



American Law: Origins, Development, Types, Examples, and Procedures

Overview

Through discussion, note taking, and a game of Jeopardy, students will learn about the origins of law, trace the development of law in America, and differentiate between the different types of laws. Students will also learn the different steps in civil and criminal judicial proceedings. To culminate their understanding of the judicial process, students will create posters noting the different steps a particular criminal or civil case would go through in the judicial system. (See also "What Crime Was Committed" for related content; available in the Consortium's Database of Civic Resources.)

Grade

10

Course

Civics and Economics

North Carolina Standard Course of Study

- Objective 5.02 – Identify the jurisdiction of the state and federal courts.
- Objective 5.03 – Describe the adversarial nature of the judicial process.
- Objective 6.01 – Trace the development of law in American society.
- Objective 6.02- Cite examples of common, criminal, civil, constitutional, administrative, and statutory law.
- Objective 6.03 – Identify the various procedures in the enactment, implementation, and enforcement of law.

Essential Questions

- What are the origins of law in American society?
- What are the different types of laws in American society?
- What is the judicial process for civil and criminal cases?

Materials

- Ten Commandments Warm-Up Image, example attached
- Law Origins and Types of Law Guided Notes, attached
- "American Law Jeopardy" PowerPoint, available in CEC's Database of Civic Resources under C & E goals 5 & 6, or by e-mailing a request to hinson@sog.unc.edu
- Review of Law, attached
- Civil and Criminal Procedure Flow Chart, attached
- Markers, Poster Board (or chart paper)
- Sample EOC questions and key, attached

Duration

- Teachers should allot a 60-90 minute class period for Day One of this lesson (time will vary based on how long is given to play the Jeopardy game; teachers with limited time can optionally eliminate Jeopardy, or use the game during a class period closer to EOCs as a review activity.)
- The second day will take approximately 30-40 minutes

Procedure

Day One (60-90 minutes)

The Origins of Law

1. Start class by projecting an image of the Ten Commandments (example attached.) Ask students to comment upon what they see and to share what they already know about the Ten Commandments. Once students have shared some thoughts, explain that the Ten Commandments, regardless of religion, were so influential throughout history that many of the same principles are found in the very laws we have today. Ask students if they can cite any another ancient law sources and discuss:
 - Why do we need laws? What purpose do they serve?



- We've mentioned different types of crimes as we discussed the Ten Commandments (i.e. kill, steal, etc.) Should laws treat different crimes in alternative ways? (Meaning, should the law and punishment for murder be different than the law and punishment for theft?)

Explain to students that there are many different types of law and that they will trace their origins and differences today in class.

2. Take students through the attached guided notes. The notes will cover different law origins and the various types of law. Students should fill out their notes, with the teacher bringing up intriguing discussion points whenever possible. These notes should take approximately 20-25 minutes to complete. Explain to students that they will be competing in a game of Jeopardy next, which means that these notes will be very valuable to them in the near future.

This is Jeopardy!

3. **Optional:** In order to further familiarize students the origins of law and various types of law, play a game of Jeopardy with the class using the "Law Origins and Types of Law Jeopardy PowerPoint," available in CEC's Database of Civic Resources, or by e-mailing a request to hinson@sog.unc.edu. (The Jeopardy game can also be used during a later class as an EOC review activity.) To lead the game:
 - Divide the class into three to six groups of equal size. (You might want to allow students to create team names.)
 - Go over the instructions for how to play using Slides 2 & 3 of the Power Point. Teachers should also review their class expectations for respectful group work and remind students to be respectful of their own teammates, as well as other teams.
 - Let students know whether or not they can use their notes while playing. Teachers may also want to offer a prize for the group with the most points, or for all students exhibiting active and successful participation.

Review of Law

4. **Optional:** After Jeopardy, instruct students to return to their seats and complete the attached "Review of Law" handout. You may collect this to assess student knowledge retention when the class period is over. Alternatively, this sheet can be assigned for homework and collected the following class period.

