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Business Law 1122
Homework: 2

I. a. What is the difference a trial court and an appellate court?

A trial court is the initial court that hears the case and makes the original judgment. The appellate court is the court to which the initial judgment (from the trial court) is appealed. They have the authority to decide whether or not the original judgment should stay the way it is, be modified, or be completely overturned.

b. What are the roles of attorneys, judges, and juries during a trial?

During a trial an attorney must zealously advocate for you. A judge presides over a trial, and listens to attorneys argue their client's cases to ensure that the evidence presented during the trial on behalf of the parties is relevant, and determines that the rules of trial procedure are not violated. During a trial, it is the jury that decide what really happened. Its role is to listen to the facts presented during the civil or criminal trial, weigh the testimony, determine which of the facts presented are true, and then decide on money damages, equitable relief, or punishment.

II. What constitutional principles significantly influence the U.S. legal system.

The constitutional principles that significantly influence the U.S. legal system are separation of powers, judicial review, accommodation of interests, litigation, and the bill of rights.

III. Would the U.S. Supreme Court hear the following cases? Explain why or why not.

a. A Fourth Amendment search and seizure case is appealed from the highest state court of Pennsylvania. Three justices of

the U.S. Supreme Court vote to hear the case. The remaining six justices believe the issue has already been decided in a similar case heard by the court a year prior to the case currently being considered. those 6 vote not to hear the Pennsylvania court appeal.

The U.S. Supreme Court would not hear this case because they have already taken a vote and came to the decision to not hear the case.

b. A female college student is fined \$150 for speeding on a major street in a large city. She claims she wasn't speeding and vows to take her case directly to the Supreme Court.

The U.S. Supreme Court would not hear this case. The money she was fined was too little for the Supreme Court to take a look at.

c. A state has made it a crime to criticize state government. Nichols, the publisher of a small town newspaper, sued in the appropriate state courts to declare this law constitutional (in violation of the First Amendment right of free speech) but lost.

The U.S. Supreme Court would hear this case. The First Amendment is being violated and the Supreme Court would take a look so they can fix the problem.

IV. What are some strong reasons for taking your case to a small claims court?

Some strong reasons for taking your case to a small claims court would be because it's fast, informal, and inexpensive.

V. What is the significance of the minimum contact rule as it relates to the power of a court to hear a case and settle a dispute.

The significance of the minimum contact rule is important because it now made it possible to sue someone from another state while keeping everything fair and square.

VI. You are a resident of New Jersey. While at a mall, you were assaulted by a gang. You were severely injured and blinded in one eye. May you sue the gang for monetary damages even though the gang was arrested and convicted for the assault upon you?

Yes, you're allowed to sue the gang for monetary damages because they hurt you and maybe you can't work now. You won't be able to take care of yourself and the pain and suffering would be big.

VII. Vira, who lived in Virginia, was owed \$80,000 by Caldwell, who also lived in Virginia. Vira sued in a state court to collect the amount due and won. Caldwell was unhappy with the decision and appealed to the highest state court, where she also lost the case. Caldwell then thought about appealing to a federal court, hoping for better treatment. Does a federal court have jurisdiction to hear her case?

A federal court does not have jurisdiction to hear her case because both parties are from the same state and that automatically throws her case out the window.

VIII. A high school teacher not on tenure was dismissed for writing a letter to the school board questioning the methods used by the school board and superintendent to raise money for athletic programs. In her letter, she also criticized the superintendent for attempting to keep teachers in the school district from expressing their opinions about an upcoming bond issue proposal. As a result of her letter, she was dismissed from her position as a math teacher. She sued the school board and superintendent for violation of her right of free speech. Does a teacher have the right to speak against the superintendent and the school board?

A teacher does have the right to speak against the school board and superintendent. The First Amendment says we're allowed to

Speak up against authority if we don't like it. As long as there's no use of violence and nobody gets physically hurt.