



JURIS

**An interaction unit introducing contracts,
torts, juvenile and criminal law**

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TEACHER GUIDE

PURPOSE

JURIS is designed to help the teacher create meaningful and lasting learning experiences in the areas of contract law, torts law, juvenile law, and criminal law. With juveniles becoming more and more involved with legal difficulties — arrests of persons under 18 have risen from approximately 10% of all arrests in 1950 to 46% in 1970 — such instruction is obviously critically needed. However, all too often, secondary teachers lack the legal background necessary to confidently give such instruction. Fortunately, JURIS not only provides the teacher with legal learning situations for his/her students; it also gives teacher and students a detailed background in four basic areas of our legal system.

OVERVIEW

JURIS is organized into four sections, each having a different legal area emphasis. Each section is complete in itself and may be taught independently of the others or in combination with other materials from other sources. The STUDENT HANDBOOK contains a history of the common law legal system, a detailed background for each type of law, and a GLOSSARY OF LEGAL TERMS common to all types of law. In this TEACHER GUIDE are directions for three teaching strategies and master copies for all student expendable forms, including case studies and questions for each section, for small group instruction, and for individual response assignments.

TEACHING STRATEGY I One way JURIS can be profitably used is to use the STUDENT HANDBOOK as a textbook and the TEACHER GUIDE's case studies and the related questions (called the "Arguendo") which follow each case study as traditional in-class and/or homework assignments. The instructor can choose one or more of these case studies, have them duplicated, and then hand them out to students. The instructor can then hold a class discussion on these assignments, adding any information and/or insight which he/she feels the students need. Many districts now have audio-visual materials that could be integrated with this approach.

TEACHING STRATEGY II Another way JURIS can be used is to develop a *participatory* classroom approach. In this strategy, the object is for students to learn as much as possible from one another's study of related materials and to

help one another meet instructional requirements. In using this method, the teacher organizes the class into the five elements that form our adversary system of justice. These five elements are the *plaintiff (or prosecution)*, the *defense*, the *judge*, the *jury*, and the *appellate court*. Once the class has been divided into the above five groups, each group uses a different frame of reference in evaluating a set of facts and circumstances making up a legal controversy brought to trial. Hence, directions for developing each frame of reference given in this guide are duplicated by the instructor and given as assignments to five small groups, each group having been given the responsibility of one of the five elements. After members of each group help one another develop a particular frame of reference, all groups meet together and a spokesperson from each group gives a report on how his/her group views the controversy. The instructor can then move on to the next area of law, assigning each group a different element to develop. The teacher can also assign individual research compositions to be written on topics from the INDIVIDUAL RESPONSE QUESTIONS also supplied in this guide.

TEACHING STRATEGY III Finally, JURIS may be used as an independent study vehicle for selected students. In this approach the instructor gives each student a different case study, asks him/her to do three things: 1-write answers to the Arguendo questions; 2-develop a discussion of how the various elements of the adversary system would likely react to this case study; and 3-write a research composition on a topic from the INDIVIDUAL RESPONSE QUESTIONS section. This approach can be extended with a series of lectures on our legal system and is, perhaps, best used with an honors section in Civics or history or in schools that have adopted an individualized contract system of study.

SET-UP DIRECTIONS

1. Decide what teaching strategy you are going to use and what materials in this guide you will need.
2. Remove the black "bac-bone" and make them masters of the materials you have selected.
3. Have your duplicating clerk make sufficient copies for the number of students involved.
4. Have your librarian set up for you a reserve shelf of law-related books.
5. Make arrangements for films and filmstrips with your audio-visual aide. The amount of A-V materials on law is increasing rapidly due to students' growing interest in the subject.

INDIVIDUAL RESPONSE QUESTIONS (page 2)

2. Describe why there are different punishments for different crimes. How fair is the situation at the present time?
3. Evaluate the felony murder rule. Should it apply to embezzlement, larceny, forgery, drunk driving, counterfeiting, and sodomy?
4. Discuss whether or not a person has to *intend* to commit a crime to be found guilty. Describe any possible exceptions. Also discuss ways the prosecutor can show intent even if the defendant denies it.
5. Discuss the advisability of having different punishments for juveniles who commit adult crimes from the punishments given adults who commit the same crimes.
6. Discuss whether or not a 17-year-old in your state can be committed to life in prison for murder. Give the earliest age at which this can happen and evaluate whether you believe your state law, in this regard, is good or bad.
7. Discuss whether or not capital punishment should be abolished in the United States. Explain your reasoning.
8. Discuss the concept of rehabilitation vs. punishment, particularly in relationship to "hard core" criminals (i.e., repeated offenders).
9. Discuss possible improvements for our present criminal justice system.
10. Evaluate whether or not a defendant's economic status affects his defense in a criminal trial. Be sure you understand your area's "public defender" program.

JUVENILE LAW CASE STUDY 4

In re: Pamela Sampson

Once again Pam managed to flunk a test of Mr. Jenson's. This time her poor grade prompted Mr. Jenson to ask Pam why she performed so poorly. Since Pam was reluctant to tell the real reason, Mr. Jenson called on her eleventh grade counselor for helpful information about her background.

