

# Unit 6: Law and Order

## Essential Question:

What makes a law fair?

Conceptual Lens:  
*Justice*

## Unit Calendar

11/27- Why do we have laws?

11/28- Types of Laws

11/29- Protection and Limiting the Gov't

11/30- Criminal Law

12/1- Civil law

12/4- Law Enforcement

12/5- Courts

## Main Ideas:

1. Analyze the adversarial nature of the **criminal courts** and how **punishments** are applied
2. Analyze the adversarial nature of the **civil courts**
3. Explain other forms of **conflict resolution**
4. Analyze state and federal courts by outlining their **jurisdictions**
5. Compare **jurisdictions** and methods of **law enforcement** applied at each level of government
6. Evaluate the extent to which we have the **equal protection of the law**

## I Can...:

1. I can explain how the due process clause of the 14th Amendment guarantees me a fair trial
2. I can explain how the 4th, 5th, 6th, and 8th Amendments protect the rights of people accused of a crime
3. I can define rule of law and explain how government power is limited in the legal system
4. I can define equal protection under the law and explain how court decisions have used the Equal Protection Clause to protect minority groups
5. I can describe how a bill becomes a law in Congress and the General Assembly of North Carolina
6. I can describe ways to block legislation
7. I can identify groups who influence the law-making process
8. I can identify the purpose characteristics of effective laws
9. I can explain how the Executive branch can create laws
10. I can explain how the Judicial Branch creates laws through judicial interpretation
11. I can identify different law enforcement agencies at the national, state, and local levels
12. I can identify different types of law
13. I can identify different methods of dispute resolution
14. I can differentiate civil and criminal proceedings in terms of the legal procedures, burden of proof, constitutional protections, and penalties of each
15. I can explain the special protections juveniles receive in the legal system
16. I can identify different methods of penalties for breaking criminal laws
17. I can identify different methods of penalties for breaking civil laws
18. I can explain why different levels of penalties are needed
19. I can explain how a criminal case moves through the court system
20. I can identify specific constitutional protections for people accused of a crime
21. I can identify how the courts have expanded rights of people accused of a crime
22. I can define the term adversarial and explain how the American legal system is adversarial in nature
23. I can explain how the adversarial nature of the American legal system protects individual rights
24. I can identify the structure of the federal and state court systems
25. I can describe the jurisdictions of federal and state courts
26. I can explain how a case is appealed up through the court system

### Preview Questions:

1. List three ways rules can be changed.
2. How are laws different from rules? Why do we need both rules and laws?
3. Finish the quote "There ought to be a law..." How would you go about getting this law passed?
4. How has the 14th Amendment helped
5. Why does NC have jurisdiction in some law cases and the US has it in others?
6. What is meant by the phrase "innocent until proven guilty?"
7. Why are juries important to people that have been accused of committing a crime?
8. What is meant by the phrase "beyond a reasonable doubt?"
9. What does the President have to think about when a bill comes to his desk?
10. What is justice? When are justice and fairness not the same?
11. How do citizens learn about new laws that are in place?
12. Do you believe in capital punishment?
13. List an example of an aggravating and mitigating factor.

### Essential Standards:

**CE.C&G.3.4** Explain how individual rights are protected by varieties of law (e.g., Bill of Rights, Supreme Court Decisions, constitutional law, criminal law, civil law, Tort, Administrative law, Statutory law and International law, etc.).

**CE.C&G.3.5** Compare jurisdictions and methods of law enforcement applied at each level of government, the consequences of noncompliance to laws at each level and how each reflects equal protection under the law (e.g., Department of Justice, Regulatory Commissions, FBI, SBI, Homeland Security, Magistrate, State troopers, Sheriff, City police, Ordinance, Statute, Regulation, Fines, Arrest, etc.).

**CE.C&G.3.7** Summarize the importance of the right to due process of law for individuals accused of crimes (e.g., habeas corpus, presumption of innocence, impartial tribunal, trial by jury, right to counsel, right against self-incrimination, protection against double jeopardy, right of appeal).

**CE.C&G.5.2** Analyze state and federal courts by outlining their jurisdictions and the adversarial nature of the judicial process (e.g., Appellate, Exclusive, Concurrent, Original, types of federal courts, types of state courts, oral argument, courtroom rules, Supreme Court, opinions, Court Docket, Prosecutor/Prosecution, Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing, appeal, etc.).

