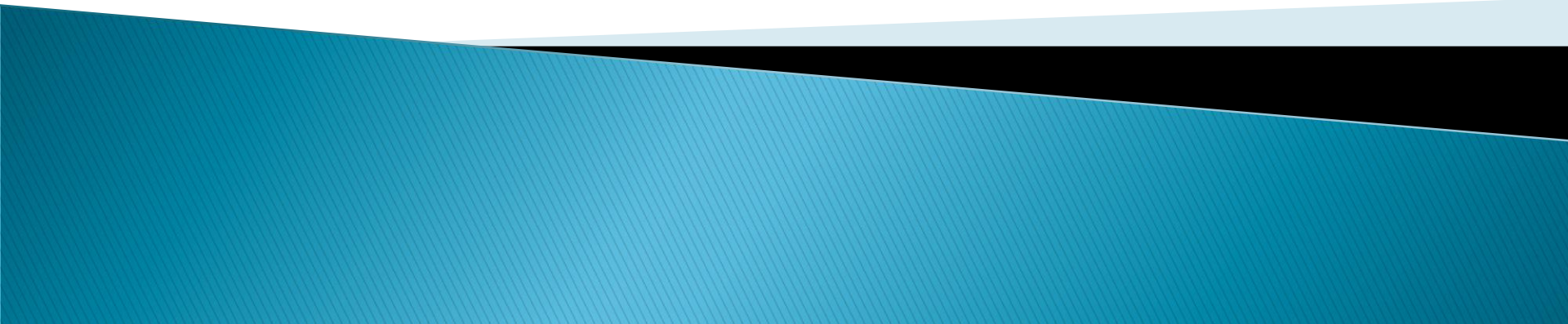
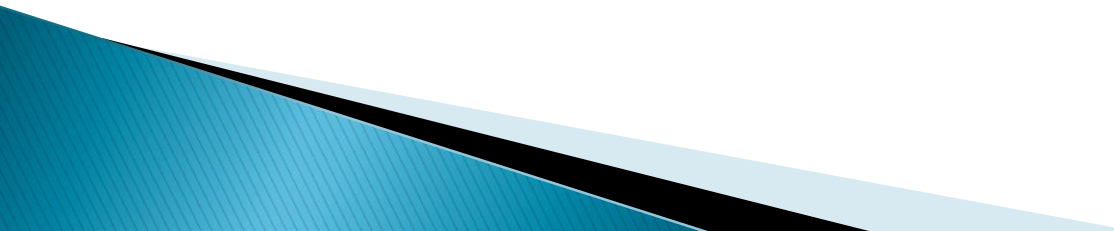


# The United States Legal System



# A Dual System

- ▶ The Federal Government
    - Areas of federal law under U.S. Constitution; enumerated powers
    - Three branches of federal government
  - ▶ The State Governments
    - Areas of state law: broad general powers, except where excluded by federal law
    - Three branches of state government
    - Local governments: counties and municipalities
- 

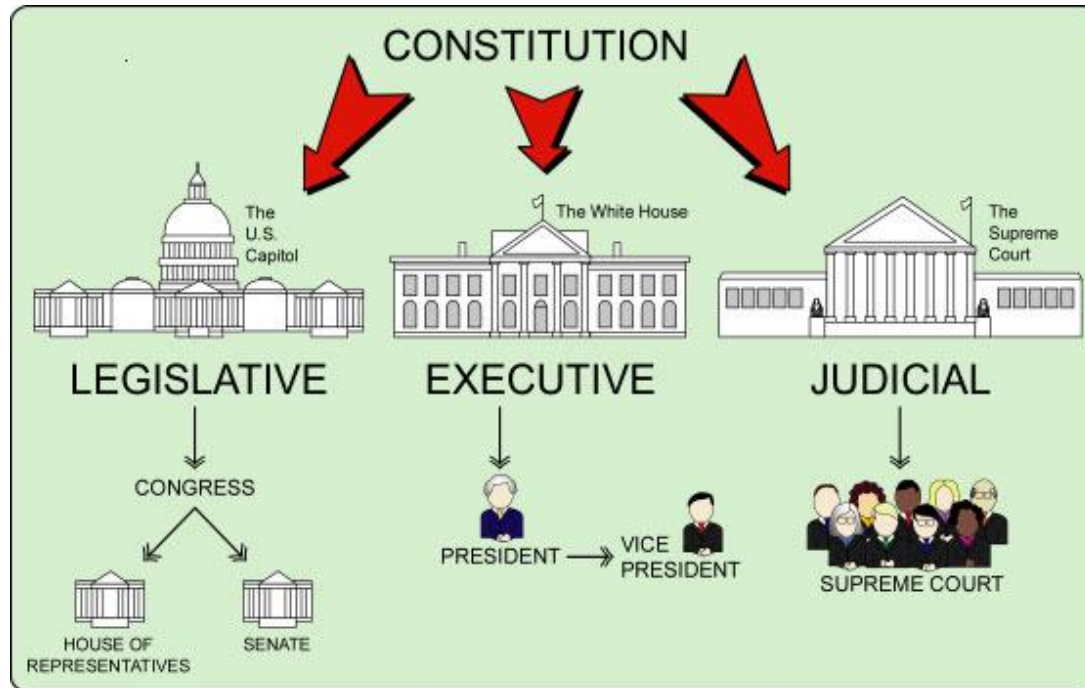
- ▶ International relations
- ▶ War and the military
- ▶ Patent law
- ▶ Admiralty law
- ▶ Immigration law
- ▶ Interstate commerce
  - Food and Drug Admin.
  - Environmental Protection Agency
  - Occupational Safety and Health Act
  - Federal Aviation Act
  - Civil Rights

