

# Street Law I and II



**“Students must know and love the laws, this knowledge should be diffused by means of schools and newspapers, and an attachment to the laws may be formed by early impressions on the mind.”**

**-- Noah Webster**

- Social Studies Elective Course(s): ½ credit each semester = 1 credit hour/year
- Students can take either one, or both.
- Instructor: Robin Hager (legal background includes a BA in Political Science and Paralegal Certificate)

## Course Rationale/Overview:

Street Law I and II are designed to provide students with practical legal knowledge and skills necessary to participate meaningfully in our constitutional democracy- with the overall goal of bringing about a greater sense of justice, fairness, and tolerance. Street Law I and II are academic courses by nature, but they will also complement career exploration and preparation by engaging with community resources such as lawyers, paralegals, court personnel, and law enforcement. The courses are designed to be hands-on by using a variety of instructional methods, such as: role play, cooperative learning, legal document preparation, interviews, civil discussions, and simulations such as mock trials, hearings, and moot courts.

## Textbook:

*Street Law: A Course in Practical Law, Ninth edition*

## Fall Semester: Foundations in Law I

### Unit 1: Introduction to the Law and Legal System

**Overview:** In this unit we will define “law”; discuss the different types of law that exist; examine how law is made and interpreted by the courts; methods to settle disputes in the U.S.; and the structure of court systems.

#### Learning Outcomes-I can:

- define the term law, provide several reasons for having laws, and list a number of laws that affect daily life in our society
- describe the historical and theoretical foundations of the legal system
- explain why the rule of law is important in a democratic society
- distinguish among types of laws made at the local, state, and federal levels of government in our federal system and the importance of the Supremacy Clause
- identify two rules judges follow when determining legislative intent
- describe the role of citizens in making laws- including initiatives, referendums, and recalls
- identify groups of people who advocate and influence public policy
- list, describe, and distinguish among the three most common methods for settling disputes outside of court (negotiation, settlement, arbitration, and mediation)

	<ul style="list-style-type: none"> <li>• define adversarial system and outline its benefits and drawbacks.</li> <li>• describe the role of judges, juries, defense attorneys, prosecutors, and plaintiffs in a trial</li> <li>• identify situations in which a person would need assistance of counsel</li> <li>• define the terms litigator and bar association</li> <li>• describe the process of becoming an attorney and the ethical standards surrounding the occupation</li> </ul>
<b>Unit 2: Constitutional Law</b>	<p><b>Overview:</b> In this unit we will study constitutional and civil rights law and how it has evolved over time. As we examine the Bill of Rights, the Fourteenth Amendment, and various civil rights laws, we will weigh what should be the proper balance between the rights of individuals and the needs of communities/common good.</p> <p><b>Learning Outcomes- I can:</b></p> <ul style="list-style-type: none"> <li>• explain why rights guaranteed are not- and cannot be absolute</li> <li>• summarize the rights guaranteed to individuals in each Amendment in the Bill of Rights</li> <li>• explain what the Bill of Rights was designed to protect citizens from</li> <li>• explain how the courts have interpreted the Fourteenth Amendment to apply the Bill of Rights to protections onto state and local governments</li> <li>• describe how courts use “tests” as they decide cases</li> <li>• identify and describe the significance of landmark Supreme Court decisions pertaining to religious liberty, expression, due process, privacy, equality, and rights of those accused of crimes</li> </ul>
<b>Unit 3: Criminal Law : Crimes against Persons and Property, and Defenses</b>	<p><b>Overview:</b> In this unit we will explore the nature and causes of crime in the United States; current issues in criminal law- including guns, drugs, and technology; and a variety of crimes and defenses.</p> <p><b>Learning Outcomes- I can:</b></p> <ul style="list-style-type: none"> <li>• debate the seriousness of various actions to determine what should be designated a crime</li> <li>• interpret trends in the number of crime reported, arrests made, and who are the victims of crime in the United States</li> <li>• compare various theories about the causes of crime</li> <li>• evaluate methods of reducing crime and how to report crime</li> <li>• name three elements of a guilty state of mind</li> <li>• describe the difference between motive and state of mind</li> <li>• identify an example of a strict liability offense and how it differs from other crimes</li> <li>• identify types of crimes prosecuted only in state or federal courts respectively, as well as crimes that may be prosecuted in either the state or federal courts</li> <li>• distinguish between felony and misdemeanors along with various classifications</li> <li>• distinguish between a principal and an accomplice in a crime and compare legal consequences for principals and accomplices</li> </ul>



