

The Judiciary

- Process based upon English Common Law
 - Judge-made law
 - *Stare decisis*
 - American judicial system
 - Most courts
- Sources of law used by courts
 - Constitutions
 - Common law
 - Case law
 - Statutory law
- “Equal Justice Under Law”
- System =adversarial
 - Two opposing parties
 - Jury

- Judge

- Two-tiered system
 - Why 2?

 - State Court Systems

 - Most made up of:

 - Most judges aren't appointed 4 life

- Jurisdictions
 - Fed courts
 - Diversity of Citizenship

 - Federal Question

 - Jurisdiction of State Courts
 - Common-law courts

 - Types of cases – See Web Site

 - Cases involving the state constitution

 - State criminal offenses

- Tort and personal injury law
- Contract law
- Probate
- Family
- Sale of goods
- Corporations & business organization
- Election issues
- Municipal/zoning ordinances
- Traffic regulation
- Real property

— Concurrent Jurisdiction

- Diversity of Citizenship
- Federal Question

- Who can sue or be sued?

— Plaintiff vs. defendant

- Standing to Sue
- Issue = justiciable
- Ripeness
- Not Moot

- Mass Judiciary

- Oldest court = Supreme Judicial Court
- Judges appointed
- 9 departments

- Supreme Judicial Court

- Constitution
- Today
- Suffolk County Court House
- Salaries
- SJC has final authority
- Judicial opinions

- Staff
- Chief justice = administrator
- The Appeals Court
 - Intermediate court
 - Consists of
 - Clerk
 - Same jurisdiction as SJC
- Board of Bar Examiners
 - To practice law
- District Courts
 - Trial Courts
 - 7 separate departments
 - District Court Department
 - » “People’s Courts”
 - » 14 counties

» Multiple divisions

- Boston Municipal Court
- Land Court Department
 - Registry of Deed
 - How land registration works
- Superior Court Department
 - Conducts sessions on “circuit”
 - 3 different classes of cases
 - Criminal cases
 - Civil cases
 - Cases in equity
- Housing Court
- Probate & Family Court Dept
 - “Family matters”
 - Primary function = probating

- Family matters

- Juvenile Court Dept
 - jurisdiction =

- Commissioner of Probation
 - Probation = part of court system

 - Parole = related to correctional system

 - Parole
 - » State Parole Board

 - » Parole officer

 - » Parolee

 - *Probation*
 - » @ judge's discretion

 - » Period & conditions

 - » Failure

 - » Probation officers

- Staff for Judiciary
 - Staff & clerical positions
 - Clerks
 - Register of Probate
 - Assistant clerks
 - Sheriff
 - Court Officers
 - Attorney General & District Attorneys
 - Medical examiners & assistant medical examiners
- Judicial Council
- Jury Duty
 - Right to trial by jury
 - » If qualified to vote
 - » Duty of trial jury
 - Grand Jury

» Duty of Grand Jury

- Computers used; No one exempt

- One day/duration

- Committee for Public Counsel Services

- Small Claims