

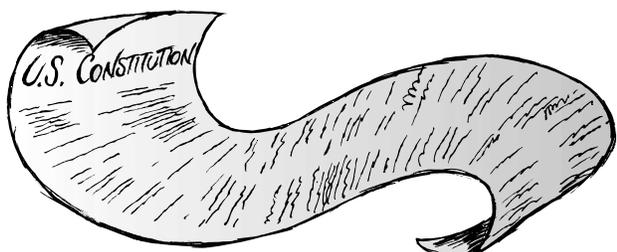
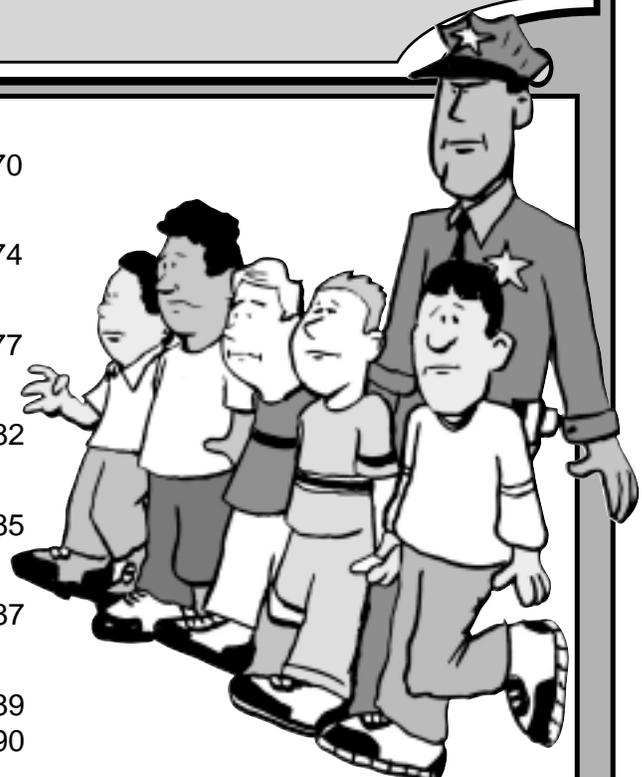
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Opening Discussion

1. Why do you think we need laws?
2. Why are laws important?
3. How do laws lubricate the wheels of society?
4. What would daily life be like without laws?



What Laws Do

Laws balance the rights of individuals and the good of the community.

Laws are designed to apply to everyone equally, no matter what age, race, religion, national origin, sex or income.

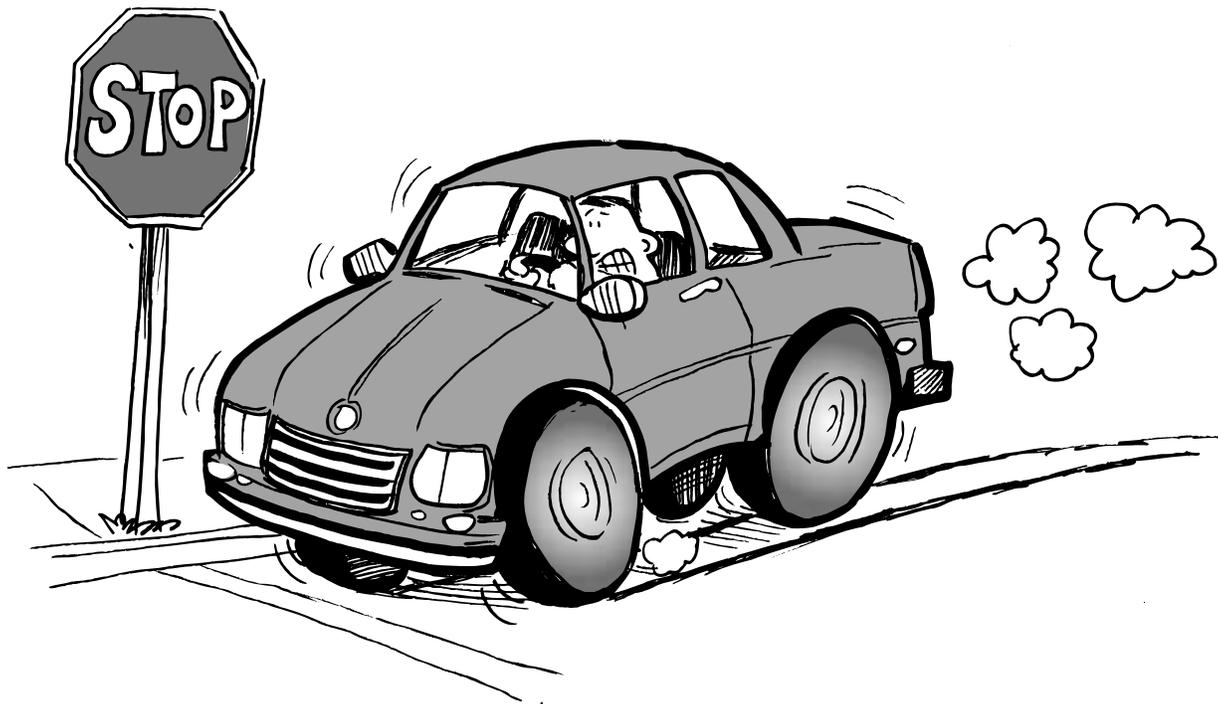
The law establishes the rules of fairness.

