The Main Role of the Judicial Branch: Resolving Conflict

At the heart of every judicial proceeding is the law. And at the heart of every law is a potential conflict. Such conflicts may involve individuals, businesses, interest groups, or society at large. The judicial system’s job is to resolve those conflicts peacefully, in accordance with the law, and in a manner most parties to the conflict will see as just, or fair.

Two Kinds of Legal Conflicts: Criminal and Civil

The challenge of resolving conflicts in a just manner usually begins in trial courts, which focus on sorting through the facts of a case. Cases can be categorized by whether the dispute involves criminal or civil law.

Criminal law refers to legal measures passed by a legislative body to protect the welfare of society and to provide punishments for those who fail to comply. The government, acting on society’s behalf, always prosecutes criminal cases. People found guilty of violating criminal laws are punished through fines, prison sentences, probation, or similar penalties. To be convicted of a crime, a person must be found guilty beyond a reasonable doubt; the legal principle that the evidence presented in a trial must allow for no other reasonable explanation than the one given; the phrase “guilty beyond a reasonable doubt” is part of the instruction given by a judge to a jury in a criminal case, usually by a jury. This does not mean it must be proved with absolute certainty but rather that there must be no reasonable explanation for what happened other than that the accused did it.

Civil law refers to legal measures that govern conflicts between private parties or, occasionally, between a private party and the government. Such conflicts can arise from various circumstances, including disputes over the ownership of property, injuries suffered in an accident, or questions about the terms of a contract. In most civil cases, one party sues another party for damages, or compensation of some sort.

The many players in a court of law

If you have ever watched a trial on television or in a movie, you have most likely seen the various players in a typical courtroom. Presiding over the courtroom is the judge. The judge controls the legal proceedings, from jury selection to sentencing. It is the judge’s job to determine whether certain evidence is admissible. Before a jury decides a case, the judge instructs the jurors on how the law should guide them in making their decision.

Sitting near the judge are the people directly involved in the case being tried. In a criminal trial, the person accused of a crime is known as the defendant. The government lawyer or team of lawyers bringing evidence against the defendant forms the prosecution. In a civil trial, the person bringing the lawsuit to court is the plaintiff. The person the suit has been brought against is the defendant. Usually plaintiffs and defendants are represented by attorneys who argue the case before the jury. To make a compelling case for their clients, attorneys may present both physical evidence, such as documents and objects, and the testimony of witnesses.

Additional officers of the court, such as the court clerk, the bailiff, and the court reporter, are not directly involved in a case. Instead, their job is to help with the functioning of the courtroom itself.
The Key Role of Citizens: Witnesses and Jurors

Citizens also play a key role in most trials, both as witnesses for the defense or prosecution and as jurors. Testifying in court as a witness can be an ordeal. Witnesses sometimes have to wait outside the courtroom for hours until they are called to testify. Testifying in court can be a scary experience, especially when it is the opposing attorney’s turn to begin questioning. During this cross-examination [cross-examination: the questioning of a witness in court by an attorney for the opposing side], the witness’s memory or truthfulness may be questioned. Witnesses play a crucial role in the judicial process by providing information to the jury as to who did what, when, and where.
The most important decisions in many trials are those made by the jury. A typical jury consists of 12 people, although some states allow smaller juries. To serve as a juror, a person must be a U.S. citizen, 18 years of age, able to understand English, a resident within the court’s jurisdiction, and not a convicted felon. Potential jurors are usually culled from voter registration lists, Department of Motor Vehicle lists, telephone directories, and utility company lists.

For many Americans, jury duty is the only service they are directly required to perform for their government. Reporting for jury duty when summoned, however, does not guarantee that an individual will serve on a jury. Nearly four out of five prospective jurors are dismissed for a variety of reasons. Some are excused because they may have a prejudice or bias concerning the case. Others are excused if they can show that serving on a jury would create an “undue hardship.”

Once selected to serve, jurors listen carefully to the evidence presented to them during a trial. When the trial ends, they deliberate with the other jurors to try to reach a unanimous verdict. The decision they reach has enormous consequences for the plaintiffs and defendants involved in criminal and civil cases. Knowing this, jurors take their responsibility seriously. More than 60 percent of those who have served on juries report that they would be willing to do so again.

**Trial by Jury**

Trial by a jury of one’s peers is a right that dates back to the Magna Carta and that is guaranteed in the Constitution’s Bill of Rights. A 2004 survey conducted by the American Bar Association showed that Americans still treasure that right. Of those polled, 75 percent said they would prefer having a jury, rather than a judge, decide their fate.

“If I were a participant in a trial, I would want a jury to decide my case rather than a judge.”

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