### Course
**Court Systems and Practices**

### Unit IV
**Types of Laws**

### Essential Question
What are the differences between the various types and sources of law?

### TEKS
§130.296(c) (1)(E)

### Prior Student Learning
- Bill of Rights
- State and federal court systems

### Estimated Time
2 to 8 hours

### Rationale
Understanding the differences between the various types of laws is beneficial to persons seeking careers in law and public safety.

### Objectives
The student will be able to:
1. Define terms associated with the lesson.
2. Distinguish the types and sources of law.
3. Discuss the adversary system.
4. Explain how civil law settles disputes.
5. Examine why criminal courts exist.
6. Explore the effects law has on the operation of criminal courts.

### Engage
Use the following scenario in a class discussion. Have the students explain the potential consequences and describe which areas of the law apply to those consequences. Use the Discussion Rubric for assessment.

*Bill was driving on Main St. approaching Oak. His signal light turned yellow and then red. As he sped through the red light, he T-boned Lauren’s vehicle. It just so happened that Officer Brown was the first responder to the accident. Upon arrival, he found that Lauren’s passenger was seriously injured. An ambulance arrived and transported the injured party to the hospital for treatment. Officer Brown interviewed Bill, Lauren, and two other witnesses. Based on information obtained in the investigation, Officer Brown searched Bill’s vehicle and discovered a bag of marijuana in the trunk.*

### Key Points
1. **Key terms**
   - Bill of Rights – the first ten amendments of the U.S. Constitution, specifying rights and liberties
   - Beyond a reasonable doubt – the standard of proof for conviction in criminal law
   - Contract – a legally enforceable agreement between two or more parties
   - Corpus delicti – the body or substance of a crime, composed of two elements: the act and the criminal agency producing it
   - Declaratory judgment – a judicial declaration of legal rights of the parties in controversy
   - Domestic Relations – relating to the home, the law of divorce, custody, support, and adoption
   - Due Process – the Fifth, Sixth, and Fourteenth Amendment rights during legal proceedings
   - Felony – a serious crime, generally resulting in a penalty of one year or more in prison
   - Inheritance – property received from a dead person, either by
effect or intestacy or a will
J. Injunction – a court order directing a specific action or lack of action
K. Judgment – the official ruling of a court
L. Misdemeanor – a less serious crime, generally resulting in a penalty of less than one year in jail
M. Precedent – a ruling in a previous case that serves as a guide in subsequent cases
N. Preponderance of evidence – the standard of proof for conviction in civil law
O. Property – a legal right to use or dispose of particular things or subjects
P. Remedy – vindication of claim of right
Q. Stare decisis – Latin for “let the decision stand;” the doctrine of using precedent in questions of law
R. Statutes – laws enacted by federal and state legislatures
S. Tort – a private or civil wrong, often resulting in a civil trial

II. There are many types and sources of law
A. Criminal Law
B. Civil Law
C. Administrative Law
D. Multiple sources of law
   1. Constitutions
   2. Statutes
   3. Administrative Regulations
   4. Judicial Decisions
      a. Case Law
      b. Precedent

III. Constitutional law – the fundamental rules that determine how those who govern are selected, the procedures by which they operate, and the limits to their powers
   A. United States Constitution – the supreme law of the land
   B. State Constitution – cannot conflict with the federal constitution

IV. Statutory law
   A. Enacted by State or Federal Legislatures
   B. Codified in Statute Books (Codes)

V. Case law/Judicial law
   A. Precedent
      1. Stare decisis
      2. “Let the decision stand”
   B. Appellate Courts
      1. Interpretation of statutes
      2. Can include rulings on
         a. Procedural matters
b. Evidentiary hearings

VI. Administrative Regulations
   A. Adopted by administrative agencies that have the force of law
   B. Administrative law is the law that
      1. Governs the duties of an administrative agency
      2. Governs the proper running of an administrative agency

VII. Substantive Law vs. Procedural Law
   A. Substantive Law
      1. Law that deals with the content or substance of the law
      2. Example: the legal grounds for divorce
      3. Creates legal obligations—essentially creates law
   B. Procedural Law
      1. Outlines the legal procedures or process of a lawsuit
      2. Establishes methods of enforcing those legal obligations

VIII. Due Process
   A. Mentioned twice in U.S. Constitution
      1. Fifth Amendment – “No person shall…be deprived of life, liberty or property without due process of law”
      2. Fourteenth Amendment – “No state shall deprive any person of life, liberty or property without due process of law”
   B. Required in all areas of the law