# Unit 6 Vocabulary

<b>Term</b>	<b>Description</b>
Civil Law	
Criminal Law	
Penal Code	
Jurisdiction	
Appellate Court	
Writ of Certiorari	
In Re Gault	
Adversary	
14 <sup>th</sup> Amendment (how it relates to protection of law)	
Deterrant	
Recidivism	
Retribution	
Rehabilitation	
Docket	
Indictment	
Court Brief	
Subpoena	

<u>TERM</u>	<u>Description</u>
Warrant	
Perjury	
Stare Decisis	
Plea Bargain	
Verdict	
Due Process Clause	
Equal Protection Clause	
Indictment	
Grand Jury	
Petit Jury	
Ex Post Facto	
Bill of Attainder	
Extradition	
Preponderance of evidence	
Administrative Law	
Mandatory Sentencing	
Burden of Proof	

## Unit 6: Law and Order

### Why do we have laws?

Social Contract:

Rule of Law:

### Changing Laws

#### Origins of Law

Ten Commandments	
Code of Hammurabi	
English Common Law	
Jurisprudence/Roman Law	
Draconian Code	
Justinian Code	
Iroquois Nation Constitution	

Why do laws and interpretation of laws change over time?

In our society, there are limits on the government:

Rule of Law

Equal Protection/Justice under the law

Bill of Rights

Managing Disputes- Property/Civil Law

Federalism

Due Process

Judicial Review

## Types of Laws

Types of Law		
Common Law	What does it do?	How Protects Rights
Criminal Law		
<i>Constitutional Law</i>		
Administrative Law		
<b>Statutory Law</b>		
<b>TORT</b>		
<b>International Law</b>		

Private Property Rights

Laws balance individual rights with common good.

### For Those Accused of Crimes

Know your rights!

Individual Responsibility to Know Rights and Law-  
Ignorance of Law is not a defense-

Rights in Bill of Rights

Designed to protect against abuse of government

Protection of Rights by Laws

Types of Rights: Scope and Limits to a Right

Civil, Individual, Personal, Political, Economic.

Miranda Rights

# **Protection and Limit of Government**

Adversarial Nature of Judicial Process

Due Process

Habeas Corpus

Presumption of Innocence

Impartial Tribunal

Right to Counsel

Right against Self Incrimination

Protection against double jeopardy

Right of appeal

## **Supreme Court Decisions**

Due Process

Symbolic Speech

Establishment Clause

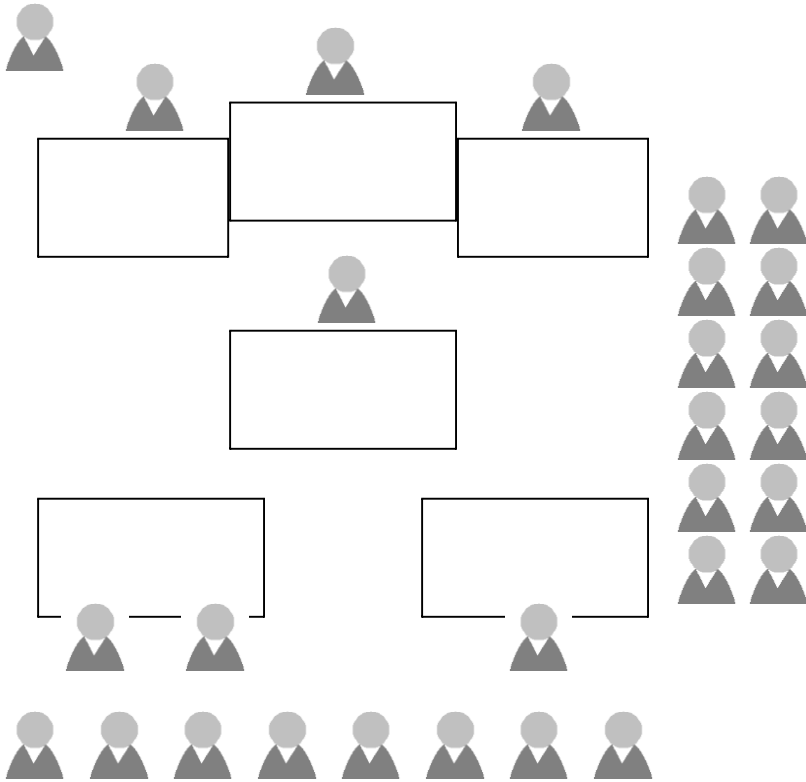
Supremacy Clause

Equal Protection Under the Law

Judicial Review

Federalism

## Criminal Law



## Criminal Court

Bailiff:

Judge:

Clerk of Court:

Witnesses:

Court Reporter:

Jury (if used):

Defendant:

Defense Attorney:

Prosecution:

Gallery:

Amendments associated with Criminal Courts:

## Steps in a Civil Trial

1.

