Chapter Summary

Civil And Criminal Law

Lesson 1 Civil Law

- Civil law involves disputes between two or more individuals, a person and a company, two or more companies, or a person or company and the government.
- Contract law involves agreements between two or more parties, which can be written or oral.
- Property law covers the buying, selling, and maintenance of property.
- Family law involves contracts, such as marriage, and property disputes, such as division of goods after death.
- Cases that involve wrongful actions leading to injury or property damage are called torts.
- Before a civil trial, both sides check the facts, question witnesses, and gather evidence in a period called discovery.
- Sometimes parties to a lawsuit reach an agreement, or a settlement, before trial. Otherwise, the lawsuit goes to trial, where a judge and possibly a jury hear the evidence.
- If a defendant is found liable, he or she may pay damages or appeal. A plaintiff who loses may also appeal.

Lesson 2 Criminal Law

- Minor crimes, or misdemeanors, include stealing items and damaging property, if the item or damage is under a certain dollar amount.
- Major crimes, or felonies, include serious crimes such as robbery, assault, and murder.
- Most criminal laws set minimum and maximum punishments, or sentences, for crimes, giving the judge discretion to decide on individual sentences.
- The purposes of criminal punishment include paying a debt to society, keeping criminals from doing more harm, warning potential criminals, and helping criminals change their behavior.
- Criminal cases are brought to court by the government (prosecution).
Chapter Summary

Civil And Criminal Law

Lesson 2 *Criminal Law, Cont.*

- After arrest and booking—making a record of the arrest—the police must bring the suspect to a preliminary hearing and show the judge they had good reason for the arrest, called probable cause.
- The next step is indictment, formally charging the suspect with the crime.
- At the arraignment, the suspect pleads guilty or not guilty. If the suspect pleads not guilty, the judge sets a trial date.
- Most criminal cases end with a plea bargain, which saves the government the time and expense of a trial and offers the suspect a lighter sentence.
- Felony defendants have the right to a jury trial, but most choose to be tried by a judge.
- During the trial, the prosecution presents its case first, followed by the defense. Each side may call witnesses and cross-examine each other’s witnesses.
- If a jury or judge finds the defendant not guilty, he or she is acquitted, or set free.
- If the jury or judge finds the defendant guilty, the judge sets a date for sentencing. The defendant may appeal.

Lesson 3 *The Juvenile Justice System*

- The first juvenile court was set up in Chicago in 1899 with the goal of rehabilitating young offenders.
- In the 1960s, the Supreme Court ruled that young offenders have some of the same rights adults have, including the right to be told of the charges against them; the right to an attorney; the right to cross-examine witnesses; the right to remain silent; and the right to be presumed innocent until proven guilty.
- State laws governing juvenile justice may vary. Differences include maximum age of juveniles and whether juveniles are tried as adults for certain crimes.
Lesson 3  The Juvenile Justice System, Cont.

- Delinquent offenders are juveniles who commit crimes that would be crimes if adults committed them. Status offenders are juveniles who commit crimes that would not be crimes for adults, such as skipping school.

- Juvenile courts handle cases of neglect against juvenile caregivers and cases of juvenile crime or delinquency.

- Police may choose to give a juvenile offender a warning, refer the offender to a social services agency, or take the offender to juvenile court.

- The court system for juvenile offenders steps similar to those for adults, with a detention hearing, an adjudication hearing, and a disposition hearing.
Resumen del capítulo

Derecho civil y penal

Lección 1 Derecho civil

- El derecho civil implica diferencias entre dos o más individuos, una persona y una compañía, dos o más compañías, o una persona o compañía y el gobierno.
- El derecho contractual implica acuerdos entre dos o más partes, ya sean escritos u orales.
- El derecho de propiedad cobija la compra y venta así como el mantenimiento de propiedades.
- El derecho de familia implica contratos, como el matrimonio, y diferencias sobre propiedades, como la repartición de los bienes después de la muerte.
- Los casos que implican acciones indebidas que ocasionan lesiones o daño a la propiedad se llaman agravios.
- Antes de un juicio civil, ambas partes revisan los hechos, interrogan testigos y reúnen evidencias en un periodo llamado revelación de pruebas.
- A veces, las partes envueltas en una demanda judicial llegan a un acuerdo, o arreglo, antes del juicio. En caso contrario, la demanda judicial se lleva a juicio. Allí, un juez, y posiblemente un jurado, escuchan las evidencias.
- Si un acusado es hallado responsable, puede pagar los daños o apelar de la decisión. Un demandante que pierde también puede apelar.