Day Two (30-40 minutes)

Steps in the Judicial Process: Criminal and Civil Procedure

5. Review the origins and types of law with students. (Teachers may want to have students share their answers to the "Review of Law" handout in partners or small groups, or ask discussion questions of the class that require them to recall key points from the previous lesson.) Tell students that in today's activities, they will be learning what happens after a law is broken as they focus on the steps of the judicial process.
6. Begin by presenting a conflict scenario to encourage discussion. For example, select two students in the class and explain that Student A threw poison on Student B's lawn. It killed all of his grass. Discuss:
 - What are Student B's options for justice? (Let students discuss possible responses and offer additional questions to further their thinking based on their responses. For example, if a student responds that a fist fight would be in order, discuss how this could possibly result in having the original victim (Student B) go to jail for assault. What might a better option be?)
 - How would Student B go about filing a law suit against Student A?
 - What is the purpose of the justice system?
 - What do you already know about the judicial process? Is the process always the same, regardless of the law broken? Explain.

Tell students that they will be exploring the judicial process for both criminal and civil cases.

7. Pass out the attached "Civil and Criminal Procedure Flowcharts." Complete the sheet with students, describing the different steps in the judicial process. Try to keep explanations relatively simple as you go through the sheet. If necessary, use a specific example for each process and take students through the process using that example.
 - **Civil Law example:** Tell students Neighbor A allows his dog to constantly rip up Neighbor B's flowers.
 - Dispute – The dog ripping up the flowers (the problem itself)
 - Complaint Filed – Neighbor B files a lawsuit (or complaint) against Neighbor A



- Neighbor A is the defendant, and can choose a number of options. If A ignores the case, a judge will rule on the case without any input from A. If A files for a motion to dismiss, the judge will look over the case to determine whether to throw it out or not. If A files an answer, we move to the next step
- If A and B hire attorneys, they then go into Discovery. They will ask for evidence and information from one another, and are required to share this information with one another. A deposition is a sworn testimony that can have perjury filed if untruthful. Interrogatories are questions that attorneys ask one another in written form to find out more information.
- After the attorneys go through this process, they can submit their evidence to the judge and ask for a summary judgment. If both agree to the facts, a summary judgment can be obtained. At this step, they can also go to arbitration. Arbitration is like a trial format, with a binding outcome at the end.
- If no settlements can be made, or arbitration is not used, it goes to trial. They select a jury, make opening statements, respond, rebut, and close their arguments. There is a lower standard of proof in civil cases. If a jury trial, only need a majority (unlike unanimous requirements in criminal cases).
- If a party does not like the outcome, they can appeal to a higher court, who can decide to take the case or to not take it. No new evidence can be offered in an appeal, so it is usually only taken by appeal in very serious cases or when there is an error in the process of a lower court.
- Note to students how long these processes take, pointing out that the legal system usually bills by the hour. Is it more effective or less effective to take a small case like this through all of the steps, or to just settle the case out of court?
- **Criminal law example:** Choose an example like murder. Explain how more serious offenses are more likely to go through the entire process. Make sure to discuss with students why the majority of cases are settled out of court (legal costs, plea bargaining, etc.)
 - The crime of murder was committed.
 - The victim's family has to bring charges. Public safety officials also bring charges. In the case of a murder, the type of crime must be determined. (They will choose between manslaughter, murder in the first degree, second, etc.) After charges are brought, they must process the accused (fingerprints, etc.)
 - The alleged murderer then becomes a defendant after the crime is charged by public safety officials.
 - A grand jury will review the evidence provided by public safety officials. The prosecutor (often a district attorney) will present evidence before a grand jury to determine whether there is enough evidence to indict the accused.
 - The alleged murderer will plead guilty or not guilty. Prosecutors and defendants often have conversations outside of the courtroom to offer "plea bargains," or reduced sentences to get guilty pleas.
 - If the alleged murderer chooses not to plea bargain, the case goes to trial. It follows the same process as a civil trial, but the major difference is the standard of proof. There must be "beyond a reasonable doubt" proof that the accused committed a crime. This means that there must be no reasonable doubt that the murderer is guilty. If found guilty, there is a sentencing process (sometimes chosen by the judge, sometimes the jury).
 - Defendants can appeal these cases, but no new evidence can be provided. The prosecutors CANNOT appeal a case they lose in criminal court, as this would violate the principle of double jeopardy. In a murder case that goes to trial and finds the defendant guilty, the process is likely to be reviewed. In capital murder cases (cases that involve the death penalty), there are usually lengthy appeals processes.

