

The Commonalities and Contrasting Features of English and American Law

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Abstract

The English and American legal systems and law are founded under the Common Law System. However, there are staunch differences and similarities that work to define the individual legal features of each nation, such as the law's interpretation, making, and role. This paper aims to analyze the qualities that comprise each legal system and analyze their commonalities and contrasting features. The features that will be analyzed are the Common Law systems, Supreme Court, Judicial system Structure, and Legislative Process. It is imperative when exploring the law of a nation to understand the foundational philosophy, creation, interpretation, and application of the law, which all of these features address in great detail.

The Commonalities and Contrasting Features of English and American Law

Deeply rooted in the foundation of the common law philosophy, English and American law and legal systems share many features. However, as they have grown more mature, they have obtained staunchly different legal features that work to define their legal system. They share and have diverse features in modern Common Law interpretations and institutions, the function and role of the supreme court, the structure of judicial systems, and the creation of law. It is imperative to understand each system of law and analyze the law to delve into the features that compose them, exploring the system in addition to the similarities and differences they possess. This paper aims to address the topic of common law, the supreme court, judicial system structure and law-making topics as well as their commonalities and contrasting features to better understand the English and American law system.

Common Law

A large defining feature of English and American law is their strong adherence to the common law. Common law can be defined as rules and principles stated in court decisions rather than statutes, constitutional law, or written authority. The rules are not merely the court decisions but rather a reflection of the ‘unwritten’ principles the courts applied in reaching their decisions.¹ In the common law system, the customs developed in a verbal form, which would later be reflected in the court’s decision.² So, in this common law system, cases play a major role as the primary source of law. It should be noted that some law is codified into statutes. However, there is no presumption that there will be a statute to solve every case question faced by the courts.³ Rather, courts will approach case issues with reasoning based on precedent rather than a strict

¹ David Spinoza Tanenhaus, “Common Law”, *Encyclopedia of the Supreme Court of the United States* (1st ed. 2008) at 375.

² Spinoza, *supra* note 1, at 376.

³ The Common Law and Civil Law Traditions - Berkeley Law <https://www.law.berkeley.edu/wp-content/uploads/2017/11/CommonLawCivilLawTraditions.pdf> at 1.

decision based upon the statutes. In common law, there is increasing importance based on precedent. Common law is mainly found in England and the U.S. or other countries colonized by England.⁴ Overall, the Common Law is a system found within England and the U.S that answers questions based upon precedent rather than reasoning. The common law system is highly influential on the legal decisions, structures and overall philosophy found within English and American Law.

English Foundation of Common Law

While American and English Laws are founded on the principle of common law, there are staunch differences between the two legally. English law is where common law originated. In the seventeenth century, common law was idealized to check the powerful monarchs and their claims to control society and the economy.⁵ King James, I was a strong proponent of increasing monarchical power. He argued that “kings were the authors and makers of the Lawes and not the Lawes of the kings.”⁶ This strong statement established the idea in English Law that the monarch would sit above the laws, creating them for their subjects rather than the principle of all men under the law, even one of authoritative status.⁷ In response to this claim, English Common Law thinkers formulated a solution to limit the monarch’s lawmaking powers, permit common law judges to declare the law, and identify the common law with the people. This was necessary because the common law was perceived to be rebellious of the monarch or a resistance gesture.

There are three significant ideologies that early seventeenth-century common law advocates had. Firstly, the idea of legal temporality.⁸ Secondly, a division of roles between the monarch, legislature, and judiciary is closely related to the current system of checks and balances

⁴ Spinoza, *supra* note 1, at 375.

⁵ Kunal Madhukar Parker, Common Law, History, and Democracy in America, 1790-1900: Legal Thought Before Modernism (Cambridge University Press,2011) at 3.

⁶ King James IV & King James I, True Law of Free Monarchs (1616) at 215.

⁷Kunal, *supra* note 5, at 7.

⁸ Kunal, *supra* note 5, at 7.

in American law.⁹ Finally, the claims of freedom of the people in addition to the ancient constitution of England. Each of these ideas helps imply the other.¹⁰

The first notion of legal temporality required that the English common law thinkers of the time reworked a belief that law could not be made but had always existed. These medieval legal thinkers argued that the law was timeless. The common law thinkers in seventeenth-century England largely dissented, arguing on the proposition that there is a temporality found within the common law. This was a declaration that a common law judge stands for temporality, a time outside the memory of man.¹¹ These advocates would argue that the temporality of the law embodied the wisdom of multiple generations, both the past and future alike. This component made common law far out of the reach of the monarch. Every generation would be included in this law beyond the monarch's life.¹² The beliefs of early English common law thinkers viewed the common law as an immutable law that would be fabricated into the customs of the English nation.¹³

Secondly, after the immortality of the law was established then raised the question of who was then suited to declare the common law; the common law was already deemed out of the monarch's reach. Therefore, the early Common Law thinkers determined that the common law judge would be best suited to "reason" the common law.¹⁴ Through this resistance to monarchical power, there was a firm assertion of judicial power. So, this gave the power of declaring "immemoriality" to the common law judge. This would allow the judge to protect against monarchical abuse and legislative tampering.¹⁵

⁹ Kunal, *supra* note 5, at 8.

¹⁰ Kunal, *supra* note 5, at 8.

¹¹ Kunal, *supra* note 5, at 6.

¹² Kunal, *supra* note 5, at 7.

¹³ Kunal, *supra* note 5, at 8.

¹⁴ Kunal, *supra* note 5, at 8.

¹⁵ Kunal, *supra* note 5, at 8

A strong proponent of Common Law, Sir Edward Coke defined this role of the common law in a judicial opinion in *Bonham's case* "when an act of parliament is against common right or reason, or repugnant, or impossible to be performed, the common law will control it and adjudge such act to be void."¹⁶ This idea demonstrates common law as a controlling feature to manage the acts of parliament. This feature protects the law against otherwise repulsive acts. Sir Cokes quote demonstrates the major role of common law within the legislative process.¹⁷

Now that the idea that the common law is immemorial and possesses perfect reasoning is established, common law also would include the ability to define the precious rights the Englishmen would have. This association with possession of rights would indicate that the common law was self-given rather than being given from above.¹⁸ Secondly, the freedoms possessed were continuous and had a strong generational continuity. This justified the idea of limiting legislative and monarchical power because the continuity would be ruined, thus obstructing the freedoms of the people that are tightly bound generationally.¹⁹

These foundations of common law are imperative to understanding the essence of common law and the American inspiration of common law. There was an extensive debate on virtue and faction among British legal thinkers. The English common law thinkers would significantly subscribe to history. So common law thinkers argued, as the changes were occurring, common law would be the best means to keep up with the movement of history.²⁰

Modern English Common Law

Now that this foundation and development of common law in England has been established, it is imperative to understand the modern English Legal thought. Laws in England

¹⁶Charles M. Gray, *Bonham's Case Reviewed*, 116 Proceedings of the American Philosophical Society , 35–58 (1972) at 44.