Mr. Edwards, Pam's counselor, told Mr. Jenson that Pam was also getting low grades in other classes. Several other teachers had also sought additional information about her. Furthermore, Mr. Edwards reported many unsuccessful attempts in trying to reach Pam's parents for a conference. Apparently, both worked during the day and could not or refused to be reached at work. Mr. Jenson learned that besides Pam, there were several other children in her family: three pre-school brothers, one sister in the twelfth grade, and two older children out of school. Very little information could be learned from Pam or her older sister except that their parents were fairly poor and the children rarely saw their father. Their harsh mother demanded much of the children's study time for household chores. Not once in several attempts had Pam's mother responded to school letters and referrals asking for conferences. With so many other students to counsel, Mr. Edwards had taken no further steps in trying to talk to the parents.

Disturbed by what he learned, Mr. Jenson decided to offer to drive Pam home and wait for her parents so he could consult with them. It took several days to convince Pam of the worthiness of such an effort, but, finally, realizing Mr. Jenson's determination, she consented to his ride home.

Mr. Jenson's was not surprised by his first impression of Pam's home. It looked like a disaster area: it had two extremely small bedrooms, was very dirty, and lacked essential furniture and heat. While Mr. Jenson was visiting with Pam and her younger brothers, the door suddenly opened and in stormed Pam's mother. Extremely irritated by Mr. Jenson's presence, she demanded he leave at once. Failing to convince her of his right to stay for the information he sought, Mr. Jenson unwillingly headed for the door. As he passed Pam's mother, he smelled alcohol on her breath and noticed several bruises on her neck.

The next day Mr. Jenson reported his trip to Mr. Edwards. Sensing some parental neglect, Mr. Edwards called the local welfare agency.

Several days passed, but on the fourth day after the initial contact, Mr. Edwards received a telephone call from the Juvenile Court. The Court informed Mr. Edwards of its investigation into the situation in Pam's home. The children were undernourished and often hungry; the father had recently been arrested for assault and battery in a bar brawl; the mother was a heavy drinker who often got into loud, disruptive fights with her husband; and the children were being forced to live in intolerable conditions.

The Juvenile Court, upon completion of its investigation through the welfare agency, had summoned Pam's parents to appear in court.

ARGUENDO

(Follow your teacher's directions while answering these questions.)

1. What relationship does your school have with the Juvenile Court in your state?
2. What relationship does the Juvenile Court have with the Welfare Department of your state?
3. Should teachers follow-up on problems of troubled children by making a visit to their homes?
4. What legal role does the school counselor have in dependent child situations?
5. How do officials of Juvenile Court generally become aware of problems in homes?
6. Should Pam's parents be criminally prosecuted? If so, for what?
7. In the Juvenile Court proceeding on Pam's case, what direction do you think the judge or referee would take? Why?
8. Is this a realistic case in your school? If not, why not? What correlation is there between economic status and involvement in the juvenile justice system?
9. Why do you think Pam was afraid to seek help or assistance from the school officials?

This Student Guide gives you specific legal background in the areas of contracts, torts, juvenile delinquency, and criminal law. However, before you begin your first case study, you should study the main elements of our legal system: the common law; code or statute law; court systems; jury system; and our adversary trial system.

Common Law

To begin with, the term *common law* refers to unwritten law formed by judges' decisions over a span of time. These decisions are recorded in *law books* and form one basis of a lawyer's study while preparing a law case. The process of using previous judges' decisions as precedents for determining the law that applies to a current fact situation involving controversy is called *stare decisis*.

The whole common law process dates back to 1066 when the Normans conquered England and established a legal system *common* for all citizens, as contrasted with the various "local" laws, mainly clan customs, of the various Saxon villages and districts. By Edward I's reign in 1272–1307, a royal court had been set up in Westminster and its judges *declared* the common law for all England. Just prior to Edward I's reign, a man named Bracton made abstracts of several thousand cases dating back to 1189. His work became the first law case library for attorneys. Following Bracton under Edward I, the first law schools, called Inns of Court, were established; in them all lawyers and their young apprentices lived and worked. Part of the law student's training was to take notes on the cases being tried. These notes were collected and copied and became the "Year Books." From this beginning, the practice of recording law cases and their decision has continued to this day in both England and America. All states in the United States (with the exception of Louisiana, which uses the Roman Civil Code) have adopted the English Common Law as a basic reference for legal decisions not covered completely, or in part, by statute law.

In addition to the English Common Law, the American system has evolved a considerable body of common law of its own based on Supreme Court decisions under the process of "Judicial Review." In this process the Supreme Court rules on the constitutionality of laws passed and carried out by the legislative and executive branches of government. Over the years since our Constitution was adopted in 1788 and Judicial Review was assumed as a right by our first Chief Justice,

John Marshall, many *landmark* decisions have been made. Attorneys today operate under the assumption that these decisions are law until they are overturned by a new court ruling. Perhaps the most publicized example of this process in action in recent times has been the *Brown v. Topeka* case of 1954; it ruled illegal any school segregation of majority and minority races and overturned the legal precedent of *Plessy v. Ferguson*, 1896, which had allowed "separate but equal" schools for majority and minority races.

