

**Summit Public Schools  
Summit, New Jersey**

**Law: Grades 11 and 12  
Length of Course: One Semester  
2020**

**Course of Study**

**Course Description:**

Law is a one-semester course designed to introduce the student to the American Legal System as it relates to both adults and juveniles. The Law Course is a survey of legal rights and responsibilities of American citizens with an emphasis on the criminal justice system, torts, and constitutional law. Elements will include those areas that are of practical importance to young adults and potential areas of concern to students in their immediate future. The course reflects the changes in law and legal procedures that take place at the national level as well as in the state and local courts. The curriculum includes case studies, debates, written arguments, small group activities and visual analysis activities. The course is divided into six sections. It begins with an introduction to law and the legal system and includes sections on criminal law, tort law, and constitutional law.

**Course of Study- 17 Weeks Teaching New Material:**

Unit 1: Introduction: Law and the legal system (1 weeks)

Unit 2: Constitutional Law (3 Weeks)

Unit 3: Intro to Criminal Law (2 Weeks)

Unit 4: Criminal Investigation (3 Weeks)

Unit 5: Criminal Justice Process (4 Weeks)

Unit 6: Tort Law (3 Weeks)

**Main Text:**

Arbetman, Lee, and Edward L. O'Brien. *Street Law: A Course in Practical Law*. New York, Glencoe/McGraw-Hill, 2005.

Revised August 2020: Meier

**Unit 1: Introduction: Law and Legal System**

**Anchor Standard:**

6.3 Active Citizenship in the 21st Century All students will acquire the skills needed to be active, informed citizens who value diversity and promote cultural understanding by working collaboratively to address the challenges that are inherent in living in an interconnected world..

**Big Ideas:** *Course Objectives/Content Statement(s)*

Students will be introduced to the basics of the evolution of the American legal system. Students will also develop an understanding of why and how society creates laws and a system for enforcement of that law. There will also be an understanding of the different types of law as well as the major actors and different levels of the American Judicial system.

<b>Essential Questions</b> <i>What provocative questions will foster inquiry, understanding, and transfer of learning?</i>	<b>Enduring Understandings</b> <i>What will students understand about the big ideas?</i>
What is law and why do societies create laws?	Law defines mutually agreed upon societal behavior in criminal and civil matters. Law is the representation of societies' and cultures' desire for stability and order.
What is the difference between civil, criminal, and constitutional law?	Criminal law involves crimes against society while civil law relates to actions between individuals. Constitutional law refers to the interpretation and application of the powers and rights listed in the Constitution.
Where does law come from?	Law comes from multiple sources including legislatures, government agencies, and the court system. Elected legislators write laws known as statutes. Government agencies are authorized by statute to write rules within the confines of their statutory mandate. Courts give interpretations of existing statutes and constitutions known as case law.
What are the different levels of the court system? What is the difference between appellate and trial courts?	The court system is made up of federal and state courts, within each contains trial, appeals, and supreme courts. Trial courts decide questions of facts while appellate courts decide questions of law.
Who are the different participants in the legal system? What is their role?	Judges interpret laws, juries determine the facts of a case and render a verdict, lawyers represent clients in a variety of ways, mostly outside the courtroom by negotiating contracts, giving legal advice, writing wills etc.

**Areas of Focus: Proficiencies  
(Progress Indicators)**

**NJSLS-SS (2020) Disciplinary Concepts:**

- Civic and political institutions address social and political problems at the local, state, tribal, national, and/or international levels.
- Constitutions, laws, treaties, and international agreements seek to maintain order at the national, regional, and international levels of governance.
- Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.
- Civic participation and deliberation are essential characteristics of individuals who support democracy and its principles.
- Civic deliberation requires civic dispositions, attentiveness to multiple perspectives, and understanding diverse perspectives.
- Democratic principles concerning universal human rights, concepts of equality, and the commitment to human freedom are commonly expressed in fundamental documents, values, laws, and practices.
- Social and political systems throughout time have promoted and denied civic virtues and democratic principles.
- Personal interests and perspectives impact the application of civic virtues, democratic principles, constitutional rights, and universal human rights.
- Historical, contemporary, and emerging processes, rules, laws, and policies are modified as societies change in an effort to promote the common good and strive to protect human rights.
- Human and civil rights support the worth and dignity of the Individual.
- Human rights serve as a foundation for democratic beliefs and practices.
- Governments around the world support universal human rights to varying degrees.
- An understanding of the role of an individual as a member of a state, the rights and responsibilities of citizens, how civic values are determined and practiced, and examples of how civic identity and values in one place are different in other places, is essential.