- identify the legal consequences for those convicted of crimes and those convicted as accessories before or after the fact
- differentiate between first-degree murder, felony murder, and second-degree murder
- differentiate between voluntary and involuntary manslaughter
- cite examples of negligent homicide
- list examples of noncriminal homicide
- define kidnapping, unlawful imprisonment, and abduction; explain how the charges relating to kidnapping change if the abductor brings a person across state lines
- describe the significance of actual injury in the crimes of assault and battery
- show how differing degrees of seriousness are reflected in legal classifications of types of assault and battery
- distinguish between forcible rape and statutory rape
- define arson and identify two crimes related to arson
- identify types and consequences of vandalism
- describe the relationship between larceny and keeping lost or misdelivered property
- distinguish between embezzlement and robbery and identify harms associated with them
- identify crimes of extortion, burglary, forgery, identity theft, and uttering
- explain the potential impact of identity theft on a person and the steps one can take to protect his or her identity
- identify crimes of receiving stolen property, unauthorized use of a vehicle, and carjacking
- define cybercrime and describe the criminal and commercial consequences of piracy
- state what a prosecutor must prove for a conviction to occur in a criminal case
- identify what a defendant is not required to do in a criminal case and how they may establish reasonable doubt
- define the terms alibi and DNA evidence
- describe circumstances under which the law recognizes the right of a person to use reasonable force in self-defense- and when it becomes unreasonable
- describe the extent to which force can be used in defense of one's property and explain how some states' "Stand Your Ground" laws vary from the typical standard for the use of force in defense of property
- describe how the defense of infancy can be applied
- distinguish between circumstances that make intoxication a valid defense and those that make it an invalid offense
- identify the basic idea behind the insanity defense, and differentiate between when the insanity defense does and does not apply
- explain how a defendant's lawyer may attempt to prove his or her client's insanity, and explain who makes the determination whether a defendant is insane or was insane at the time of the crime
- contrast the circumstances that are and are not considered entrapment
- explain when duress and necessity are not allowable defenses

## Unit 4: Criminal Procedure

**Overview:** In this unit we will examine the steps in the criminal justice process from the investigation and arrest through prosecution, conviction and sentencing, to release from control by the state.

### Learning Outcomes- I can:

- describe the steps in the criminal justice process
- identify when an arrest takes place
- describe the Fourth Amendment rights of a person during an arrest, and how *Mapp v. Ohio* affected rights at the state level
- explain how the exclusionary rule protects individuals against the unreasonable use of police power
- describe what an arrest and/ or search warrant must contain and how they are obtained
- list factors that show probable cause
- list and describe situations when searches are considered reasonable and may be conducted without a warrant
- describe police powers as well as the rights of the individual when police stop and question those suspected of a crime
- compare the role of internal affairs units, civilian complaints review boards, police commissions, special prosecutors, and offices of professional accountability in handling complaints of police misconduct; and describe guidelines concerning the amount of force officers may use
- describe what a person should and should not do if arrested
- evaluate various policy solutions to the problem of racial profiling
- identify rights of an individual being interrogated that are stated in the Fifth and Sixth Amendments to the Constitution
- explain the legal principle upon which the protection against self-incrimination is based
- state when a confession is not admissible and identify police conduct that would render a confession inadmissible
- describe how the *Miranda v. Arizona*, *Escobedo v. Illinois*, and *Gideon v. Wainwright* clarified terms of a defendant's right to counsel
- define the terms interrogate, self-incrimination, and custodial interrogation
- identify two circumstances during preliminary proceedings that may result in no trial
- list the steps involved in booking a person
- identify four things that may occur at an initial appearance in court and the most important part of the initial appearance
- explain what happens at an arraignment
- identify the purpose of bail; describe bases in which bail may not be granted; and describe the process of posting bail
- describe circumstances in which the accused may be released on personal recognizance, and list additional methods courts use to ensure that a defendant returns for trial
- weigh the merits of arguments for and against pretrial release
- identify the purpose of a prosecutor's information
- identify the purpose of preliminary hearings and state three rights defendants in most states have in them



