



Chapter One

Introduction to Law

What is Law Pages 1-3

- Review the Case Files on Page 1. For each of the three scenarios explain what you think the outcome of the case file should be? Explain your reasoning
- What is Law? Why are Laws important to our society? Why are laws in different societies different?
- **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember **or** explain why this is important to the study of law.

Law

- A set of rules and procedures usually intended to regulate some aspect of society.
- Laws can be influenced by the culture / religion / values and customs of a society
 - Every Society is different
 - Every state is different
 - Every city / town is different
 - Every religion is different
 - Every company is different

Historical Origins

- Civil law legal systems – Written Codes
 - Constitutions / Written Codes
 - First Written Law Code was [Hammurabi's Code](#) (1760 BCE)
- Common law legal systems – Court Systems
 - Precedent – Previous Decisions
 - Stare Decisis (stare ray de ci sis)– To Stand by Things Decided / Let the Decision Stand / It Stands Decided (Precedent)

Philosophy and Categories of Law Pages 3-7

- Review the theories of law on page 4. Which theory of law best defines your personal perspective? Explain.
- Review Application 1.3 and Answer the Questions included
 - What would happen if you decided to ignore the laws of a foreign country believing the law was not just or moral?
 - What course of action would be acceptable under the three philosophical theories?
- Review Application 1.2 on Page 4
 - In Exxon Shipping Co. V Baker it was determined that the ship captain was in fact intoxicated at the time of the incident and had passed command of the ship to an under qualified subordinate. Do you think the court was correct in holding Exxon accountable? Why or Why not?
- Review Application 1.4 on page 5 Using this example explain the difference between the criminal act and the civil act.
 - What is a statute of limitations? What reasons can you think of as to why would our legal system have something like this in place?
- Explain the difference between Substantive Laws and Procedural Laws
- Review Application 1.5 – Explain how the actions of the individual here are both civil and criminal violations.
- **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember **or** explain why this is important to the study of law.

Philosophical Views

- Natural theory of law
 - Law Should reflect the morals and values of nature if it does not it need not be obeyed
- Legal positivism
 - All Laws are valid, moral, immoral or amoral
- Legal realism
 - Laws created by men are flawed as men are inherently flawed
 - Answers to questions may not be absolute
 - Judges interpret laws based on their own experience and bias.

Sources of Law

- Constitutional Law
 - Laws where the source is the Constitution
- Statutory Law
 - Laws where the source is legislative action in the creation of a law
- Case Law
 - Laws where the source is a court decision

Classifications of Law

- Substantive Laws
 - Define the rights of people and their obligations to government / others / society (Burglary)
- Procedural Laws
 - Define how disputes regarding Substantive laws must be handled (Right to a Trial by Jury)

Criminal and Civil Laws

- Criminal Laws – The accused must commit a **Crime** – illegal behavior that has been defined by society and society has decided to punish
 - Primarily Statutory Laws
 - Requires **Due Process**
 - The Law Must Exist before commission of crime (**Ex Post Facto**)
 - The Law must be clear and understandable
 - A specific penalty has been established for violation
- Civil Laws – Laws regulating conduct in a variety of topics (contracts, corporate, family etc.)
 - Primarily Statutory Laws
 - Often Less specific

Procedural Law 7-10

- What is a procedural law or rule? What does it tell a court?
 - Are legal procedures different depending on the type of law or case? Identify procedures required in criminal and civil cases.
- Why has the internet created a new problem considering court Jurisdiction?
- Review Application 1.6 on page 7 if the appeals court had found that the trial court had violated procedural rules what do you think the outcome would have been different? How so? Why?
- Review Application 1.7 on page 8 Explain in your own words how Jurisdiction played an important role in the decision of this case.
- Review Application 1.8 on page 9 and 10 Identify differences between the criminal and civil proceedings in terms of procedural law.
- **Define All Bolded Vocabulary Terms in your Vocabulary File** – For each definition copy the definition from your book. Redefine the word in your own terms and develop or provide an example that you will remember **or** explain why this is important to the study of law.

Criminal and Civil Procedures

- Rules of the Court
 - Generally Accepted Procedural Rules adopted by all courts but still specific to type of case being considered
 - Criminal Procedural Rules
 - Requires specific processes by the police, court and prosecutors
 - Due Process of Law
 - Jurisdiction (usually obvious)
 - Civil Law
 - Requires Proper **Jurisdiction** (sometimes unclear) – What court has the right to hear a case?

Court Procedures Figure 1.1

- Civil Cases: ('name' v 'name')
 - Plaintiff seeking compensation for injuries or damages against a defendant
 - Plaintiff must prove case based on a **preponderance of the evidence** (better than 50% chance a damage has occurred) that the defendant is **liable** (responsible)
 - Defendant can not be put in Jail but can be forced to pay the Plaintiff money damages and/or be forced to stop doing something (injunction)
 - Jury Trials are permitted but must be paid for by parties involved
 - Both Parties provide their own lawyer and both can appeal decision
- Criminal Cases ("People" v 'name')
 - The State is responsible for pursuing charges and the injured party is now a witness
 - Prosecutor / Jury are at the expense of the state. Defendant may also be provided a lawyer at the expense of the state if **indigent** (without money)
 - Prosecutor bears **burden of proof** and must prove that the defendant is guilty **beyond a reasonable doubt**. The Defendant does not need to prove that he or she is innocent.
 - Guilt can result in Jail / Probation / Fines
 - Defendant can be **acquitted** (not guilty)
 - Depending on State or federal case - Jury must sometimes reach a unanimous decision otherwise **hung jury**
 - Only the Defendant can appeal

Application and Analysis Pg. 14

- Answer Application and Analysis Questions 1-4 on Page 14 Explain your answers thoroughly.
- Answer Questions 1 and 2 under Skills Assessment

Case - Roper v Simmons

- Read Roper v Simmons Pg. 10-12
 - Answer Case Analysis questions 1 and 2 on Page 12
 - Answer Skills Assessment Question 3 on Page 14
 - Answer the Following: Based on your understanding of Roper v Simmons Do you agree with the court's decision? Why or why not?

Current Events

- Find and summarize three recent news articles dealing with law. Use your knowledge of chapter one to help define the questions at hand (where possible) regarding your selected article.
 - Be prepared to discuss your three articles in class.