

Introduction to the Judicial System/A Lecture Outline

Common law: Judge-made law handed down in court opinions

Statutory law: Law enacted by legislatures

Precedent: "let the law stand"; establishes standard for future cases

Criminal actions: brought by the government against individuals, resulting in fines, imprisonment

Civil actions: Brought by one individual against another, resulting in fines

Plaintiff: complainant who brings a suit

Defendant: respondent who must answer a suit

Court of original jurisdiction: first court in which a case is heard

Appeals court: Higher courts to which cases are taken if serious error occurred

Certiorari or cert: Process by which most cases get to the Supreme Court

Rule of Four: Rule that four Supreme Court justices must agree to hear a case before it goes on the docket

Preferred Position: Freedom of expression given extra weight in the balance because it is the "first freedom" in a democracy

State Court System

Trial Courts

Appeals Court

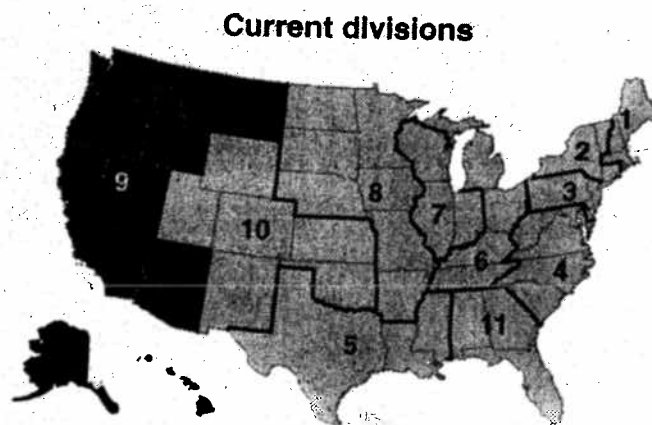
Supreme Judicial Court

Federal Court System

District Courts

Courts of Appeal

Supreme Court



Source: Administrative Office of the United States Courts

Intro/2222222

20th Century Champions of Freedom of Expression

Oliver Wendell Holmes/Louis Brandeis

• Hugo Black/William O. Douglas

William Brennan/Thurgood Marshall

First Amendment Support

Warren Court (1954-69): 69%

Burger Court (1969-86): 46%

Rehnquist Court (1986-2005): 49%

Roberts Court (2005-): 34%