Code or Statute Law

The second element of our legal system is that law known as statute or *codified* law. This law is written down in statutes and forms the basis of various state codes (hence, the term *California Code* refers to statute law). Other than being written down, the main difference between common law and statute law is that statute laws are made by the many elected bodies of legislators in the nation, in the various states, and in local communities. Hence, the United States Code and Local Codes of various cities and counties all have laws designed to govern our conduct.

The Court System

A third element of our legal system is the court system. Since our national Constitution sets up a *federal* system of government (the national government in Washington shares power with the various state governments), we actually live under two separate systems of law and courts. The national government (sometimes called *federal* government) has a court system headed by the United States Supreme Court, which has established Circuit Courts in various regions of the United States to hear appeals from the various District Courts established in each region. (Thus, a case of *federal character* started in a District Court, might then be appealed to the Circuit Court, and then possibly be appealed again to the Supreme Court.) However, most law cases—over 90 percent—are tried in state courts, which often sit in the same buildings or in buildings adjacent to the federal courts.

State court systems vary somewhat in the number of appellate levels offered, but in California, for example, four levels exist: the municipal (or local community) court; the superior (or county) court; the court of appeals (or regional) court; and, finally, the supreme court (the highest in the state). When a person commits a crime, he can possibly violate both state and federal laws and, hence, be subject to prosecution in both

Definition: A dangerous drug is any kind of drug, chemical, or medicine that is unsafe for a person to give to himself or others. Narcotics are an especially dangerous type of drug.

Article 1 Alcohol

Alcohol as used for voluntary intoxication is any drink or solid that has at least $\frac{1}{2}$ or 1 percent alcohol content. Most alcoholic beverages are much higher in content than this.

Section 1: Laws Governing Use by Minors. There is no law against using alcoholic beverages, even by minors, in most states, under limited conditions. A minor may not drink in a public place, be in a place whose principal business is selling alcoholic beverages for premises consumption, work in such a place, or purchase or possess alcoholic beverages.

Section 2: Laws Governing Adult Use. An adult may not be intoxicated in a public place, drive a vehicle while under the influence, or transport open alcoholic containers in the driver's compartment of his car.

Section 3: Punishment

Clause a: Minors caught drinking or working in a public place are usually referred to Juvenile Hall and the owners of the place fined and/or closed through license suspension.

Clause b: Adults who are arrested for being intoxicated in a public place are usually charged with a misdemeanor (see Criminal Law, Article 3, Section 2), fined, and released.

Clause c: In California, driving a motor vehicle while under the influence of alcoholic beverages is punishable by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than \$250 nor more than \$500 or by both. While, in practice, a first offender often has this penalty suspended, a second conviction within seven years *requires* at least five days in jail. If the intoxicated driver is involved in an accident causing injury to another person, the punishment is imprisonment in the state prison for not less than one year or more than five years, or a fine of not less than \$250 or more than \$5,000, or both.

Article 2 Dangerous Drugs

Section 1: Marijuana. Marijuana is sometimes called *pot* or *grass*. Hashish or *hashis* is a stronger kind of marijuana. It makes most people feel pleasant or "high" although results can be very different with different people. It is physically non-addictive, but doctors are not sure if it is harmful to the body. Some recent studies, however, have indicated definite psychological harm can result from heavy use.

Section 2: Hallucinogens. These drugs include LSD, peyote, and many others. They cause a person to see, feel, and hear things in strange or different ways. Using one of these drugs is a "trip" and can be pleasant or terrifying. A person cannot tell what kind of trip he will have before taking the drug. Many doctors say hallucinogens will cause permanent damage to the brain and the body, but others say the effects are only temporary.

Section 3: Stimulants. These drugs are sometimes called bennies, uppers, dexies, or speed. They temporarily make a person feel more awake and alert and have been used by professional athletes to overcome tiredness. Large amounts taken in the veins with a needle are addictive and may injure the body and brain. Excessively large amounts can cause death.

Section 4: Sedatives. These drugs are called tranquilizers, downers, goof balls, or sleepers. They calm and relax a person and are sometimes used as sleeping pills. They are addictive and a large amount can cause death. Further, sleeping pills when taken together with alcohol are more dangerous than when either is taken separately and can cause death.

Section 5: Narcotics. These very dangerous drugs include heroin, opium, morphine, methadone, and others. They relieve pain and make a person feel sleepy. Large enough amounts cause a pleasant, happy, dreamlike feeling. They are very addictive because people who use them have a serious withdrawal sickness when they stop and have to take more and more of the drug to stop this from happening. Large amounts can cause death.

Article 3 Penalties for Illegal Drug Use

Individual states vary in the penalties given for convictions for drug-related offenses. California's penalties are given on following page.