Civil/Criminal Procedure Poster and Presentation

8. Allow students to further explore the judicial procedures for criminal and civil cases by examining one of the attached scenarios and completing a poster in which they map out the judicial process their assigned case would take:
 - Break students into pairs or small groups and give each pair/group either the attached Buggsy Jones case or the Brenda Button case. (Try to ensure an equal number of partners are dealing with each case.)
 - Provide students with 15+ minutes to review the case and produce a poster (detailed instructions are on the handouts.)
 - After going over the instructions on the handouts, clarify with students that the final poster should trace all of the steps in either the criminal or civil judicial process, as well as choices to continue or end the legal proceedings at each point in the process. They should also determine what they would recommend if they were providing legal advice in the case. (Let students know that they do not have to go through every step – i.e. plea bargaining and settling are options.)
9. Once students have finished their posters, teachers have two options for presentation and review of student work:
 - Option 1:



- When students have finished their posters, have them hang them on the wall (separated by case). Allow students approximately 5 minutes for a “gallery walk” during which they can view the various posters, noting any differences or irregularities they see between posters. (Before letting students start their gallery walk, it will be helpful to have two student volunteers read each case scenario for the entire class. Also, teachers should review their expectations for safe movement around the room.)
- When finished with the gallery walk, reassemble the students and discuss both cases as a class. You may choose to call on groups whose posters made interesting arguments, were especially creative, or whose decisions puzzled you to explain their reasoning.
- You should also ask students the major similarities and differences they noticed between their group’s poster and other posters on the same case. Clarify any inconsistencies or incorrect posters.
- Option 2:
 - After all partners have completed their poster, combine each pair of students with another pair of students that worked on the opposite case. Have each pair of students in these newly formed groups of four teach the other two students about their case and its process. Each pair in the group of four should summarize the case on which they worked, explain whether it is civil or criminal, explain the process they believe the case would take through the judicial system, and explain what their recommendations regarding the case would be.
 - Once all pairs in their newly formed groups have taught one another about the two cases, bring the class back together and discuss each case as a whole class, ensuring all students understand accurate procedures and options for each case. Clarify the choices various groups made. (For example, after asking for the decisions that students made as they went through the legal process, if a student says they went all the way through the appeals process in the Brenda case, ask them how expensive they think that process would be. If they said they took a plea bargain in the Buggsy case, ask them whether they would do it if they were 100% positive that their client was innocent. Use their answers as jumping off points for the class to have a discussion about how the legal system works.)

Homework – EOC Practice

10. **Optional:** Provide the attached sample EOC questions for students to complete as an assessment at the end of class, or for homework. These questions relate specifically to content from this lesson. (Additional sample EOC questions for each C & E Competency Goal may be found in the Consortium’s Database of Civic Resources.)

Resources

- Common Law: <http://www.pixi.com/~kingdom/common.html>
- Criminal Law: <http://www.law.conrell.edu/topics/criminal.html>
- Avalon Project at Yale Law School: <http://avalon.law.yale.edu/>
- *Law 101: Everything You Need to Know About the American Legal System*. Feinman, Jay. Oxford University Press. 2nd edition. (2006)
- Civic Education Consortium’s Online Database: <http://www.sog.unc.edu/programs/civiced/resources/index.php>

Multiple Intelligences Addressed

Logical-Mathematical
 Verbal-Linguistic
 Visual-Spatial
 Interpersonal
 Intrapersonal



Ten Commandments Warm-Up Image



Law Origins

Name:

Period:

Date:



