

Business Law
Lesson: 4/8/2020

Learning Target: Identify the origin of the U.S. legal system

Let's Get Started:

Watch Video: [What Is the Difference between Common Law and Equity?](#)

What Is the Origin of the U.S. Legal System?

The world's two great systems of law are the English common law and the Roman civil law. Countries with systems patterned after the Roman civil law have adopted written, well organized, comprehensive sets of statutes in code form. The laws in these codes are typically only changed by the central government, not by the judges who administer them. Only one state in the United States—Louisiana—has a civil law system. The legal system used in the other 49 states is based on the English common law.

Before the English common law system developed, feudal barons acted as judges within their territories. Disputes were settled on the basis of local customs and enforced by the barons' power. Because of this, the laws of England differed from region to region. Such differences were difficult for people to follow. They also made it hard for a central government to maintain control.

WHAT IS THE ORIGIN OF THE U.S. LEGAL SYSTEM?

English common law

King's Bench - King appointed judges from a group of trusted nobles given the power to order that wrongdoers pay with money or goods to those they injured.

Jury - judges choose citizens from each region to help interpret that region's customs for the court.

Advantages of English common law - achieves uniformity while maintaining an ability to adapt to changes in society.

Equity: An alternative to common law

- Not as rigid as common law making it often more fair to both parties involved

ACTIVITY #3

1 - In your Journal, identify the origin of the U.S. legal system by describing how the systems above (English and Roman Law) are similar to the U.S. system. Give at least 5 examples.

2 - Because he could not resolve all the disputes in the nation by himself, King Henry appointed a group of judges to decide them for him. What personal qualities do you think he looked for in these judges? - Please respond in your Journal by listing a minimum of 5 personal qualities with a detailed description.