

COMMON LAW

emphasis on precedent, prior rulings of the court

judges proceed on the basis of previous cases

reasoning is inductive, deriving judgements from series of specific decisions

integrated court systems with courts of general jurisdiction

a trial is a single-event (continuous) proceeding

judge manages the trial and referees the adversarial conflict between the prosecuting and defending attorneys

CIVIL LAW

emphasis on first principles, application of systematic legal science

judges proceed from provisions of the code

reasoning is deductive, moving from stated general principles to specific solution

specialized court system to deal with separate areas of law

a trial is an extended series of hearings and consultations

judge is principal interrogator of witnesses in an inquisitorial process designed to uncover the truth

(based on Apple and Deyling, 34-37)

Figure 13.8