¹⁷ Kunal, *supra* note 5, at 9.

¹⁸Gray, *Supra* note 8, at 10.

¹⁹Gray, *Supra* note 8, at 11.

²⁰Kunal, *supra* note 5, at 7-10.

are defined as “the rules that govern the behavior of human beings within a civilized society.”²¹ Legal laws are decided and declared by human beings having a possibility to be changed by human intervention justified by politics, religion, or philosophical ideas.²² Laws are sourced from legislation such as acts of parliament or case law, such as the higher court’s decision. The English common law includes substantive and procedural rules.²³ Acts of legislation can change these rules. For example, the common law penalty for murder was replaced by the legislation of the Homicide Act of 1957.²⁴ When a law that may be outdated needs reform, parliament is the only entity that contains the power to overrule it. The laws go through lots of research by the Law Commission. This safely reforms the law and ensures proper information is received, making it a very informed decision to reform a law.²⁵

Early English common law beliefs have developed as history has, but common law has a continuity that survives the test of time. English common law was inspirational for American common law thinkers.²⁶ A large part of America’s founding can be accredited to the ideas of English common law, which is why understanding its founding principles is vital to legal understanding.²⁷

American Common Law Foundations

Common Law is an important facet of American law, and its presence can be attributed to the works of two inspirational legal scholars, Chancellor James Kent and Joseph Story. These legal philosophers harmonized the English Common Law, which allowed the Common Law

²¹ The English Legal System ICLR, <https://www.iclr.co.uk/knowledge/topics/the-english-legal-system/> at para. 4.

²²The English Legal System, *Supra* note 10, at 5.

²³The English Legal System, *Supra* note 10, at 6.

²⁴The English Legal System, *Supra* note 10, at 10.

²⁵The English Legal System, *Supra* note 10, at 11.

²⁶Spinoza, *supra* note 1, at 376.

²⁷ Spinoza, *supra* note 1, at 376.

philosophy to be immersed into American Legal thought.²⁸ Chancellor Kent was a strong proponent of property rights and natural rights.²⁹ While Joseph Story influenced naturalism and the freedom of religion

Chancellor James Kent was an American legal philosopher and jurist during the early years of America's founding. James Kent was born in 1763 when the political events of the declaration of independence and the revolutionary war occurred.³⁰ Kent was a law scholar and was admitted into the bar of the Supreme Court at the age of 21.³¹

Chancellor Kent authored a large four-volume Commentaries, which are attributed to the history of the legal literature in America. The writings were an important facet of the legal thought of the time.³² Kent's thought and understanding.³³ The role of the common law in the revolution is described by Kent as follows: "The revolution did not involve in it any abolition of the common law. It was rather calculated to strengthen and invigorate all the just principles of the law ... suitable to our state of society and jurisprudence".³⁴ Kent's understanding was firmly embedded in the conception of rights as understood in the eighteenth century. With a strong focus on naturalness and reason, which Kent associated with protecting rights, the Common Law supported property right.³⁵ Kent regards "a state of equality as to the property is against the law of nature"³⁶ Kent developed the common law idea and describes it as a "necessary and a safe guide" which enabled judges to ensure the "freedom and happiness of social life."³⁷ Kent's

²⁸ John B. Cassoday, *James Kent and Joseph Story*, 12 THE YALE LAW JOURNAL 146–153 1903 at 147-148.

²⁹ Carl F. Stychin, *The Commentaries of Chancellor James Kent and the Development of an American Common Law*, 37 THE AMERICAN JOURNAL OF LEGAL HISTORY 440–463 (1993).

³⁰ Stychin, *supra* note 29, at 442.

³¹ Stychin, *supra* note 29, at 442-444.

³² Stychin, *supra* note 29, at 446.

³³ Stychin, *supra* note 29, at 443.

³⁴ James Kent & J. M. Gould, *Commentaries on American law: 1826-30* (1896) at 2.38.

³⁵ Stychin, *supra* note 29, at 443.

³⁶ Kent, *supra* note 35, at 341.

³⁷ Kent, *supra* note 35, at 341-342.

conception of the natural and common law was very derivative of the eighteenth-century constitutional theory. Commonly he was credited with bringing the legal philosophy of Blackstone and embedding it in America.³⁸

One major assertion and belief is that common law was founded on natural law. The law was closely associated with natural rights, where a staunch individualism in America was founded. The common law was founded on natural law. Natural law is understood to mean universality. The right was linked to the right to liberty and the judiciary as an enlightened body to protect the rights of the people.³⁹

Kent was a major influence in the early American legal system and paved the way for the emergence of natural rights and common law influence within jurisprudence.⁴⁰ The ideas of Chancellor Kent would bring English common law ideas into America's legal jurisprudence. The common law was fundamental to Kent's understanding of how the legal order should be constructed.⁴¹

Joseph Story is a second major influencer of American jurisprudence thought and common law inspiration. Story served as a Justice on the U.S. Supreme Court in 1811. Story was noted for being a strong proponent of naturalism; he often sided with the beliefs and rulings of Justice Marshall a prominent naturalist judge. Story had such staunch beliefs of naturalism President Jackson referred to Story as "the most dangerous man in America."⁴²

Joseph story is often credited for being one of the first proponents and strongest encouragers of Federal common law. This is a federal system that governs issues not expressed by the terms of the constitution or statutes. One major thought, however that is notable is Story's beliefs on the

³⁸ Stychin, *supra* note 29, at 448.

³⁹ Stychin, *supra* note 29, at 449-450.

⁴⁰ Stychin, *supra* note 29, at 443-460.

⁴¹ Stychin, *supra* note 29, at 443-452.

