Legal System Basics: Crash Course Government and Politics #18

Crash Course: U.S. Government and Politics
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Hi, I'm Craig and this is Crash Course Civics and today we're gonna look at the basics of a system that affects all our lives: the law. And no, we're not going to be talking about the laws of thermo-dynamics. That's Hank's show. Though we will be bringing the heat, ha!

The law affects you even if you never committed a crime because there's so much more to the legal system than just criminal justice, and even though we're going to focus mainly on courts, the law is everywhere.

If you don't believe me, read the user license on your next new piece of software, or if you fly anywhere read the back of your plane ticket. Hopefully won't be more entertaining than what you're watching now, but that's examples of the law.

[CrashCourse Government intro]

In general, courts have three basic functions, only one of which you probably learned in your history class. The first thing that courts do is settle disputes. In pre-modern history (which is way easier to understand than post-modern history), kings performed this function, but as states got bigger and more powerful it became much easier to have specialized officials decide important issues like who owned the fox you caught on someone else's land. Or what does the fox say, which was disputed a lot back then.

The second thing the courts do is probably the one you heard about in school, or on television, or perhaps while studying for the standardized test, and that's interpret the laws. This becomes increasingly important when you actually try to read laws, or when you realize that legislators are often as they might be when writing laws in the first place.Take a look at the Affordable Care Act. There are a few famous careless errors in that.

Finally courts create expectations for future actions. This is very important if you want to do business with someone. If you know that you'll be punished for cheating a potential business client you're less likely to do it. Still you might, 'cause there are a lot of jerks out there who would. Are you one of them? Don't be! At the same time if you know that people will be punished for cheating you you're more likely to do business. And it's courts that create the expectation that business will be conducted fairly.

Interpreting the laws can help this too, since the interpretations are public and they set expectations that everyone can understand and know what the law means and how it applies and then world peace. No more law breaking ever.

The first thing to remember about courts in the U.S. is that most legal action, if it occurs in court at all, occurs in state court. And if it occurs at night, it occurs in Night Court. Because this is mainly a series about federal government, and not Indiana government or sitcoms about court in New York, I'm going to focus mainly on the federal court system which has four main characteristics.

One, the federal court system is separate from the other branches of government. The executive could do the job, just like kings used to but we have separation of powers so we don't have to be at the mercy of kings. Have you seen Game of Thrones?

Two, the federal courts are hierarchical, with the Supreme Court at the top and turtles all the way down. Nope- not turtles- sorry I meant lower courts. What this means is that when a lower court makes a decision it can be appealed to a higher court that can either affirm or overturn the lower court's decision.

The third feature of federal courts is that they are able to perform judicial review over laws passed by Congress and state legislatures, and over executive actions.

And the fourth aspect of federal court system is that you should know that the federal judges are appointed for life, and their salaries can't be reduced. This is to preserve their independence from politics. Sounds like a pretty sweet deal.

Remember when I told you that the legislature makes the laws? Well, that was true, but it's also not the whole story. Legislatures both state and national make laws and these written laws are called statutes. In continental Europe those are pretty much all the laws they have. Statutes. Statutes everywhere! And statues. That place is filled with art. They had the Renaissance there, y'know?

But in the U.S. and England, which is where we got the idea, we have something called common law, which consists of the past decisions of courts that influence future legal decisions. The key to common law is the idea that a prior court decision sets a precedent that constrains future courts. Basically if one court makes a decision, all other courts in the same jurisdiction have to apply that decision, whether they like it or not. The collection of those decisions by judges becomes the common law. I don't have to have a reason to punch the eagle.

I should probably point out what courts actually do and explain that there are two different types of courts that can make civil law. What differentiates the two types of courts is their jurisdiction, which basically means the set of cases that they're authorized to decide.

Trial courts are also called courts of original jurisdiction. These are the ones you see on TV and they actually do two things. First, they hear evidence and determine what actually happened when there's a dispute. This is called deciding the facts of the case. Not everything that happened or that may be important qualifies as a fact in a court case. Those are determined by the rules of evidence, which are complicated and would really slow down an episode of Law and Order.

