

Answer Key: Common Law vs. Civil Law

Common Law	Civil Law
<ul style="list-style-type: none"> -based on the concept of precedent -judges have an active role shaping the law- their decisions become precedent for future cases -laws created by legislators but judges interpret laws and precedent for individual cases -lawyers have key role in argument and in-court presentations -judge as “referee” -origin in UK - prior to 1066, “customs” - William the Conqueror united customs in “common” law for the country -decisions of courts recorded and published -stare decisis - “let the decision stand” -codified laws exist as statutes 	<ul style="list-style-type: none"> -emphasis is on codification of law - written statutes -codes, or statutes, establish legal procedures and punishments -these codes are updated regularly -lawyers have less central role- focus on advising clients on points of law -judge’s role is to establish facts of case and apply the law - judge as “investigator” -less influence over legal system than lawmakers, scholars, and legal experts -origin from Roman Law -legal systems are entirely codified

Reference:

Common and Civil Law Are Two Very Different Legal Systems." 2013. LawTeacher.net. All Answers Ltd.
<https://www.lawteacher.net/free-law-essays/common-law/common-and-civil-law-are-two-very-different-legal-systems-common-law-essay.php?vref=1>.

Syam, P. 2014. “What Is the Difference Between Common Law and Civil Law?” *School of Law*. St. Louis, MO: Washington University. <https://onlinelaw.wustl.edu/blog/common-law-vs-civil-law/>