

Lesson 17. THE U.S. JUDICIAL SYSTEM

INTRODUCTION

In this lesson we are going to begin our consideration of legal actions in environmental health looking at the court system in the United States.

It has been said that there are 51 judicial systems in the United States -- one for each state and a federal system. Although the federal law is the supreme law of the land and the U.S. Supreme Court may review court decisions involving federal and/or constitutional law, there is much overlap in jurisdiction. State courts can decide certain questions involving federal law and federal courts, in some situations, can decide questions on state law. Questions about court jurisdiction are complicated and sometimes confusing. Nevertheless, it is important to understand the basics of the judicial system in the United States if you are to develop the ability to make effective use of the legal remedies available to resolve environmental health problems.

LESSON OBJECTIVES

The material in this lesson should help you to:

1. Understand the federal judicial system and how it differs from the judicial system in this state;
2. Be able to describe the relationship between the federal, state and local judiciary; and,
3. Describe the types of cases which are tried in each court.

KEY POINTS

A. The American Courts

An environmental health specialist, whether employed in a traditional health department or in an environmental protection agency or a department of labor, should know each of the courts which may exercise jurisdiction in a legal action brought by his/her agency, or brought by another party against the him/her. In some cases the court will be proscribed by statute, such as in the case of the Toxic Substances Control Act (PL 94-469) which specifically describes the federal courts in which an action may be brought. In other cases, the determination may depend upon whether the action is a civil action or a criminal action, on whether a criminal action is a felony or a misdemeanor, or on the legal grounds used to bring the action. Occasionally, an action may be initiated in any one of several courts. Where there is a choice of courts, the agency's legal counsel will make the determination as to the proper place to bring an action. Some courts are termed trial courts and other are called appellate courts. In some cases the same court may serve as a trial court for some proceedings and as an appellate court for others. For any given proceeding it is important to be in the right court. Generally, a trial court may review

both the facts and the law in the case, while an appellate court restricts its review to errors of law which were applied in the original hearing.

Depending upon these considerations, the environmental health specialists may find themselves in a federal court, a state court or a municipal court. Therefore, they must be familiar with the basic structure and procedures used by each of the court system in which they may be come involved.

1. **Federal Courts:** The U.S. Constitution provides for the establishment of a Supreme Court and such inferior courts as the Congress shall deem necessary. Over the past two hundred years the federal judicial system expanded to include a bewildering variety of courts, including specialized courts such as the court of claims, tax courts, patent courts and customs courts. However, the general courts consist of the:

- The U.S. Supreme Court - the ultimate appellate court of the nation;
- 12 Circuit Courts of Appeal; and,
- 94 District Courts (trial courts) which hear only cases involving federal law.

There are five additional U.S. District Courts for the District of Columbia, Puerto Rico, the Canal Zone, Guam, and the Virgin Islands, which have both federal and local jurisdiction.

2. **State Courts:** All state judicial systems have certain elements in common. These are the existence of a final appellate court, general jurisdictional trial courts, and a number of local courts of limited jurisdiction. Most state judicial systems also have intermediate appellate courts, which handle appeals from trial courts, to relieve the burden on the state supreme court. The description of the state court system in Washington is typical of that found in most states.

- Washington Supreme Court
- Appellate Courts
- Courts of original jurisdiction

3. **Local Courts:** Supplementary reading #31 (by the U.S. Dept. of Justice), which is one of the assigned readings for this lesson, will not only provide you with a brief description of the local courts, it also emphasizes the importance of these courts in handling the bulk of the day to day hearings in the U.S. court systems.

- Municipal Courts
- Justices of the Peace

B. Court Procedures

Grad states that when a defendant pleads "Not Guilty" a trial must be held. If the complaining witness is in court, and both the prosecution and defense are ready, a trial may be held immediately following the pleading stage. If the complaining witness, usually the agency investigator, is not in the courtroom, or if either the defendant or the prosecution needs additional time, a future trial date is then set by the court, at which time both sides must be ready to proceed.

There are a number of specific procedural steps and maneuvers involved in any court trial. In these matters environmental health practitioners must rely on the advice and consultation of their attorney. There is no need for the most practitioners to become more knowledgeable about the ins and outs of courtroom procedures than to have a general understanding of the sequence of events and of what will be required of them in terms of the testimony and the evidence which they will present.