Lección 2 Derecho penal

- Entre los delitos menores se encuentran el hurto de artículos y el daño a la propiedad, siempre y cuando el artículo o el daño no sobrepasen determinada cantidad en dólares.
- Entre los delitos mayores, o graves, se encuentran el robo, el asalto y el homicidio.
- La mayoría de las leyes penales establecen penas, o sentencias, mínimas y máximas para los delitos y se otorga al juez la facultad discrecional de decidir sobre las sentencias individuales.

(Continued on page 2)
Resumen del capítulo

Derecho civil y penal

- Algunos propósitos de los castigos penales son pagar una deuda a la sociedad, evitar que los criminales causen más daño, advertir a los criminales potenciales y ayudar a los criminales a modificar su conducta.
- El gobierno (la fiscalía) lleva los casos penales ante los tribunales.
- Después del arresto y la reseña, es decir, de abrir un expediente del arresto, la policía debe llevar al sospechoso a una audiencia preliminar y demostrarle al juez que tiene una buena razón para el arresto, llamada causa probable.
- El siguiente paso es la formulación de cargos, es decir, acusar formalmente del delito al sospechoso.
- Durante la comparecencia, el sospechoso se declara culpable o inocente. Si el sospechoso se declara inocente, el juez fija una fecha para el juicio.
- La mayoría de los casos penales terminan con un acuerdo de reducción de sentencia, que le ahorra al gobierno el tiempo y el dinero de un juicio y le ofrece al sospechoso una sentencia menos severa.
- Los acusados de delitos graves tienen derecho a un juicio con un jurado, pero la mayoría de ellos eligen que los juzgue un juez.
- Durante el juicio, la fiscalía presenta su caso primero, y luego lo hace la defensa. Cada parte puede llamar testigos y examinar a los testigos de la contraparte.
- Si un jurado o un juez encuentran al acusado inocente, este es absuelto, o puesto en libertad.
- Si el jurado o un juez encuentran al acusado culpable, el juez fija una fecha para la sentencia. El acusado puede apelar.

Lección 3 Sistema de justicia juvenil

- El primer tribunal juvenil se instauró en Chicago en 1899 con el fin de rehabilitar a los jóvenes infractores.
- En la década de 1960, la Corte Suprema falló que los jóvenes infractores tenían los mismos derechos que los adultos, entre ellos derecho a conocer los cargos en su contra; a contar con

(Continued on page 3)
Resumen del capítulo

Derecho civil y penal

un abogado; a interrogar a los testigos de la contraparte; a guardar silencio y a que se presuma su inocencia hasta que se demuestre lo contrario.

- Las leyes estatales que regulan la justicia juvenil pueden variar. Las diferencias incluyen la edad máxima de los jóvenes y si se les tratará como adultos si cometen determinados delitos.

- Los delincuentes juveniles son jóvenes que cometen acciones que serían crímenes si las cometiera un adulto. Los menores infractores son jóvenes que cometen acciones que no serían crímenes si las cometiera un adulto, por ejemplo faltar a clases.

- Los tribunales juveniles manejan casos de negligencia contra los cuidadores de los adolescentes y casos de crímenes o delincuencia juvenil.

- La policía puede optar por hacerle una advertencia al joven infractor, enviarlo a una agencia de servicios sociales o llevarlo ante un tribunal juvenil.

- El sistema judicial para los jóvenes infractores sigue un proceso similar al de los adultos, con una audiencia de detención y una de disposición.
Vocabulary Builder Activity

Civil and Criminal Law

A. Content Vocabulary

**Directions:** Complete the following sentences for each scenario by selecting the vocabulary terms from the box that best fit. You may need to change the form of some words to fit the sentence. Some words may be used more than once.

<table>
<thead>
<tr>
<th>complaint</th>
<th>prosecution</th>
<th>delinquent offender</th>
</tr>
</thead>
<tbody>
<tr>
<td>discovery</td>
<td>felony</td>
<td>disposition hearing</td>
</tr>
<tr>
<td>sentence</td>
<td>custody</td>
<td>plea bargaining</td>
</tr>
<tr>
<td>misdemeanor</td>
<td>penal code</td>
<td>adjudication hearing</td>
</tr>
<tr>
<td>damages</td>
<td>summons</td>
<td>detention hearing</td>
</tr>
<tr>
<td>plaintiff</td>
<td>crime</td>
<td>cross-examination</td>
</tr>
<tr>
<td>defendant</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Civil Law scenario**

1. The ________________ clearly stated the work to be done by the carpenter and the fee to be paid by the homeowner.

2. The homeowner failed to pay the agreed amount, so the carpenter went to court. As the ________________ in the case, the carpenter sued the homeowner, the ________________ in the case, for breaking a contract.

