

## KEY PROCESSES OF ONE COMMON LAW SYSTEM AND ONE NON COMMON LAW SYSTEM STUDENT RESOURCE

Use the Common Law and Non Common Law System comparative table on criminal trials in the superior courts of Western Australia (The Supreme Court of WA) and France (The Court of Assize) to complete the details in the table below.

	Western Australian Adversarial System	French Inquisitorial System
Is common/case law binding on lower courts?		
Who is responsible for the criminal investigation?		
Who determines if the matter will proceed?		
If the Accused pleads guilty, what happens?		
How many Judges preside at trial?		
Who are the parties to the matter?		
Is the background of the Accused relevant at trial?		
Is the Accused required to		

respond to evidence during the trial?		
Is the trial process fixed or flexible?		
Are there rules of evidence?		
How do witnesses give evidence?		
Who determines the verdict at trial?		
How many Jurors or Judges and Jurors must be agree for the verdict to be accepted?		
How do the Jurors or Judges and Jurors vote on the verdict?		
Who determines the sentence if the Accused is found guilty?		
What is the standard of proof?		
Who has the burden of proof?		

Is the Accused thought to be innocent until proven guilty?		
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The Law Society of Western Australia acknowledges the significant input and contributions of Ms Alice Thibaud, Judge French Ministry of Justice, in the development of the Francis Burt Law Education Programme common law and non-common law systems comparative resources.