

### Goals

Following Lesson 1-2, students should be able to:

- explain how constitutional, statutory, administrative, and case laws are created
- explain how to resolve conflicts between constitutional, statutory, administrative, and case laws
- describe the differences between criminal and civil, substantive and procedural, and business and other forms of law

Laws are created at all three levels of government:

- 1) federal
- 2) state
- 3) local

At each level, laws consist of:

- constitutions
- statutes
- administrative regulations
- case law

### Constitution

- document that sets forth the framework of a government
- defines and allocates certain powers
- federal and state

### Constitutional law

- when constitutions are adopted or amended, or
- when courts interpret constitutions

Constitutions allocate powers:

- 1) between people and their governments
  - Federal constitution
    - Bill of Rights (first 10 amendments)
    - freedom of religion, speech, etc.
- 2) between federal and state governments
  - federal government regulates foreign and interstate commerce
  - state government regulates intrastate commerce

LHS  
Business Law  
Lesson 1.2 - Types of Laws  
Transparency

3) between the three branches of government:  
--executive, legislative, and judicial

Statutes  
--laws enacted by federal/state legislatures

Read “What’s Your Verdict?” on p. 9

Ordinance  
--legislation at the local level  
--ex. Wheaton’s liquor ordinance

Administrative agencies  
--governmental bodies formed to carry out particular laws  
--Social Security Administration  
--IL Dept. of Motor Vehicles (DMV)  
  
--agencies create rules and regulations  
--IL Rules of the Road  
--rules for obtaining a driver’s license

Case law  
--created by judicial branch  
--after a trial has ended and one of the parties appeals the result to a higher court

Doctrine of *stare decisis*  
--Latin term for “to adhere to decided cases”  
--lower courts must follow established case law in deciding similar cases

Read “In This Case” on p. 10

Read “What’s Your Verdict” on p. 10

Unconstitutional  
--law is invalid because it conflicts with a constitution  
--determined by the appropriate supreme court

LHS  
Business Law  
Lesson 1.2 - Types of Laws  
Transparency

Read Criminal v. Civil Laws on p. 11

### Civil Law

- deals with wrongs committed against individuals
- applies when one person has the right to sue another person
  - guilty defendants pay money to the plaintiff
  - examples?

### Crime

- offense against society
  - disrupts the stable environment that we depend on to make civilization work

### Criminal Law

- deals with offenses against society
  - guilty defendants are fined, imprisoned, or executed

Read “What’s Your Verdict?” on p. 11

View picture on p. 11

- Is the man being arrested for a criminal or civil charge?

Read “Law in the Media” on p. 12

Read Procedural v. Substantive Laws and Business Law on p. 12

### Procedural Law

- methods of *enforcing* legal rights and duties
  - how and when police can make arrests
  - what methods can be used in a trial
- Two types
  - 1) Civil procedure
    - a civil law has been violated
    - private offense

LHS

Business Law

Lesson 1.2 - Types of Laws

Transparency

--2) Criminal procedure

--a crime has been committed

--public offense

Substantive Law

--defines rights and duties

--all rules of conduct except those involved in enforcement

--define offenses such as murder, theft, breach of contract, etc.

Business Law

--apply to business situations and transactions

--civil law

--criminal law

Tort

--private wrong against others or organizations

--ex. defective product that causes injury

--civil or criminal offense?

--civil offense

Uniform Commercial Code (UCC)

--uniform business law

--sale of goods, banking, leases of goods, etc.

Assign:

Think About Legal Concepts, p. 13 (1-9)

Think Critically About Evidence. p. 13 (10-14)