2.

3.

4.

a.

b.

5.

a.

b.



## Criminal law:

- A fair trial is part of the \_\_\_\_\_ amendment right to a "speedy and public trial," and the \_\_\_\_\_ amendment right to "due process of law."

If convicted, punishment could include:

- \_\_\_\_\_ or community service
- \_\_\_\_\_ (Restricted freedom used as an alternative to prison time.)
- Prison time, with or without the possibility of \_\_\_\_\_. Parole = Release from prison before the scheduled end of your sentence.
- \_\_\_\_\_ punishment: The death penalty.

One of the aims of punishment is to prevent \_\_\_\_\_ (repeat criminal behavior.)

### To alleviate the court's docket (which is very busy):

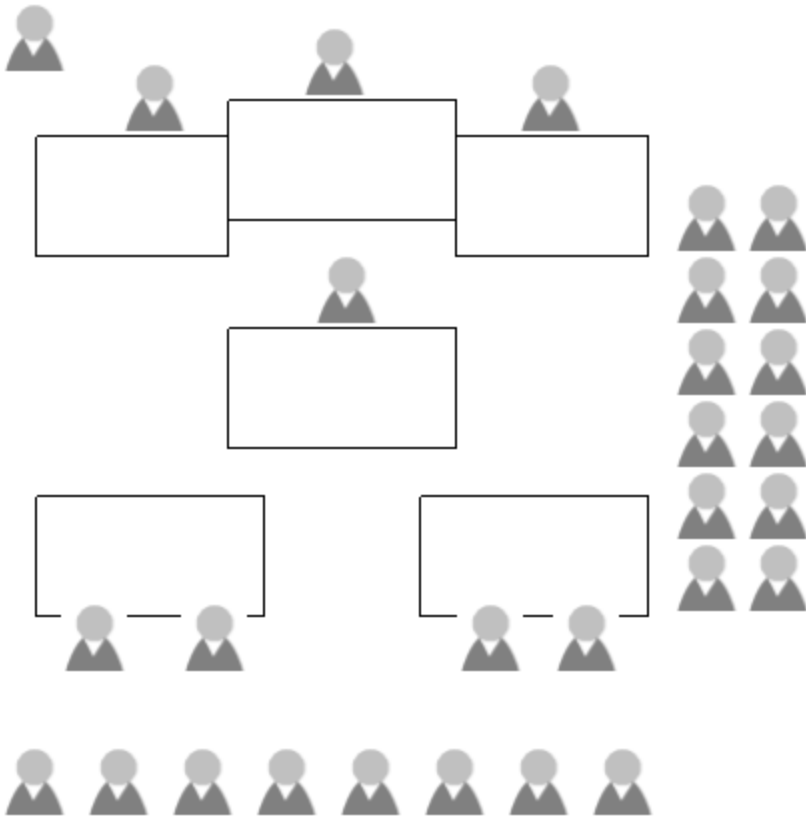
- Most cases are settled with \_\_\_\_\_ before they ever reach trial.
- In a plea bargain, the defendant agrees to plead guilty to part of the charges, or to a lesser crime.
- In return, the court makes the punishment less severe.
- This saves the court time and money.

\_\_\_\_\_ case = a death penalty case. Again, the guilty verdict must be unanimous, but the decision for the death sentence must also be unanimous!

## Purposes of Punishment

Term	Definition	Example
	Punishment as revenge - "eye for an eye"	
	Paying back / restoring what the victim lost	
	Preventing recidivism and discouraging others to commit crimes	
	Helping the person make improvements to address the cause of the behavior	

## Civil Law



## Civil Court

Two main differences between the criminal and civil courtroom:

#1: The way the jury works, if a jury is used. The \_\_\_\_\_ amendment protects the right to a jury trial in civil cases exceeded \$20. The jury still judges the facts and deliver the verdict. However, only \_\_\_\_\_ of 12 jurors must agree. Also, the standard of proof differs: Jurors must be convinced by a \_\_\_\_\_ of the evidence in one side's favor.

