

RESOURCES

ASSESSMENT

ONLINE

HOME

Glencoe
**Business and
Personal Law**
Real-World Connections

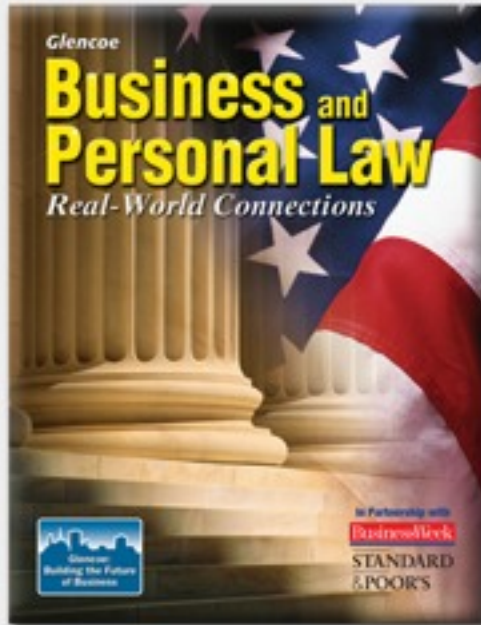
CHAPTER 1

The Law and the Courts



Measuring up
STANDARD
EXCELLENCE

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Section 1.1

The Foundations of Law

Morality refers to a society's values and beliefs about right and wrong.

Ethics refers to the rules used to determine the difference between right and wrong.

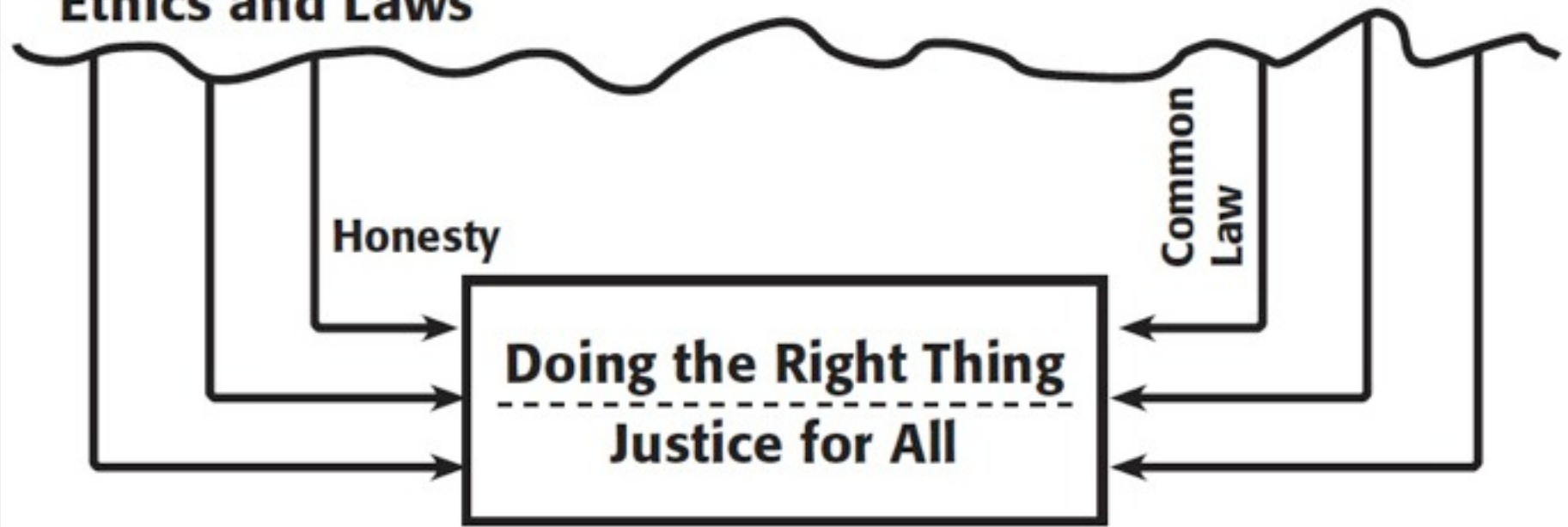
Ethical Characteristics

Trait	Definition
Honesty	Honesty allows a person to be open and truthful with other people.
Fairness	Fairness allows a person to treat other people with justice and equality.
Compassion	Compassion allows a person to care for others.
Integrity	Integrity allows a person to do what is right, regardless of personal consequences.