IX. Criminal Law
   A. Enforce substantive criminal law
   B. Two basic types of crimes
      1. Felonies
      2. Misdemeanors
   C. Presumption of Innocence
      1. The “state” (Prosecution) has the “burden” of proving a defendant guilty of alleged crimes
      2. Defendants are not required to prove themselves innocent
      3. Guilt must be “beyond a reasonable doubt”
      4. Civil cases have a “preponderance of the evidence” requirement
   D. Bill of Rights
      1. Bill of Rights – the first ten amendments to the U.S. Constitution
      2. Key amendments linked to criminal law
         a. 4th – search and seizure
         b. 5th – the right to remain silent
         c. 6th – the right to an attorney and jury
         d. 8th – the prohibition against cruel and unusual punishment
   E. Elements of a Crime
      1. Corpus delicti – the body or substance of a crime, composed
of two elements: the act and the criminal agency producing it
2. Actus reus – the guilty act
3. Mens rea – the guilty state of mind

X. Civil Law
A. Provides a means for settling disputes and private wrongs
B. Several areas in civil law
   1. Tort – a private or civil wrong, in which the defendant’s actions cause injury to the plaintiff or to property
   2. Contract – a legally enforceable agreement between two or more parties
   3. Property – a legal right to use or dispose of particular things or subjects
   4. Inheritance – property received from a dead person, either by effect of intestacy or a will
   5. Domestic Relations – relating to the home, the law of divorce, custody, support, or adoption
C. Remedies – vindication of claim of right
   1. Monetary Judgment
   2. Declaratory Judgment – judicial determination of legal rights
   3. Injunction – a court order requiring action or restraint from action; types include preliminary/temporary and permanent
   4. Sanctions include fines or jail
D. Judgment – the official ruling of a court
E. Parties
   1. Plaintiff – the person or party who initiates a lawsuit
   2. Defendant – the person or party against whom a lawsuit or prosecution is brought
F. Damages
   1. Monetary
   2. Compensatory
   3. Punitive
   4. Specific performance
G. Civil law and criminal justice systems interact
   1. Civil Remedies
      a. Civil suits against offenders
         i. Drug dealers
         ii. Drunk drivers
      b. Rape and sexual assault cases
      c. Vindication
      d. Asset seizure forfeitures
      e. Sanctions against gang activity
      f. Community policing efforts – abatement
   2. Civil Liability
      a. Prison inmates suing prison administration or guards
      b. Americans with Disabilities Act
      c. Use of force cases
      d. Employment-related law suits
XI. Administrative Law

A. Federal Agencies
   1. Any federal agency that has rules and regulations that can be contested
   2. Ex: Social Security Administration
   3. Federal Administrative Law judges conduct hearings in contested cases

B. State Agencies
   1. Any state agency that has rules and regulations that can be contested
   2. Ex: Texas Alcoholic Beverage Commission
   3. State Administrative Law judges conduct contested cases

C. Local Entities
   1. Any local agency/entity that has rules and regulations that can be contested
   2. Ex: County property taxes
   3. Entity determines overseeing of the contested issue

Activities

1. Students may complete the Types of Laws Crossword Puzzle to reinforce key terms. Use the Types of Laws Crossword Puzzle Key for assessment.

2. Collaborative Learning Activity – have the students form groups of 3 to 6 people. Give each member a job so everyone has an opportunity to contribute. Each group will present to the class. Use the Presentation Rubric and the Peer Evaluation Rubric for assessment.

   Instructions for the groups: society often demands that new laws be written. One demand is tougher laws on juvenile crime. Think of a rule in your community or school that already exists and needs to be changed. Create an idea for a rule or law the group feels is needed. Decide what action is needed to get the law or rule passed. You may have to do research. Write ideas on a poster board and use it as a visual aid for your presentation.

3. Invite an attorney or judge to come to class and discuss the sources and types of laws. Have the students take notes. Use the Individual Work Rubric for assessment.

Assessments
Types of Laws Quiz and Key
Types of Laws Crossword Puzzle Key
Discussion Rubric
Individual Work Rubric
Peer Evaluation Rubric
Presentation Rubric
Summary Rubric

**Materials**
- Types of Laws computer-based presentation
- Types of Laws Crossword Puzzle
- Types of Laws Key Terms Handout
- Poster Board
- Markers
- Computers with Internet access

**Resources**
0495599336, *Criminal Procedure* (8th Edition), Rolando V. Del Carmen
9780205478934, *Criminal Justice* (2nd Edition), James Fagin

**Accommodations for Learning Differences**
For reinforcement, students will make a Venn diagram (two circles intersecting) and list terms in appropriate spots. Use the Individual Work Rubric for assessment.

For enrichment, students will interview an attorney who practices administrative law and will develop a summary of how this attorney’s practice differs from those who practice other areas of the law. Use the Summary Rubric for assessment.

