**Slajd 2**: Prior to the Norman Conquest, much of England's legal business took place in the local folk courts of its various shires and hundreds. A variety of other individual courts also existed across the land: urban boroughs and merchant fairs held their own courts, as did the universities of Oxford and Cambridge, and large landholders also held their own manorial and seigniorial courts as needed. The degree to which common law drew from earlier Anglo-Saxon traditions such as the jury, ordeals, the penalty of outlawry, and writs – all of which were incorporated into the Norman common law – is still a subject of much discussion. Additionally, the Catholic Church operated its own court system that adjudicated issues of canon law.

The main sources for the history of the common law in the Middle Ages are the plea rolls and the Year Books. The plea rolls, which were the official court records for the Courts of Common Pleas and King's Bench, were written in Latin

**Slajd 3**: At the time, royal government centered on the Curia Regis , the body of aristocrats and prelates who assisted in the administration of the realm and the ancestor of Parliament, the Star Chamber, and Privy Council. The king's judges would then return to London and often discuss their cases and the decisions they made with the other judges. In time, a rule, known as stare decisis developed, whereby a judge would be bound to follow the decision of an earlier judge; he was required to adopt the earlier judge's interpretation of the law and apply the same principles promulgated by that earlier judge if the two cases had similar facts to one another.

The murder of the Archbishop gave rise to a wave of popular outrage against the King. International pressure on Henry grew, and in May 1172 he negotiated a settlement with the papacy in which the King swore to go on crusade as well as effectively overturned the more controversial clauses of the Constitutions of Clarendon. Its judges sat in open court in the Great Hall of the king's Palace of Westminster, permanently except in the vacations between the four terms of the Legal year.

**Slajd 4:** Under Henry III (reigned 1216–72), an unknown royal official prepared an ambitious treatise, De legibus et consuetudinibus Angliae (c. 1235; “On the Laws and Customs of England”). The text was later associated with the royal judge Henry de Bracton, who was assumed to be its author. It was modeled on the Institutiones (Institutes), the 6th-century Roman legal classic by the Byzantine emperor Justinian I, and shows some knowledge of Roman law. However, its character—as indicated by the space devoted to actions and procedure, to the reliance on judicial decisions in declaring the law, and to statements limiting absolute royal power—was English. Bracton abstracted several thousand cases from court records (plea rolls) as the raw material for his book. The plea rolls formed an almost unbroken series from 1189 and included the writ, pleadings, verdict, and judgment of each civil action.

**Slajd 5:** Edward I (reigned 1272–1307) has been called the English Justinian because his enactments had such an important influence on the law of the Middle Ages. Edward’s civil legislation, which amended the unwritten common law, remained for centuries as the basic statute law. It was supplemented by masses of specialized statutes that were passed to meet temporary problems.

In modern times the statutes issued prior to 1285 are sometimes treated as common law rather than statute law, as these laws tended to restate existing law or give it a more detailed expression. They explained what the law was, but they did not make an entirely new law. In fact, some authorities doubted whether governments had the right to change ancient customs at all. In addition, judges did not always adhere closely to the words of the statute but tried to interpret it as part of the general law on the subject. Prior to the rise of the House of Commons, it also was difficult to distinguish acts of Parliament from the decisions or resolutions of the royal council, the executive authority. Some statutes were passed but never put into force, while others seem to have been quietly ignored. Moreover, it is clear that, well into the 14th century, the royal council—sometimes operating through the chancery—was able to dictate new remedies, such as a particular action on a case, and to preserve existing remedies, such as those protecting estates tail.

**Slajd 6:** A reception statute is a statutory law adopted as a former British colony becomes independent, by which the new nation adopts (i.e. receives) pre-independence common law, to the extent not explicitly rejected by the legislative body or constitution of the new nation.

Yet, adoption of the common law in the newly independent nation was not a foregone conclusion, and was controversial. Immediately after the American Revolution, there was widespread distrust and hostility to anything British, and the common law was no exception.