People do not always behave morally or ethically, so we need law.

Law is a system of rules established by a government according to the values of society and having legal force.

Ethics and Laws



There are five main sources of law:

constitutional law

common law

statutory law

court decisions

administrative law

Sources of Today's Law

Federal
and state
constitutions

English
common
law*

Statutes

*Except in Louisiana

Court
decisions

Administrative
law

Constitutional Law

Constitutional law is the set of laws created by a country's constitution. A **constitution** is a formal document that lays out the basic principles that govern society.

Common Law

Common law is the set of laws created over time through customs and judgments by courts, which later courts must follow.

Statutory Law

Statutory law is the set of laws created by a governing body, called a legislature, whose purpose is to pass new laws.

Court Decisions

Courts make laws in three ways:

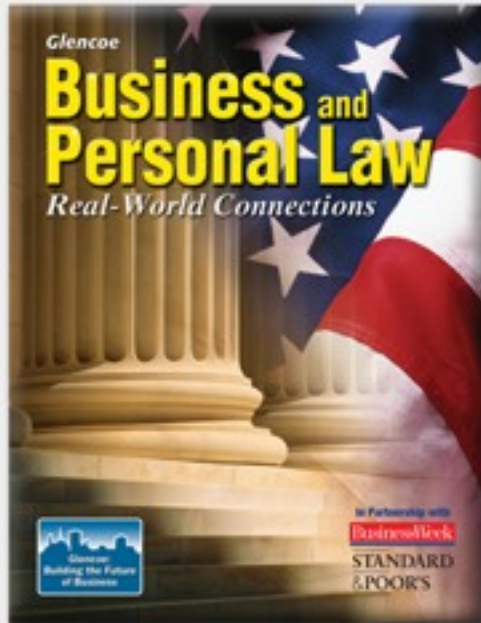
through the
common law
tradition

by interpreting
statutes

through judicial
review, or
deciding
whether some
laws conflict
with the
Constitution

Administrative Law

Administrative law is the set of laws created by government agencies. For example, the Federal Trade Commission has the power to make rules regulating business.



Section 1.2

The Court System and Trial Procedures

The United States has two major court systems: the federal and the state courts.

The power a court has to hear a case and make a judgment is called **jurisdiction**.

The federal court system consists of:

district courts

appellate courts

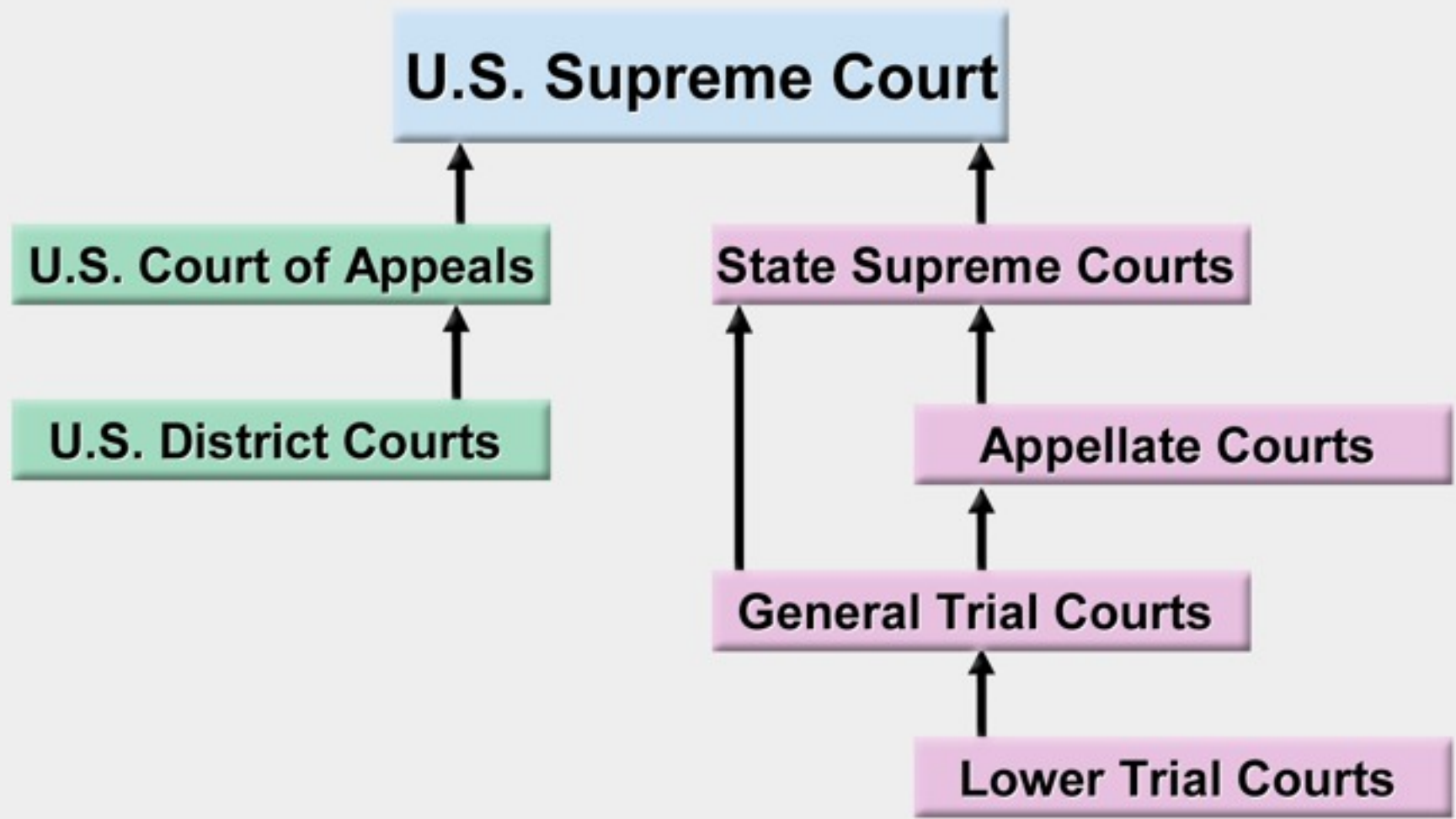
special U.S. courts

the Supreme Court

Most state court systems consist of:

- local trial courts
- general trial courts
- special courts, such as juvenile courts
- intermediate appellate courts
- state supreme courts

An appellate court is not a trial court, but reviews the decision of a lower court.



Courts hear two types of cases:

- criminal
- civil

Civil cases are brought by one individual against another.

Criminal cases are brought by the government for offenses committed against the public.

A civil case begins with one individual suing another. The **plaintiff** is the person bringing the lawsuit. The **defendant** is the person being sued.

A criminal case begins with the arrest and arraignment of a person.

An **arrest** is when a person is legally deprived of his or her freedom.

An **arraignment** is when a person is read the charges and asked to plead guilty or not guilty.

There are several steps to a trial:

- selecting the jury
- arguments and evidence by the lawyers
- judge's instructions to the jury
- verdict and judgment

If the defendant is found **liable** in a civil case, the plaintiff is granted a remedy, often in the form of money.

If the defendant is **convicted** in a criminal case, the defendant is punished in the form of a fine, imprisonment, or both.

In either case, if the defendant is found liable or convicted, the defendant has the right to appeal the judgment to an appellate court.

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