**NJSLS-SS (2020) Performance Expectations:**

6.1.12.CivicsPI.14.a  
6.1.12.CivicsPI.14.b  
6.1.12.CivicsPI.14.c  
6.1.12.CivicsPI.14.d  
6.1.12.CivicsCM.14.a  
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6.1.12.CivicsPD.14.a  
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6.1.12.HistoryCA.14.b  
6.1.12.HistorySE.14.a  
6.1.12.CivicsPD.16.a  
6.1.12.CivicsPR.16.a

**Common Core Standard:**

CCSS.ELA-Literacy.RI.9-10.1  
CCSS.ELA-Literacy.RI.9-10.2  
CCSS.ELA-Literacy.SL.9-10.1.a  
CCSS.ELA-Literacy.SL.9-10.1.b  
CCSS.ELA-Literacy.SL.9-10.1.c  
CCSS.ELA-Literacy.SL.9-10.1.d

### Conceptual Objectives

- Define the term law and explain the reasons for having laws;
- Discuss the relationship between law and values;
- Analyze court cases that explore the relationship between law and morals;
- Compare the two major groups of laws: criminal and civil;
- Identify and compare the types of crimes: misdemeanors and felonies;
- Trace the origins of American law;
- Identify the principles; separation of powers, checks and balances, judicial review, and federalism;
- Identify federal, state, and local laws;
- Interpret laws using the concept of legislative intent
- Explain the basic structure and function of our court system;
- Distinguish between state and federal courts;
- Explain the meaning of precedent;
- List, describe and distinguish the three methods for settling disputes out of court; negotiation, arbitration, and mediation;
- Define what the adversary system is
- Explain the different burdens of proof in a civil case and in a criminal case
- List and describe the steps in a trial
- Explain the role of the judge and jury

### Examples, Outcomes, Assessments

#### Instructional Focus:

- A. Definition of the Law and who creates laws
- B. Civil vs. Criminal Law
- C. Roles in the Legal System - Judges, Jurors, Lawyers
- D. Court System - State v. Federal Law, Trial v. Appellate courts
- E. Resolving cases outside of court - Negotiation, Mediation, Arbitration.

#### Sample Assessments:

1. Tests and Quizzes
2. Webquest- Research current examples of the key courts, processes, and concepts discussed in this unit. Including cases in federal, state, trial, and appellate courts, civil and criminal
3. Write your own law regarding a public policy issue in Summit and contact the common council.
4. Research and identify the location of local courts. Identify what court you would go to for a local crime, federal crime, or a civil case.

#### Instructional Strategies

- Compare the roles of lawyers, judges, jurors through a jigsaw activity with three different readings describing each group.
- Synthesize the essential elements of law and create a framework for the creation of law and the application of law
- Apply the concept of an “error of law” to scenarios and determine if the party involved can appeal their case.

- Analyze the case studies of the “37 Who Saw Murder Didn’t Call the Police” and “Liability for Texting a Driver?” and determine if the law should hold the individuals in each case liable.
- Analyze a scenario and identify potential criminal acts as well as acts that might lead to civil action.
- Evaluate the role of juries in the legal process, specific the concept of Jury Nullification. Evaluate the arguments made in the Reason TV clip “Jury Nullification v. Drug War” and the NYT OP-ED “Jurors Can Say No”
- Invite a lawyer from the community to speak to the class about his/her experiences in law school and in the profession.

### **Interdisciplinary Connections**

- Art: Analyze the symbolism of the Lady Justice Statue
- Literature: Discuss the portrayal of the legal profession in John Grisham’s *The Rainmaker*, Harper Lee’s *To Kill a Mockingbird*

### **Technology Integration :**

- Use the internet to research recent cases that exemplify the key concepts discussed in class.

### **Media Literacy Integration**

- Read the student code of conduct and analyze the way it was written to avoid potential conflicts.

### **Global Perspectives:**

- Compare the adversarial legal system used in the United States to the inquisitorial system used in other countries.

### **Career Readiness, Life Literacies, and Key Skills Practices:**

- Act as a responsible and contributing community member and employee.
- Attend to financial well-being.
- Consider the environmental, social, and economic impacts of decisions.
- Demonstrate creativity and innovation.
- Utilize critical thinking to make sense of problems and persevere in solving them.
- Model integrity, ethical leadership, and effective management.
- Plan education and career paths aligned to personal goals.
- Use technology to enhance productivity, increase collaboration, and communicate effectively.
- Work productively in teams while using cultural/ global competence

### **Resources:**

Case studies

<https://www.nytimes.com/1964/03/27/archives/37-who-saw-murder-didnt-call-the-police-apathy-at-stabbing-of.html>

[https://www.nj.com/news/2012/05/nj\\_judge\\_to\\_decide\\_if\\_text\\_sen.html](https://www.nj.com/news/2012/05/nj_judge_to_decide_if_text_sen.html)

The roles of lawyers, judges, jurors:

[https://www.nalp.org/what\\_do\\_lawyers\\_do](https://www.nalp.org/what_do_lawyers_do)

[https://studentscholarships.org/salary/492/judges\\_magistrate\\_judges\\_and\\_magistrates.php#sthash.44uK3KUbdpbs](https://studentscholarships.org/salary/492/judges_magistrate_judges_and_magistrates.php#sthash.44uK3KUbdpbs)

<https://litigation.findlaw.com/going-to-court/what-is-jury-duty-like.html>  
<https://criminal.findlaw.com/criminal-procedure/jury-nullification.html>

Jury Nullification:

<https://www.nytimes.com/2011/12/21/opinion/jurors-can-say-no.html>

General Online Law Resources

<https://lawshelf.com/homeview>

## Unit 2: Constitutional Law

### Anchor Standard:

6.3 Active Citizenship in the 21st Century All students will acquire the skills needed to be active, informed citizens who value diversity and promote cultural understanding by working collaboratively to address the challenges that are inherent in living in an interconnected world..