Laws help people resolve conflicts peacefully. Laws guarantee that people receive “due

process,” which means that everyone is entitled to a fair hearing or trial before they are penalized or deprived of freedom, life or property.

Laws incorporate and express social values and ethics.

The goal of law is to protect the health, safety, freedom and well-being of all citizens.



Basic Principles of Law

Question: What are laws?

Answer: Laws are rules of conduct.

Question: What do laws do?

Answer: Laws maintain order and promote public welfare.

Question: What are the two main branches of law?

Answer: Criminal law and civil law.

Criminal Law

Question: What is criminal law?

Answer: Criminal law is the branch of law concerned with defining crimes and enforcing criminal laws.

Question: What is a crime?

Answer: A crime is a socially unacceptable or destructive act punishable by a fine and/or imprisonment. Some crimes are even punishable by death.

Question: Who can prosecute a person accused of a crime?

Answer: Only a government prosecutor can prosecute criminal offenses. Although a private person can file a complaint, the prosecutor decides whether or not to prosecute.

Question: What is a misdemeanor?

Answer: A misdemeanor is a less serious crime, usually punishable by less than one year in prison (and/or a fine).

Question: What is a felony?

Answer: A felony (also known as a "high misdemeanor" in some states) is a more serious crime, punishable by over one year in prison (and/or a fine). The most serious felonies ("capital crimes"): murder, treason and kidnapping) are punishable by death in some states.

Question: If a person charged with a crime claims to be innocent, how is his guilt or innocence decided?

Answer: Innocence or guilt is decided in a legal procedure known as a trial. The accused person has the choice of a trial by a judge or a trial by a jury.

Question: What if a defendant cannot afford an attorney?

Answer: Then the government must appoint and pay for an attorney for the defendant.

Question: How certain must a judge or jury be that the defendant committed the crime before they can find the defendant guilty?

Answer: To convict the defendant, the fact finder (judge or jury) must decide that the defendant is guilty "beyond a reasonable doubt." This is a very high standard of proof, meaning that there must be very little doubt that the accused person is guilty.

Question: Must criminal laws be in writing? If so, why?

Answer: Yes. Criminal laws must be clearly written so that people will know in advance what acts are illegal.

Question: If a person is charged with a crime, does the law presume that that person is innocent or guilty before trial?

Answer: The law presumes that a defendant is innocent until proven guilty beyond a reasonable doubt.

Question: What other rights do criminal defendants have in the United States?

Answer: The right to a public trial. The right to call witnesses at trial. The right to cross-examine witnesses brought by the prosecution. Defendants also have a right to appeal their cases to a higher court if they lose at trial and believe the lower court erred.



Civil Law

Question: What are civil laws?

Answer: Civil laws are the noncriminal rules that define people's civil rights and civil responsibilities and allow them to enforce those rights.

Question: What remedies can civil laws provide if a person's civil rights are violated?

Answer: Courts can order people who violate other people's rights (or who injure other people or breach contracts) to pay money to those they injure. Courts can also issue orders to force people to live up to their legal responsibilities. Courts can also issue orders called injunctions to forbid parties from injuring people or property in the future.

Question: What standard of proof must a plaintiff (the person making the complaint) reach in order to win a lawsuit?

Answer: To win a civil lawsuit, the plaintiff must prove his or her case by a preponderance of the evidence. This means that the scales of justice must tip in favor of the plaintiff by any amount.

Differences Between Civil and Criminal Law

Question: What are the major differences between civil and criminal law?

Answer:

1. Only the government can prosecute criminal cases. But any person or organization can file a civil lawsuit in court.
2. The standard of proof necessary to convict a criminal defendant (beyond a reasonable doubt) is much higher than the standard necessary to win a civil suit (a preponderance of the evidence).
3. Criminal defendants do not have to testify at their trial if they choose not to (see the Fifth Amendment). Defendants in civil lawsuits may be required to testify.
4. Violations of criminal law can be punished by fines, imprisonment or even death. Violations of civil laws cannot be punished by imprisonment (unless one violates a court order) and certainly not death!