**Slajd 7:**

As early as the 15th century, it became the practice that litigants who felt they had been cheated by the common law system would petition the King in person. For example, they might argue that an award of damages (at common law (as opposed to equity)) was not sufficient redress for a trespasser occupying their land, and instead request that the trespasser be evicted. From this developed the system of equity, administered by the Lord Chancellor, in the courts of chancery. By their nature, equity and law were frequently in conflict and litigation would frequently continue for years as one court countermanded the other,even though it was established by the 17th century that equity should prevail.

**Slajd 8:** The first definition of "common law" given in Black's Law Dictionary, 10th edition, 2014, is "The body of law derived from judicial decisions, rather than from statutes or constitutions; CASELAW, STATUTORY LAW".This usage is given as the first definition in modern legal dictionaries, is characterized as the "most common" usage among legal professionals, and is the usage frequently seen in decisions of courts. In this connotation, "common law" distinguishes the authority that promulgated a law. For example, the law in most Anglo-American jurisdictions includes "statutory law" enacted by a legislature, "regulatory law" (in the U.S.) or "delegated legislation" (in the U.K.) promulgated by executive branch agencies pursuant to delegation of rule-making authority from the legislature, and common law or "case law", i.e., decisions issued by courts (or quasi-judicial tribunals within agencies). This first connotation can be further differentiated into:

(a) general common law

arising from the traditional and inherent authority of courts to define what the law is, even in the absence of an underlying statute or regulation.

(b) interstitial common law

court decisions that analyze, interpret and determine the fine boundaries and distinctions in law promulgated by other bodies.

**Slajd 9:** In a common law jurisdiction several stages of research and analysis are required to determine "what the law is" in a given situation. First, one must ascertain the facts. Then, one must locate any relevant statutes and cases. Then one must extract the principles, analogies and statements by various courts of what they consider important to determine how the next court is likely to rule on the facts of the present case. Later decisions, and decisions of higher courts or legislatures carry more weight than earlier cases and those of lower courts. Finally, one integrates all the lines drawn and reasons given, and determines "what the law is". Then, one applies that law to the facts.

**Slajd 10:** The common law is more malleable than statutory law. First, common law courts are not absolutely bound by precedent, but can (when extraordinarily good reason is shown) reinterpret and revise the law, without legislative intervention, to adapt to new trends in political, legal and social philosophy. Second, the common law evolves through a series of gradual steps, that gradually works out all the details, so that over a decade or more, the law can change substantially but without a sharp break, thereby reducing disruptive effects. In contrast to common law incrementalism, the legislative process is very difficult to get started, as legislatures tend to delay action until a situation is intolerable. For these reasons, legislative changes tend to be large, jarring and disruptive (sometimes positively, sometimes negatively, and sometimes with unintended consequences).

**Slajd 11:** Following the social turmoil of the French Revolution and the economic upheaval of the Industrial Revolution, there were many demands for reforms to modernize the law. The most significant figure in the reform movement was the English utilitarian philosopher Jeremy Bentham, who was prepared to reform the whole law along radical lines. A brilliant student, Bentham disliked the picture of the law that he had heard presented in Blackstone’s lectures. He worked to make law less technical and more accessible to the people, but he was slow to complete or publish his writings. His basic work, An Introduction to the Principles of Morals and Legislation, did not appear until 1789. Bentham attacked legal fictions and other historical anomalies. The fame of the Principles spread widely and rapidly. Bentham was made a French citizen in 1792, and his advice was respectfully received in most of the countries of Europe and in the United States.

**Slajd 12:**

The reliance on judicial opinion is a strength of common law systems, and is a significant contributor to the robust commercial systems in the United Kingdom and United States. Because there is reasonably precise guidance on almost every issue, parties (especially commercial parties) can predict whether a proposed course of action is likely to be lawful or unlawful, and have some assurance of consistency. As Justice Brandeis famously expressed it, in most matters it is more important that the applicable rule of law be settled than that it be settled right.This ability to predict gives more freedom to come close to the boundaries of the law.For example, many commercial contracts are more economically efficient, and create greater wealth, because the parties know ahead of time that the proposed arrangement, though perhaps close to the line, is almost certainly legal. Newspapers, taxpayer-funded entities with some religious affiliation, and political parties can obtain fairly clear guidance on the boundaries within which their freedom of expression rights apply.

