

How does the U.S. Court system work?



Regarder les vidéos et répondre à la 1^{re} question de la 1^{re} vidéo reçue – puis passer à la 2^e question de la 2^e vidéo reçue, etc.

Watch the videos and answer the questions

 video 1

<https://www.youtube.com/watch?v=E9yIFthKSkY>

❶ Introduction

What sorts of offenses can bring a US citizen to court? -**traffic tickets, divorce, bankruptcy**
Fill in the blank and give 3 justifications to the following sentence:

American courts play a **critical*** role in the U.S. justice system

-by interpreting laws

-by making laws

-by holding laws

* **give 2 synonyms** = *crucial – essential – vital – very important*

❷ How do COURTS work?

Who shares the power? – **the STATE court and the FEDERAL court**

Who deals with broken contracts, for example? What else does it manage? – **the State Court > family disputes or robberies**

Which cases does the other court manage? – **cases that are governed by/ relate to the U.S. Constitution.**

❸ How many 'levels' of courts are there? Name them. – **trial courts – appellate courts – state supreme court.**

Which one is the most important? Justify your answer – **the State Supreme Court > has the final say + is the highest court in America**

When was it founded? – in 1789

What does it represent in the U.S. government? – the judicial branch of the U.S. government

What is the role of the State Supreme Court? – to guard (“the guardian of”) the Constitution)

④ What is the power of the State Supreme Court? – it can prevent or strike down laws that are unconstitutional.

Give two examples? – in 1973 a woman in Texas was banned from **having an abortion**. The Supreme Court decided that the right to abortion was a right to privacy and so, women should be allowed to have an abortion (according to the Constitution).

– in 2015, the Supreme Court made **same sex marriages** legal.

Pick out a quote. Who said it? What is it about? – “No longer may this liberty be denied” by Justice (=Judge) Anthony M. Kennedy. It concerned same sex marriages.

⑤ Decisions

Who makes the decisions? – the 9 justices (=judges)

Who chooses them? – they are appointed by the president

Why are they sometimes criticized? – because they are accused of being politicians in disguise and their votes are politically influenced.

Which presidential election has been problematic? Why? – Bush/ Al Gore in 2000. In Florida, they got very close votes > Florida wanted a manual recount.

6. What was the outcome of this election? What does it reveal about the Supreme Court’s role? – the Supreme Court overruled (= rejected/ refused) because it was ‘unconstitutional’. Conclusion = the U.S. Supreme Court is quite INFLUENTIAL.

Give another example that confirms this role? – the Supreme Court can also decide to “block” the president’s decision of appointed a Justice.



useful words

● *a justice* = U.S. a judge – ● *an abortion* = a medical operation to end a pregnancy - ● *to overrule* = to refuse/ reject – ● *to appoint* = to choose/ give a post – ● *to be at a stalemate* = to reach an impasse

<https://www.youtube.com/watch?v=TUvG2CzXfc0&t=10s>

① Introduction

-In court, who has the most important roles? – **the judge and the jury**



useful words

-Listen to the whole video and search in the dictionary or on the internet for the meaning of the following words:

- *bias* = prejudice
 - *disallowed* = rejected –
 - *to be liable* = to be legally responsible –
 - *the drawbacks* = the disadvantages/the cons –
 - *to be at a stalemate* = to reach an impasse
 - *a bench*
-

② The Judge

What does a judge embody/represent? (3 different answers)

– an independent impartial decision-maker in the pursuit of justice.

What does this remind you of? – it recalls Lady Justice

– the ruler of the courtroom

– a guide for the jury

What does the judge have to consider? What is expected from him/her concerning this mission? – the judge considers the arguments = the facts and evidence of each party. He/she is supposed to be unbiased = have NO BIAS/PREJUDICE = be impartial – neutral – objective.

