



Core Principles of the Justice System

WarmUp

- ▶ Imagine that you have just met someone from a country with a totalitarian government – with no branches of government, no separation of powers, no rights for the people. The government there, which has no obligations to the people, can do anything it wants to you, at any time, for any reason.
- ▶ Your new friend is having trouble understanding the concept of justice (and our judicial system). Explain to your new friend the core foundations of our system of justice. What are the key principles, assumptions, and features that make it work?

Your Principles

Judicial Review

- ▶ What is Judicial Review?
- ▶ How does this help check the other two branches?

Independent Judiciary

- ▶ What does it mean to have an independent judiciary?
- ▶ Why is it so important to have an independent judiciary?
- ▶ What did the framers of the Constitution do to ensure judicial independence? (Hint: How long can judges serve? Are they running for re-election?)

Presumption of Innocence

- ▶ What does this mean?
- ▶ Imagine you are a defendant... why is this important?
- ▶ Imagine you are a prosecutor.....what does this mean for you?

Adversary System

- ▶ US Courts are an impartial arena where two sides (prosecution and defense) have to argue their case with witnesses, evidence, and following strict procedures. The judge and jury remain neutral.
- ▶ How does having an adversarial system ensure fairness in court proceedings?
- ▶ Are there any downsides to an adversary system?
- ▶ What other systems could there be?

Dual Court System

- ▶ Why have both Federal and State laws and courts?
- ▶ Benefits?
- ▶ Drawbacks?

Due Process

- ▶ The Constitution's guarantee of due process means that in whatever it does, government must act fairly and in accord with established rules. It may not act unfairly, arbitrarily, or unreasonably. (substantive due process)

Examples?

- ▶ Government also has to use fair procedures (procedural due process)

Examples?

Due Process

- ▶ The Constitution contains two due process clauses:
 - ▶ The 5th Amendment declares that the Federal Government cannot deprive any person of “life, liberty, or property, without due process of the law.”
 - ▶ The 14th Amendment places the same restriction on the states and local governments.
- ▶ More on this later.....

Trial Procedures

- ▶ Key Courtroom Terms
- ▶ https://www.youtube.com/watch?v=sM1eF_w-eHI