After the trial court hears the facts of a case it decides the outcome by applying the relevant law. What law they apply relies on relevant statutes and in some cases what other courts have said in similar situations. In other words a common law.

You might have noticed that I've been referring to courts, not judges or juries, because not all trials have juries. Bench trials have only a judge who determines the facts and the law. Besides, who decides what in a court case isn't really that important. More than 90% of cases never go to court by the way, they just get settled by lawyers out of court. But say you actually go to court and you lose. Naturally, you'd be upset. Especially if you're a sore loser, like me. Shut up.

You have a choice. You can give up and go back to your normal loser life or you can appeal the trial court decision to a higher court. An appeals court that has, you guessed it, appellate jurisdiction. Did you actually guess that? That'd be amazing.

Appeals courts don't hear facts- who wants those- they just decide questions of law so you don't have to bring witnesses or present evidence, just arguments. In most cases, if you want to bring a successful appeal, you need to show that there was something wrong with the procedure of your trial. Maybe the judge allowed the jury to hear evidence they shouldn't have heard, maybe one of the jurors was a cyborg.

Here's the way that these courts connect to what I was saying before about common and statutory law. Most common law is made

by appeals courts. And because appeals courts have larger jurisdiction than trial courts, appeals decisions are much more important than trial court decisions.

So now I'm going to talk about the three types of law, and it's going to get confusing. We should probably go to the Thought Bubble for some nice, compelling, intriguing animations. The two main types of law are basically the Bruce Banner of law. They're the criminal law and civil law, but they can sometimes morph into the Incredible Hulk of laws: public law.

"Public law, smash abuse of government authority!"

If you watch TV or movies, or read John Grisham novels, you're probably familiar with criminal law. Criminal laws are almost always statutes written by legislatures, which means that there is an actual law for you to break. In most states the criminal laws are called the penal codes. In a criminal dispute- and it's a dispute because the government says you broke the law and you will say you didn't- the government is called the prosecution and the person accused of committing the crime is called the defendant.

Almost all criminal cases happen at the state level and for this reason it's hard to know exactly what is or what is not a crime in each state. Although murder is a crime everywhere. There are also some federal crimes like tax evasion, mail fraud, and racketeering.

If you're suing someone or being sued, you're in the realm of civil law. Civil cases arise from disputes between individuals, or between individuals and the government, when one party, the plaintiff, claims that the other party, the defendant, has caused an injury that can be fixed or remedied. If the plaintiff proves his or her case the defendant must pay damages. If you lose a civil case you don't go to prison or jail in most circumstances, but you may end up losing lots of money, and that sucks. I love money.

Cases about contracts, property, and personal injuries, also called torts, are examples of civil law. So under certain circumstances a civil or criminal case can become public law. This happens when either the defendant or plaintiff can show that the powers of government or the rights of citizens under the Constitution or federal law is involved in the case. Also if the law gets exposed to gamma rays.

"Law, smash!"

For example, in a criminal case where the defendant claims that the civil rights were violated by the police, the decision can become public law. Thanks Thought Bubble.

So those are the basics of the court system in the U.S. And you can see that there's a lot to keep straight. There are types of courts, basically trial courts and appeals courts, on both the state and federal level. And there are types of laws, basically statutory and common laws. The fact that we have both state and federal statutory law is an example of federalism in action.

The U.S. unlike most other nations has both statutory and common law, but most of the time when we're talking about federal laws we're in the realm of statutes, or maybe the Constitution.

When you study American government, most of the cases you read about are examples of appeals and of public law. How this all works in practice is even more complicated. And the adaptability of the American legal fabric allows statutes to stretch to fit the growing and changing American society. Much like Bruce Banner's incredibly elastic pants. Thanks for watching. I'll see you next time.

I'm getting angry! Oh no! Rahhhh! I'm not wearing elastic pants! Oh no! Rahhhhh!

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Crash Course is made with the help of these Incredible Hulks. Thanks for watching. Rarrrr!

[Crash Course Outro]