### Big Ideas: Course Objectives/Content Statement(s)

This unit will introduce students to the major tenets of constitutional law. The purpose of constitutional law and different theories of interpretation will be explored. We will specifically focus on the individual liberties protected in the U.S. Constitution which includes freedom of speech, freedom of religion, right to due process, the right to bear arms, the right to privacy, and the right to equal protection of the laws. The case law on these issues will be studied and students will be asked to apply these precedents to current constitutional issues. The constitutional rights of students in a school setting will also be discussed.

### Essential Questions

*What provocative questions will foster inquiry, understanding, and transfer of learning?*

### Enduring Understandings

*What will students understand about the big ideas?*

What is the purpose of Constitutional law and how does it protect individual rights?

The U.S. Constitution lays out the structure, powers, and limits of the government. The rights listed in the constitution protect individuals from action by the government not other individuals. They are not absolute and courts balance the interests behind government action and individual liberty. Enforcement of these rights are time consuming and expensive, often requiring an attorney and filing a lawsuit.

How do we interpret and apply the Constitution?

Originalism, textualism, and the belief in a living constitution are three major theories of interpreting Constitutional law. Originalists believe in interpreting the words of the Constitution in the same way that the framers understood it to mean at the time it was written. Textualists believe in strictly adhering to the words of the statute or constitutional clause and not taking into account the intent of the legislators or

	framers. Those who believe in a living “breathing” constitution believe that principles instilled in the Constitution should be applied according to society’s present understanding of them.
What is “Due Process” and how does the court determine what process rights a person is entitled to?	Due process requires that the government follow fair procedures when taking away a legitimate entitlement such as property or one’s liberty. The courts weigh what is at stake for the individual against the burden of granting greater process rights and the degree to which added protections would lead to a more just and accurate outcome. The due process clause has also been interpreted to grant individuals other substantive rights not explicitly listed in the Constitution.
What limits should there be on freedom of speech?	The First Amendment protects the freedom of speech however this right is not absolute. The courts have stated that there are circumstances when the government can restrict speech such as speech that is obscene, defamation, and speech that incites illegal action.
How does the First Amendment protect the freedom of religion?	The First Amendment prohibits the government from infringing on the right to exercise religion as well as prevents the establishment of an official state religion. When evaluating a potential violation of these clauses the courts determine if the government had a secular purpose in their actions, was neutral towards all religions, and did not infringe on the individual right to practice or not practice a religion.
Should students have the same rights in school as they do outside of school?	The court has ruled that although students do not shed their constitutional rights at the door, the students rights may be limited if it is within the best interest of the school’s mission.
Does the constitution contain a right to privacy?	Although the constitution does not explicitly say that there is a right to privacy the court has held that there is based on provisions in the 1st, 3rd, 4th, 5th, and 9th Amendments
What are the origins of the equal protection clause of the 14th Amendment and How does the court determine if government discrimination violates that clause?	The 14th amendment was created in order to protect the rights of former slaves after the civil war, however it was not enforced until the civil rights movement of the 1960s. The court has held that if the government wants to treat groups of people differently they must meet a rational basis test. However if the law involves a fundamental right or

	suspect class, such as race, the government must meet the higher standard of having a compelling interest.
Does the 2nd Amendment protect an individual's right to own a gun or the right to own a gun only as part of a militia?	The Supreme Court has been hesitant to strike down gun control legislation. In two major cases, <i>DC v. Heller</i> and <i>McDonald v. Chicago</i> , the court ruled that individuals have a right to own a gun, however they did not establish a clear test for determining the constitutionality of gun control measures, such as background checks, assault weapon bans, and waiting periods.

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(Progress Indicators)**

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CCS.ELA-Literacy.CCRA.R.2  
CCS.ELA-Literacy.CCRA.R.6  
CCS.ELA-Literacy.RH.11-12.8