- explain the purpose and proceedings of a grand jury
- distinguish between indictments and presentments
- describe the steps in criminal procedure that follow a guilty plea
- describe the steps in criminal procedure that follow a not-guilty plea
- describe the benefits of pleading nolo contendere
- describe the general purposes of pretrial motions the defense may file
- explain why most defendants who are convicted never go to trial; describe concessions typically granted to a defendant in exchange for a guilty plea
- evaluate arguments for and against the use of plea bargaining
- state how the rights of people accused of crimes are protected by the Sixth Amendment requirement for a speedy trial, and explain how a person who is denied a speedy trial might be harmed
- explain why being able to subpoena witnesses is important to people accused of crimes
- state how courts may modify the right to confrontation for child witnesses
- explain the meaning and importance of freedom from self-incrimination
- explain how immunity laws protect witnesses, what witnesses must do, and the circumstances in which prosecutors may use immunity
- explain concerns over the fairness of the public defender system
- describe the “voire dire” process
- describe the adversarial process, including the roles of the judge as referee and the jury as the “trier of fact”
- list and explain eight sentencing options judges may exercise
- describe factors that affect sentencing decisions and distinguish between determinate and indeterminate sentencing
- evaluate criticisms of using judicial discretion in determining sentences
- summarize the arguments in support of and in opposition to Three Strikes Laws
- list and evaluate the factors that determine whether or not parole will be granted to a convicted person
- summarize how views on capital punishment have evolved throughout American history
- state how U.S. Supreme Court rulings have influenced the imposition of the death penalty
- describe how due process applies to persons sentenced to death
- weigh arguments for and against the use of the death penalty
- distinguish between jail and prison
- describe how views of prisoners’ rights have evolved
- identify problems caused by the increased prison population and costs associated with it
- assess the controversy over privatization of prisons
- explain how reentry programs work to reduce recidivism

**Unit 5: Torts (Civil Wrongs)**

**Overview:** In this unit, we will examine how civil law establishes standards of behavior, or expectations for personal conduct in society. Students will develop an appreciation for civil law, as it is a means through which parties can settle disputes peacefully, and will also develop a greater sense of individual responsibility as they recognize how civil law holds wrongdoers accountable for harm caused to others. We will study various torts, the flow of a lawsuit, and remedies courts can provide.

**Learning Outcomes- I can:**

- distinguish between common law and statutes
- explain how tort law attempts to strike a balance between preserving individual choice, determining the usefulness of a product, and protecting people from harm
- identify the parties involved in tort actions; distinguish between who brings a civil suit and who files criminal charges
- describe who can be sued and explain the term “deep pockets”
- determine which groups of people have protection (immunity) from certain types of tort suits and how immunity can be lost
- explain the differences between the standard of proof used to determine guilt in a criminal prosecution and the standard used to determine liability in a tort suit.
- defines the terms intentional wrong, negligence, and strict liability
- distinguish among the three main categories of torts: intentional wrongs, acts of negligence, and activities for which strict liability is imposed
- describe class action suits
- explain the purpose of liability insurance and its role in American society
- describe why doctors and other professionals purchase malpractice insurance and why the premiums can be so costly
- identify different types of auto insurance and discuss the types of accidents that are covered by each
- describe how the workers’ compensation system operates, and assess its advantages and disadvantages
- distinguish between battery and assault
- describe the tort of emotional distress
- describe the tort of false imprisonment
- define two types of defamation and explain why libel is easier to prove in court than slander
- explain how tort law can protect property owners from people who trespass or create a nuisance
- explain the types of remedies available to victims of torts that harm property
- analyze the amount of force that may be used to protect property and /or protect the individual
- explain the “Castle Doctrine” and how people can apply the defenses of consent, privilege and defense of self and property to defend against intentional tort claims



