

Major Differences between the US and UK Court Systems



Much like the main subdivisions of the U.K. (i.e. England, Wales, Scotland, and Northern Ireland), the states of the U.S. have their own laws, court systems, and bar associations. In the U.S., federal law and court decisions generally take precedence over these state laws and decisions.

Court systems

Court systems in both countries are quite similar. Minor criminal offenses and small civil disputes are handled by special magistrate courts tasked with resolving such disputes. In the U.S., these are cases for state courts almost exclusively.

More serious crimes and civil cases in both countries are then subject to a three-court hierarchy. In the U.S., at the federal level, criminal cases and civil cases are not heard by separate courts (at the state level, however, many states do have separate court systems for these two types of cases). Cases begin in lower courts (Crown Court in the U.K., District Court in the U.S.), then move on to Courts of Appeals, and are finally resolved in a single Supreme Court, if necessary.

Sources of legal authority

Much like courts in the U.K., courts in the U.S. rely mainly on past judicial opinions as authoritative precedent when resolving litigation. In the U.S., these are often referred to as “opinions” or simply “cases,” while the phrase “law report” has become somewhat archaic.

Roles of lawyers

Aside from differences in nomenclature, the roles of lawyers in both countries are quite similar. The terms “barrister” and “solicitor” are not commonly used in the U.S., and litigators and non-litigators are not separately licensed. Instead, once an attorney is admitted to the bar in a particular state, he or she may generally practice any kind of law. For the sake of clarity: court-going barristers are known as “litigators” in the U.S., and solicitors are called “corporate” or “transactional” attorneys, or are referred to in accordance with their area of specialization (e.g., a health care attorney, a real estate attorney, a family law practitioner, etc.).

Read the comparison and contrast of the British and American legal systems above. Decide if the following items belong to the first or the latter.

- barrister
- Courts of Appeals
- Crown Court
- District Court
- federal law
- judicial opinions
- litigators separately licensed
- not separate courts
- solicitor
- state laws
- transactional attorneys
- Supreme Court
- three-court hierarchy

