Law and Justice

I. Source of Law

* 1. What makes a good law? What is the purpose of law?
  2. Where do our laws come from
     1. Code of Hammurabi
     2. Ten Commandments
     3. Justinian Code
     4. English common law
     5. Napoleonic Code

1. Types of Laws
   1. Criminal Law
      1. Adversary system
         1. State is the plaintiff
         2. Accused is the defendant
      2. Felonies and Misdemeanors
      3. Crimes against property
   2. Civil law (lawsuits)
      1. Plaintiff is the one suing
      2. Defendant is one being sued
      3. Tort law—negligence
      4. Family law
   3. Constitutional law
   4. Administrative law
      1. Government agencies and boards
      2. Includes lawsuits against these agencies
   5. Statutory law
      1. Laws made by a legislative body
      2. Regulate behavior
      3. Protect us
      4. Create rights and benefits
2. Protections
   1. Stare decisis
   2. Habeas corpus
   3. Bills of attainder
   4. Ex post facto laws
   5. Due process
   6. 4th Amendment
   7. 5th Amendment
      1. double jeopardy
      2. due process
      3. self-incrimination
      4. grand jury
   8. 6th Amendment
      1. lawyer
      2. jury trial
   9. 8th Amendment
3. Civil Cases
   1. Why people sue?
   2. Process of a civil case
      1. Complaint
      2. Summons
      3. Answer
      4. Discovery
      5. Settlement or trial
      6. Preponderance of evidence
      7. Verdict and remedy
      8. Appeals
4. Criminal Cases
   1. Penal code
      1. Punishment
         1. Suspended sentence
         2. Active sentence
         3. Parole
         4. Mandatory sentencing
         5. Probation
   2. process of criminal case
      1. arrest
      2. booking
      3. hearing
      4. indictment
      5. arraignment
      6. trial
         1. evidence collection
         2. jury selection
         3. opening statement
         4. witnesses testify
            1. prosecution goes first
            2. cross-examination
         5. closing argument
         6. jury instruction from judge
         7. jury deliberation
         8. verdict
            1. guilty
            2. acquittal
            3. hung jury
         9. sentencing
         10. appeal

c. Juveniles

1. < 16 in NC

ii. rehabilitation vs punishment

iii. types of juvenile cases

* + 1. neglect
    2. delinquency

1. diversion or detention?
2. *In re Gault*
3. Trial
   1. No jury
   2. Closed to public
   3. Identities secret
4. sentencing
   1. anything from lecture to detention center
   2. records cleared if successfully completes probation