



# Law Studies

## Module 2 NOTE GUIDE

Civil and Criminal Law

**Directions:** As you read each lesson complete the note guide. You can print the note guides, copy onto your own paper to place in your notebook OR download a copy to type on.

**(TO DOWNLOAD: Go to File> Download As .... then choose the file type you want)**

### 2.01: Criminal vs. Civil Law

2.01 KEY VOCABULARY (fill in the missing areas)	
Criminal law	
Civil law	
settlement	<i>An agreement between two disputing parties that resolves the dispute before a court gets involved or makes a decision, needs a willingness to communicate reasonably</i>
plea bargain	
Party (in a legal case)	<i>a person or organization involved in a legal case, sometimes called litigants in a civil case</i>
plaintiff	
prosecutor	
defendant	<i>A person or organization against whom a civil lawsuit or criminal charge is brought in court</i>
voir dire	
liability	<i>Having a legal obligation to do or to not do something, determining liability is part of settling a civil dispute</i>
Error of law	

1. Complete the chart of differences between criminal and civil law:

	<b>Criminal Law</b>	<b>Civil Law</b>
<b>Who?</b>	State government brings charges of wrongdoing against an individual	
<b>What?</b>	Offense that harms another person or public safety	Incident that harms another person
<b>Seeking what?</b>		
<b>What is the burden of proof?</b>		
<b>Who brings the case?</b>	Prosecutor representing the people of a state	Plaintiff representing a private party
<b>Examples</b>		

2. Explain the 4 types of criminal law:

<b>TYPE</b>	<b>DESCRIPTION</b>
<b>felonies</b>	
<b>misdemeanors</b>	
<b>inchoate offenses</b>	
<b>strict liability offenses</b>	

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3. Explain the 4 types of civil law:

TYPE	DESCRIPTION
contract disputes	
property disputes	
tort	
class action case	

4. The 5 methods for resolving disputes:

Dispute Resolution		
Method	Definition	Description
Informal talk	A process of settling disputes where the parties involved privately and directly discuss and resolve the matter	
Negotiation		not legally binding, little to no cost, private settlement even if attorneys assist
Mediation	A process where an outside person works with people on both sides of a dispute to try to help them reach a settlement without going to court	
Arbitration		

<b>Court action</b>	Any legal proceeding related to a trial by judge or jury, can include pre-trial hearings and other steps that occur in court	Most formal, refers to all court-based proceedings including trial
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5. Explain each basic step in a court case:

	<b>CIVIL CASE</b>	<b>CRIMINAL CASE</b>
<b>OPENING STATEMENT</b>	<ul style="list-style-type: none"> <li>The plaintiff's attorney presents an overview of the evidence that will prove the defendant liable</li> <li>The defendant's attorney presents evidence they will use to disprove the allegations against their client</li> </ul>	<ul style="list-style-type: none"> <li>The prosecuting attorney will present an overview of the evidence that will prove the defendant's guilt</li> <li>The defendant's attorney is not required to make an opening statement, but can</li> </ul>
<b>EXAMINATIONS</b>		
<b>CLOSING ARGUMENTS</b>		
<b>VERDICT</b>		<ul style="list-style-type: none"> <li></li> <li>hung jury=</li> <li>mistrial=</li> </ul>

6. How does an appellate court differ from a trial court? Explain.

7. Define the following terms:

- majority opinion=

- concurring opinion=

- dissenting opinion=

**2.02: Criminal Procedures**

<b>2.02 KEY VOCABULARY</b> <i>(fill in the missing areas)</i>	
<b>Crime</b>	<i>An action or an omission (not doing something) that violates and is punishable by law</i>
<b>actus reus</b>	
<b>mens rea</b>	
<b>Arrest</b>	<i>To take a person into police custody when they are suspected of a crime, this is a type of seizure (the seizure of a human being by government)</i>
<b>probable cause</b>	
<b>inadmissible</b>	
<b>DNA collection</b>	<i>During booking and while in custody, a criminal suspect may have to submit blood or urine into evidence</i>
<b>bail</b>	
<b>indictment</b>	
<b>Plea</b>	<i>Formal statement of defendant declaring their guilt or lack of guilt in response to a criminal charge</i>
<b>immunity</b>	
<b>bench trial</b>	

1. Explain the causes of crime:

CAUSE	DESCRIPTION
Biological	
Psychological	
Sociological	

2. Explain the types of crime:

TYPE	DESCRIPTION
Crime of Omission	
Preliminary Crimes	
Crimes Against the Person	
Crimes Against Property	

3. For an arrest to be reasonable, there must be \_\_\_\_\_.

4. What are the key elements of the Miranda Warning?

- Comes from Miranda v Arizona (1966) case
- Covers important 5<sup>th</sup> and 6<sup>th</sup> Amendment rights
- Includes statements:
  - o You have the right to remain silent
  - o \_\_\_\_\_
  - o \_\_\_\_\_
  - o If you cannot afford an attorney, one will be appointed for you if you wish (*from Gideon v Wainwright case*)
- You can decide at any time to exercise these rights and not answer questions or make statements

5. Complete the pre-trial steps:

STEP	WHAT HAPPENS	POSSIBLE OUTCOMES
<b>REPORTED CRIME</b>		Unsolvable or no arrest- case ends
<b>ARREST</b>	Suspect taken into custody	
<b>BOOKING</b>	<ul style="list-style-type: none"> <li>• Interrogation</li> <li>• Fingerprints photographs</li> <li>• Possible DNA collection</li> </ul>	
<b>CHARGES BROUGHT</b>		<ul style="list-style-type: none"> <li>• Released to diversion program- case ends</li> <li>• A diversion program is an alternative program where the accused can avoid being charged with a crime and court action</li> </ul>
<b>PRELIMINARY PROCEEDINGS</b>		
<b>ARRAIGNMENT</b>	<ul style="list-style-type: none"> <li>• Judge reads charges</li> <li>• Defendant can enter plea</li> </ul>	

