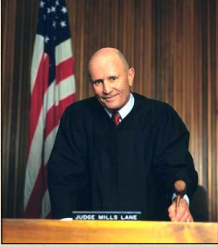


Environmental Health Policy & Practice



Lesson 17.  
**Legal Actions**

2 May 2012

**Chuck Treser**  
University of Washington  
Dept. of Environmental &  
Occupational Health Sciences

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Announcements

❖ **DEOHS Seminar:**

- **Title:** *Historic Innovation in Workers' Compensation Health Care Delivery in WA State: Integrating Care to Prevent Long Term Disability*
- **Speaker:** Gary Franklin, MD, MPH  
Medical Director,  
Washington State Dept. of Labor & Industries  
and Research Professor, DEOHS
- **Date:** Thursday, 3 May 2012  
12:30 - 1:20 p.m.  
Room T-435, HSC

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Lesson Overview



- ❖ **American Courts**
- ❖ **Court Procedures**
  - **Criminal Actions**
  - **Civil Actions**

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## The American Courts



- ❖ **Origins**
  - Trial by combat
  - Anglo-American Jurisprudence
  - Constitution
- ❖ **Court Structure**
  - Federal Courts
  - State Courts
  - Local Courts

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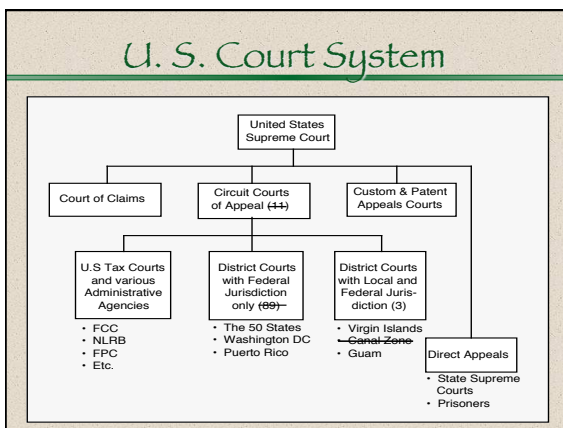
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## The United States Federal Courts



SUPREME COURT	<b>UNITED STATES SUPREME COURT</b>
APPELLATE COURTS	<b>U.S. Courts of Appeals</b> 12 Regional Circuit Courts of Appeals 1 U.S. Court of Appeals for the Federal Circuit
TRIAL COURTS	<b>U.S. District Courts</b> 94 judicial districts U.S. Bankruptcy Courts <b>U.S. Court of International Trade</b> <b>U.S. Court of Federal Claims</b>
FEDERAL COURTS AND OTHER ENTITIES OUTSIDE THE JUDICIAL BRANCH	Military Courts (Trial and Appellate) Court of Veterans Appeals U.S. Tax Court Federal administrative agencies and boards

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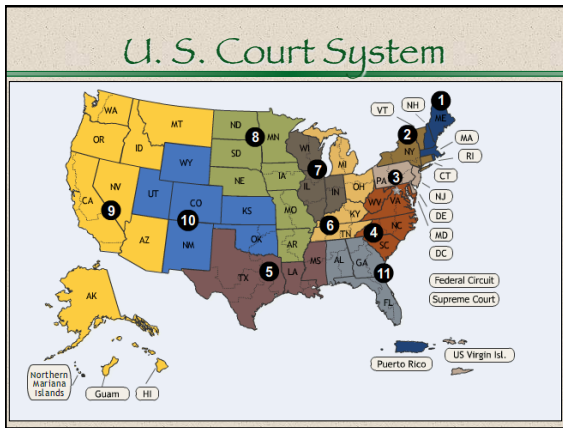
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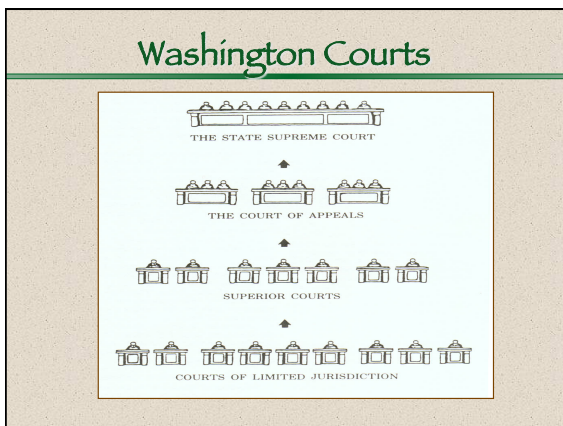
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### Court Procedures