Types of Codes

- Moral Code –
- Legal Code –

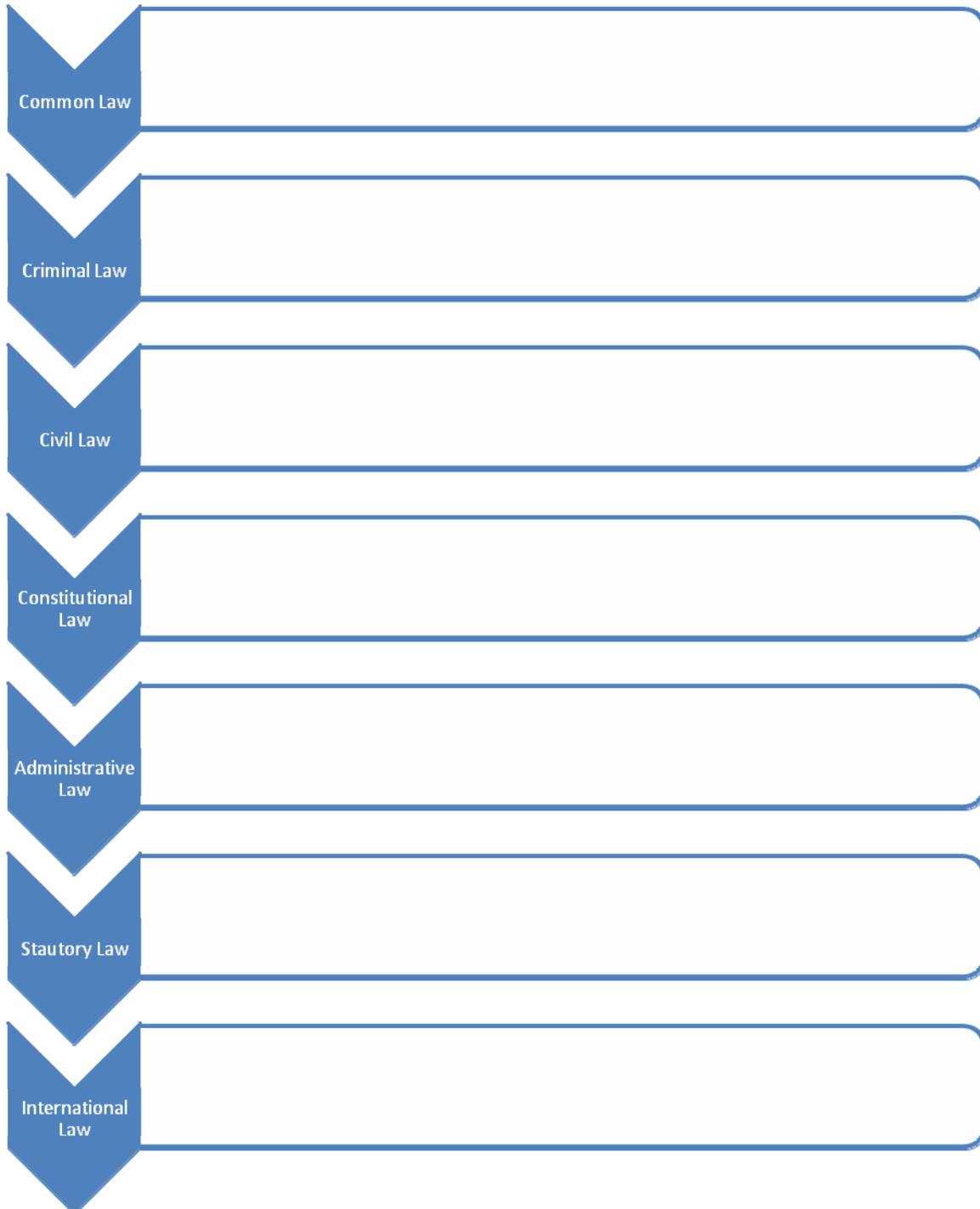
Famous Codes of Law Through History

- Codes of Hammurabi ()–
- Ten Commandments ()–
- Justinian Codes ()–
- Draconian Laws ()–
- English Bill of Rights ()–
- British Common Law ()–
- Iroquois Nation’s Constitution ()–
- Social Contract ()–
- Magna Carta ()–
- Declaration of Independence ()–
- U.S. Constitution ()–



Types of Law

- Using these different origins, many different _____ of law developed.
- There are seven major types of law:



Law Origins - Key

Name:

Period:

Date:



Types of Codes

- Moral Code – A code of conduct. What is right/wrong. Defined by Society.
- Legal Code – A type of legislation that creates laws for a society. Unlike a Moral Code, these can be enforced in a court of law.