**Conceptual Objectives**

- Explain why individual rights guaranteed by the Constitution are not, and cannot be absolute.
- List the forms of communication protected by the free speech clause of the first amendment;
- Explain the concepts: vagueness, symbolic speech, obscenity, defamation, commercial speech, clear and present danger;
- Analyze free speech cases in order to identify the area of conflict and determine a resolution;
- Define hate speech as it relates to New Jersey's laws regulating speech that is biased in nature.
- Explain the importance of Miller v. California as it relates to obscenity;
- Explain the terms freedom of the press and censorship;
- Identify and explain the two clauses in the first amendment that protect religious freedom;
- Explain why religious freedom is important;
- Compare court cases that relate to the establishment clause and the free exercise clause of the First Amendment;
- Interpret Supreme Court Cases on freedom of religion;
- List the Amendments that protect "privacy";
- Discuss the importance of the Roe v. Wade and Webster V. Reproduction System Cases as they relate to abortion;
- Debate the abortion issue;
- Explain the meaning and importance of due process;
- Identify and describe the basic elements of due process;
- Analyze cases to determine if due process applies;
- Explain the equal protection clause of the 14th Amendment;
- Define affirmative action;
- Identify major federal civil rights laws;

**Examples, Outcomes, Assessments**

**Instructional Focus:**

Instructional Focus:

- A. Intro to Constitutional Law
  - a. Originalism v. Living Constitutionalism

- B. Freedom of Speech
- C. Speech in Schools
- D. Freedom of Religion
- E. Right to Privacy
- F. Equal Protection of the Law and Discrimination
- G. The Right to Bear Arms

### **Sample Assessments:**

1. Tests and Quizzes
2. Moot Court activities.
3. Research current supreme court cases involving the First Amendment or the 14th Amendments. Prepare an Amicus Brief making the case for one side. Include references to previous Supreme Court decisions on the issue in the case.

### **Instructional Strategies**

- Examine the majority and minority opinions in *Obergefell v. Hodges* and discuss how they represent originalism and living Constitutionalism.
- Read the decisions regarding speech in schools in *Tinker V. Des Moines*, *Bethel v. Fraser*, and *Hazelwood v. Kuhlmeier*. Then hold a moot court hearing arguing the case of *Morse v. Frederick*
- Debate the issue of Affirmative Action. Discuss the merits of the policy as well as whether or not it violates the 14th Amendment. Have students read the decisions in the major supreme court cases dealing with Affirmative Action including *University of California v. Bakke*, *Fisher v. Texas*, and *Gratz v. Bollinger*.
- Create a timeline of how the courts interpretation of the 1st Amendment has changed over time.
- Discuss “The St. Patrick’s Day Parade” case on page 448 of the Street Law textbook which describes the Supreme Court’s ruling allowing the organizers of the Boston St. Patrick’s Day Parade to refuse to let gay and lesbian groups march in the parade. Compare this case to current cases regarding religious liberty and gay marriage.
- Read the decisions in the cases *Griswold v. Connecticut* and *Roe v. Wade*. Discuss what arguments are made and whether or not the Constitution protects a right to privacy.
- Research gun control laws around the country. Compare them across states and determine whether or not they are constitutional.

### **Interdisciplinary Connections**

- Science: Discuss the Scopes Monkey Trial regarding evolution in the context of the 1st Amendment.

### **Media Literacy Integration**

- Read Supreme Court opinions and determine their legal rationale supporting their decision.

### **Technology Integration**

- Use google slides and chromebooks to prepare arguments for moot court hearings.

### **Global Perspectives**

- Compare gun ownership and control in the United States to other democracies around the world. Compare gun crime between the same countries.

### **Career Readiness, Life Literacies, and Key Skills Practices:**

- Act as a responsible and contributing community member and employee.

- Attend to financial well-being.
- Consider the environmental, social, and economic impacts of decisions.
- Demonstrate creativity and innovation.
- Utilize critical thinking to make sense of problems and persevere in solving them.
- Model integrity, ethical leadership, and effective management.
- Plan education and career paths aligned to personal goals.
- Use technology to enhance productivity, increase collaboration, and communicate effectively.
- Work productively in teams while using cultural/ global competence

### Unit 3: Intro to Criminal Law

#### Anchor Standard:

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#### Big Ideas: Course Objectives/Content Statement(s)

Students will develop an understanding of the various types of criminal law, from crimes against people to crimes against property. Key concepts in criminal law will be explored including the elements of a crime, mens rea and actus rea, parties to a crime, preliminary crimes and others. Focus will be placed on the definitions of common crimes according to the New Jersey Code of Criminal Justice. Students will practice applying the language of the criminal statutes to the facts of particular cases. Controversial issues regarding the legality of certain behaviors, such as drug legalization and assisted suicide, will be discussed. Finally students will look at legal defenses as defined by statute and apply them to particular cases.

#### Essential Questions

*What provocative questions will foster inquiry, understanding, and transfer of learning?*

#### Enduring Understandings

*What will students understand about the big ideas?*

What is criminal law?

Criminal law relates to violence against the person, violence against property, and crimes against the state

What constitutes a crime? Who are the parties to a crime?

Elements are the different parts of a crime as defined by statute. Most crimes require two things: a criminal act, also called actus rea, and intent, also called mens rea. In addition to the principal, an accomplice or an accessory may also be criminally liable.

What are the different types of homicide? What makes them different?

