions,” which are minor violations and the penalty is a fine, such as minor traffic offenses and parking violations. (p. 93)

32. What is the result or remedy in a criminal case? “A crime [] is an offense against the state punishable by fine, imprisonment, or death. A crime is a violation of obligations due the community as a whole and can be punished only by the state.” (p. 92)

QUESTIONS FROM OR BASED ON INFORMATION IN CHAPTER 6

33. Who are parties to civil suits? “A civil action involves two or more private parties.” Parties can be individuals, business entities, or other organizations. (pp. 14, 121-25)

34. What is the purpose of a civil suit? A civil action is filed when one party “alleges a violation of a statute or some provision of common law” by the other party. (p. 14) Often “disagreements can be settled outside the legal system. Sometimes they are so serious, however, that one of the parties sees no alternative by to file a lawsuit.” (p. 127)

35. What are some remedies that might result from a civil lawsuit? There are a wide range of remedies in civil cases, including legal and equitable remedies. Legal remedies include an award monetary or compensatory damages designed to compensate the injured party for their injury or loss. On the other hand, sometimes equitable remedies are warranted to make the injured party whole, such as compelling a party to render some specific performance (such as returning an item of property) or to prevent a party from acting (such as preventing a phone company from turning off the other party’s phone service). (pp. 14-15, 121-25)

36. Name some categories of civil law. Contract law, tort law, property law, law of succession (trusts and estates), and family law, just to name a few. (pp. 121-25)