**State Education Standards**
Texas Essential Knowledge and Skills for Career and Technical Education
§130.296. Court Systems and Practices (One to Two Credits)
(1) The student examines the structure of the legal system in the United States. The student is expected to:
   (E) distinguish between constitutional law, case law, statutory law and administrative law.

**College and Career Readiness Standards**
English Language Arts
II. Reading
   B. Understand new vocabulary and concepts and use them accurately in reading, writing and speaking.
      1. Identify new words and concepts acquired through study of their relationships to other words and concepts.
Types of Laws Key Terms

1. Bill of Rights – the first ten amendments of the U.S. Constitution, specifying rights and liberties
2. Beyond a reasonable doubt – the standard of proof for conviction in criminal law
3. Contract – a legally enforceable agreement between two or more parties
4. Corpus delicti – the body or substance of a crime, composed of two elements: the act and the criminal agency producing it
5. Declaratory judgment – judicial declaration of legal rights of the parties in a controversy
6. Domestic Relations – relating to the home, the law of divorce, custody, support, and adoption
7. Due Process – Fifth and fourteenth Amendment rights during legal proceedings
8. Felony – serious crime, generally resulting in a penalty of one year or more in prison
9. Inheritance – property received from a dead person, either by effect of intestacy or a will
10. Injunction – a court order directing a specific action or lack of action
11. Judgment – the official ruling of a court
12. Misdemeanor – less serious crime, generally resulting in a penalty of less than one year in jail
13. Precedent – a ruling in a previous case that serves as a guide in subsequent cases
14. Preponderance of evidence – the standard of proof for conviction in civil law
15. Property – the legal right to use or dispose of particular things or subjects
16. Remedy – vindication of the claim of right
17. Stare decisis – Latin for “let the decision stand,” then doctrine of using precedents in questions of law
18. Statutes – laws enacted by federal and state legislatures
19. Tort – a private or civil wrong, in which the defendant’s actions cause injury to the plaintiff or to property, often resulting in a civil trial
Types of Laws Crossword Puzzle

ACROSS
4 Ruling in a previous case that serves as a guide in subsequent cases
5 First ten amendments of the U.S. Constitution, specifying rights and liberties
6 Laws enacted by federal and state legislatures
7 A court order directing a specific action or lack of action
9 Standard of proof for conviction in criminal law
10 Less serious crime, generally resulting in a penalty of less than one year in jail
11 A private or civil wrong, often resulting in a civil trial
12 Serious crime, generally resulting in a penalty of one year or more in prison

DOWN
1 Fifth, Sixth, and Fourteenth Amendment rights during legal proceedings
2 The judicial declaration of the legal rights of parties in a controversy
3 Standard of proof for conviction in civil law
8 Latin for "let the decision stand," the doctrine of using precedents in questions of law
Types of Laws Crossword Key

**ACROSS**
4 Precedent
5 Bill of Rights
6 Statutes
7 Injunction
9 Beyond a reasonable doubt
10 Misdemeanor
11 Tort
12 Felony

**DOWN**
1 Due process
2 Declaratory judgment
3 Preponderance of evidence
8 Stare decisis
Types of Laws Quiz

1. _____ What are the three major types of law?
   a) Rehabilitate, protect, and punish
   b) Criminal, civil, and administrative
   c) Family, probate, and property
   d) Case, statutory, and constitutional

2. _____ Another name for case law is
   a) Statute
   b) Precedent
   c) Administrative regulation
   d) Judicial decision

3. _____ State constitutions cannot ______ with the United States Constitution.
   a) agree
   b) bargain
   c) conflict
   d) exercise

4. _____ What provides a means for settling disputes and private wrongs?
   a) Criminal law
   b) Remedies
   c) Declaratory judgment
   d) Civil law

5. _____ Which is not a type of crime?
   a) Felonies
   b) Misdemeanors
   c) All the above
   d) None of the above

6. _____ The first ten amendments of the United States Constitution are commonly known as what?
   a) The Declaration of Independence
   b) The Gettysburg Address
   c) The Bill of Rights
   d) The Brady Bill

7. _____ Laws enacted by federal and state legislatures are known as
   a) Torts
   b) Statutes
   c) Bills
   d) Liabilities

8. _____ A private or civil wrong, often resulting in a civil trial, is
   a) Torts
   b) Statutes
   c) Bills
   d) Liabilities
Types of Laws Quiz Key

9. B
10. D
11. C
12. D
13. D
14. C
15. B
16. A
Peer Evaluation

1) Name of Student

At what level of seriousness did they take this activity?