## Areas of Federal Law

- ▶ Criminal law
- ▶ Real estate law
- ▶ Landlord–tenant law
- ▶ Marriage and divorce
- ▶ Adoption
- ▶ Trust, wills, estates
- ▶ Contract law
- ▶ Tort law
  - Assault
  - Battery
  - Trespass
  - Malpractice; negligence
  - Products liability

## Areas of State Law

# The Three Branches of Government (federal)



# Where does the law come from?

- ▶ Legislative branches

- Enact statutes
- Example: Patent Act

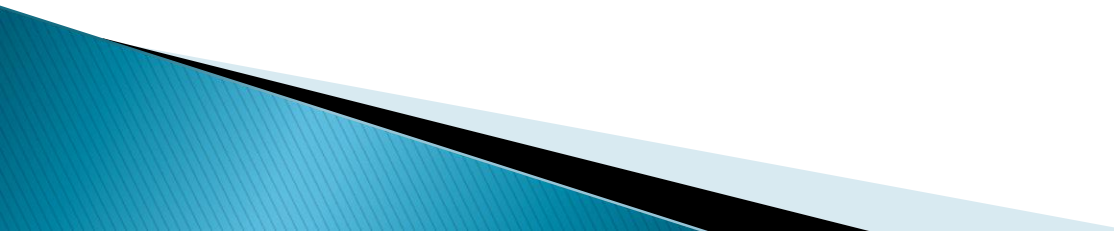
- ▶ Executive branches

- Administrative agencies adopt regulations
- Example: EPA regulations re engineers on waste water treatment plants financed w/ federal money

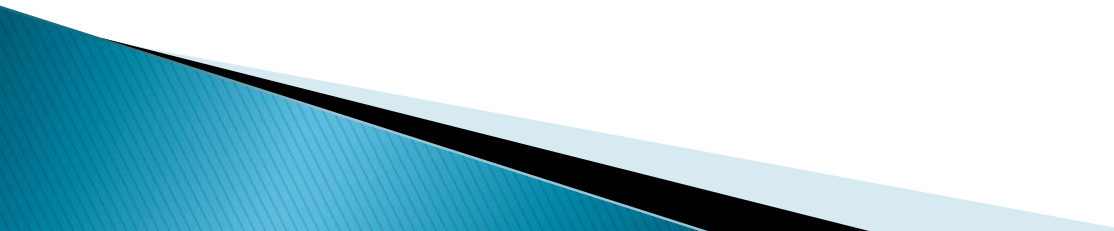
- ▶ Judicial branches

- Decide cases
- Example: *Smith v. Jones* held that engineers are liable to plaintiffs injured when building collapsed

# The Common Law

- ▶ Legal system developed in England since the Middle Ages
  - ▶ Judges apply prior, judicial decisions (precedents) to new cases
  - ▶ Adopted in the United States following the Revolutionary War
  - ▶ Continues throughout the United States on a state-by-state basis
- 

# Basic Principles

- ▶ Fundamental notion: Similar cases should be decided similarly; essential to the rule of law
  - ▶ Doctrine of *stare decisis*: Courts are bound by precedents and should not disturb settled law
- 