	<ul style="list-style-type: none"> <li>• list the four elements that must be proven by a plaintiff in a negligence claim</li> <li>• identify the duty of care and breach of duty of care in various situations</li> <li>• explain the reasonable person standard and its special applications for minors and for professional experts</li> <li>• differentiate between cause in fact and proximate cause</li> <li>• identify the basic idea behind damages, and cite examples of the types of losses plaintiffs can recover in court (compensatory and punitive)</li> <li>• list and describe the most common defenses in negligence suits</li> <li>• compare contributory negligence, comparative negligence, counterclaim, and assumption of risk</li> <li>• list dangerous activities for which strict liability applies, and explain why applying the standard of strict liability to certain activities creates an incentive for careful and safe practices</li> <li>• summarize how courts have decided liability for harm caused by untamed animals and household pets</li> <li>• describe the relationship between pet-owner negligence and liability</li> <li>• describe the role of the U.S. Consumer Product Safety Commission in protecting consumers from defective products</li> <li>• describe the relationship between product liability and strict liability</li> <li>• describe defenses in strict liability cases, and explain the relationship between causation and damages in strict liability cases</li> </ul>
<b>Unit Six: Consumer, Housing, and Health Care Law</b>	<p><b>Overview:</b> In this unit students will examine the law of contracts and how it impacts many aspects of our lives. We will also learn strategies to be smart consumers in the market place and what our consumer obligations are under the law.</p> <p><b>Learning Outcomes- I can:</b></p> <ul style="list-style-type: none"> <li>• describe the elements of a legally binding contract</li> <li>• explain why it is unwise to enter into a contract without careful consideration</li> <li>• define the terms offer, acceptance, consideration, and competent in relation to contracts</li> <li>• compare and contrast contractual obligations of adults and minors</li> <li>• identify which contracts must be in writing to be enforceable, and cite reasons why written contracts are more desirable than oral contracts</li> <li>• describe characteristics of contracts that are considered unconscionable or fraudulent</li> <li>• describe and differentiate between various remedies a buyer can use if his or her consumer contract has been breached</li> <li>• explain the law's requirement that sellers take reasonable steps to mitigate damages after a buyer breaches a contract</li> <li>• list three important requirements of written warranties according to the Magnuson-Moss Warranty Act</li> <li>• describe characteristics of express warranties</li> <li>• distinguish between full and limited warranties</li> </ul>

- distinguish among three types of implied warranties: warranty of merchantability, warranty of fitness for a particular purpose, and warranty of title
- explain how sellers can disclaim the implied warranty of merchantability of an item for sale and how sellers use disclaimers to limit consumers' remedies
- explain how consumers can seek remedies if products harm them
- describe how laws and regulations protect consumers from unfair and exploitive banking and lending practices
- summarize how state laws and two federal agencies- the Federal Trade Commission and the Federal Communications Commission protect consumers
- summarize the circumstances when the "cooling off" rule allows customers to cancel a contract to purchase something
- explain the steps to take if you regret signing a contract with a door-to-door salesperson for more than 25.00
- describe rules door-to-door sales people must follow
- distinguish between puffing and illegal advertisements
- distinguish among substantiated, corrective advertising and puffing
- explain the purpose of the "bait and switch" advertising and sales technique
- describe requirements online sellers must comply with under the "Mail Order Rule"
- explain the online fraud of "phishing"
- describe the rights that buyers have is a seller does not ship within 30 days
- describe strategies consumers can use to protect themselves when they make purchases online from unscrupulous internet-based merchants
- describe remedies consumers can seek in order to stop unfair and deceptive sales practices
- define class action, remedy, cease and desist order, consent decree, and restitution
- distinguish between criminal and civil consumer complaints
- compare the advantages and disadvantages of taking your claim to a small claims court vs. a civil court
- identify the procedures consumers should follow to file a suit in small claims court
- describe what to do and what not to do if you are involved in a car accident
- identify the steps prospective tenants can take to protect themselves before they sign a lease for housing, and describe the landlord's obligations that are typically found in rental agreements and housing codes
- describe the protections landlords have under lease contracts and your obligations as a tenant
- describe the mortgage process to purchase a home
- explain the purpose of health insurance and describe how the Patient Protection and Affordable Care Act (ACA) worked to make health insurance more accessible and affordable- and recent controversies over its administration