③ Decisions:

What decisions does the judge make? –he/ she decides all courtroom *procedure* + legal issues

Explain what the “evidentiary objections” mean (2 options)

–when the judge “sustains” an objection to evidence, it means he/ she agrees with the party objecting and the evidence or testimony is disallowed.

– when the judge “overrules” the objection, it means he/ she disagrees with the party objecting and the evidence is accepted.

Is the judge aware of the evidence before the trial? Explain. –sometimes the judge receives and studies the evidence before the trial, on “pre-trial motions”.

④ What is the role of the judge concerning the jury?

– the judge instructs the jury about the law (before they return their verdict)

The Jury

Why do the jurors need to have the law explained to them (before they make their decision)? – in order to be as informed as possible to be able to make an INFORMED decision.

What must the jury determine? (two answers)

-if someone is liable or not in a case.

-if liable, how much the accused must pay

What must they use (only) to make up their minds? -they must use evidence only

What are jurors also called? -the "triers of fact"

5 Who decides:

-the "legal issues" (= the law) = *the judge*

-the "factual issues" (= the facts) = *the jury*

What happens when there is no jury in a trial? -the judge replaces the jury, he/ she becomes the "trier of fact" (in addition to his usual role, he/ she plays the role of the jury) and, therefore, must decide both the legal issues and the factual issues.

6. What are the "drawbacks"? -the decision is made by one person (instead of 6 or 12)

-the judge can see the evidence that the jurors are not allowed to see

What is a trial without a jury called? Explain this expression -it is called a "bench trial". The 'bench' refers to the elevated desk behind which the judge sits (in the past, the judge used to sit on a bench)

- ❶ Justify the fact that a trial by jury is a most important RIGHT in the United States.
> Quote the line.

–the right to trial by jury was included in the Declaration of Independence / written in the Constitution > 6th (and 7th) Amendment(s).

“In all criminal prosecutions, the accused should enjoy the right of a speedy and impartial trial by a jury of the state and district of where the crime has been committed”.

So every American citizen has a *constitutional* right to be tried by jury when he/ she is accused of a crime.

- ❷ What are the conditions for a person to be selected as a juror?

–age: 18 years old ; nationality: a U.S. citizen

Why are jurors essential? What do they do? –they listen to the testimonies, they review evidence, they render a decision.

How many types of jury are there? Explain the composition and the role of each of them

–2 types:

–“Grand Jury” > determines the causes and evidence to charge a person with a crime. It is composed of 16-20 people. Their proceedings are not open to the public.

–“Petit Jury” = “trial jury” > 6 to 12 jurors. They examine the facts and return a verdict (“guilty” or “not guilty”) in a criminal trial.

- ❸ How are the jurors selected? What is important?

–The court counsellors (= lawyers) ask questions to the potential jurors. They want to make sure they will be impartial (= unbiased).

What is this ‘preliminary examination’ called? “Voir Dire”

Is this step compulsory? Explain. Yes, it is required (written in the Constitution).

In which cases can a juror be dismissed? – if he/ she is biased- if the lawyers wants to limit the number of jurors (and remove some of them because they believe they will not serve their cause).

For which reasons can't a juror be dismissed? – based on race or sex

What happens in a juror gets sick? – he/she is replaced by another person (“alternate jurors”).

- ❹ The foreperson

Who chooses this person? – the judge or jurors

What is the role of the foreperson? – diffuses arguments – ensures each juror has a fair say – addresses any necessary correspondence or questions to the judge.

What will the jurors hear during the trial? – opening statements from both parties; testimonies of witnesses, evidence; closing arguments.

What is forbidden? – it is forbidden to use social media and discuss the case with other people.

What happens at the end of the trial? – the judge will give the instructions to the jury and then, they will render their final verdict.

Ⓜ What happens if the jury is unable to return a unanimous verdict? The judge will declare “mistrial” and a new trial will take place.