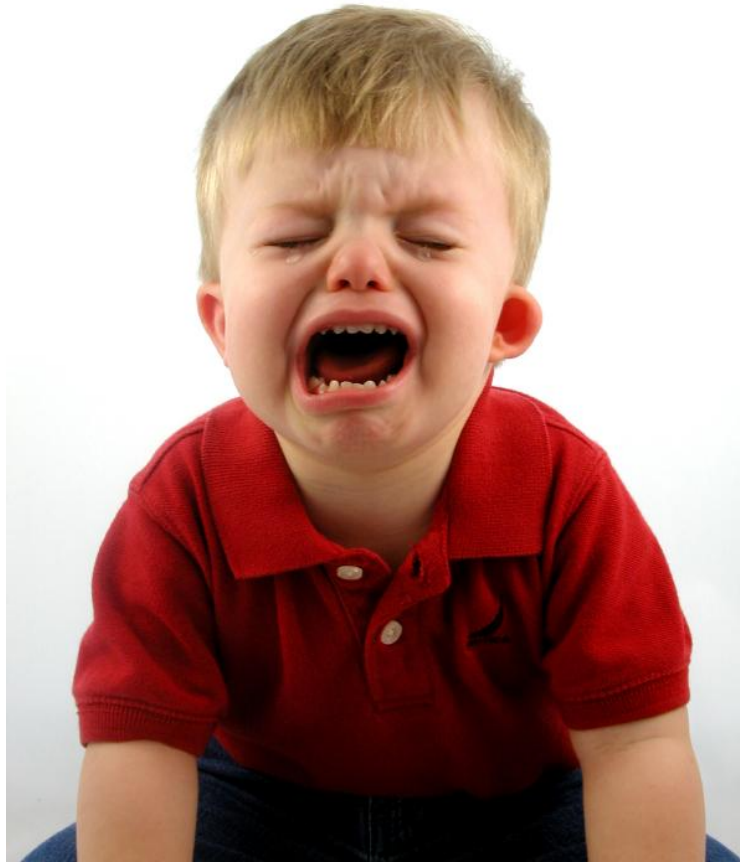
# Toddlers' Reward







# That's not fair!

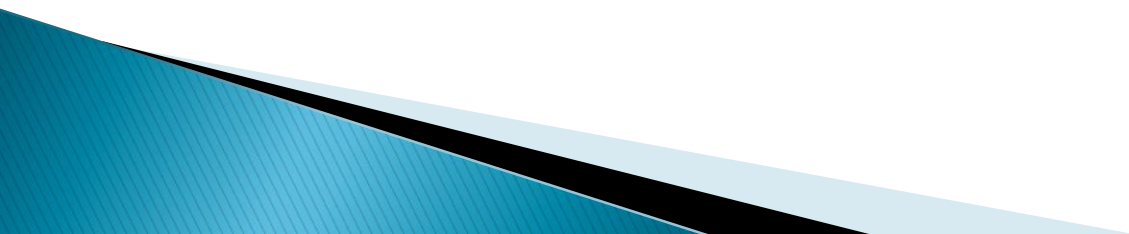


# Well. . . maybe



# Hmmmm...







# *Stare Decisis*



## Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases



## Courts of Appeal

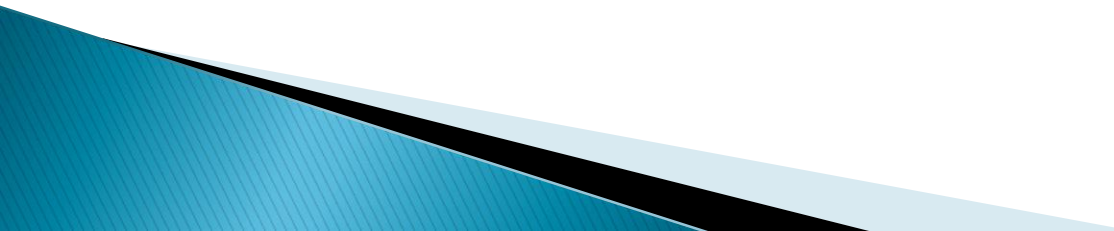
- Intermediate level in the federal system
- 12 regional "circuit" courts, including D.C. Circuit
- No original jurisdiction; strictly appellate



## District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
  - No appellate jurisdiction
- Original jurisdiction over most cases

# Policies of Tort Law

- ▶ Compensate for injuries
  - ▶ Deter misconduct
  - ▶ Encourage safety precautions
  - ▶ Keep the peace
  - ▶ Do justice
- 

# Theories of Tort Liability

- ▶ Intentional torts

Defendant intentionally injured plaintiff

- ▶ Negligence

Defendant's conduct fell below a standard of reasonable care

- ▶ Strict liability

Defendant engaged in an extremely dangerous activity