Murder is the intentional killing of another person. Most states have two gradations, 1st degree which includes premeditation, and 2nd degree. Manslaughter is often divided into voluntary and involuntary with the former requiring intent in the

	heat of passion and the latter being the reckless killing of another without intent.
What is a crime against a person? What are the different degrees and types of crimes against a person? What makes them different?	Crime directed at the health, life, or liberty of any member of society. Besides criminal homicide, assault, battery, and sexual assault fall into this category. Assault is the attempt or threat to cause physical harm while battery is offensive or harmful contact between one person and another. Sexual assault in New Jersey is the equivalent of rape and is divided into two gradations, 2nd Degree Sexual Assault and 1st Degree Aggravated Sexual Assault.
What are the various crimes against property? What elements typically determine the grading of the crime?	A crime against property is any criminal act that destroys another's property, or that deprives an owner of property against the owner's will. The occurrence of crimes that fall under the domain of intellectual property law is rising sharply as information becomes a stronger motive force in economies around the world due to increasing technology use and globalization.
What are the defenses to an accusation?	There are a number of defenses that are defined by statute including insanity, necessity, duress, alibi, entrapment, intoxication etc. Insanity requires the defense show that the defendant was mentally insane at the time of the crime. Necessity and duress cannot be used as a defense to a criminal homicide. Intoxication must have been involuntary though voluntary intoxication may be used as a defense for crimes that require a specific intent as opposed to general intent crimes.
<b>Areas of Focus: Proficiencies (Progress Indicators)</b>	
<b>NJSLS-SS (2020) Disciplinary Concepts:</b> <ul style="list-style-type: none"> <li>• Civic and political institutions address social and political problems at the local, state, tribal, national, and/or international levels.</li> <li>• Constitutions, laws, treaties, and international agreements seek to maintain order at the national, regional, and international levels of governance.</li> <li>• Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.</li> <li>• Civic participation and deliberation are essential characteristics of individuals who support democracy and its principles.</li> <li>• Civic deliberation requires civic dispositions, attentiveness to multiple perspectives, and understanding diverse perspectives.</li> </ul>	

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 CCS.ELA-Literacy.RH.11-12.8

### **Conceptual Objectives**

- Define the term crime
- Evaluate a series of acts and determine whether they should be considered criminal
- Analyze and interpret crime statistics from a table of data
- List and discuss causes of crime
- Define felony and misdemeanor
- Distinguish between the various parties to a crime (principal, accomplice and accessory)
- Explain how to report a crime
- Identify a crime of omission

- Name and describe the crimes against the person
- Explain the difference between criminal and noncriminal homicide and the different types of criminal homicide
- Analyze factual situations to determine whether crimes against the person have been committed
- Explain the purpose of living wills
- Analyze and evaluate the legal and ethical questions involved in euthanasia
- Define and distinguish among the various crimes against property discussed in the text
- Analyze a factual case to determine what, if any crimes against property have been committed
- Discuss the crime of vandalism
- Evaluate the arguments for and against the legalization of drugs
- Identify N.J.'s drug laws
- List and describe the four general categories of criminal defenses

### Examples, Outcomes, Assessments

#### Instructional Focus:

- A. Introduction to Criminal Law
  - a. Guilty State of Mind
  - b. Strict Liability
  - c. Elements of a Crime
  - d. Felony v. Misdemeanor
  - e. Parties to a Crime
  - f. Preliminary Crimes
- B. Homicide
- C. Assault, Battery, and Rape
- D. Crimes Against Property
- E. Defenses

#### Sample Assessments:

1. Tests and Quizzes
2. Create a comic strip telling the story of a crime that we studied. The comic strip should include all the elements of the crime, all parties to the crime, and a defense made by the accused at trial.
3. Research a recent homicide. Create a new report explaining the facts of the case and to what degree the accused was charged with or pled guilty to.

#### Instructional Strategies

- Carousel activity looking at sets of scenarios and applying the concepts of “elements” of a crime, “guilty state of mind”, and “parties of crime” to each set.
- Analyze homicide scenarios and determine what degree the suspect should be charged with.
- Discuss whether the terminally ill should be able to legally commit suicide.
  - Problem 9.1 The Dying Cancer Patient page 111 in StreetLaw Textbook.
  - Vox.com article “I arrived at my friend’s party. A few hours later she committed suicide.”
- Discuss what constitutes consent.
  - NYT Article- “Rapist Who Agreed to Use Condom Gets 40 Years”
  - Antioch College Sexual Offense Prevention Policy
- Discuss if Rape Shield Laws are unfair to the accused.
  - Reason.com article “Excluded Evidence”

- Analyze scenarios involving individuals accused of a crime. Come up with an appropriate defense for each. Chapter 11 Activity page 23 in Streetlaw Student Workbook
- Have students research a debate within criminal law (drug laws, assisted suicide, rape shield laws, etc.) and present their findings to the class along with their policy proposals.

#### **Interdisciplinary Connections**

- Art: Examine artwork portraying gun violence:  
[https://www.artspace.com/magazine/interviews\\_features/in\\_brief/7-artworks-taking-a-stance-on-gun-violence-55128](https://www.artspace.com/magazine/interviews_features/in_brief/7-artworks-taking-a-stance-on-gun-violence-55128)

#### **Technology Integration**

- Create a digital story about a crime committed that includes all the elements as defined by statute.