⁴²Hadel, *supra* note 42, at 3.

place of religion within the government and in the law.⁴³ Story wrote multiple opinions on his beliefs of separation between church and state. For example, in *Terret v. Taylor*, the court struck down the Virginia law directing the church's land to be sold.⁴⁴ However, Story wrote that the state does not possess the power to deny members of a religious corporation the right to retain corporate charter or use their property. Story in this ruling identified private property with natural law in *Terrett v. Taylor*. In this case, Story related the freedom of religion and natural law to property rights.⁴⁵

Story had a major purpose of illustrating and expanding common law doctrines in English law. The role of Story was to portray English law and his theories relating to English law as more harmonized and universally believed. His reasoning was to portray these ideas without causing hostility due to poor thoughts of the English government.⁴⁶ Story was also a strong believer in the natural law theory. He was strongly committed to natural law and, as a result, was a legal nationalist. He believed the law's legitimacy depended on its interactions with the natural law.⁴⁷ Story often drew that the legitimacy of law is derived from religion and morality and was a strong reason why Christianity and Common Law are intertwined. Story saw the nation's legal system needed a higher power of morals that no constitution or statute could cover.⁴⁸

Chancellor James Kent and Joseph Story were fundamental legal philosophers in the early years of the United States of America. Kent and Story being strong proponents of the Common Law system, inspired the adoption of and the prevalence of the common law in American

⁴³ Morgan D. Dowd, *Justice Joseph Story and The politics of appointment*, 9 *The American Journal of Legal History* 643–662 (1965) at 644.

⁴⁴ *Joseph Story*, Oyez, https://www.oyez.org/justices/joseph_story at 3-4.

⁴⁵ Dowd, *supra* note 45 at 645-646.

⁴⁶ Dowd, *supra* note 45 at 645-646.

⁴⁷ William R. Leslie, *The influence of Joseph Story's Theory of the Conflict of Laws on Constitutional Nationalism*, 35 *The Mississippi Valley Historical Review* 203–220 (1948) at 208.

⁴⁸ Dowd, *supra* note 45 at 628.

jurisprudence.⁴⁹ Their ideas and works were much related to the strong Christianity and individualism on which the American nation was founded.⁵⁰

American Common Law

The American legal system is a common law system that heavily relies on court precedents. In the American common law system, judicial determinations in earlier court decisions are critical to the court's resolution.⁵¹ Judicial decisions have the force of law and must be respected by the public, lawyers, and the courts. This idea of precedent in American Law can be signified by the phrase "stare decisis" or let it stand, referring to the decision. This takes application in lower courts as they must follow the decision of a higher court.⁵²

American courts followed English common law until the American legal system was mature enough to create common law from precedent or comparable precedent. Supreme court justices often refer to common law principles in the modern day.⁵³ In 2020 the court opinion for the case *Rodriguez v. FDIC* quoted an earlier decision and said that common lawmaking must be necessary to protect the national interest. Common Law in American legal culture can be found in state courts and limited in the federal courts. A major thought still deeply rooted in American legal thought that derives from common law is the idea that all citizens are subject to the rule of law, even government officials.⁵⁴ The study of law overall is deeply rooted in common law principles.

Comparing and Contrasting English and American Common Law

⁴⁹ Cassoday, *supra* note 28, at 148.

⁵⁰ Cassoday, *supra* note 28, at 148.

⁵¹ Introduction to the American Legal System, LexisNexis, <https://www.lexisnexis.com/en-us/lawschool/pre-law/intro-to-american-legal-system.page> at 1.

⁵² International, Common Law System (2016), https://lawi.us/common-law-system/#The_Concept_of_Precedent at 1.

⁵³ Wex Law, Common law Legal Information Institute (2020), https://www.law.cornell.edu/wex/common_law at 1.

⁵⁴ Wex Law, *Supra* note 29, at 2.

English common law and American common law are greatly related, so it is clear that there are large similarities between the two beliefs. In essence, they are alike and unique because they submit to common law ideologies while most of Europe follows continental law.⁵⁵ They also both rule majorly by precedent. According to British jurist William Blackstone, both laws are “unwritten.” It is not in a legitimate unwritten sense because Blackstone acknowledges they are both “overwritten” laws. Rather he means unwritten in the way the ultimate highest law was not an enactment but a general custom that all judges made. So, the judges are the molders of the common law, and each holds a broad understanding of the precedents.⁵⁶ Private law is where the similarities are much greater.⁵⁷ There is a major similarity in the reliance on precedent in English and American Laws.

While the essence of common law is very similar in both nations, some differences must be acknowledged. The main difference between English and U.S. common law is that English protections rest on statute or case law.⁵⁸ This differs from U.S. common law, where these safeguards are found in the constitution, and changing them is very hard. To relax these safeguards, either the supreme court reverses the interpretation of the constitution, or it is amended by three-fourths of the states.⁵⁹ There also is a major difference in public law. England does not have a written constitution and restricts judicial review.⁶⁰ Rather, in the U.S., every court holds power to exercise judicial review. The U.S. may be seen as drastically different in public law because of the complex federal system and an executive rather than England’s parliamentary rule.⁶¹

⁵⁵ Spinoza, *supra* note 1, at 374-376.

⁵⁶ Lawrence M. Friedman, *A History of American Law*: Lawrence M. Friedman (1973) at 17.

⁵⁷ Andrew D.E. Lewis, *Comparisons of Modern English, American, and Commonwealth Law Encyclopædia Britannica* (2022) at 1.

⁵⁸ Kunal, *supra* note 5, at 6.

⁵⁹ Introduction to the American Legal System, *Supra* note 28, at 1-3.

⁶⁰ The English Legal System, *Supra* note 10, at 5.

⁶¹ Introduction to the American Legal System, *Supra* note 28, at 3.