Famous Codes of Law Through History

- Codes of Hammurabi (1760 BC) – Developed in Ancient Babylon, this code demonstrates reciprocal punishment. Meaning an “eye for an eye:”
- Ten Commandments (Approx. 1446 BC) – A list of moral and religious principles given to Moses in Ancient Israel. Contains many principles still used today (thou shall not kill, steal, covet, etc.)
- Justinian Codes (529-534 AD) – This Code, from the Byzantine Empire, compiled many Roman Laws into different singular areas. Became a basis for civil law in the Byzantine Empire.
- Draconian Laws (Around 610 BC) – Ancient Greek code. The code was very harsh, ordering death for many crimes (including tiny ones like stealing an apple). This was done to quell rebellions, but did not work.
- English Bill of Rights (1689) – Protected certain rights of English citizens, including the right to petition and bear arms.
- British Common Law (1154) – Common Law is the idea that current court cases can be judged based on the idea of precedent. Courts review cases and decide on precedent. Courts can also overturn precedent.
- Iroquois Nation’s Constitution (1500s) – Also called Gayanashagowa (or Great Law of Peace). This created a “Great Peacemaker” (like a President), and is thought to have influenced the US Constitution.
- Social Contract (1651, 1689, 1762) – Developed by Hobbes, Rousseau, and Locke, this is the idea that people give up some of their rights in order to maintain a society and government.
- Magna Carta (1215) – M.C. required the King of England to be bound by laws. It also protected “habeas corpus,” or the right to appeal unlawful detention. Formed a large basis of the US Constitution.
- Declaration of Independence (1776) – Written primarily by Thomas Jefferson, this statement is not law, but identifies many human rights and principles that inform our laws today. Also declared US independence.
- U.S. Constitution (1787) – Basis of American law, established protected rights in the Bill of Rights.





Law Types

- Using these different origins, many different **types** of law developed.
- There are seven major types of law:



Review of Law– Side 1

Name:

Period:

Date:



Famous Codes of Law Through History

Pick one of the famous examples of law throughout history. Provide a brief discussion of that law, and how you think it informs the law that we make today. You may use any one of the eleven examples provided in your notes.

The Areas of Law

Next to each area of law below, please provide a definition in YOUR OWN WORDS, as well as an example of this area of law. You may draw on the many examples brought up in our Jeopardy game, your personal experiences, or you may attempt to make one up. For example, with Criminal Law, I might make up the example crime of stealing 700 lbs of mayonnaise from the local grocery store. This would be tried in a *criminal court* because it involves theft.

1. Common Law -

2. Criminal Law -

Review of Law– Side 2

The Areas of Law – cont'd

3. Civil Law -

4. Constitutional Law -

5. Administrative Law -

6. Statutory Law -

7. International Law -



Civil and Criminal Procedure Flowcharts



Name:

Period:

Date:

Civil Procedure

1. Dispute



2. Complaint filed



3. Defendant can:



4. Discovery Period



5. Ask for summary judgement



6. Trial



7. Appeals

Criminal Procedure

1. Crime Committed



2. Prosecuted/Processed



3. Charged



4. Indicted



5. Plea



6. Trial/Verdict



7. Appeals



Civil and Criminal Procedure Flowcharts - Key

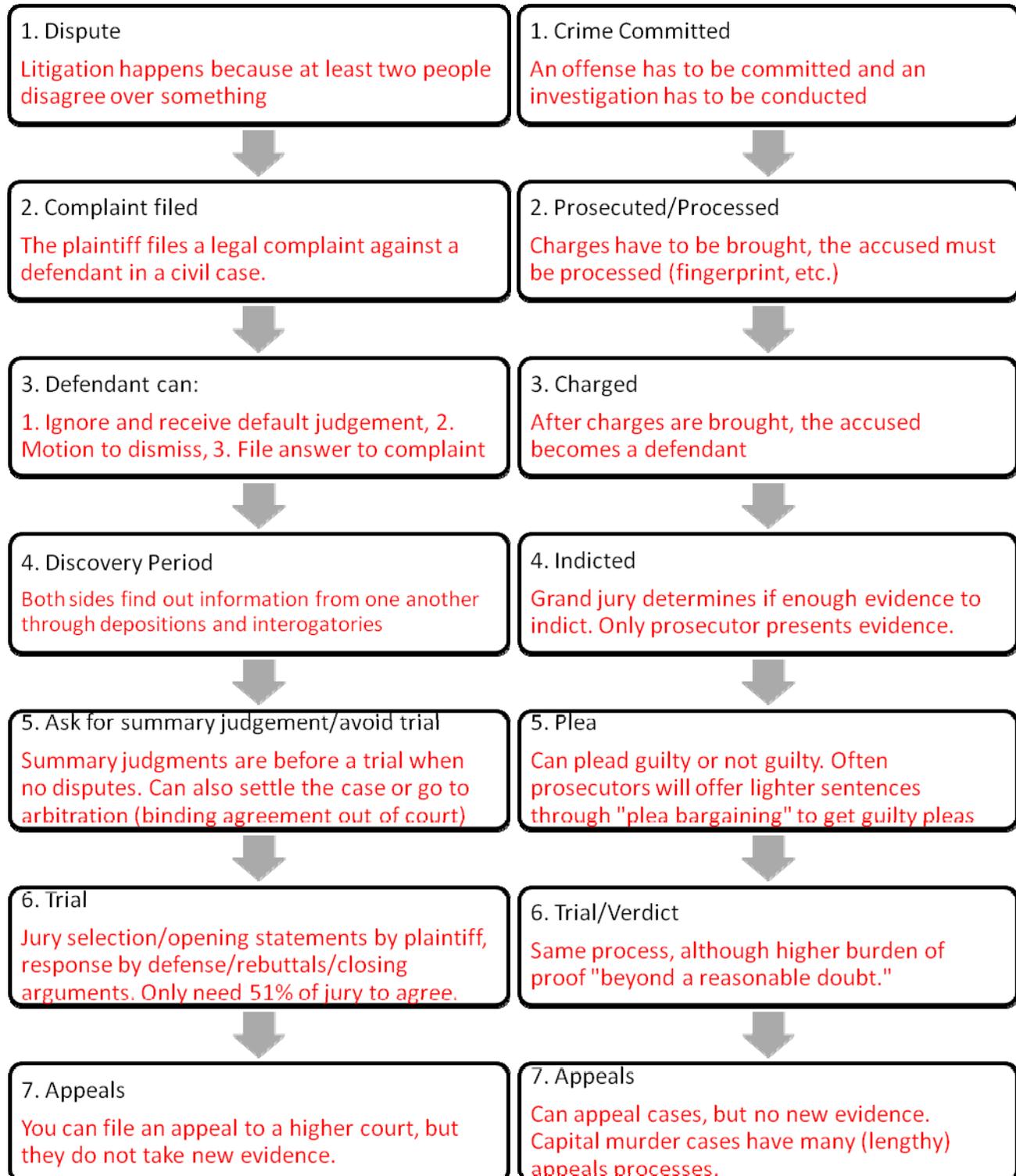
Name:

Period:

Date:

Civil Procedure **Majority settled out of court**

Criminal Procedure **Majority plea bargained**



The Case of Buggsy Jones & Gas-Em'-Up - Poster



Directions

- You will have _____ minutes to complete your group work.
- Begin by individually reading the case summary. Jot down some notes about the case and underline the important points.
- Once you and your partner/group has finished reading, talk about the case, summarizing it for one another and clarifying any questions. Determine what type of case this is: criminal or civil.
- Next, map out (on notebook paper) the steps this case would go through in the judicial process. Trace ALL of the possible steps of this case. You may use your notes to ensure accuracy.
- At each step, each of you should decide whether you would advise your potential client to continue in the process or not. Provide a short explanation of WHY you would advise the client this way. (For example, if you tell a client to go all the way through the appeals process, WHY do you think this is in your client's best interest?)
- Once you are sure of the judicial process the case would go through, and have explored all of the options at each step, create a poster detailing this information. Anyone unfamiliar with your case and the judicial process should be able to learn this information from reading your poster and its map of the judicial process. Be creative, colorful, and accurate!
- All group members must participate. Be prepared to share your posters with classmates, as well as take questions from your teacher and fellow classmates regarding your work.

Case Summary

Buggsy Jones is accused of robbing Gas-Em'-Up, a gas station. The owner reported the robbery to police officers. The police performed an investigation, and the owner claims that Buggsy robbed him at gunpoint. Security camera footage of Buggsy is provided by the owner, although the robber was wearing a mask.

The Police see this as an open and shut case. They charge Buggsy with armed robbery, and offer him a 2 year sentence in exchange for a guilty plea. Buggsy maintains his innocence. Your group needs to help advise him of the legal process and his options going forward.