- ❖ Filing
  - Criminal
  - Civil
- ❖ Rules of Evidence
- ❖ Proof
- ❖ Testimony

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### Types of Evidence

- ❖ There are two basic types of evidence:
  - Physical Evidence
    - ✓ Demonstrative evidence
  - Testimony
    - ✓ Eyewitness testimony
    - ✓ Expert testimony

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**Rules of Evidence**

- ❖ Material and relevant
- ❖ Hearsay
- ❖ Proof
  - Burden of Proof
  - Degree of Proof

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**Proof**

- ❖ Burden of Proof
  - Substantial evidence
  - Preponderance of the evidence
  - Clear and convincing evidence
  - Beyond a reasonable doubt

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**Rules of Testimony**

- ❖ Relevancy
- ❖ Credibility
  - Hearsay
- ❖ Authenticity
  - Chain of Custody

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**Relevancy**

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❖ The testimony must relate directly to the issues involved in the controversy

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**Credibility**

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❖ Witnesses offer the most credible evidence when:

- Testifying, orally or in writing, under the solemnity of a court-administered oath
- The declarant is present in court
- An adversary has an opportunity to cross-examine the declarant about the truth of the matter asserted.

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**Hearsay Testimony**

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**Exceptions:**

- ❖ Out-of-court admissions of a party-opponent
- ❖ Declarations against interest
- ❖ Spontaneous declarations
- ❖ Past recollections recorded
- ❖ Regularly kept business records
- ❖ Official written statements and certificates

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### Authenticity

- ❖ Tangible items offered as evidence must be authenticated through testimony or certification

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### Criminal Actions



- ❖ Types of Criminal Sanctions
- ❖ Prosecution
- ❖ Rules of Evidence
- ❖ Rules of Testimony

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### Criminal Law

- ❖ Types of Sanctions
  - Misdemeanors
    - ✓ Misdemeanor
    - ✓ Gross Misdemeanor
  - Felonies