#### **Media Literacy Integration**

- Read the New Jersey Criminal Code and determine the rationale behind different gradations of particular crimes.

#### **Global Perspectives**

- Compare the homicide statutes and punishments in the United States to other countries around the world.

#### **Career Readiness, Life Literacies, and Key Skills Practices:**

- Act as a responsible and contributing community member and employee.
- Attend to financial well-being.
- Consider the environmental, social, and economic impacts of decisions.
- Demonstrate creativity and innovation.
- Utilize critical thinking to make sense of problems and persevere in solving them.
- Model integrity, ethical leadership, and effective management.
- Plan education and career paths aligned to personal goals.
- Use technology to enhance productivity, increase collaboration, and communicate effectively.
- Work productively in teams while using cultural/ global competence

## **Unit 4 Criminal Investigation**

### **Anchor Standard:**

6.3 Active Citizenship in the 21st Century All students will acquire the skills needed to be active, informed citizens who value diversity and promote cultural understanding by working collaboratively to address the challenges that are inherent in living in an interconnected world..

### **Big Ideas: Course Objectives/Content Statement(s)**

This unit explores the rights of an individual suspected of a crime and the limitations placed on police when investigating a crime. A large focus is placed on search and seizure case law. Students will study the text of

the 4th amendment and the meanings of “reasonable suspicion” and “probable cause”. Police tactics such as stop and frisk will be examined and evaluated according to their effectiveness and constitutionality. Police use of force and the development of the “Black Lives Matter” movement will be discussed. The development of the “trespass test” and “reasonable expectation of privacy test” will be examined and applied to recent cases. Students will participate in a moot court activity looking at how new technology raises new questions about the protections of the 4th amendment. The NJ v. TLO case establishing the 4th amendment rights of students in schools will be examined. The 5th amendment right against self incrimination and 6th amendment right to an attorney will also be discussed.

<b>Essential Questions</b> <i>What provocative questions will foster inquiry, understanding, and transfer of learning?</i>	<b>Enduring Understandings</b> <i>What will students understand about the big ideas?</i>
<p>What protections does the 4th amendment provide and where does it originate from?</p>	<p>The 4th amendment protects against unreasonable searches and seizures and requires a warrant that specifies the place, time, items pertaining to a search. An officer must, under oath, provide evidence of probable cause. The amendment is meant to protect the privacy of individuals from an intrusive government and originated out of colonial grievances pertaining to British writs of assistance in the 18th century. The Supreme Court has ruled that evidence obtained illegally may not be used against a defendant.</p>
<p>What is the difference between reasonable suspicion and probable cause?</p>	<p>Reasonable suspicion and probable cause are standards of evidence to determine if the police can stop, arrest, or search a suspected criminal. Reasonable suspicion is the lower of the two standards and is required in order to temporarily seize someone suspected of committing a crime. Probable cause requires more evidence and is required in order to make an arrest or perform a search.</p>
<p>Is “stop and frisk” a constitutional and effective policy for preventing crime? What are the best policies for preventing crime?</p>	<p>Police in major cities, including New York up until 2014, have used stop and frisk as a way to prevent crime. Critics have pointed out that the police unconstitutionally target racial minorities undermining relations between the community and law enforcement.</p>



What is the issue regarding police excessive force and how do we fix it?	The killing of unarmed black men by police has sparked mass protests. Black Americans are up to 3 times more likely to be killed by police than whites. <sup>1</sup> Protesters have called for reforms of law enforcement agencies such as de-escalation training, the demilitarization of police, civilian review boards etc.
How does the court determine whether the police have performed a search requiring a warrant?	Originally in the early 20th century The Supreme Court defined a search as the police trespassing onto your property. As technology was developed that allowed the police to gather information on a suspect without physically touching their property the court developed a new test, asking if the person had a reasonable expectation of privacy, to determine if a warrant is necessary.
Do students in schools have the same 4th amendment rights as adults?	In NJ v. TLO the Supreme Court ruled that students do not have the same 4th amendment rights as adults. The courts had to weigh schools' responsibility to protect the wellbeing of students and the need to maintain discipline on school campuses against protecting the rights of individual students. Therefore schools must only meet a "reasonableness" test in order to perform a search. This differs from law enforcement outside of school who must meet the probable cause standard.
What limits does the right against self-incrimination impose on the police? Under what circumstances has a person been "coerced" to be a witness against themselves?	Confessions to the police must be voluntary. The court has ruled that suspects who have been arrested and are being questioned in police custody must be made aware of their rights in order for a confession to be admissible in court. Additionally, the court has not established a defined standard for when interrogations become coercive, beyond the failure to notify a person of their rights or the infliction of physical torture.. The courts look at an interrogation in its totality, including the length of the interrogation and the mental capacity of the suspect in order to determine if an interrogation has overwhelmed a person's free will.
Does the current public defender system adequately protect individuals accused of a crime.	The 6th amendment guarantees the right to an attorney. The Supreme Court has ruled individuals incapable of hiring an attorney shall have one appointed by the court. However, public defenders

<sup>1</sup> <https://www.marketwatch.com/story/black-people-are-up-to-6-times-more-likely-to-be-killed-by-police-harvard-study-says-2020-06-26>

are overworked and under-resourced leading to poor defendants being forced into plea deals that may not be within their best interest.