6. Conclusion. Fill in the gaps.

Jury service is a *fundamental* *right* guaranteed to all of U.S. *citizens*. It is a civic *responsibility* that connects all of us and it is one of the very *important* aspect of our *democracy*.



useful words

- *a counsellor* = U.S. a lawyer – ●

❶ Right or Wrong?

-The judge decides if the accused is guilty. **WRONG**

-The jurors have to be there every day, except when the trial lasts more than two months – **WRONG (even if the trial lasts several months).**

-Sometimes the judge can forbid the jurors to go home. – **RIGHT**

❷ What must the jurors be very focused on? Why is it so important? – **the must listen very carefully to all the evidence presented at trial because they must use it to reach a verdict.**

-What can be their verdict? – **guilty or – not guilty**

-What is an “acquittal”? – **being found NOT GUILTY**

-What happens after the trial (when the lawyers have presented their arguments)? – **the jury retires to discuss the evidence.**

-What is the ‘phase’ called? – **deliberation**

-What are the ‘rules’ during this phase? – **the jurors can’t go home and can’t have any contact with people outside the jury.**

❸ **The verdict** -

-If the jury decides that the accused is **guilty**, they **all/unanimously** have to be **convinced* *beyond* a *reasonable* *doubt**.

-If the jury has **doubts**, they must find the accused **not guilty**.

-What is the procedure when the jury has finally reached a verdict? – **one of the jurors (the foreperson?) announces the verdict to the court.**

what should you do if you’re called to jury duty?

❹ When you are called to jury service, you receive a document. What is it called? – **a summons.**

So people don’t have to go, they are **exempt/exempted**.

Examples: – **people over 65 – people with health problems – a parent looking after young children.**

What may happen if you don’t go? – **pay a fine -be accused of ‘contempt of court’**

❺ Once you are in court, who will give you the information? – **the judge**

What sort of information will you get? -name of the person accused of the crime and the crime itself.

Once you've been given the information, can you still be excused (and not go)? What are the possible excuses? -work -a connection to a witness, lawyer or someone in the trial -

6. Who can refuse you as a juror? For what reason? -the lawyer and he/ she doesn't have to give the reasons.

How many jurors can they refuse? -up to 20 sometimes (depending on the sort of trial).

https://www.youtube.com/watch?v=cPRK_ABldIk

① Introduction

Explain the Jason Van Dyke/ Laquan McDonald case

-When: – October 2014 -Where: – Chicago

-Who – Jason Van Dyke, a white Chicago police officer / Laquan McDonald, a black teenager.

-What happened – Jason Van Dyke shot Laquan McDonald 16 times and killed him.

-Reaction – people protested – demonstrations

-What happened to the accused? Why was it a first? – Jason Van Dyke was charged for murder (1st time in more than 30 years that a Chicago police officer was charged with murder)

-The trial:

-type: Jason Van Dyke chose trial by jury

-Jury: only one black juror

-outcome: a majority of the jurors found him guilty

② Jury selection

Explain the different steps to select a jury

– 1- American citizens are chosen/ picked for duty (on a list of registered voters or driving licenses)

– 2 – “Voir Dire” process = questions asked to the jurors by lawyers on both sides (looking for bias/ prejudice).

– 3 – The ‘removal’ of some members of the jury > “peremptory challenges” = A lawyer can also reject a certain number of jurors with giving any reason

Which step is “tricky” and why?

The “peremptory challenges” because the lawyers can be discriminatory in the way they choose the jury. They can also influence the trial by removing the annoying jurors

What can impact the verdict? – the racial balance of the jury

What is a white jury criticized for?

– harsher on black defendants

■ Make more errors/ mistakes

■ Discuss less of the case facts (=prejudiced)

③ Examples

Which famous cases are given as examples?

1-OJ Simpson

How many black members were on the jury? 9

What verdict was returned? "not guilty"

2-Emmett Till, a 14 teenage boy who was kidnapped and killed by two white men.

What were the two men charged for? -torturing and brutally murdering the black boy (because he had had an offending behaviour towards the wife of one of the white men).

