

Law legal authority

Law



Differences between a Trial Court and a Court Of Appeal: Discussion

Trial courts are known as courts where cases begin. In the trial court, pieces of evidence are presented from the both sides to reveal their views and versions on the occurrence of an injury. Witnesses present most of the case evidence and exhibitions such as pictures, weapons and other items are presented. The court decision is based on the presented evidence and exhibitions. Appellate courts are commonly known as courts of appeal. Cases are taken to the Appellate courts when either party in a case disagrees with the trial court's decision. In the Appellate courts, there is no evidence to be presented. Besides, witnesses are not involved since no evidence is presented. The lawyers present policy and legal issues before a group of judges or a single judge in the persuasion of the judge in a bench trial or jury in a jury trial. In addition, judges in the Appellate courts reviews materials collected and compiled from the original trial to determine whether the decision of the lower court was correct.

When a Court Opinion is Considered Precedent

A court opinion is considered a precedent when a previous ruling by a particular court is used to rule a current case. Precedent court opinions are used in ruling cases in the court because court decisions in similar cases should be similar or same. Published judicial opinions are used by judges to rule out similar cases in the court.

The Jurisdictional Differences between a State Court of Appeals and a State Supreme Court

The highest court in the U. S is the State Supreme Court. It was created under Article III of the Constitution of the United States. The State Supreme Court has exclusive and original jurisdiction of all controversies related to the <https://assignbuster.com/law-legal-authority/>

state or between two or more states. The State Supreme Court has original jurisdiction of all proceedings involving ambassadors, consuls and public ministers. In addition, controversies between the U. S. and a State are ruled by the State Supreme Court. The State Supreme Court has jurisdiction of all proceedings or actions by a State against aliens or citizens of another State. The state court of appeals handles proceeding and ruling over appeals received from district courts within the State. Courts of Appeals are powerful because they have the ability to make a legal precedent. The state court of appeal has jurisdiction of all appeals from the district courts and federal administrative agencies in the State.

Mandatory and Persuasive Authority

Mandatory authority refers to what the court must take into account when reviewing or analyzing a case issue and during decision making. A mandatory authority may be orders given by a superior court dictating the decision of a case. For instance, the Supreme Court may give mandatory authority to the court of appeal on the decision of a particular case.

Secondly, statutes and controlling case laws act as mandatory authorities.

Persuasive authority refers to factors or issues that the court may consider during decision making, but they are not necessities in a court ruling.

Decisions made by a court are not entirely based or dictated by persuasive authority. For example, a district court may give suggestions to the court of appeals on a particular case. Persuasive authorities may also include review articles, a statement from a case witness and judicial decisions made from various jurisdictions.

Reference

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