

Analyze the court systems essay

[Law](#), [Court](#)



The modern dual system of courts incorporates both federal and state or local courts. This system is the product of many years of gradual development. Outside this formally established structure, however, personal relationships between key court participants can guide court proceedings and procedures. This paper will examine the history of the criminal courts, the dual system of the United States and modify the difference between the historical development and the dual court system of the United States. The origins of the contemporary criminal courts can be traced back through their colonial predecessors the Anglo-Saxon and English court systems. Contributions from outside this lineage were minor; although Louisiana's legal system reflects a strong French influence, owing to the substantial early French settlement there.

The earliest records of legal procedures for criminal matters in Anglo-Saxon England are found in proclamations (known as dooms) issued by King Aethelbert of Kent in 601-604 C. E. that prohibited theft and provided for a variety of punishments for "violation of the king's interests). Anglo-Saxon courts, in an attempt to move away from blood feuds (the long-running cycle of violent retaliation, typically between families or clans), used a variety of oaths and ordeals to determine an individual's truth or guilt. The compurgatory oath required that the accused swear an oath of innocence: If the defendant's testimony was supported by statements of a sufficient number of others (known as oath helpers, who were often relatives of the accused), the defendant would be acquitted and released. However, if the testimony was not convincing, the accused would face either trial by ordeal

or trial by battle. The absence of burns or scars from an ordeal or simple survival in battle was indication of innocence.

English common law and the English court system were the primary role models for the beginnings of the American court system. Colonial courts performed a variety of functions, ranging from legislative and executive activities, such as the determination of tax assessments, to more traditional activities associated with the judicial branch. These courts were relatively simple, with most of the judicial personnel being local influential citizens who were appointed to their positions by the colonial governor. Justice of the Peace courts were established at the local county level; they were typically administered by a person with some degree of status or recognition within the community rather than someone with formal legal training. When the American Revolution took place, the royal colonial courts were closed down and then reestablished as state courts by the new state assemblies. Although the basic structure of the courts remained essentially the same, the new state courts were more decentralized than the colonial courts, and judges were either elected or appointed by the state legislature or governor. With the growing emphasis on popular democracy and responsiveness to the local community by the middle of the nineteenth century each new state entering the Union required the popular election of all or most of its judges, although only white males were allowed to vote.

Specialized local courts and family courts were eventually created in larger cities to handle the growing number of cases as the U. S. population expanded. Most state courts were assigned general trial jurisdiction over

both criminal and civil matters, and each state created at least one court appeals. As the states developed their individual constitutions, outlining the structure and the process of governmental operations, most also included in their constitutions a section protecting many rights of citizens accused of crimes that had been stipulated in the earlier colonial laws. The Constitution provided for the establishment of a federal judicial system, even as the states developed their own court structures, thereby creating a dual system of courts. Today, there are fifty independent state court systems as well separate court systems in the District of Columbia and the Commonwealth of Puerto Rico and territorial courts in the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

For the most part, these systems have very similar structures and procedures. Each provides for general trial courts, appellate courts, and some sort of Supreme Court. Each state court system administers and interprets its own state's laws, whereas the federal system deals with federal laws and violations. When a case that has been tried in a state court is appealed, it is appealed through the state appeals court system. In contrast cases that were originally tried in the federal courts are appealed through the federal appellate courts. In issues of the constitutionality of a particular law or procedure, state courts must consider both the state constitution and the federal constitution, whereas federal courts are generally limited to issues stemming from the federal constitution. It should also be noted that decisions made by a U.

S. Court of Appeals are binding only on its specific jurisdiction, not on the entire country. The criminal court system in the United States today is largely a product of the Anglo-Saxon and English common law courts and the rights of citizen enumerated in the Magna Carta. Many of the procedural safeguards of the English courts were incorporated into the early colonial legal codes. After the American Revolution, each of the new states created its own independent court system. Congress established the basic structure of the federal court system in the Judiciary Act of 1789. Although there are many variations in the state court structures, all of them make similar distinctions between the courts according to their basic jurisdiction

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