**Areas of Focus: Proficiencies  
(Progress Indicators)**

**NJSLS-SS (2020) Disciplinary Concepts:**

- Civic and political institutions address social and political problems at the local, state, tribal, national, and/or international levels.
- Constitutions, laws, treaties, and international agreements seek to maintain order at the national, regional, and international levels of governance.
- Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.
- Civic participation and deliberation are essential characteristics of individuals who support democracy and its principles.
- Civic deliberation requires civic dispositions, attentiveness to multiple perspectives, and understanding diverse perspectives.
- Democratic principles concerning universal human rights, concepts of equality, and the commitment to human freedom are commonly expressed in fundamental documents, values, laws, and practices.
- Social and political systems throughout time have promoted and denied civic virtues and democratic principles.
- Personal interests and perspectives impact the application of civic virtues, democratic principles, constitutional rights, and universal human rights.
- Historical, contemporary, and emerging processes, rules, laws, and policies are modified as societies change in an effort to promote the common good and strive to protect human rights.
- Human and civil rights support the worth and dignity of the Individual.
- Human rights serve as a foundation for democratic beliefs and practices.
- Governments around the world support universal human rights to varying degrees.
- An understanding of the role of an individual as a member of a state, the rights and responsibilities of citizens, how civic values are determined and practiced, and examples of how civic identity and values in one place are different in other places, is essential.

**NJSLS-SS (2020) Performance Expectations:**

6.1.12.CivicsPI.14.a  
 6.1.12.CivicsPI.14.b  
 6.1.12.CivicsPI.14.c  
 6.1.12.CivicsPI.14.d  
 6.1.12.CivicsCM.14.a  
 6.1.12.CivicsCM.14.b  
 6.1.12.CivicsPD.14.a  
 6.1.12.CivicsDP.14.a  
 6.1.12.HistoryCA.14.b  
 6.1.12.HistorySE.14.a  
 6.1.12.CivicsPD.16.a  
 6.1.12.CivicsPR.16.a

**Common Core Standard:**

CCSS.ELA-Literacy.RI.9-10.1

CCSS.ELA-Literacy.RI.9-10.2  
 CCSS.ELA-Literacy.SL.9-10.1.a  
 CCSS.ELA-Literacy.SL.9-10.1.b  
 CCSS.ELA-Literacy.SL.9-10.1.c  
 CCSS.ELA-Literacy.SL.9-10.1.d  
 CCS.ELA-Literacy.CCRA.R.2  
 CCS.ELA-Literacy.CCRA.R.6  
 CCS.ELA-Literacy.RH.11-12.8

### Conceptual Objectives

- Identify the key parts of the 4th Amendment;
- Identify all vocabulary related to the 4th Amendment;
- Read and analyze an affidavit for a search warrant;
- List common situations in which a search warrant is not needed;
- Analyze situations in order to determine if a search is lawful or unlawful;
- Discuss the Exclusionary Rule and the Mapp v. Ohio case;
- Explain the parts of the fifth Amendment: due process, double jeopardy, eminent domain, right to remain silent and grand jury;
- Identify the constitutional rationale behind the case of Miranda v. Arizona;
- List and explain each of the protections set out in the Miranda hearings;

## Examples, Outcomes, Assessments

### Instructional Focus:

- A. Intro the 4th Amendment
- B. Stop and Frisk
- C. Trespass Test v. Reasonable Expectation of Privacy
- D. Moot Court - Cell Phone Searches
- E. 5th Amendment- Interrogations
- F. 6th Amendment - Public Defenders

### Sample Assessments:

1. Tests and Quizzes
2. Moot Court Case - Students research search and seizure case law and write an amicus brief on a current case in preparation for a moot court simulation in class.

### Instructional Strategies

1. Analyze the scenarios from Problem 12.4 on page 141 in the street law textbook and apply the standards of reasonable suspicion and probable cause
2. Use articles listed in the resources section and discuss the efficacy and constitutionality of the stop and frisk policy in New York City from 2002-2014.
3. Apply the “reasonable expectation of privacy test” to the facts in the following cases: California v. Greenwood, Kyllo v. United States, and United States v. Jones.
4. Discuss- should the police need a warrant in order to access your cell phone? Washing Post Article “Supreme Court requires warrants for cell phone searches on arrest”
5. Moot Court- Do high school drug tests of students constitute an unreasonable search/seizure?
6. Moot Court - Do the police need to acquire a warrant in order to acquire a peron’s cell phone location data?