1. Rules of Testimony: The responsibility of the practitioner as a witness is to tell the facts. They should be told in such a way that the judge and/or jury can understand them and draw the conclusions from them that you intend. There are a number of specific policies embodied in the "rules of testimony". Some of these derive from the "rules of evidence" discussed below. Others should be discussed with your legal counsel before the trial. Make sure you know what he/she expects of you. The "do's and don'ts" discussed in the reading assignment for this lesson should be helpful.

2. Rules of Evidence: The environmental health practitioner needs competent legal advice regarding the specifics of what constitutes evidence, what determines whether evidence is valid and may be presented in court, and on the manner in which evidence may be presented. However, since the completeness and validity of evidence may depend on the actions of the investigators and other agency personnel involved weeks, if not months and years, before the trial, the practitioner needs to be aware of the general legal requirements regarding the collection, retention and presentation of evidence.

a. Material and Relevant - The whole evidence must be material and relevant. The definitions of these terms are important and you should understand them as they are used in this context. It is also important to note that all evidence must be authenticated. This applies equally to pictures, laboratory results, reports and other parts of the case record.

b. Hearsay - Hearsay is testimony by one person regarding what another person saw or said. As a general rule, hearsay is excluded at a trial. However, exactly what is included as hearsay or how strictly hearsay rules are adhered to, may vary depending upon the nature of the hearing. For instance, the requirements regarding hearsay are not as stringent in the administrative hearing as they are in a formal court trial. Moreover, there are a number of exceptions to the hearsay requirement. Among the more important of these are:

- 1) Official and Business Records
- 2) An important exception is when a sanitarian is permitted to repeat another person's statement in court in order to prove something other than the truth of the statement itself. This might occur to develop an experiential chart of a food poisoning outbreak to explain the reason why an inspection was made, or to demonstrate that many neighbors were complaining about a neighborhood nuisance.

3. Proof: Related to the concerns regarding the relevancy of evidence, are those concerning its completeness or sufficiency.

a. Burden of Proof. In any court trial the burden of proof lies with the party bringing the suit, i.e., he/she must prove to the satisfaction of the court that the facts in the case are as claimed.

b. Degree of Proof. Courts use several different standards or tests to determine whether a party has "proved" his/her case. The standards vary in the amount or degree of proof required to be presented. The appropriate standard used by the court are either stipulated by or inferred from the statute governing the case.

- 1) Substantial evidence
- 2) Preponderance of the evidence
- 3) Clear and convincing evidence

STUDY QUESTIONS:

1. Where is the court, closest to your home, in which a trial regarding a violation of Subtitle C of the U.S. *Resource Conservation and Recovery Act* would most likely take place?
 - a. Why would it take place here?
 - b. If one of the parties involved in such a suit were not satisfied with the result, where could he/she turn to appeal the decision?
 - c. Where is this court located?
2. Some people have suggested that there is a need for more specialized courts at either the state or federal level. One such suggestion has been for the creation of a science court which would deal with matters of a sophisticated or complicated technical or scientific nature. The judges sitting on these special courts would have expertise in the sciences and technologies involved, along with their extensive background in the legal profession.
 - a. Would a separate court, with jurisdiction over environmental health matters, be necessary, helpful or desirable from the point of view of your agency? Would there be a sufficient case load to justify its existence?
 - b. How might the existence of such a court affect the practice of environmental health? Would such a court promote attitudes favoring legal enforcement actions rather than those directed toward education and persuasion?
3. At a criminal prosecution for violation of a health code, which party has the burden of proof? What is the usual degree of proof required? How do you determine if you have sufficient evidence to prove each element of an offense?
4. How can you use, at a trial, evidence you have obtained in an unlawful inspection? If that evidence is all that you have, will the defendant be convicted? In regard to samples, what happens to your samples and the sample results if the chain of custody is broken?

5. It is often critical, in a case, that the sanitarian collect an adequate number of samples in such a manner as to demonstrate a relationship between the source of the sample and the code violation.
 - a. If you suspect that a septic tank has been discharging directly into a small stream, how many bacterial water samples would you take and from where would you take them? Why?
 - b. If instead of a stream, you needed to determine whether or not a batch of custard doughnuts were contaminated, how many samples would you take and from where?
6. Why must inspection reports be complete and ample in factual detail?
 - a. How are these records used at a trial?
 - b. Can a report, made by a sanitarian who is no longer with the department, be used? why?
 - c. When pictures are included as part of the case file, what information will the sanitarian have to provide when he/she testifies in order to authenticate a photograph?