#2: There is no prosecutor in the case, because prosecutors work for the government — instead, there is a \_\_\_\_\_. The plaintiff files a \_\_\_\_\_ against the defendant, beginning the civil suit.

## Steps in a Civil Trial

1.

2.

3.

4.

5.

6.

## Civil law:

- Civil law involves disputes between \_\_\_\_\_  
\_\_\_\_\_.
- When you think \_\_\_\_\_, think civil law.
- Civil court does not determine guilt or innocence. The aim of civil law is to make the plaintiff "whole" again. Civil court determines whether the defendant is liable for wrongdoing, and what amount of \_\_\_\_\_ should be paid.
- Lawsuits involving more than \_\_\_\_\_ are heard in the N.C. Superior Court.
- Lawsuits involving less than \_\_\_\_\_ are heard in the N.C. District Court.
- Lawsuits involving less than \_\_\_\_\_ can be heard in small claims court instead of the District Court.

### To alleviate the court's docket (which is very busy):

- Most cases are settled before they ever reach trial. In a \_\_\_\_\_, the defendant agrees to pay a certain amount, and in return the plaintiff drops the lawsuit.

## Other forms of conflict resolution (besides court)

Term	Definition	Examples
	An impartial third party helps two adversaries reach their own decision	
	An impartial third party makes a binding decision	
	Two sides meet in the middle - both give up something, both gain	
	Members of the public are allowed to voice opinions, with tight restrictions	
	Discussion continues until wide-spread agreement is reached	
	Back and forth discussions among all the parties involved	

# Law Enforcement

## Role of government

Law Enforcement

Courts

Differences in levels of law enforcement agencies

Federal

State

Local

Cooperation occurs...

**After one has been convicted of a crime, he/she is SENTENCED (judgment of the court concerning the defendant's punishment)**

Mitigating factors:

Aggravating factors:

## Why do we punish those who do wrong???

RETRIBUTION –

INCAPACITATION –

DETRANCE –

REHABILITATION –

RESTITUTION –

**JAIL:**

**PRISON:**

**RECIDIVISM:**

**Preventative detention:**

**Capital punishment:**

**Laws/Statutes to prevent discrimination:**

Failure to ensure equal protection under law leads to challenges of social order—

Methods citizens can use?

**8th Amendment: Bail – a sum of money that the accused may be required to post as a guarantee of presence in court**

**“No excessive bail”:**

**“No cruel and unusual punishment”:**

## Federal Courts

U.S. Supreme Court

U.S. Court of Appeals

U.S. District Courts

## State Courts

N.C. Supreme Court

N.C. Court of Appeals

General Trial Courts

### What makes something a federal case?

- \_\_\_\_\_
- \_\_\_\_\_ laws (kidnapping, tax evasion, counterfeiting, bankruptcy)
- Disputes between \_\_\_\_\_ or \_\_\_\_\_
- Terrorism or \_\_\_\_\_

### Types of Jurisdiction

- \_\_\_\_\_ jurisdiction: Means federal cases are heard only in federal courts. **Federal courts** have exclusive jurisdiction over federal cases.
- \_\_\_\_\_ jurisdiction: The authority to review cases from a lower court (that is, appealed cases.) All **supreme and appellate courts** have appellate jurisdiction. The N.C. Superior Court also hears appeals from the N.C. District Courts
- \_\_\_\_\_ jurisdiction: The authority to hear a case for the first time. **District and superior courts** have original jurisdiction — **supreme courts** can also exercise original jurisdiction over certain cases.

# Types of Law

Use your technology or textbook to define each type of law. Then search the news to find a real life example that exemplifies the law. Give a brief description of HOW the story exemplifies the type of law and post the story and explanation on the class Canvas discussion forum. Respond to at least two classmates with a possible form of punishment that you think should be used for the crime/form of law.