The Supreme Court

The supreme court in the U.S. and U.K. are very similar courts. Both are the highest appellate courts in their jurisdiction on crucial matters in the law. They hear a limited number of cases annually, and each case they choose to judge has great importance legally. Their issue judgments are binding on inferior courts such as a trial or appellate courts across each jurisdiction.⁶²

Overview of the Supreme Court of the United Kingdom

In 2009 of October, the United Kingdom's Supreme Court was established. This marked a defining moment within the constitutional history of the United Kingdom. This was when there was a transfer of judicial power from the historic home in the nations legislature, in parliament, to the Supreme Court's own building.⁶³ The power of the Supreme Courts legal existence is found within the Constitutional Reform act of 2005, in part 3. This provides the courts legal existence, this came into effect when the new supreme court building had finished construction.⁶⁴ The supreme court fills the role as the final appeal court- judging cases with the upmost importance in the public sphere.⁶⁵

Overview of the Supreme Court of the United States

The supreme court acts as final arbitrator on questions relating to the US Constitution while also holding jurisdiction power over the federal courts or state courts dealing with matters of federal issue. Article III, §1 is where the power of the supreme court originates. This article provides

⁶²Colin McIntyre, Joseph Farmer & Micheal Deacon, Supreme Courts: The US and UK compared Law Society of Scotland (2015), <https://www.lawscot.org.uk/members/journal/issues/vol-60-issue-02/supreme-courts-the-us-and-uk-compared/> at 1.

⁶³ History, - THE SUPREME COURT (2022), <https://www.supremecourt.uk/about/history.html> at 1.

⁶⁴ History, supra note 45, at 2.

⁶⁵ History, supra note 45, at 3.

that the [t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain.”

⁶⁶ Due to this provision the supreme court was organized along with the judiciary act of September 24, 1789.⁶⁷ The supreme court has the judicial power that extends to all cases, in law and equity that arise out of the constitution, the laws of the U.S in addition to the treaties made under their authority. The supreme court possesses original jurisdiction in cases affecting ambassadors, other public ministers and those that the state is a party. In all other cases the supreme court possesses appellate jurisdiction such as law and fact.⁶⁸ SCOTUS also possesses rule making power when Congress conferred upon the constitutional power of the supreme court to prescribe procedure to be followed by lower courts of the United States.⁶⁹

Comparing and Contrasting SCOTUS and UKSC

The U.S. The Supreme Court, often nicknamed SCOTUS, acts as the final arbitrator on questions relating to the federal constitution and also holds jurisdiction over federal courts or even state courts that deal with a matter of federal law. While it does have these powers, one power it does lack is over state law; the state supreme courts deal with issues relating to state law.⁷⁰ Likewise, the U.K. The Supreme Court enjoys the powers as the final appellate court for all civil cases in the United Kingdom. The Supreme Court in the U.K., nicknamed UKSC, also is the final appellate court for criminal cases from England, Wales, and Northern Ireland.⁷¹

⁶⁶U.S Const. Art. 111.

⁶⁷ The Supreme Court at Work, HOME - SUPREME COURT OF THE UNITED STATES (2022), <https://www.supremecourt.gov/about/courtatwork.aspx> at 2.

⁶⁸ The Supreme Court at Work, *supra* note 42, at 2-4.

⁶⁹ The Supreme Court at Work, *supra* note 42, at 5.

⁷⁰McIntyre, *supra* note 19, at 3.

⁷¹McIntyre, *supra* note 19, at 4.

Furthermore, the SCOTUS tends to have a higher domestic profile with the cases they accept than the U.K. supreme court. One reason is that SCOTUS is a constitutional court through and through. The U.S. does have a written constitution, which does require a certain legitimacy to be established. The SCOTUS possesses the power to check the constitutionality of an issue and the constitutionality of certain actions of the legislative and executive branches, respectively.⁷² This power is a major check that the judiciary possesses in American law and does leave SCOTUS often performing jobs as the umpire with constitutional issues. So, when this is considered, it can often be assumed that the cases they may answer contain the utmost political importance. Some questions they have been faced with are “Does the right to privacy include the right to obtain an abortion?” in *Roe v. Wade*, “Should a recount continue in Florida when the outcome of the presidential election hinges on the allocation of the electoral college votes from that state” or even “Is the Affordable Care Act Constitutional?” All of these questions must be answered by the supreme court and contain a lot of importance politically.⁷³ Contrastingly, the Supreme Court of the U.K. does not have a written constitution; therefore, the constitution counterpart is limited; with no constitution, it makes it hard to judge the acts of parliament.

Another large contrasting feature is the longevity of the courts. In essence, the U.K. supreme court is the older of the two; the UKSC has played a major role in forming the common law. The UKSC did not officially take its place until 2009; the American Supreme Court was established in 1790. The U.S. Supreme Court is firmly established in the U.S., as well as in the public sphere. The major supreme court cases that shaped American History are *Brown v. Board of Education*, *Dred Scott*, *Plessy v. Ferguson*, *Roe v. Wade*, *Obergefell v. Ferguson*, and *Bush v.*

⁷² McIntyre, *supra* note 19, at 4-5.

⁷³ McIntyre, *supra* note 19, at 5.

Gore. These cases in SCOTUS played a huge role in American history and established major laws.⁷⁴

Appointment of Supreme Court Justices

The supreme court justices are fundamental to both courts; they make important decisions and shape the history of the U.S. and U.K., respectively. While their roles are important in each country, there are certainly differences in how these justices are appointed to the courts, a very important process.

In the U.K., when there is a vacancy in the court, the Lord Chancellor begins by convening an independent selection commission, including the president of the supreme court, another senior judge, representatives of each of the judicial appointment bodies of England and Wales, and one non-lawyer. The committee then advertised widely, having written applications. The commission then moves on to consult senior politicians and judges across the U.K. After this is complete, candidates are shortlisted based on merit. After the interview, a review is sent to the Lord Chancellor. After this, there is another round of consultation with the committee. Finally, the Lord Chancellor can either reject, accept or ask the committee to reconsider the applicants. If the recommendation from the committee is accepted, then the prime minister will send the name to the monarch for final approval. After official permission has been received, there is an announcement from the Prime Minister's office.⁷⁵ This is the official process for appointing a U.K. Supreme Court Justice. In the U.K., twelve justices include the president, deputy, and ten other justices.⁷⁶

There are different features in the SCOTUS justice appointment procedure. The American Supreme Court system has nine justices, including one chief justice, in contrast to the

⁷⁴McIntyre, *supra* note 19, at 6.

⁷⁵How are justices appointed to the UK Supreme Court? In Appointment of Justices, SupremeCourt.uk (June 2022), <https://www.supremecourt.uk/about/appointments-of-justices.html>

⁷⁶Supreme Court.uk, *supra* note 24, at 1.

