


**Judicial Structure & Process**



**Lesson No. 11**

ENV H 471  
Environmental Health Regulation  
Winter Quarter 2004

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**Lesson Overview**



- ❖ American Courts
- ❖ Court Procedures

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**Lesson Objectives**

- ❖ Understand the U.S. and Washington judicial systems,
- ❖ Describe the relationship between the federal, state and local judiciary; and,
- ❖ Determine the types of cases which are tried in each court.

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**The American Courts**

- Origins
  - Trial by combat
  - Anglo-American Jurisprudence
  - Constitution
- Court Structure
  - Federal Courts
  - State Courts
  - Local Courts

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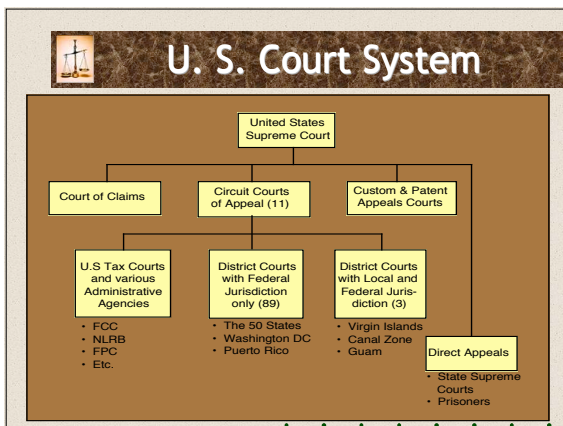
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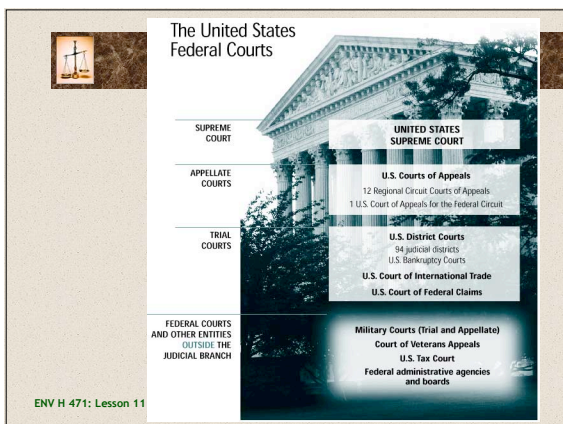
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**The United States Federal Courts**

- SUPREME COURT**
  - UNITED STATES SUPREME COURT
- APPELLATE COURTS**
  - U.S. Courts of Appeals
    - 12 Regional Circuit Courts of Appeals
    - 1 U.S. Court of Appeals for the Federal Circuit
- TRIAL COURTS**
  - U.S. District Courts
    - 94 judicial districts
    - U.S. Bankruptcy Courts
  - U.S. Court of International Trade
  - U.S. Court of Federal Claims
- FEDERAL COURTS AND OTHER ENTITIES OUTSIDE THE JUDICIAL BRANCH**
  - Military Courts (Trial and Appellate)
  - Court of Veterans Appeals
  - U.S. Tax Court
  - Federal administrative agencies and boards

