The judicial system of the United States is tasked with the two objectives of protecting the rights of its citizens and interpreting the law as it relates to each case presented. The judicial system is made up of multiple layers of courts from state courts that deal with specific issues such as traffic enforcement all the way to the United States Supreme Court. Our courts are based on an adversarial system of justice. In this system, litigants present their cases before a neutral party such as the judge and/or jury. The arguments are given by each side (who are usually represented by a lawyer) allowing the judge or jury to determine the truth about the conflict. Besides giving written or oral arguments, evidence and testimony are presented from both sides to the court.

In criminal cases where the prosecution and judge both work for the government the system could seem unfair. My grandfather, Mobley Childs, who was a defense attorney in Decatur, Georgia for over 38 years would always say, “Our system does work. If everyone does their job as charged, the system works.” He would say that his specific job was to, “defend a person to the best of his ability as they would defend themselves if they were able. The prosecution is charged with proving beyond a reasonable doubt the guilt of my client. If I do my job, and they do theirs, then no innocent person will go to prison.” The system is set up with checks and balances to insure that no matter what happens the procedural rights given to every American in our constitution are granted to the accused.

Procedural rights all relate to due process and are designed to promote fairness and allow each side an opportunity to adequately present its case. By standardizing the way all court cases are presented, the laws prevent the government from convicting an accused person without the chance to properly defend themselves from the charges. The most commonly known procedural
right is actually enforced when the accused is first arrested. The Miranda Warning is used to inform an accused of their rights under the fifth amendment.

The judicial system is one of the three branches of government set up by the founding fathers. The court system, in most cases, protects individuals from undue prosecution. Sir John Fortescue's De Laudibus Legum Angliae (c. 1470) states that "one would much rather that twenty guilty persons should escape the punishment of death, than that one innocent person should be condemned and suffer capitally.” This basic principal is at the heart of the American due process system. It can also be looked at in a much broader since to include the rights and freedoms of the American people.

While all courts are charged with the task of interpreting and applying the law to a particular case, the US Supreme Court has the job of deciding if the law itself obeys previous laws under the constitution. The rights and laws given the citizens of the United States under the constitution and Bill of Rights are the basis of the supreme courts decision as to the legality of any new law brought before them. Currently the perfect example of this is the “Health Care Reform” just instituted by President Obama. It is being looked at by the Supreme Court to decide the constitutionality of the reform. Like many cases before, this one has several parts in which the nine justices will have to look at and decide if it violates any of the rights of the American people, or any current laws.

To sum up, in my opinion the judicial system is the most important because it is the judicial branch of our government that provides the checks and balance that make our whole system work. Not only does it protect the law and rights given to us as Americans by our Constitution and the Bill of Rights, but makes sure that all branches of the government are working to do their job, of the people, by the people and for the people of the United States of America.