U.K.'s twelve justices. The process for appointing justices to the U.S. supreme court is much more simplified. It begins when the president appoints a justice, then the justice is confirmed by the Senate by a simple majority. After this, they are appointed as a justice. They hold this office for life tenure. Since there is no requirement to campaign or be elected, the supreme court is often thought to be insulated away from political pressure. They may remain in office until they resign, pass away, or are impeached and convicted by Congress. Otherwise, they stay in their seats for life.⁷⁷

The role of the Supreme Court justices in each legal system is vital to the legal sphere. In English Law, the Supreme Court justice appointment is a complex system. However, in the American supreme court, this is much more simplified. They are important figures and sway each country's history despite how they are appointed.

The Structure of the Judicial System

Each court has a certain degree of power and control over it or another court. It is fundamental to understand the hierarchy of the courts in the U.S. and England to understand the law of each country better. The hierarchy of the court system is important to address because it demonstrates the flow of power within the legal sphere, as well as what decisions are binding on different courts. Furthermore, understanding the structure is imperative to understanding the country's law, as the courts are intertwined with the law and create enforcement of the law.

The Structure of the U.K. Courts

England and Wales have a unified court system based on common law. However, Northern Ireland and Scotland do differ.⁷⁸ In Northern Ireland, the court system is closely related to England. Rather, in Scotland, the system is a hybrid combining common law and civil law.⁷⁹

⁷⁷Supreme Court.uk, *supra* note 24, at 2.

⁷⁸United Kingdom Legal Research Guide: Judicial Authority, Guides (2022), <https://guides.ll.georgetown.edu/c.php?g=365741&p=4199181> at 1.

⁷⁹United Kingdom Legal Research Guide, *supra* note 27, at 2.

In civil cases, they are often heard in the County court. As a result of so many civil disputes, specialist tribunals have been created. In criminal cases, they originate in the magistrate's court. There is an exception for more serious offenses that go to the crown court. The crown court is the jury trial for all indictable criminal offenses. However, this court also deals with appeals against conviction and sentences from the magistrate court.⁸⁰

After this, the high court is reached; it functions as a court of the first instance for high-value civil claims and as an appellate court for criminal and civil cases. There are three divisions: The queen's bench, the chancery division, and the family division.⁸¹

Further, the court of appeal functions solely as the appellate court. The Civil Division hears appeals on civil cases from the high and county courts. The Criminal Division hears appeals from the crown court.⁸²

The final court reached is the United Kingdom's Supreme Court; it is the final appellate court for all UK civil and criminal cases that originate in England, Wales, and Northern Ireland. Twelve justices decide cases, and their rulings are binding.⁸³ However, before 2009, when the supreme court was established, the final appeals went to the appellate Committee of the House of Lords, commonly referred to as the Law lords.⁸⁴ The creation of the supreme court provided a strict separation between the legislative and judicial branches of government.⁸⁵

All of these courts play a major role in the judicial structure of England. They are rather complicated and diverse because they have been used for a thousand years and are not completely made from scratch. Rather they are built upon centuries of structures and are ever-changing to represent the judicial branch of the U.K.

⁸⁰United Kingdom Legal Research Guide, *supra* note 27, at 3.

⁸¹United Kingdom Legal Research Guide, *supra* note 27, at 4.

⁸²United Kingdom Legal Research Guide, *supra* note 27, at 5.

⁸³United Kingdom Legal Research Guide, *supra* note 27, at 6.

⁸⁴United Kingdom Legal Research Guide, *supra* note 27, at 7.

⁸⁵United Kingdom Legal Research Guide, *supra* note 27, at 8.

English Tribunals

Tribunals are a special court within the English legal system. They act as specialist courts for specific civil cases. They cover a wide range of areas that affect day-to-day life.⁸⁶ There are some tribunals spanning the entire U.K. jurisdiction such as immigration and asylum, while some, such as the mental health tribunal, cover England only.⁸⁷ They are administered through local authorities, some government departments, or the ministry of justice.⁸⁸

The upper tribunal reviews and decides appeals from the first-tier tribunal. This is much like the high court; being a superior court of record and the existing specialist judge, it also calls on the services of high court judges. There are also specialist tribunal judges from the senior tribunal's judiciary.⁸⁹

In the first tier tribunal, there are hearings of appeals from citizens against decisions made by government departments or agencies. However, it does differ from the property chamber and the employment tribunal, which are party v. party rather than against the government.⁹⁰

There are many members within the U.K.'s tribunal that are vital to the everyday function. The head of the tribunals is the senior president, who is independent of the Lord Chief Justice, from the Supreme Court.⁹¹ The tribunals are comprised of a panel including, a tribunal judge in addition to, panel members with areas of expertise. The panel hears the evidence from the witnesses but have the role of deciding the case themselves. They have limited powers to

⁸⁶Introduction to Tribunals, Courts and Tribunals Judiciary (2020), <https://www.judiciary.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/tribunals/tribunals/> at 1.

⁸⁷Introduction to Tribunals, *supra* note 35, at 2.

⁸⁸Introduction to Tribunals, *supra* note 35, at 3.

⁸⁹Introduction to Tribunals, *supra* note 35, at 5.

⁹⁰ Introduction to Tribunals, *supra* note 35, at 6.

⁹¹Introduction to Tribunals, *supra* note 35, at 8.

impose fines or to award compensation. The tribunal also may reach decisions that result in allowance or disallowance of a benefit, or even staying in the U.K.⁹²

The tribunal is composed of the following members: the Tribunal or Chamber President, who is responsible for the judicial administration of their tribunal or chamber. Also, the tribunal judges, who are legally qualified members, who ensure the individual tribunal hearings they chair make the best decisions in law. Lastly there are the tribunal members, the nonlegal members, that are specialists in the topic. They are not on every panel of the tribunal but are used for specialist consultation when the other panel members need a specialist opinion.⁹³

Overall, the tribunal is a unique feature of the U.K. legal system. The English Tribunals are imperative to understand because of their importance in the judicial structure of England and Wales. Their role is important to the judiciary, a major contrasting feature in opposition to America's legal system.

The Structure of the U.S. Courts

The United States has a court structure than the U.K. There are staunch differences, and the U.S. court is more simplified. The American court system is fundamental to the American legal system and ensures the law is enforced.

The U.S. courts are pivotal in deciding what happens in a case and what should be done to resolve it. They decide if a person committed a crime and what punishment should result.⁹⁴ They provide a peaceful way to decide private disputes that require legal intervention because neither party can resolve the issue themselves. Depending on the crime or dispute and where it

⁹²Introduction to Tribunals, *supra* note 35, at 9.