What was the problem with the trial? -the jury was composed of 12 WHITE men

What was the verdict? Why was it surprising (and unfair)? -the jury reached the verdict of "not guilty" in spite of the overwhelming testimonies, proofs, charges against them.

④ What happened in 1986? Explain – "Batson vs. Kentucky case" = a lawyer used his 'peremptory challenges' all four black jurors from the jury.

What were the consequences? – the defendant appealed to the Supreme Court (obviously to denounce discriminatory practices) and WON. Since then, it is not allowed to dismiss a juror on the basis of race or sex.

Explain what "Batson Challenge" means – when a lawyer is suspected (and accused by the other side) of discriminatory choices in the jury selection.

Who decides? The judge

What are the weak points of the "Batson Challenge"? The accused lawyers can claim any reason for their choices, and they can still use "strategies" to dismiss jurors discriminatorily.

⑤ Figures

What do the figures show?

-in North Carolina – prosecutors dismissed black jurors "2.5 times as often as non-black jurors" = more than ...

-in Houston County, Alabama – all white jury tends to deliver more death sentences

- in South Carolina – the prosecution removed 35% of black people through the 'voir dire' process // 12% of white jurors.

6.Jason Van Dyke/ Laquan McDonald case: outcome

What was the outcome of that case?

The policeman was convicted by white jurors

Why can this outcome be seen as “a sign of change”?

A majority white jury convicting a white policeman= 1st time in 50 years



explain the difference between:

- first degree murder (premeditated)
- secondary degree murder



useful words

- *bias* = prejudice – ● *to strike /struck/ (for cause)* = eliminate potential members from a jury panel
- *aggravated battery* = the intentional touching of another person with the intent to inflict great bodily harm or to use a deadly weapon.



How do US Supreme Court justices get appointed? - Peter Paccone

<https://www.youtube.com/watch?v=0xnzGSV66x4> (coupé à 2 :49)

1. What are the advantages of the job?

-power	-pay	-prestige	-near perfect job security
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The 3 steps to become a justice are:

- to be nominated by Psdt of the USA
- to be approved by Senate
- to be officially appointed by the Psdt

2. What does the Constitution say about the conditions to become a justice?

...no age, education, profession or even native born requirements.....

As a consequence, the President can nominate ...any citizen.....

3. Say what these figures are:

6: ...6 justices have been foreign born

1: ...1 justice never graduated from high school.....

32: ...age of the youngest justice ever.....

A president chooses someone who broadly shares ...his ideological views.....

4. Which example of Justice is given as a counter-example?

... nomination of Earl Warren for his Conservative policy but was not

Who had appointed him and what did he say much later?

Psdt Eisenhower appointed him and said later it was his biggest mistake...

What examples of cases are given?

Brown vs Board of Education No more school segregation	Miranda v. Arizona Right to have an attorney when in custody	Engel V. Vitale No more recitations of prayers in schools
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If you can check [on the internet what they were about.](#)

5. Which other factors are taken into account?

-experiences	-personal loyalties	-ethnicities	-gender
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What is also checked?

...tax records, payment to domestic help.....

6. On average, how long do the hearings by Senate last?

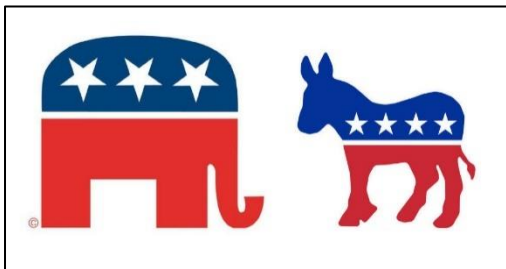
...60 days.....

What is the nominee interviewed about?

- law record if applicable
- where they stand on key issues
- any dark secret
- indiscretion

Why? To discern how they might vote

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What are these symbols?

...elephant= Republican Party.....

...donkey= Democratic Party