



# Sources of Law and the Courts

## *The Law*

### WHERE DOES LAW COME FROM?

- The United States Constitution and the Minnesota Constitution are the most important sources of law. For example, when someone being questioned about a criminal matter “pleads the fifth”, she is claiming her right to remain silent which is provided by the Fifth Amendment to the U.S. Constitution. Other examples are your right to an attorney and your right to free speech (First Amendment.)
- Statutes passed by the Minnesota Legislature and the United States Congress. For example, the Minnesota Legislature passed a law that requires children to be immunized before they can start kindergarten, unless it is against the child’s religion. This law is a statute.
- Previous cases are used to guide judges in deciding new cases. The court attempts to be consistent in its application and interpretation of the law so that the people feel they have been treated equally and fairly.

### WHAT DO THE COURTS DO?

The court system is involved in your life in many ways. It handles more than 2 million conflicts every year (criminal cases, civil cases), and is also the place where birth certificates are filed, marriages are legalized and dissolved, and adoptions are handled.

### ARE THERE DIFFERENT KINDS OF COURTS?

Yes. In the Minnesota state court system, several types of courts exist:

- **Trial Court also known as District Court**  
All types of civil and criminal cases are heard in the trial court. Trial courts are organized into ten districts in the state. This is where the named district court comes from. The trial court deals with several kinds of cases: conciliation, juvenile, family, probate, civil and criminal. Sometimes these types of cases are referred to as a separate court. For example, many cases young people are involved in go to juvenile court. This does not mean a separate court in a different building. It does mean that the court will apply a particular set of rules in the case.
- **Minnesota Court of Appeals**  
When people feel that the trial court made a mistake, they can appeal their cases to the Court of Appeals. The Court of Appeals looks at the record of the trial made by the trial court, reads the written arguments (briefs) prepared by each side and sometimes asks questions of the lawyers from each side. The court (working in a panel of three judges) writes a decision called an opinion. No witnesses testify in the Court of Appeals.



- **Minnesota Supreme Court**

This is the state's highest court. When people involved in a case believe that the Court of Appeals made a mistake, they can appeal to the Minnesota Supreme Court. Also, first-degree murder convictions can be appealed directly to the Supreme Court (they do not need to first go to the Court of Appeals). This is also the case with a limited number of other types of cases. The Supreme Court is not required to review all of the appeals of the decisions of the Court of Appeals. Only cases that are important to many people are selected for review.

**ARE THERE OTHER COURTS?**

Yes. There is a federal court system that handles cases involving laws passed by Congress, the U.S. Constitution, or conflicts between people of two or more states.

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## *Questions*

1. What are the three main sources of law?
2. Erin, age 14, has been brought into court on a shoplifting charge. What court is she in?
3. The law that makes it illegal to drive drunk is an example of what kind of law?
4. You have been convicted of first-degree murder. What court will hear an appeal of your case?
5. Your parents are getting divorced. What court do they go to?
6. What is the source of law for your “Miranda” rights?