⁹³Introduction to Tribunals, *supra* note 35, at 10.

⁹⁴ Court Role and Structure, United States Courts, <https://www.uscourts.gov/about-federal-courts/court-role-and-structure> at 1.

took place, the case can go to the federal or state courts. The court system that will be observed is the federal court system due to the differences in the state court system.⁹⁵

The first tier of federal courts are district courts, commonly referred to as the U.S. district courts. The district court resolves disputes by analyzing the facts and applying legal principles to decide who is right.⁹⁶ The trial court comprises the district judge who tries the case and the jury who decides the case. Magistrate judges help prepare the case for trial and also conduct trials in misdemeanor cases.⁹⁷ There is at least one district per state and the District of Columbia. There also is a U.S. bankruptcy court.

In the U.S., other trial courts comprise the U.S. district courts. There are U.S. district courts in the four territories of the U.S., such as Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.⁹⁸ Two special trial courts are also present, the court of international trade, which addresses cases involving international trade and customs law. In addition, the U.S. Court of Federal Claims deals with most claims for monetary damages against the U.S. government.⁹⁹

If a client feels the law was not applied correctly, they may appeal the case, which sends the case to the appellate court. The thirteen appellate courts are called the “U.S. Court of Appeals.” All 94 U.S. district courts are organized into 12 regional circuits, all having a court of appeals. The job of the appellate court is to determine if the law was applied correctly in the trial court. They consist of three judges and do not have a jury present.¹⁰⁰ They also hear appeals to the district courts' decisions from courts located within its circuit, as well as appeals from decisions of federal administrative agencies.¹⁰¹ They also have nationwide jurisdiction to hear

⁹⁵ United States Courts, *Supra* note 44, at 2.

⁹⁶ United States Courts, *Supra* note 44, at 8.

⁹⁷ United States Courts, *Supra* note 44, at 9.

⁹⁸ United States Courts, *Supra* note 44, at 10.

⁹⁹ United States Courts, *Supra* note 44, at 11.

¹⁰⁰ United States Courts, *Supra* note 44, at 3.

¹⁰¹ United States Courts, *Supra* note 44, at 4.

appeals in patent law cases originating from the U.S. Courts of International Trade and the U.S. Courts of Federal claims.¹⁰²

The Supreme Court of the U.S., or SCOTUS, is the highest in the United States. It was created in Article III of the U.S. Constitution. The Supreme Court consists of the Chief Justice of the United States. There also are currently eight associate justices. Congress can fixate these numbers.¹⁰³ The court is the highest in all the U.S. for cases arising under the constitution or the laws of the United States. The court is responsible for ensuring the American people the promise of equal justice under law, functioning as the U.S. constitution's interpreter.¹⁰⁴

Law Making Process

The Law Making Process fundamental to the study of the U.S. and U.K. Law to acknowledge the creation of the law through the legislative process. In addition to the differences and similarities they possess. Through the creation of the law, there are staunch differences in the power of the branches, however, the steps followed to make the law is similar, with slight differences. This section aims to describe each country's law-making process, acknowledging each process's different steps and outcomes.

The U.K.'s Law-Making Process

In the UK, much like in the U.S., a law begins as a bill. A bill is the proposed law that is introduced to Parliament. After a law has been debated and approved in Parliament by each House and received royal assent, it becomes a law and is known as an act.¹⁰⁵

The Decision to Legislate a Bill

¹⁰² United States Courts, *Supra* note 44, at 5.

¹⁰³ About the Supreme Court, Supreme Court of the United States (2022), <https://www.supremecourt.gov/about/about.aspx> at 2.

¹⁰⁴ Supreme Court of the United States, *Supra* note 53, at 1.

¹⁰⁵ Cabinet Office, Legislative process: Taking a bill through Parliament GOV.UK (2013), <https://www.gov.uk/guidance/legislative-process-taking-a-bill-through-parliament#:~:text=Once%20a%20bill%20has%20been,introduced%20into%20Parliament%20by%20ministers>, at 3.

The first step of law-making is the decision to legislate. The members of Parliament can introduce a bill, sometimes from an agreed government policy or minister introductions.¹⁰⁶

There are two major forms of legislation; primary legislation is bills and acts. However, in the subordinate or secondary legislation are the delegated powers from an act to a government member to make regulations or rules.¹⁰⁷

In each session of Parliament, there is a legislative program, that plans the bills it will ask Parliament to consider within a given session.¹⁰⁸ PBL may consider the need for the bill, its relationship to the government's political priorities if the bill has been published in draft, and the progress made in working up the proposals for the bill when a bill is bid.¹⁰⁹

After the cabinet approves the provisional program, the PBL committee will review it for the month until the sessions begin.¹¹⁰ The program, once finalized, is announced at the Monarchs Speech at the State Opening at Parliament, officially beginning the session. The policy contained in the bill needs agreement from the appropriate policy committee.¹¹¹

Preparing the Bill

Once a bill is approved, a billing team will be convened. The members are officials and a bill manager that works on the bill. The department's legal advisors and the officials responsible for the policies in the bill play a key role in the bill.¹¹² Policy officials prepare policy instructions for the legal advisors within the department. The instructions to the council will set out the background, relevant current law, and the changes within the current law that the bill will bring on. The council's role is to analyze the instructions fixing any questions they have. They lastly consult the drafting lawyers for comments.

¹⁰⁶ Cabinet office, *Supra* note 55, at 2.

¹⁰⁷ Cabinet office, *Supra* note 55, at 4.

¹⁰⁸ Cabinet office, *Supra* note 55 at 5.

¹⁰⁹ Cabinet office, *Supra* note 55, at 6.

¹¹⁰ Cabinet office, *Supra* note 55, at 7.

¹¹¹ Cabinet office, *Supra* note 55, at 8.

¹¹² Cabinet office, *Supra* note 55, at 9.

The first draft of a clause or set of clauses is rarely the final word on the topic. The legislative process is a long process that continues until the drafters and department are comfortable that the draft has achieved the right result most clearly.¹¹³

However, in some provisions of a bill, there is a requirement for outside departments to input. If the bill applies to Wales or extends to Scotland or North Ireland, it may also be required that the department or drafter consult the administration in the relevant part of the U.K.¹¹⁴

Preliminary Introduction

Even if a bill has a slot in the legislative program, it cannot be introduced in Parliament until the PBL committee has cleared it for the introduction.¹¹⁵ The PBL committee will consider the bill's final draft and other documents, such as the explanatory notes, which will be published alongside the bill after being introduced.¹¹⁶ If the PBL Committee is satisfied that the bill is ready, with all legal and procedural issues resolved, it will approve its introduction. The committee also decides if the bill should start in the House of Commons or the House of Lords.

