

## Foundations of Law 2007 Court Observation Assignment

### CLSS EXAMPLE - Distinction

#### Introduction

The local courts and Criminal Court of Appeal (CCA) serve the same purpose: the administration of justice through law. However, the legal processes employed by the two courts differ in achieving this goal. This essay will examine the formal and procedural differences between these two courts. It will also explore the similar problems of legal accessibility facing litigants in both these courts of law.

#### Local Court

Local courts handle the vast bulk of criminal cases. In the '03-04 year, local courts were responsible for the judgements of 97% of criminal cases brought before the law. Due to the large number of cases tried daily, there is a pressure for matters to be dealt with quickly and efficiently. Magistrates work systematically in finding and assessing the specific facts of each case and the issues of law. Through this they are able to maintain public confidence in the legal system by creating the perception "decisions in the magistrates' court are fair, impartial, transparent, efficient, and just"<sup>2</sup>.

In the case of *R v Wilton Joseph*<sup>3</sup> the systematic procedures of the law were demonstrated through the consideration of evidence, cross-examination and testimony of witnesses. The manner of the hearing was highly efficient, emphasizing the local court's ability for "centrality of decision making according to the law and the facts, which are as objective and neutral"<sup>4</sup>. ...

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#### Conclusion

Central to the notion of justice is the belief that all people should be treated with equity and fairness. However, from observing the court processes this is clearly not always the case. This essay will not evaluate the cause and possible solutions to this problem of legal accessibility, to do so is beyond the scope of the question. It shall however, conclude that when legal representation is unavailable, the integrity of the justice system is challenged. And that the presence of legal representation is vital in sustaining the law's impartiality and neutrality, regardless of the court of law.

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<sup>2</sup> References left out

<sup>3</sup> References left out

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