

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).

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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.

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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.