After this, some bills may be published in draft for consultation before they are introduced. The committee will take evidence and recommend the bill to the government. With these recommendations, the consultation responses from members of the public may require certain elements of the bill to be modified before introduction. The bill normally is approved by correspondence and does not typically require a meeting.¹¹⁷

Parliamentary Procedure and the Stages of Progression

¹¹³Cabinet office, *Supra* note 55, at 10.

¹¹⁴Cabinet office, *Supra* note 55, at 11.

¹¹⁵Cabinet office, *Supra* note 55, at 12.

¹¹⁶Cabinet office, *Supra* note 55, at 13.

¹¹⁷Cabinet office, *Supra* note 55, at 15.

The bill may begin in the House of Commons or the House of Lords. They go through roughly six stages before becoming law.¹¹⁸ These stages generally are how the bill progresses through parliament to become a law.

The first stage is a formal stage where the bill is read. No debate continues on the bill.¹¹⁹ In the Second Stage, there is a second reading where a debate is held on the main principles of the bill in the chamber. The opposition will respond then other members are free to discuss the bill. The government responds to the points made and closes the debate, no amendments are made to the bill at this point. At the end of the debate, the House votes on the bill; if the government loses the vote, then the bill does not proceed. However, this is extremely rare as a government bill is rarely defeated during the second reading stage.¹²⁰

The next stage is the committee stage, which is a line-by-line consideration of the detail of the bill. This process may be carried out by a specially convened committee, which reflects the strengths of the parties in the House.¹²¹

Amendments that are tabled have the possibility of proposing changes to the existing provisions of the bill. It is also possible that they will add new material. There are limits, however, to what can be added to a particular bill. The amendments must be sufficiently close to the subject matter when introduced.¹²² However, the government amendments to bills in this stage or any stage may be changed to make sure the bill works as intended and also give effect to a new policy or may give ease to the handling of the bill.¹²³

The next stage is the report stage; this stage takes place in the chamber in both Houses. The Amendments are the only topic discussed. The amendments may change the bill or involve

¹¹⁸Cabinet office, *Supra* note 55, at 16.

¹¹⁹Cabinet office, *Supra* note 55, at 17.

¹²⁰Cabinet office, *Supra* note 55, at 18.

¹²¹Cabinet office, *Supra* note 55, at 19.

¹²²Cabinet office, *Supra* note 55, at 21.

¹²³Cabinet office, *Supra* note 55, at 22.

adding new provisions.¹²⁴ This stage is called the consideration stage in the House of Commons.¹²⁵

The next stage is the third reading. This is another general discussion of the bill after the report in the House of Commons. No amendments are possible. After this is the later stages, it is important to understand that both houses must agree on the text of a bill before it can be an act. A bill may move back and forth between the two houses before an agreement is reached. This stage is commonly referred to as the "ping-pong" stage.¹²⁶

After both houses have passed a bill, it becomes law once it receives Royal Assent and is signified to Parliament. Then the bill becomes an act. The provisions in an act will either come into operation within a set period after royal assent or a time fixed by the government. This gives the government and those affected by the act time to adjust accordingly. The government may need to make regulations or orders under powers in the act to ensure it runs accordingly.¹²⁷

After a bill is passed, the department responsible for the act will review how it has worked in practice and send this to the House of Commons Departmental committee. After this, the committee decides whether it will carry out a fuller post-legislative inquiry into the act.¹²⁸

The U.S. Law-Making Process

In the U.S. Law-making process, two branches are involved: the legislative and the executive. The legislative branch is established by article 1 of the Constitution; the legislative branch consists of the House of Representatives and the Senate. These branches together form the United States Congress. The Constitution grants Congress the authority to enact legislation, declare war, and confirm or reject presidential appointments and other investigative powers.¹²⁹

¹²⁴Cabinet office, *Supra* note 55, at 25.

¹²⁵Cabinet office, *Supra* note 55, at 26.

¹²⁶Cabinet office, *Supra* note 55, at 30.

¹²⁷Cabinet office, *Supra* note 55, at 32.

¹²⁸Cabinet office, *Supra* note 55, at 33.

¹²⁹The Legislative Branch, The White House (2021), <https://www.whitehouse.gov/about-the-white-house/our-government/the-legislative-branch>, at 1.

Overview of the Houses of Congress

The first House of Congress is the House of Representatives which is composed of 435 elected members that each come from all 50 states in proportion to their total population. Six non-voting members represent the District of Columbia, the Commonwealth of Puerto Rico, and the other U.S. territories: Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of Northern Mariana Islands. The presiding officer is the speaker of the House, who the representatives elected. The speaker is also third in the line of succession to the President.¹³⁰

The house members are elected every two years and must be 25 years of age, a U.S. citizen for at least seven years, and a resident of the state they represent. However, they don't necessarily need to be residents of the district they represent.¹³¹ The House has specific powers assigned, such as the power to initiate revenue bills, impeach federal offices and elect the President in the case of an electoral college tie.¹³²

The second House of Congress is the Senate. The Senate is composed of 100 senators, 2 for each state. Upon ratification of the 17th amendment, the senators were chosen by popular vote rather than state legislatures. The Senators are now elected to six-year terms by the state's people. The Senator's terms are staggered so that $\frac{1}{3}$ of the Senate is up for reelection every two years. They must be 30 years of age, U.S. citizens for nine years, and residents of the state they represent.¹³³ The vice president of the U.S. serves as the President of the Senate and may cast the decisive vote in the case of a tie in the Senate.¹³⁴

¹³⁰The White House, *Supra* note 83, at 2.

¹³¹The White House, *Supra* note 83, at 3.

¹³²The White House, *Supra* note 83, at 4.

¹³³The White House, *Supra* note 83, at 5.

¹³⁴The White House, *Supra* note 83, at 6.