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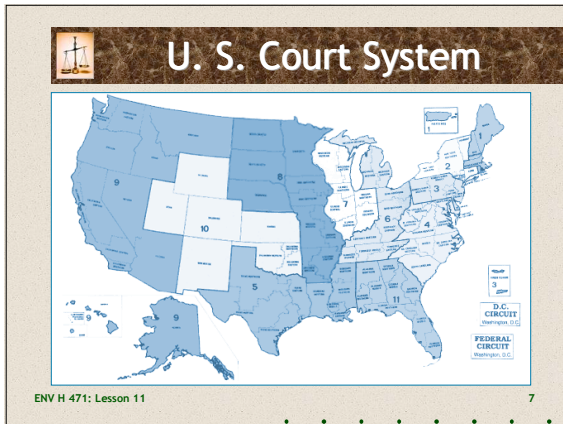
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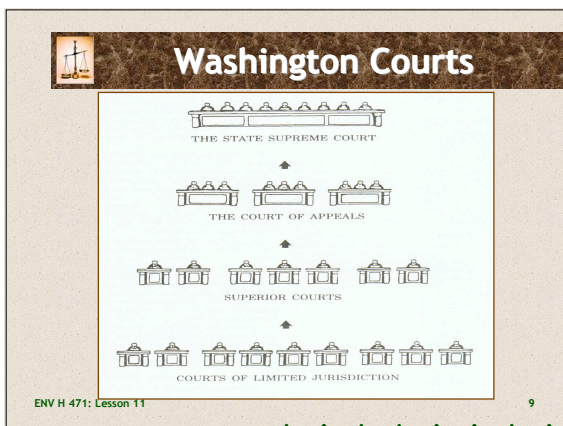
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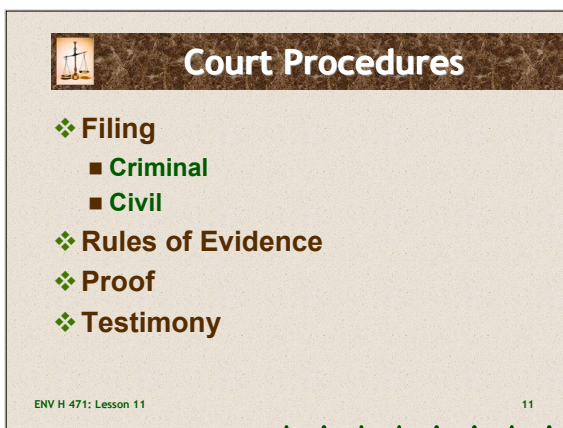
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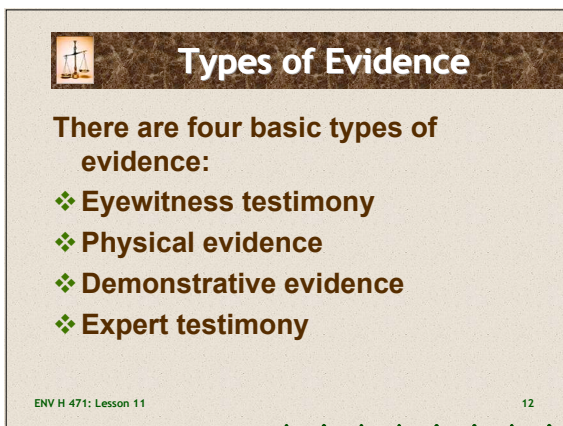
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### Rules of Evidence

- ❖ Material and relevant
- ❖ Hearsay
- ❖ Proof
  - Burden of Proof
  - Degree of Proof

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### Proof

- ❖ Burden of Proof
  - Substantial evidence
  - Preponderance of the evidence
  - Clear and convincing evidence
  - Beyond a reasonable doubt

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### Rules of Testimony

- ❖ Relevancy
- ❖ Credibility
  - Hearsay
- ❖ Authenticity
  - Chain of Custody

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### Relevancy

❖ **The testimony must relate directly to the issues involved in the controversy**

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### Credibility

❖ **Witnesses offer the most credible evidence when:**

- **Testifying, orally or in writing, under the solemnity of a court-administered oath**
- **The declarant is present in court**
- **An adversary has an opportunity to cross-examine the declarant about the truth of the matter asserted.**

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### Hearsay Testimony

**Exceptions:**

- ❖ **Out-of-court admissions of a party-opponent**
- ❖ **Declarations against interest**
- ❖ **Spontaneous declarations**
- ❖ **Past recollections recorded**
- ❖ **Regularly kept business records**
- ❖ **Official written statements and certificates**

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 **Authenticity**

❖ **Tangible items offered as evidence must be authenticated through testimony or certification**

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 **Questions**



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 **Next Lesson**

**Criminal Actions**

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 **Assignment for Lesson 12**

- ❖ **Grad: Chapter 12 - Penal Sanctions, pp. 206-230.**
- ❖ **Statutes & Regulations:**
  - **15 USC 53 - Toxic Substances Control Act §2615.**
  - **21 USC 9 - Food, Drug and Cosmetic Act §333.**
  - **42 USC 82 - Resource Conservation and Recovery Act §6928).**

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 **Assignment for Lesson 12**  
*Continued*

- ❖ **Required Readings:**
  - **Reading #23 - FDA Food Service Sanitation Manual, §10-601.**
  - **Reading #35 - Ligon, R., Legal Aspects of Disease Control Administration.**
  - **Reading #36 - Sikora VA. Proving Environmental Health Violations, Journal of Environmental Health, 1981 43(4):195-200.**

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