3. The carpenter’s lawyer filed a ________________ stating that the defendant owed $4,000 in ________________ .

4. The court sent the defendant a ________________ that said when and where she should appear in court.
A. Content Vocabulary, *Cont.*

5. Both parties conducted ____________ to check the facts and gather evidence. On the day before the trial, the parties reached a settlement, avoiding the need for a trial.

**Criminal Law scenario**

6. Bank robbery is considered a federal _____________.

7. In court, the ____________ charged the defendant with bank robbery, a violation of the _____________.

8. A small theft qualifies as a _____________.

9. Unfortunately, the defendant had stolen thousands of dollars, which made the crime a _____________.

10. Having just turned eighteen, he was too old to be regarded as a _____________.

11. The defendant tried, but failed, to get a light sentence through _____________.

12. After ____________ of all the witnesses, it was up to the jury to make its decision.

13. The jury found the defendant guilty, so the judge set a date for _____________.

**Juvenile Justice scenario**

14. Juveniles can be taken into police ____________ if their guardians have neglected them or if they are suspected of committing a crime.

15. A juvenile who commits a crime is considered a _____________.


A. Content Vocabulary, *Cont.*

16. If a social worker determines the case should remain in the juvenile justice system, a(n) __________ is held. This requires that the state show there is good reason to believe that the juvenile committed the crime.

17. At the __________, the youth’s lawyer has a chance to present evidence, call witnesses, and cross-examine witnesses for the state, just like at an adult trial.

18. If the judge finds the juvenile “delinquent,” a __________ is held to determine what punishment, if any, the youth faces.
B. Academic Vocabulary

Directions: Use the lines below to write a sentence using each of the academic vocabulary words. Your sentences should show that you understand the words.

respond to give a spoken or written answer
1. ____________________________________________

illustration an example that helps make something clear
2. ____________________________________________

grant to allow
3. ____________________________________________

emphasis to stress
4. ____________________________________________

minor of comparatively less importance
5. ____________________________________________
**Vocabulary Builder Activity**  
*Civil and Criminal Law*

**C. Combined Vocabulary Reinforcement**

**Directions:** Match each of the following terms to its definition.

<table>
<thead>
<tr>
<th></th>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>tort</td>
<td>procedure to determine facts in a juvenile case</td>
</tr>
<tr>
<td>2</td>
<td>negligence</td>
<td>lack of proper care and attention</td>
</tr>
<tr>
<td>3</td>
<td>summons</td>
<td>to permit</td>
</tr>
<tr>
<td>4</td>
<td>grant</td>
<td>lack of proper care and attention</td>
</tr>
<tr>
<td>5</td>
<td>rehabilitate</td>
<td>to correct a person’s behavior</td>
</tr>
<tr>
<td>6</td>
<td>illustration</td>
<td>taking official charge of someone</td>
</tr>
<tr>
<td>7</td>
<td>delinquent offender</td>
<td>an example</td>
</tr>
<tr>
<td>8</td>
<td>status offender</td>
<td>a youth who has committed a criminal offense</td>
</tr>
<tr>
<td>9</td>
<td>custody</td>
<td>a juvenile court process like a preliminary hearing</td>
</tr>
<tr>
<td>10</td>
<td>detention hearing</td>
<td>the final sentencing in a juvenile case</td>
</tr>
<tr>
<td>11</td>
<td>adjudication hearing</td>
<td>a youth charged with being beyond the control of his or her legal guardian</td>
</tr>
<tr>
<td>12</td>
<td>disposition hearing</td>
<td>a wrongful act for which an injured party has the right to sue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a notice directing someone to a court appearance</td>
</tr>
</tbody>
</table>
Lesson 1 Civil Law

ESSENTIAL QUESTION
- Why does conflict develop?

Types of Civil Law

1. Identifying Use the graphic organizer to name the four main branches of civil law.

   Branches of Civil Law

   [Diagram of four branches]

2. Describing Many lawsuits involve disputes over contracts. Define contract. Name two types of contracts.

   Definition:

   Types:

3. Summarizing Use the diagram to name the types of disputes involved in property cases. Then use these details to summarize what property law covers.

   [Diagram of five branches]
4. **Applying** Use what you know about family relationships to explain how civil law may apply to them. What are some family relationships that might involve civil law?

5. **Summarizing** As you read, use the chart to take notes about torts.

<table>
<thead>
<tr>
<th>Torts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

**The Legal Process in Civil Cases**

6. **Defining** Civil lawsuits use specific legal terms. These lawsuits also follow certain procedures to guide the people involved through the legal process. Define each term to explain its place in civil lawsuits.

**Plaintiff:**

**Defendant:**

**Complaint:**

**Damages:**

**Summons:**
7. **Organizing** As you read, complete the flowchart to show what happens after a complaint is filed, but before the civil trial takes place.