The Senate has the sole power to confirm the presidential appointments that require consent and to provide advice and consent for the ratifications of the treaties. The House must approve appointments to the Vice president and any treaty that involves foreign trade. The Senate also is responsible for trying impeachment cases for federal officials referred to by the House.¹³⁵

To pass legislation on to the President for their approval, the House and Senate must pass the same bill by majority vote. If the President vetoes the bill, the House and Senate can override the veto with at least a two-thirds majority of each body voting in favor of the bill.¹³⁶

The Legislative Process

The legislative process is the process a bill goes through to become a law. It is a very important process because it ensures that the law is created with a reasonable mind and represents the nation's beliefs. There are six steps that a bill goes through to become a law, all involving many members of the U.S. government to ensure it is fully representative of the population and in good faith of the nation as a whole.¹³⁷

The first step in the legislative process in the U.S. is the introduction of a bill to Congress. Anyone can write the bill, but a member of Congress must be the one to introduce the legislation. Some bills are introduced at the request of the President, for example, the annual federal budget. The bill can go under drastic changes within the legislative process.

After a bill is introduced, it is referred to a committee for review. In Congress, there are 17 senate committees with 70 subcommittees, and the House has 23 committees with 104 subcommittees. The committees change in number and purpose with each new Congress. Committees must be changed to consider legislation efficiently. Each committee oversees a

¹³⁵The White House, *Supra* note 83, at 7.

¹³⁶The White House, *Supra* note 83, at 8.

¹³⁷The White House, *Supra* note 83, at 9.

specific policy area, while the subcommittee takes on more specialized policy. An example is the House committee on ways and means houses the subcommittees on social security and trade.¹³⁸

In the subcommittee, a bill has the first consideration. The bill can either be accepted, amended, or rejected entirely. If the subcommittee agrees to move the bill forward, it is reported to the full committee, and the process is repeated in the committee. In this stage, the committees and subcommittees call hearings to investigate the merits as well as the flaws of the bill. They also invite advocates, opponents, and experts to provide testimony. If necessary, they can compel people to appear at the committee using subpoena powers.¹³⁹

If a full committee approves a bill, it is reported to the floor of the House or Senate, wherever the bill originated. The majority party leadership decides when the bill will be considered on the calendar. If this is an emergency bill or a pressing matter, it may be scheduled immediately, while others wait months or are never scheduled.¹⁴⁰

When the bill comes up for consideration, the House of Representatives has a highly structured debate process they follow. Every member who wishes to speak on the bill only has a few minutes. There are also limitations placed on the number of amendments and what kind of amendments. However, in the Senate, there is typically an unlimited debate. They may speak to other issues outside of their bill during the discussion. This may be done to filibuster a bill, a senator's process to delay a vote on the bill. For a filibuster to be broken, a supermajority of senators must vote for it; this requires 60 senators all to vote to force the vote. However, a vote of a simple majority passes the bill.¹⁴¹

A bill must pass both houses of Congress before going to the President's desk for consideration. The Constitution does require that both bills from the House and Senate have the

¹³⁸The White House, *Supra* note 83, at 10.

¹³⁹The White House, *Supra* note 83, at 11.

¹⁴⁰The White House, *Supra* note 83, at 12.

¹⁴¹The White House, *Supra* note 83, at 13.

same wording, but it rarely happens in practice. However, a Conference Committee is convened to align the bill. The conference committee has members from both chambers. The committee's purpose is to produce a conference report as a final bill version. Each chamber then votes to approve the conference report. The final text is then enrolled by either the Secretary of the Senate or the Clerk of the House, depending on where the bill originated. After this, the bill is presented to the Speaker of the House and President of the Senate for their signature. After this is complete, the bill is sent to the President.¹⁴²

After the bill has made its way to the President's desk, he has several options. The President can sign it if they agree substantially with the law. However, the President can veto if he believes the law to be bad policy, which would return the bill to Congress. However, Congress may override the President's veto with a two-thirds vote of each chamber. When the bill is overridden, it becomes a law and is printed.¹⁴³

This process outlines how a bill becomes a law in the United States Legislative Branch. While this process is complex, studying the country's law is imperative. There is such an importance to legislation that provides representation to constituents and hopefully ensures that laws are made in good faith to promote representation in the general welfare. It is imperative to compare and contrast each nation's laws to understand how legislation occurs because it demonstrates how the law is made, which greatly defines the legal atmosphere of the nation.

Comparing and Contrasting the U.K. and U.S. Legislative Branch and Process

As previously stated, it is imperative to understand English and American Law features to understand the law-making process or legislation. Legislation is a fairly complicated procedure, mainly in place to ensure that the laws created have good reason to represent the constituents

¹⁴²The White House, *Supra* note 83, at 14.

¹⁴³The White House, *Supra* note 83, at 15.

fully. So, it is important to analyze the features that these systems share and their differences to appreciate their great uniqueness.

There are three major similarities observed between these two systems. Firstly, both systems consist of a bicameral legislature, such as the House of Commons and the House of lords in Parliament and the Senate and House of Representatives in Congress. Another similarity is that both systems debate on the bills and then vote on them to pass them along. They also utilize specialized committees to do this. Finally, they also send the law off to the head of state to pass the bill into law. Such as in the U.S. sending the law off to the President or the monarch in the U.K.¹⁴⁴

Despite these similarities, there are also staunch differences. In the U.K., the executive is a member of Parliament. However, in the U.S., the President, or executive, is separate from the legislative branch. It is also consistently found within the British Parliament that the Prime Minister and Cabinet are the leading figures in the party. This means that the executive will have a majority in Parliament, ensuring they will get things done within their party's agenda. However, in the U.S., the President is separated from the powers of Congress. So, a president can win the election. However, Congress may have a majority of the party opposite the executive. With this in place, there is much more negotiation with the bills.¹⁴⁵

There are structural similarities between both legislative branches. However, the division of power is the major contrasting feature of these systems. In conclusion, while both of these systems have common features and contrasting features, they are imperative to the

¹⁴⁴Gavin Hart, Similar Systems or Constitutional Contrast? The Legislative Process in the UK and the USA. UK parliament Week 2020: The Political Studies Association (PSA) PSA Blog (2020), <https://www.psa.ac.uk/psa/news/similar-systems-or-constitutional-contrast-legislative-process-uk-and-usa-uk-parliament> at 7.

¹⁴⁵ Hart, *supra* note 99, at 7.

administration and management of the nations to ensure smooth running. This comparative analysis explains each nation's legislative function to analyze each nation's legal features deeply.

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