	<ul style="list-style-type: none"> <li>describe your rights to privacy under HIPA law (Health Insurance Portability and Accountability Act)</li> </ul>
<b>Unit 7: Family and Labor Law</b>	<p><b>Overview:</b> In this unit we will examine the numerous ways in which laws affect us as individuals and members of families and the impact the right to privacy has over domestic law. Additionally, we will examine labor laws by outlining the rights of responsibilities of both employers and employees.</p> <p><b>Learning Outcomes- I can:</b></p> <ul style="list-style-type: none"> <li>identify the benefits of having a will and the consequences of dying without a will</li> <li>explain the role of probate courts in dealing with the property of the deceased who have no will</li> <li>outline the steps involved in legally getting married, including the legal requirements for marriage in most states</li> <li>list the grounds for annulment of marriage</li> <li>define the terms incest, bigamy, consent, annulment, divorce, fraud, and polygamy</li> <li>compare and contrast common-law marriages and other legal marriages</li> <li>explain how common law marriages can be legally terminated</li> <li>describe how states that prohibit common-law marriages treat such marriages when common-law couples move from other states</li> <li>differentiate between arranged and forced marriages</li> <li>describe the financial responsibilities that spouses have to each other (distinguish between separate property and marital property)</li> <li>explain the purpose of prenuptial agreements</li> <li>identify three kinds of relationships that are considered privileged</li> <li>identify ways in which the Violence Against Women Act has changed responses to intimate partner violence</li> <li>identify groups and resources that are available to help abusers change their patterns of behavior and the steps that victims of intimate partner violence should take</li> <li>define protective order and the steps one takes to obtain one</li> <li>define cohabitation agreements and palimony</li> <li>describe the legal evolution of same-sex marriage law through court ruling, legislative actions, and public referendum</li> <li>identify three basic obligations parent have to their children</li> <li>identify the legal responsibilities of fathers</li> <li>explain why people use blood and DNA tests to prove paternity</li> <li>outline parents' legal responsibilities to children in terms of support, emancipation, education, medical care, care and supervision, discipline, responsibility for children's acts, and earnings and employment</li> <li>identify the rights of public school students with disabilities under the Individuals with Disabilities Education Act (IDEA)</li> <li>describe parents' legal obligations when their children continually disobey them or run away from home</li> <li>describe children's responsibilities toward parents</li> <li>identify forms and effects of child abuse and neglect</li> <li>list the job titles of professionals who are required by most states to report suspected cases of child sexual abuse</li> </ul>

- describe how to report suspected child abuse and/or neglect
- describe the circumstances that may lead to a state becoming a child's temporary legal guardian
- explain the goals of judges and courts in working with children and families involved in the family foster care system
- explain the requirements of the Foster Care Independence Act of 1999
- summarize the purpose of various court hearings related to moving a child from a family
- list the common problems in marriages
- explain the purpose and protections of separation agreements
- state reasons for a waiting period before a divorce
- list and explain the typical faults, or grounds that are the basis for divorce
- evaluate the merits of no-fault divorces
- identify the benefits of using a family mediator
- define divorce, separation agreement, pro se, collaborative divorce, no-fault divorce, irreconcilable differences, an covenant marriage
- compare the characteristics and the merits of sole custody and joint custody agreements
- identify the factors judges consider in determining which parent is awarded custody
- identify three economic issues that must be settled for a divorce to be finalized
- explain the purpose of rehabilitative alimony
- describe the factors that courts consider in awarding alimony and property division
- explain the various ways the law helps parents enforce child support orders
- describe the conditions under which a step-parent can adopt his or her stepchildren
- explain loco parentis
- explain how the government determines who is poor and name several government support programs designed to help poor people
- describe the Social Security system and name three benefits it provides
- describe the benefits of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the requirements and limitations of those benefits
- describe Medicare and Medicaid program in terms of benefits and eligibility
- describe the benefits of the Family and Medical Leave Act and who is eligible for these benefits
- describe the employment at-will doctrine and its exceptions
- identify various rights, duties and responsibilities employees and employers have towards each other and the general public
- explain how federal and state workplace laws and regulations protect employees from discrimination on the basis of race, color, sex, national origin, religion, disability and age.
- explain how the Family Medical Leave Act, the Fair Labor Standards Act, and Worker's Compensation provide protection for labor



	<ul style="list-style-type: none"> <li>describe issues and argue legal positions on hiring and firing, conflict-dispute resolution processes, and contract interpretation and negotiation.</li> </ul>
<b>Unit Eight: Contemporary Issues in Law (Immigration Law, Intellectual Property, and Terrorism)</b>	<p><b>Overview:</b> In this unit we will study immigration law and the process of naturalization, intellectual property protections and issues, and the continuing debate weighing security against civil liberties.</p> <p><b>Learning Outcomes- I can:</b></p> <ul style="list-style-type: none"> <li>describe the role immigration has played in U.S. history</li> <li>explain how immigration laws are created and identify government agencies responsible for overseeing immigration</li> <li>explain how one becomes a citizen</li> <li>describe how people can become legal, permanent residents- including spouses and children of U.S. citizens</li> <li>differentiate between different types of visas</li> <li>list what a person has to prove if he or she is seeking asylum in the U.S. and explain the process</li> <li>contemplate what future immigration policy should entail to reach consensus among the parties</li> <li>define the terms intellectual property, patent, copyright, trademark, infringement, first sale, and fair use</li> <li>explain situations when “fair use” of copyrighted material would apply</li> <li>explain how laws governing war have changed</li> <li>describe the debate over laws and policies put in place as part of the war on terror</li> <li>define habeas corpus</li> </ul>

