

The american court system

Law



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THE AMERICAN COURT SYSTEM 25 February THE AMERICAN COURT SYSTEM

The American court system is a branch of the larger government system that consists of the executive, the legislature, and the judiciary. The main function of the court system is interpretation of the constitution. The courts, with this respect, arbitrate over conflicts in civil and criminal law in order to ensure justice through informed interpretation of laws. This paper seeks to analyze an article that relates to the American court system. The paper will review key points of the article in relation to judicial processes in the American courts.

History of alternative dispute resolution

Global Arbitration Mediation Association published the article ' history of alternative dispute resolution'. The article begins by defining arbitration and mediation and explaining the basis of the two alternative dispute resolution methods. The article then discusses global application of arbitration before exploring past application of arbitration and mediation as dispute resolution approaches in the United States. Further discussion of the article covers some of the United States' economic sectors that have in the past used mediation and arbitration. History of government involvement in promoting the alternative dispute resolution approaches are then discussed with highlights of some of the legislations that have been enacted to facilitate the approach to litigation (Gama, 2009).

Analysis of the article

The article, based on its title, is expected to discuss chronological developments in alternative dispute resolution. The article could similarly be expected to explain some of the significant changes in dispute resolution that have facilitated its development. At the same time, a reader could <https://assignbuster.com/the-american-court-system/>

expect discussion of the historical interaction between alternative dispute resolution and the judicial system with the aim of highlighting conflicting or complementary aspects of the two systems of dispute resolution.

A large percentage of the article is therefore not related to the title. While the author should have started by introducing alternative dispute resolution in relation to the judicial system and then proceeded with a timeline history of developments in the dispute resolution and relative deviations from the judicial framework, the article explores the scope and application of alternative dispute resolution. Even though the author proceeded to discuss past legislations that have affected mediation and arbitration, readers would have expected a more explorative approach to the history. The article should have for instance discussed circumstances that led to the development of the legislations. At the same time, more information on the impacts of the legislation should have been part of the history. Similarly, the author could have been more informative by providing information on the effects of the legislations on the relationship between alternative dispute resolution and the court system. There should have been sufficient information to help a reader to understand whether the laws aimed at liberating mediation and arbitration from the structure and formalities of the judicial system or harmonizing the two systems. Finally, the paper should discussed evolution in administration and jurisdiction of alternative dispute resolution. This way, it would have been comprehensive in exploring its title.

Article's summary

The article's conclusion suggests that through the internet, as a medium of communication, people should be more informed to use arbitration and mediation because the two are not regulated by case laws.

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Conclusion

The content of the article does not sufficiently correspond to its title. The author should have discussed developments in alternative dispute resolution based on deviations from the court system. This is because alternative dispute resolution has been derived from the judicial system.

Reference

Gama. (2009). History of alternative dispute resolution. Retrieved from:
<http://www.gama.com/HTML/history.html>