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Did they make a significant contribution to the brainstorming process?

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Did they make a significant contribution to preparing for the skit?

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What was the level of their participation in the skit(s)?

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Would you want to work with this person in a group again based on their level of productivity?

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2) Name of Student

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Total Score_______
3) Name of Student

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Total Score_______

4) Name of Student

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Total Score_______
5) **Name of Student**  
At what level of seriousness did they take this activity?  
Not Very Serious | Very Serious  
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0 | 1 | 2 | 3 | 4

Did they make a significant contribution to the brainstorming process?  
No | Yes  
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0 | 1 | 2 | 3 | 4

Did they make a significant contribution to preparing for the skit?  
No | Yes  
---|---  
0 | 1 | 2 | 3 | 4

What was the level of their participation in the skit(s)?  
None | A Lot  
---|---  
0 | 1 | 2 | 3 | 4

Would you want to work with this person in a group again based on their level of productivity?  
No | Yes  
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Total Score________

6) **Name of Student**  
At what level of seriousness did they take this activity?  
Not Very Serious | Very Serious  
---|---  
0 | 1 | 2 | 3 | 4

Did they make a significant contribution to the brainstorming process?  
No | Yes  
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0 | 1 | 2 | 3 | 4

Did they make a significant contribution to preparing for the skit?  
No | Yes  
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0 | 1 | 2 | 3 | 4

What was the level of their participation in the skit(s)?  
None | A Lot  
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Would you want to work with this person in a group again based on their level of productivity?  
No | Yes  
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Total Score________
## Discussion Rubric

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<td>Participates in group discussion</td>
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<td>Encourages others to join the conversation</td>
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<td>Keeps the discussion progressing to achieve goals</td>
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<td>Shares thoughts actively while offering helpful recommendations to others</td>
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<td>Gives credit to others for their ideas</td>
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<td>Respects the opinions of others</td>
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<td>Involves others by asking questions or requesting input</td>
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<td>Expresses thoughts and ideas clearly and effectively</td>
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Total Points (32 pts.)

Comments:
## Individual Work Rubric

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<td>Follows directions</td>
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<td>Student completed the work as directed, following the directions given, in order and to the level of quality indicated</td>
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<td>Time management</td>
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<td>Student used time wisely and remained on task 100% of the time</td>
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<td>Organization</td>
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<tr>
<td>Student kept notes and materials in a neat, legible, and organized manner. Information was readily retrieved</td>
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<tr>
<td>Evidence of learning</td>
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<tr>
<td>Student documented information in his or her own words and can accurately answer questions related to the information retrieved</td>
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<tr>
<td>*Research/Gathering information (if relevant)</td>
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<tr>
<td>Student used a variety of methods and sources to gather information. Student took notes while gathering information</td>
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<td><strong>Total Points (20 pts.)</strong></td>
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**Comments:**
## Presentation Rubric

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<tbody>
<tr>
<td><strong>Topic/Content</strong></td>
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<tr>
<td>• Topic discussed completely and in-depth</td>
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<td>• Includes properly cited sources (if used)</td>
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<tr>
<td><strong>Creativity/Neatness</strong></td>
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<tr>
<td>• Integrates a variety of multimedia effects to create a professional presentation (transition and graphics) or appropriate visual aid used</td>
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<tr>
<td>• Title slide, table of contents, bibliography are included, using acceptable format</td>
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<td><strong>Mechanics</strong></td>
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<tr>
<td>• Grammar, spelling, punctuation, and capitalization are correct</td>
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<td>• Image and font size are legible to the entire audience</td>
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<tr>
<td><strong>Oral Presentation</strong></td>
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<td>• Communicates with enthusiasm and eye contact</td>
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<td>• Voice delivery and projection are dynamic and audible</td>
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<td><strong>Audience Interaction</strong></td>
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<td>• Presentation holds audience’s attention and relates a clear message</td>
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<td>• Clearly and effectively communicates the content throughout the presentation</td>
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Comments:
### Summary Rubric

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<tbody>
<tr>
<td>The critical analysis has all required parts from introduction to body to conclusion.</td>
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<td>The critical analysis is concise but complete.</td>
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<td>The critical analysis demonstrates that the writer comprehends the content.</td>
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<td>The critical analysis demonstrates accurate spelling, grammar, and punctuation.</td>
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<td>The overall content of the critical analysis emphasizes appropriate points.</td>
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<td>The writer shows an understanding of sentence structure, paragraphing, and punctuation.</td>
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<td>The source of the critical analysis is clearly and accurately documented.</td>
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<td>The critical analysis demonstrates the correct use of terminology.</td>
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**Total Points (32 pts.)**

Comments: