

Role of a judge and role of a defense attorney

Law



1. At all times, it is the living role of a judge to make sure that the law is followed. The judge must ensure to hear both sides of the story in the event of a case trial prior to emanipating actual verdict (Gibson & Cavadino, 2008, p. 169). If a judge tries to handle a case with a jury, it is his responsibility to guarantee the achievement of facts. The judge must absolutely be under the US Constitution and in every state with corresponding laws to make sure that impartiality and fairness would prevail, ensuring the rights of the accuse and the public are carefully considered (May, Minor, Ruddell & Matthews, 2007, p. 169). By applying all these roles, the judge sets to become independent in the courtroom. One of the advantages of this is to enable to promote equality in the treatment of case trials leading to appropriate verdict. On the other hand, this would also promote equal chance for each party in the courtroom to appropriately present their individual cases and story in order to determine facts. On the other hand, the interdependence of the judge with other courtroom personnel would turn out the trial to be more technical particularly in the determination of facts because the proof beyond reasonable doubt has to be consistently created on both sides during the case trial. In addition, the interdependence of the judge with the jury could possibly make it hard to eliminate personal bias and conviction during the acual process of hearing and deciding a case. For this reason, it is important for the judge to employ more dynamic house rules, to promote ethical and legal standards. This substantially would lead to a balancing act in shaping substantive and procedural law.

2. It is the obligation of defense attorney to defend the client in a lawsuit from either criminal or civil case (Siegel, 2009, p. 409). The real

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responsibility is to aim for probable acquittal as there is a need to substantially increase the burden of proof on the part of the prosecutor to prevent conviction in as much as possible. In some cases, the defense attorney may also serve as the one who would make the verdict lighter for the guilty. In general, the defense attorney defends the client in a lawsuit while ensuring legal ethics, so as not to mislead the court with wrong information (Neubauer & Fradella, 2010, p. 168). In this case, the defense attorneys are trying to be independent with the prosecutor and the judge as they would create substantial appeal to nullify the evidences pointed against the accused. In this case, they should deviate from the proofs presented by the prosecutor in the court. However, their interdependence with other court personnel is remarkable when they try to trace the argument stated by the other side. This would make them able to grasp the entire defense that they have to show in the court. The probable advantage of the independence of defense attorney with other courtroom personnel adds up to the chance of allowing the truth to prevail, as arguments may substantially be ignited. However, at some point, the interdependence of defense attorneys particularly with the arguments of the other side would increase the chance of withholding the truth as this could strengthen the associated argument of the defense team. The defense attorneys should therefore create substantive argument and interpretation with all reference to the prevailing law so as to ensure sound and ethical arguments in presenting their case prior to nullifying the proof beyond reasonable doubt of the prosecution.

References

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