Common Law

Common Law Example:

Criminal Law

Criminal Law Example:

Civil Law

Civil Law Example:

Constitutional Law

Constitutional Law Example:

Administrative Law

Administrative Law Example:

Statutory Law

Statutory Law Example:

International Law

International Law Example:

**Severity of crimes**

	How serious is the crime?	What is the punishment?	Example
Capital offense:			
Felony:			
Misdemeanor:			
Infraction:			
Not a crime:			

**Are these people guilty of a crime? If so, what type?**

	Cap.	Fel.	Mis.	Inf.	NAC
Robert sells crack cocaine and uses the proceeds to support his mother, who is on welfare.					
Marley is a passenger in a car she knows is stolen, although she did not participate in the theft of the car.					
A corporate executive gives a million dollars to a candidate for the U.S. Senate.					
A wife finds out her husband is having an affair and runs over him with her car.					
Paulina is caught with a pound of marijuana.					
Ted robs a liquor store at gunpoint.					
Ellen leaves a store with change for a \$10 bill, knowing that she gave the cashier a \$5.					
Lily approaches a man for the purposes of prostitution.					
The president of the United States lies under oath.					
Ming refuses to wear a helmet while riding a motorcycle.					
A company pollutes a river with waste from its automobile factory.					
Pat gets drunk and hits a child while speeding through a school zone.					
Shane observes his best friend shoplifting but does not turn him in.					

\* Be able to state which court would have original jurisdiction in each case.

**Comparing Responsibilities of Law Enforcement Agencies**





**JURISDICTION Again: In the following cases indicate in which court the conflict will be heard**

- **US Supreme Court**
- **US Court of Appeals**
- **US District Court**

- **NC Supreme Court**
- **NC Court of Appeals**
- **NC Superior Court**
- **NC District Court**
- **Magistrate**
- **Family Court**

1. A Charlotte, NC man is charged with stealing a car in Gastonia, NC.
2. A woman sues her local grocery store for \$6,000 in medical expenses which were accumulated for treatment of a broken hip received when she slipped on the wet floor of the store.
3. The final appeal for Mary Beth Tinker to have the right to express herself by wearing armbands in school in memorial to those killed in the Vietnam War.
4. Joe Teacher in Charlotte is sued by a Florida film producer for illegally showing a copyrighted movie in class.
5. North Carolina sues South Carolina to share the tax revenue from Carowinds since the park sits on the border between the states
6. Frank is convicted of murder in NC Superior Court and his sentence is the death penalty. He begins his appeal where?
7. Larry's landlord refuses to return his damage deposit of \$450 when Larry moves out of his apartment, even though the apartment is in excellent condition. Larry sues the landlord.
8. Kelly is 15 and has been cited for disruptive behavior on a city bus.
9. Paige is 16 and was cited for disruptive behavior on the same bus.
10. Regina is charged with misdemeanor assault.
11. The US District Court rules that the state initiative to terminate mandatory busing violates the Equal Protection Clause of the 14<sup>th</sup> Amendment. The state of North Carolina appeals.
12. Inmates ask this court to review their case from the NC Court of Appeals, claiming that the jail failed to provide them with basic human needs.
13. The NC Court of Appeals overturns Austin's conviction for selling drugs, based on an illegal search and seizure. The state asks which court to review the case?
14. A Hearing is held to determine bail in an assault case.
15. **LIST ALL THE COURTS WITH JURIES**
16. **LIST ALL THE COURTS WITHOUT JURIES**

## Types of Law: In the following cases indicate which type of law is involved

- Civil Law
- Criminal Law
- Statutory Law
- International Law
- Administrative Law
- Constitutional Law
- Common Law

1. The final appeal for Jane Roe to have abortion legalized.
  2. The NC Supreme Court overturns Joey's conviction for possession of a firearm, based on an illegal search and seizure. Which court can review the case?
  3. A Matthews, NC man is charged with stealing a car in Mint Hill, NC.
  4. South Carolina sues North Carolina to share money made from fishing licenses used on Lake Wylie which sits on the border between the two states.
  5. Ellie May of NC is sued by New York author Dr. Seuss for infringement of copyright laws.
  6. Suzie is charged with a misdemeanor battery charge.
  7. Sharon sues Sarah for \$300 for breaking her iPod at a party when she dropped it into the pool.
  8. The US District Court rules that a new state law violates the supremacy clause of the US Constitution. The state of NC appeals.
  9. A man sues Starbucks for \$3000 in medical expenses which were accumulated for treatment to burns on his hand from failing to use a cup cover/jacket.
  10. Aaron is 16 and has been cited for disruptive behavior in public.
  11. Teachers ask this court to review their case from the NC Supreme Court, claiming that the school system failed to pay them earned bonuses.
  12. Bob is convicted of murder in a superior court and his sentence is the death penalty. Where does Bob begin his appeal?
  13. A hearing is held to determine bail in an assault case.
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## Civil Law