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Complaint is filed.
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8. **Inferring** In a civil trial, a judge or jury hears the case. Why do you think the plaintiff is allowed to go first, followed by the defendant? What possible advantages does this order have for each party?

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9. **Listing** Complete the flowchart to show what might happen after the judge or jury awards the plaintiff punitive damages in a civil lawsuit.

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Civil lawsuit verdict: Punitive damages awarded to plaintiff.

- Defendant appeals to higher court.
- Defendant refuses to pay the damages.

  - [ ]
  - [ ]

  - [ ]
  - [ ]
```


Crime and Punishment

1. **Defining** As you read, complete the graphic organizer by defining the boldface terms.

   - **Crime:**
   - **Punishment:**
   - **Penal code:**
   - **State penal code:**
   - **Federal penal code:**
2. **Describing** As you read, complete the graphic organizer to describe the two main types of crimes and their possible punishments.

<table>
<thead>
<tr>
<th>Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>A.</td>
</tr>
<tr>
<td>B.</td>
</tr>
</tbody>
</table>

3. **Inferring** Why do criminal laws set both minimum and maximum sentences for crimes?
4. **Generalizing** As you read, complete the chart to take notes on why society punishes criminals.

<table>
<thead>
<tr>
<th>Purposes of Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Pays back society for offense.</td>
</tr>
<tr>
<td>•</td>
</tr>
<tr>
<td>•</td>
</tr>
<tr>
<td>•</td>
</tr>
</tbody>
</table>

**Criminal Case Procedure**

5. **Identifying** Recall that in civil cases, the people involved are called the plaintiff and the defendant. In criminal cases, who brings the charges and what are the terms for the people involved on each side?
6. **Sequencing** As you read, complete the chart to show what happens in the arrest and booking of a criminal case.

   Criminal cases begin when _________________________________.

   Police gather ______________ and present it to a judge.

   A judge issues a _________ for an arrest.

   Police ______________ the criminal suspect.

   The suspect is ______________ at a police station.

   Booking involves making a ______________ of the arrest.
7. **Summarizing** During the preliminary hearing, police bring the suspect before a judge to be charged. As you read, complete the graphic organizer to show what happens for guilty and not-guilty pleas in misdemeanor and felony cases.
8. **Explaining** At the arraignment, the suspect is formally charged and becomes a defendant. Name and describe the negotiations that follow between the prosecution and the defendant’s lawyers.
9. **Sequencing** As you read, complete the flowchart to show the stages of a jury trial. Parts of the chart have been completed for you.

- Defendant asks for a jury trial.
- Lawyers make opening statements. The prosecution goes first, followed by the defense.
- Judge gives instructions to the jury.
- Defendant found not guilty and set free.
- Defendant found guilty; judge sets date for sentencing hearing.
Guided Reading

Civil and Criminal Law

Lesson 3 The Juvenile Justice System

ESSENTIAL QUESTION

- How can governments ensure citizens are treated fairly?

Juvenile Justice

1. **Explaining** The mid-1800s saw changes in the ways people viewed young offenders. What argument was used to introduce changes to the juvenile justice system?

2. **Identifying** What are two main approaches for dealing with juvenile offenders?

3. **Listing** As you read, complete the chart by listing the legal rights that must be applied to children as well as to adults charged with a crime.

<table>
<thead>
<tr>
<th>Juveniles accused of a crime have the right to . . .</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
</tr>
<tr>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
</tr>
<tr>
<td>4.</td>
</tr>
</tbody>
</table>
4. **Organizing** As you read, complete the graphic organizer to describe the two basic groups of offenders in the juvenile justice system. Give examples of acts that each type of offender might commit.

![Graphic Organizer for Juvenile Offender Categories]

**The Juvenile Court System**

5. **Defining** As you read, complete the diagram by naming and defining the two types of cases handled by juvenile courts.

![Diagram for Juvenile Court System]
6. **Sequencing** As you read, complete the graphic organizer to show the steps leading up to and including the intake process for juvenile suspects.

- Police take juvenile into custody.
- Social worker does intake.

[Diagram of steps leading up to intake process]
7. **Explaining** As you read, fill in the blanks by naming and describing the steps of the hearing process for juvenile suspects.

**The Hearing Process**

**Step 1:** The _________ hearing is like a preliminary hearing in an adult trial. The state must show that ________________________.

**Step 2:** The _________ hearing is like a trial. A judge's ruling of "_________" is the same as a guilty verdict.

**Step 3:** The _________ hearing is a hearing to determine sentencing. The juvenile may be sentenced to ______________________ or ______________________.