**Slajd 13:** In common-law countries the path to judicial office is quite different. Upon completion of formal legal education, a person typically spends a significant amount of time in the private practice of law or, less commonly, in law teaching or governmental legal service before becoming a judge. Judges are appointed or elected to office; there is no competitive examination. In England the appointive system prevails for all levels of judges, including even lay magistrates. The person chosen as judge then assumes office for a limited time and, after the conclusion of this probationary period, stands for for a much longer term. The judge does not run against any other candidate; rather, he is judged only against his own record. The ballot, called a retention ballot, often simply reads .In practice, few judges are removed from office through retention ballots. These different selection systems strike different balances between the principles of democratic accountability and judicial independence. The only administrative control over common-law judges is exercised by judicial colleagues, whose powers of management are generally slight, being limited to matters such as requiring periodic reports of pending cases and arranging for temporary transfers of judges between courts when factors such as illness or congested calendars require them. Only judges who engage in misconduct are in danger of disciplinary sanctions, and then usually only by way of criminal prosecution for the alleged misdeeds or by legislative impeachment and trial, resulting in removal from office.

**Slajd 14:** A common-law trial typically begins with the attorneys for the plaintiff and the defendant making opening statements, outlining what each conceives to be the nature of the case and what each hopes to prove as the trial proceeds. When the plaintiff’s attorney has concluded his presentation, the defendant’s attorney frequently will ask for a dismissal of the suit, claiming that the plaintiff has failed to establish a prima facie case . If that motion fails, the defendant will call and examine witnesses in order to establish his defenses, and these witnesses are subject to cross-examination by the plaintiff’s attorney. When the case is tried before a jury, the judge will instruct the jury on the applicable law, and the jury will deliberate in private until it reaches a verdict, which will then be announced in open court.

**Slajd 15:** The parties, and not the judge, have the primary obligation to call and question the witnesses, but they must do so in accord with the law of evidence. When one party objects to the introduction of any evidence, the judge acts as arbiter, deciding whether and under what conditions the evidence may be admitted. The party objecting to the evidence must state the grounds for the objection, and the judge must permit the evidence unless the specified grounds given by the attorney apply. When the party having the burden of proof of an issue has completed its presentation, the opposing side may ask the court to rule as a matter of law that the evidence presented does not provide sufficient proof for the party who presented the evidence. If the judge agrees that sufficient proof is lacking in a case tried by a jury, he may, which in effect removes the case from the jury. If used properly, such a verdict does not violate the constitutional right to a jury trial because a verdict is directed only when there has not been sufficient evidence introduced to create a material issue of disputed fact for the jury to decide.

**Slajd 16:** At the conclusion of the trial, the judge must instruct the jury as to the applicable law governing the case in order to guide it in arriving at a just verdict. In practice the parties will propose instructions for the judge’s consideration. The judge then selects from among the proposals that have been submitted and offers the parties the opportunity, without the jury present, to object to any proposed instruction that they deem to be incorrect. As with the introduction of evidence, failure to object generally precludes a party from arguing later—on appeal or in a motion for a new trial—that the instructions given were incorrect.

**Slajd 17:** common law, Body of law based on custom and general principles and that, embodied in case law, serves as precedent or is applied to situations not covered by statute. Under the common-law system, when a court decides and reports its decision concerning a particular case, the case becomes part of the body of law and can be used in later cases involving similar matters. This use of precedents is known as stare decisis. Common law has been administered in the courts of England since the Middle Ages; it is also found in the U.S. and in most of the British Commonwealth. It is distinguished from civil law.