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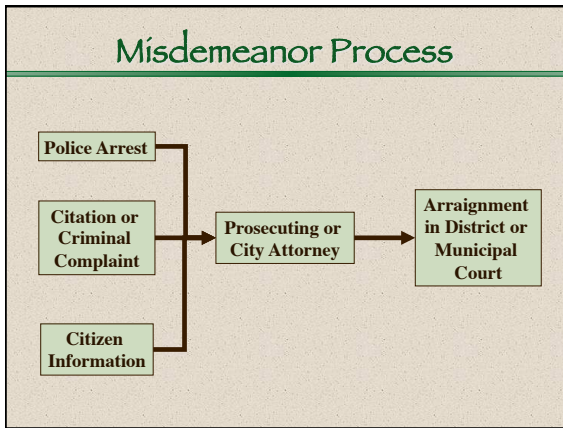
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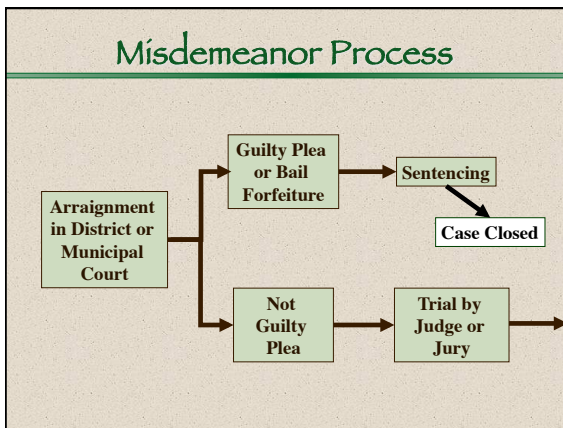
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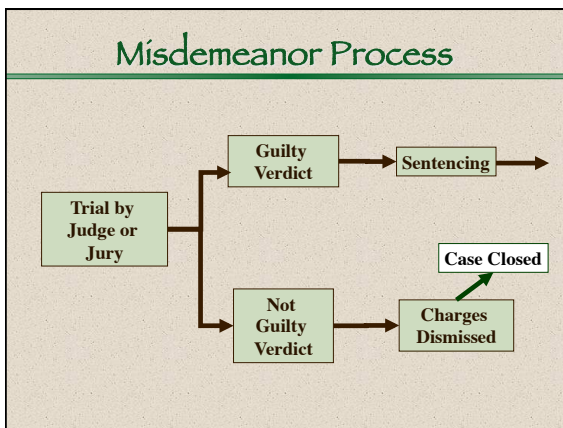
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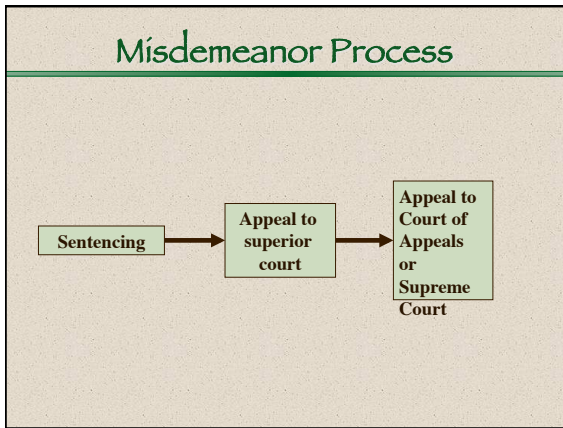
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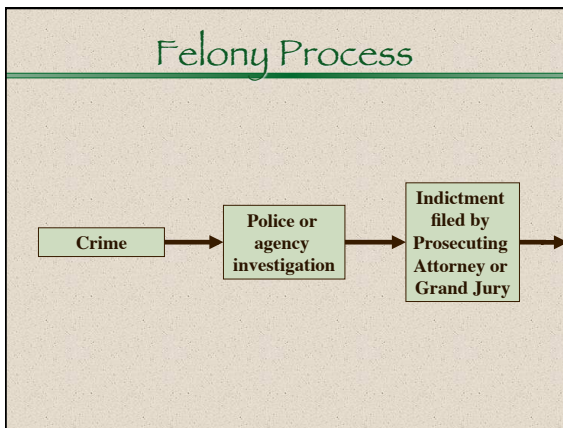
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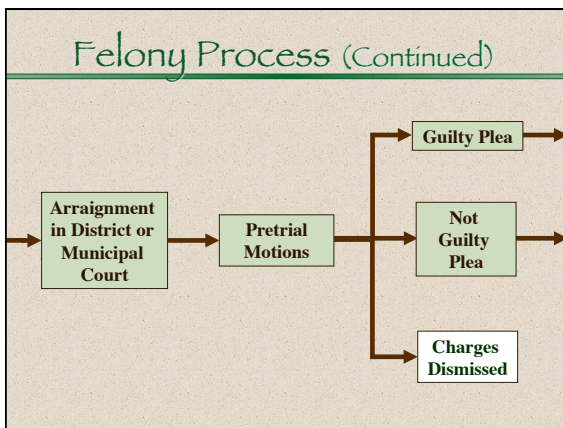
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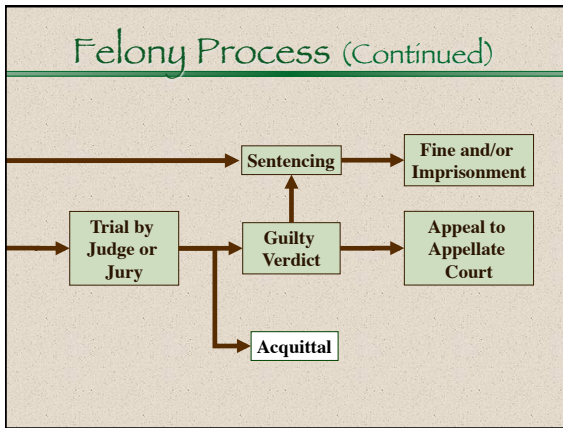
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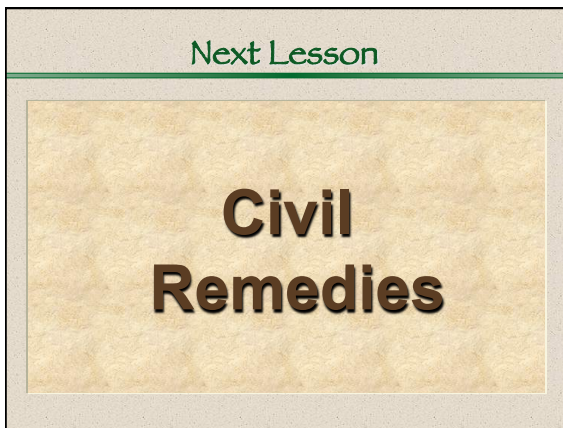
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