

Overview of the U.S. Judicial System

by

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In the U.S. judicial system, a person is considered innocent of a crime until he or she is found guilty by a jury of peers, or common citizens, in a court of law. In this explanation of how the U.S. court system works, managing editor Stuart Gorin notes that the presumption of innocence and a fair and speedy trial by jury are key elements of a democratic society.

Established by the framers of the U.S. Constitution in 1787 as part of the separation of powers, the judicial branch of government involves the administration of justice at every level, from the U.S. Supreme Court to the local justices of the peace and magistrates.

Additionally, the 14th Amendment to the Constitution, ratified in 1868, provides that “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The central figures for all court trials in the United States are the prosecutors, who are responsible for the initiation and conduct of proceedings against alleged criminal acts. The prosecutors review all arrests and complaints that are filed, and are involved in the processes of setting

bail, negotiating plea bargains and recommending sentences for those convicted.

At the federal level, the U.S. attorney general heads the Justice Department, but trial work is carried out by federal prosecuting attorneys who are appointed by the president and confirmed by the U.S. Senate to serve in 94 judicial districts. U.S. attorneys prosecute defendants in federal criminal cases but also handle civil law matters, defending the United States in tort actions or contract disputes, and acting as plaintiff in cases of land condemnation, debt collection and civil fraud.

At the state level, the attorney general is the highest legal officer who deals primarily with civil-law matters. State criminal law is enforced by one of about 2,700 locally selected prosecutors—commonly called district attorneys, state’s attorneys or county attorneys—each serving a county or other local geographic district. In most states, these prosecuting attorneys are elected, typically for a four-year term.

Determining the Type of Case

In the American judicial system, someone accused of a crime has the right to an attorney to help in the defense against charges. If the accused cannot afford to hire an attorney, then one will be appointed at government expense. Regardless of the charges, all defendants are humanely treated and their civil rights observed.

Once charges are filed, a judge informs a defendant of the accusation at an initial court hearing and bail is set according to the type of offense. In misdemeanor cases, defendants have the option of pleading guilty or waiting for a trial date. The great

majority of these cases are resolved through negotiations and guilty pleas, often to lesser offenses.

In more serious felony cases, either a grand jury of between 12 and 23 citizens meeting in closed session or a lower court judge conducts a preliminary hearing to determine probable cause before formal charges can be filed—even though probable cause does not mean guilt.

Jury Selection

A jury trial begins with the *voir dire*, the process of jury selection, during which the judge and the prosecuting and defense attorneys question a pool of prospective jurors who are summoned to court. This group of citizens is selected periodically at random from a cross-section of the community.

If it appears during the questioning that a prospective juror cannot consider the case at hand impartially, he or she may be challenged for cause and excused. In addition to the cause challenges, each side—both defense and prosecution—may use peremptory challenges to excuse prospective jurors without having to state a reason. A trial begins once a jury of 12 citizens is selected. Several alternate jurors also are selected in case a member of the primary jury becomes incapacitated or must be excused for some other reason.

Roles of the Judicial Participants

The role of the judge is to supervise a trial in order to assure its proper conduct and the fair administration of justice, and to refrain from making any comments on the effect of any testimony or the credibility of any witness.

Both prosecuting and defense attorneys make an opening unsworn statement. After that, the prosecutor must introduce evidence to prove the allegations in the complaint beyond a reasonable doubt.

This is usually accomplished by introducing evidence through the testimony of witnesses, who swear to tell the truth. The prosecutor asks questions in a direct examination. Once the prosecutor has finished, the defense attorney cross-examines or reasks questions of the witness in an attempt to rebut previous answers that could damage the defendant's chances of acquittal.

The attorney not involved in questioning may at any time offer an objection to certain testimony elicited by the opposition. The judge then has to decide whether to allow or disregard the objection.

When the prosecutor rests—that is, he or she is finished questioning witnesses—the defense attorney attempts to refute earlier evidence that may be damaging to his or her client. This procedure, depending upon the complexity of the case and the number of witnesses called, could take days, weeks or even months to complete. At any time during this process, the accused has the right to testify under oath in his or her behalf. If it is a criminal case, the accused also has the right to refuse to be questioned under oath and cannot be coerced to testify against his or her own best interest. Such lack of participation will not be considered any indication of guilt.

In closing arguments the two attorneys again stress to the jury the evidence that is most favorable to their respective positions. Then the judge instructs the jury on the specific applicable law and the jury leaves the courtroom to deliberate.

Deliberating a Case

Deliberation can take hours or even days, and any decision reached must be unanimous, that is, all 12 members of the jury must agree on what the decision will be. There are times when a jury cannot reach such a decision. When this occurs, a mistrial is declared, and the prosecuting attorney then decides whether or not to try the case again before a completely new jury.

Guilty or Not

The 5th Amendment to the U.S. Constitution prevents a defendant found not guilty from being tried again for the same crime, even if additional evidence is uncovered at a later date.

If a defendant is found guilty, however, the defense attorney may file an appeal with a higher court to attempt to have the verdict overturned. If the case is heard before a higher court, and the appeal fails, another court hearing is held to determine the sentence to be served. Even in this circumstance, the opportunity exists for the person convicted to appeal the sentence in the hopes of having it reduced.

The presumption of innocence prior to trial and the use of a jury of peers remain basic judicial system tenets. In the view of the late Supreme Court Justice William Brennan, the U.S. Constitution, and particularly the due process clause of the 14th Amendment, exist to guarantee “the essential dignity and worth of each individual.”

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