1. What is the name of the person who files a lawsuit?
2. What is the name of the person who is being sued?
3. If you're sued, are you guaranteed a lawyer? Why or why not?
4. What are the 2 decisions a jury can reach in a civil suit?
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  -
5. Which amendment gives you the choice of whether or not to have a jury in a civil suit?
6. What is the difference between arbitration and mediation?
7. Why don't most civil cases go to court?
8. Which forms of conflict resolution are...
  - The least formal?
  - The most formal?
  - Where 2 parties give up something for a bigger goal?
  - Where a judge makes a legally binding decision?

## Constitutional Law

1. Define writ of certiorari.
2. How do cases get added to the Supreme Court docket?
3. Roughly how many cases does the Supreme Court hear each year? How many are appealed to it? Why is the number they hear so low?
4. How many justices must agree to hear a case before it is added to the docket?
5. How many Supreme Court Justices are there? How does one become a Supreme Court Justice?
6. What kind of cases with the Supreme Court choose to hear?
3. List and describe the steps of the Supreme Court.
  - 
  - 
  - 
  - 
  -
4. Describe the differences between the types of opinions listed here.
  - Majority
  - Concurring
  - Dissenting

## Unit 6 Study Guide

This is only a guide to the test. Questions may appear that are not covered in this review. Students are responsible for all material covered in class.

### Rule of Law

1. How does the rule of law protect people from the government?
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  - 
  - 
  -
2. What are the 5 basic principles of the Rule of Law?
  - 
  - 
  - 
  - 
  -
3. Other than eye for an eye, what was important about Hammurabi's Code?
4. Why do we include some of the Ten Commandments in our laws in America?
5. Why was the Napoleonic Code important?
6. What are the 4 qualities that make a law good?
  - 
  - 
  - 
  -
7. Which quality is most important? Why?

## Types of Law

1. What is the difference between civil and criminal law when it comes to the juries and how they reach a verdict?
2. Which branch of the government creates and enforces administrative law?
3. Why is international law so hard to enforce?
4. What is the difference between a statute and an ordinance?
5. What is common law passed on? Where did it come from?
6. List 3 examples of Civil Law.
  - 
  - 
  -
7. List 3 examples of international law.
  - 
  - 
  -

## Jurisdiction

1. What type of jurisdiction does the US Supreme Court have? What type of cases does it hear?
2. What types of crimes would the US District Court consider?
3. Why does North Carolina have 2 levels of district courts? What is the difference between them?
4. Define misdemeanor.
5. Define felony.
6. Mark is charged with arson of a school house.  
*Where would each case described below begin?*
7. An American who gave up his citizenship to join Al Qaeda is up for terrorism.
8. Jessica, a 9th grader, painted graffiti on an abandoned building.
9. Mr. Gideon's last case to prove his constitutional right to a lawyer.
10. Florida sues Georgia for taking too much water from a river the states share.
11. Cheryl has been convicted of murder and wants her case to be heard again because she feels like she was denied due process.

## Criminal Law

1. Who brings charges against citizens in the courtroom? (Who represents the state?)
2. What is the name of the person who is being charged with a crime?
3. List and describe the 5 steps of a criminal trial.
  - 
  - 
  - 
  - 
  -
4. What does burden of proof mean?
5. Why could OJ Simpson not be tried for the murder of his ex-wife again? Why did the jury find him not guilty?
6. Describe the theories of punishment below.
  - Retribution:
  - Restitution:
  - Rehabilitation:
7. What is the difference between indeterminate sentences and mandatory sentences?
8. Why does recidivism happen so often in the American penal system?

# Unit 6: Law in Society

Doodle Review: Using this space, create a colorful Mind Map that includes all of the main ideas (in BOLD!) that we studied. You may use drawings, symbols, words, or/and patterns that will help you visualize how these main ideas are connected!

This is to help YOU and you may use it on your test!

