**Citation:**

Ellen E. Sward, *The Seventh Amendment and the Alchemy of Fact and Law*, 33 SETON HALL L. REV. 573 (2003).

**Other Sources:**

<http://ssrn.com/abstract=2238720>

**Abstract:**

The Seventh Amendment to the United States Constitution guarantees a right to jury trial in most civil cases in federal courts. It provides that: In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law. This language - the use of the word "preserved" and the reference to the common law - invokes history, but the precise role of history has been the subject of considerable controversy and inconsistency over the last two centuries. Interpreting the Seventh Amendment, the courts have made two important distinctions: that between law and equity on the one hand, and that between law and fact on the other. The historical right to a civil jury in England existed for cases brought in common law courts, as opposed to courts of equity, and the right extended to questions of fact, not questions of law.