6. Summarize the case and note its impact:

	What happened in the case?	Impact of Decision
<b>Mapp v. Ohio (1961)</b>		

7. What are the three ways to defend a "not guilty" plea?

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

8. Discuss the following ways someone can commit a crime, but not be held criminally responsible:

<b>Infancy</b>	
<b>Intoxication</b>	
<b>Insanity</b>	
<b>Entrapment</b>	
<b>Duress</b>	
<b>Necessity</b>	

9. What does it mean to be “innocent until proven guilty”?

10. Factors of admissible vs. inadmissible Evidence:

<b>Admissible Evidence is:</b>		<b>Inadmissible Evidence is:</b>	
<b>Relevant</b>		<b>Irrelevant</b>	
<b>Direct</b>		<b>Misleading</b>	
<b>Competent</b>		<b>Improbable</b>	
<b>Reliable</b>		<b>Hearsay</b>	
<b>Authentic</b>		<b>Criminal History</b>	
		<b>Prejudicial</b>	
		<b>Privileged</b>	

11. What was the impact of the Gideon v. Wainwright case?



## 2.03: After a Conviction

2.03 KEY VOCABULARY (fill in the missing areas)	
<b>convicted</b>	
<b>concurrent sentence</b>	<i>More than one sentence are served at the same time, the years of the sentence overlap</i>
<b>consecutive sentence</b>	
<b>aggravating circumstances</b>	
<b>mitigating circumstances</b>	<i>Factors in a case that lessen the perceived severity of the crime</i>
<b>mistrial</b>	<i>An unresolved trial, as declared by a judge because of an error or issue that would impact the case outcome</i>
<b>recidivism</b>	
<b>inmate</b>	<i>A person convicted of a crime who is incarcerated in jail or prison</i>

1. What does “justice” mean in a criminal law?

2. Explain the sentencing options in the criminal justice system:

	DESCRIPTION
<b>Suspended sentence</b>	
<b>Probation</b>	
<b>Home confinement</b>	
<b>Fine</b>	
<b>Restitution</b>	
<b>Work release</b>	
<b>Incarceration</b>	
<b>Capital punishment</b>	

3. What must a judge consider before sentencing someone found guilty:

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4. What are the 4 reasons for a mistrial?

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5. Explain the purpose of punishment in the U.S. legal system:

- Deterrence=
- Rehabilitation=
- Incapacitation=

6. Summarize the case and note its impact:

	What happened in the case?	Impact of Decision
<b>Furman v. Georgia (1972)</b>		

7. How does lack of funding contribute to recidivism?

8. What challenges face former prisoners who are returning to society? Explain.

## 2.04: Torts and Contracts

2.04 KEY VOCABULARY (fill in the missing areas)	
tort	
sue	In civil law, to use legal processes to seek justice for a wrong such as payment for damages
real property	
personal property	Ownership of anything that can be moved around such as a vehicle or household goods

1. In the United States, tort law is concerned with determining who is \_\_\_\_\_, or \_\_\_\_\_, when harm or damage has occurred.

2. A \_\_\_\_\_ is to civil law what a \_\_\_\_\_ is to criminal law.

3. What is an intentional tort?

4. Explain the three types of damages awarded for an intentional tort:

NOMINAL	PUNITIVE	COMPENSATORY

5. Explain the 4 types of personal injury:

<b>Battery and Assault</b>	
<b>Infliction of emotional distress</b>	
<b>False imprisonment</b>	
<b>Defamation</b>	

6. Complete the chart for defenses for intentional torts:

<b>Defenses for Intentional Torts</b>			
<b>Type</b>	<b>Consent</b>	<b>Privilege</b>	<b>Self-defense</b>
<b>Description</b>		The defendant had a right to act in a way that would otherwise be a tort.	
<b>Example</b>			

7. Explain the Liebeck v. McDonald's case and why Liebeck won:

8. What is a negligence tort?

9. What 4 elements must be proven in a negligence tort?

10. Explain the defenses against a negligence tort:

<b>Contributory Negligence</b>	
<b>Comparative Negligence</b>	
<b>Counterclaim</b>	
<b>Assumption of Risk</b>	

11. What is a strict liability tort?

12. How can someone defend themselves against a strict liability tort case?



## 2.05: Law Reform and Advocacy

2.05 KEY VOCABULARY (fill in the missing areas)	
advocacy	Actions intended to increase public support for a certain issue or policy
litigation	

1. How does advocacy relate to law reform?

2. What are some issues for reform in the tort law system?

- Too much money is awarded at times
- Court action is increasingly expensive
- \_\_\_\_\_
- Court decisions can be slow
- \_\_\_\_\_
- Some victims never receive the compensation they are awarded
- Statute of limitations- \_\_\_\_\_
- Frivolous lawsuits- \_\_\_\_\_

3. What are some issues for reform in the criminal law system?

Recidivism	
Crime prevention	
Prosecution or Police Error	
Restoration of Rights	
Sentencing Policy	

## 2.06: DBA 1: Contact your teacher to schedule

**YOU ARE DONE WITH MODULE 2 of LAW STUDIES!! 😊**