The Case of Brenda Button v. GoGo Auto - Poster

Directions

- You will have _____ minutes to complete your group work.
- Begin by individually reading the case summary. Jot down some notes about the case and underline the important points.
- Once you and your partner/group has finished reading, talk about the case, summarizing it for one another and clarifying any questions. Determine what type of case this is: criminal or civil.
- Next, map out (on notebook paper) the steps this case would go through in the judicial process. Trace ALL of the possible steps of this case. You may use your notes to ensure accuracy.
- At each step, each of you should decide whether you would advise your potential client to continue in the process or not. Provide a short explanation of WHY you would advise the client this way. (For example, if you tell a client to go all the way through the appeals process, WHY do you think this is in your client's best interest?)
- Once you are sure of the judicial process the case would go through, and have explored all of the options at each step, create a poster detailing this information. Anyone unfamiliar with your case and the judicial process should be able to learn this information from reading your poster and its map of the judicial process. Be creative, colorful, and accurate!
- All group members must participate. Be prepared to share your posters with classmates, as well as take questions from your teacher and fellow classmates regarding your work.



Case Summary

Brenda Button was in a serious car accident; she was hit by a drunk driver. Brenda sues the drunk driver for negligent behavior. Brenda also sues her car's manufacturer, GoGo Auto, since when the car Brenda was driving was struck by the drunk driver, the airbags did not deploy. This caused serious facial injury to Brenda.

GoGo Auto has hired you as an attorney in this case. Your job is to walk them through the different steps of the process and advise them of their best outcomes. It should be noted that a similar incident happened twice before with their competitors, Joy Auto and CarLove Auto. Joy Auto went through the entire legal process and lost their lawsuit (incurring legal fees and a cash award to the plaintiff). CarLove Auto settled out of court for an undisclosed amount.

Name:

Period:

Date:

1. This code of law was developed in Ancient Babylon and demonstrated the principle of *reciprocal punishment*.

- A. Codes of Montezuma
- B. The Justinian Codes
- C. The Babylonian Codes
- D. Codes of Hammurabi

2. All of these historical documents influenced the American system of law EXCEPT:

- A. Draconian Laws
- B. Iroquois Nation's Constitution
- C. Social Contract Theory
- D. Codes of Ponce De Leon

3. Which of these documents limited the power of England's King and forced him to be bound by the rule of law?

- A. The Magna Carta
- B. The English Bill of Rights
- C. The Declaration of Independence
- D. English Common Law

4. Which of these documents is/was not a legally binding document?

- A. The United States Constitution
- B. The Declaration of Independence
- C. The English Bill of Rights
- D. Codes of Hammurabi

5. Read the description of the legal case below and decide the area of law *best* suited to handle the case.

A company manufactures tomato soup. The can containing the soup contains a defect that causes consumers to injure their hands when they open the can. The consumers want to file a lawsuit to pay for their medical bills.

- A. Statutory Law
- B. Administrative Law
- C. Civil Law
- D. Criminal Law

6. Laws that govern agreements between countries (such as treaties and agreements) are governed by what *area of law*?

- A. United Nations Resolutions
- B. International Law
- C. Constitutional Law
- D. Common Law

7. If a theft occurs in a grocery store, the store's owner may find a legal resolution in each avenue EXCEPT:

- A. Civil Law Case
- B. Criminal Law Case
- C. Administrative Law Case
- D. Not filing charges

9. A decision brought before the United States Supreme Court is usually which area of law?

- A. Constitutional Law
- B. Common Law
- C. Criminal Law
- D. Statutory Law

9. A complaint is _____.

- A. When a defendant files a motion to dismiss a case based on a lack of evidence
- B. When a plaintiff files a motion to dismiss a case based on a lack of evidence
- C. When a plaintiff files a legal charge against a defendant
- D. When a defendant files a legal charge against a plaintiff

10. Select the correct order in *Criminal Law Procedure*:

- A. Complaint → Discovery → Trial
- B. Appeal → Discovery → Trial
- C. Trial → Discovery → Appeal
- D. Indictment → Trial → Appeal

11. The Discovery Period in a Civil Law case is *best defined as*:

- A. When both sides find out information from one another through depositions and interrogatories.
- B. When both sides discover evidence by themselves and seek subpoena powers.
- C. When a claimant discovers that a case is not worth the legal expense to file
- D. When the crime is discovered.

Answer Key

1. D
2. D
3. A
4. B
5. C
6. B
7. C
8. A
9. C
10. D
11. A