7. Watch segments of the documentary “Making a Murderer” and determine if the police interrogation of 16 year old Brendan Dassey violated his constitutional rights.

### **Interdisciplinary Connections**

- Science: Examine the process of collecting DNA evidence in the context of the 4th Amendment protection of privacy.

### **Technology Integration**

- Create a news report on a case involving search and seizure law.

### **Media Literacy Integration**

- Watch the documentary “Making a Murderer” and assess the argument made in the film.

### **Global Perspectives**

- Compare the rights given to criminal defendants, (trial by jury, attorney, remain silent) to rights given to defendants in other democracies around the world.

### **Career Readiness, Life Literacies, and Key Skills Practices:**

- Act as a responsible and contributing community member and employee.
- Attend to financial well-being.
- Consider the environmental, social, and economic impacts of decisions.
- Demonstrate creativity and innovation.
- Utilize critical thinking to make sense of problems and persevere in solving them.
- Model integrity, ethical leadership, and effective management.
- Plan education and career paths aligned to personal goals.
- Use technology to enhance productivity, increase collaboration, and communicate effectively.
- Work productively in teams while using cultural/ global competence

### **Resources:**

“Search and Seizure: Did the Government Go too Far,” *Mini DBQs in Civics Education*. DBQ Project.

Stop and Frisk

<https://www.washingtonpost.com/news/the-fix/wp/2016/09/21/it-looks-like-rudy-giuliani-convinced-donald-trump-that-stop-and-frisk-actually-works/>

<http://www.nationalreview.com/article/352533/stop-and-frisk-works-editors>

[http://www.nytimes.com/2013/08/13/nyregion/stop-and-frisk-practice-violated-rights-judge-rules.html?\\_r=0](http://www.nytimes.com/2013/08/13/nyregion/stop-and-frisk-practice-violated-rights-judge-rules.html?_r=0)

<https://www.nytimes.com/roomfordebate/2012/07/17/does-stop-and-frisk-reduce-crime/to-see-its-value-see-how-crime-rose-elsewhere>

List of sources relating to racial profiling and police excessive force

<https://educators4sc.org/topic-resources/teaching-about-police-brutality/>

Police brutality cases

<https://www.npr.org/tags/127890138/police-brutality>

Monk, Linda R. "Amendment IV." *The Words We Live By: Your Annotated Guide to the Constitution*. New York, Hachette Books, 2015.

Confession by a minor case - Brendan Dassey

<https://www.jsonline.com/story/news/2016/08/12/dassey-wins-ruling-teresa-halbach-murder/88632502/>

## Unit 5 Criminal Justice Process - Pretrial, Trial, Sentencing, and Reform

### Anchor Standard:

6.3 Active Citizenship in the 21st Century All students will acquire the skills needed to be active, informed citizens who value diversity and promote cultural understanding by working collaboratively to address the challenges that are inherent in living in an interconnected world..

### Big Ideas: Course Objectives/Content Statement(s)

Students will examine the steps to the Criminal Justice Process from arrest to sentencing with a focus on inequities within the system. Students will examine the pretrial process and study the grand jury/preliminary hearing system. Students will analyze the bail system, current criticism of the system, and jurisdictions that have moved away from cash bail. The arguments for and against plea bargaining will be discussed. The process of jury selection will be examined and students will be asked to evaluate its fairness. Students will then take an in depth look at the trial system, studying the steps of a trial, practicing writing opening/closing statements, and preparing witnesses for direct examination. Students will showcase these skills in a mock criminal trial. The Sentencing process will be examined with a focus on theories of punishment and criticisms of mandatory minimum sentencing. Lastly students will examine racial disparities in the criminal justice system regarding racial profiling, sentencing, drug offenses, jury selection, bail, and the school to prison pipeline.

### Essential Questions

*What provocative questions will foster inquiry, understanding, and transfer of learning?*

### Enduring Understandings

*What will students understand about the big ideas?*

What are the pretrial steps in the criminal justice process and why does each exist?

After an arrest there are a number of procedures prior to a case going to trial. A felony case requires greater "due process" because of the risk of a more serious punishment. Defendants are given an initial hearing to determine whether they will be detained pretrial, a grand jury or preliminary hearing determines if there is enough evidence to indict a defendant, at an arraignment a defendant enters a plea, and other court hearings resolve issues pertaining to the trial.

What are the criticisms of cash bail? Are current efforts at bail reform making the system more just while also protecting society from crime?

Most jurisdictions require defendants to submit an amount of money in exchange for release prior to trial. The money is proportional to the seriousness of the crime. Critics point out the burdens this places on the poor who often are forced to sit in jail, while wealthy defendants are able to be released. Some

	jurisdictions have done away with cash bail and use a risk assessment program to determine the likelihood of the defendant re-offending or failing to appear for trial.
What are the arguments in favor and against the current use of “plea bargaining”?	Over 95% of cases result in a plea bargaining rather than a trial. Defendants often face prison sentences if found guilty as opposed to probation if they accept a plea bargain. Critics argue that harsh sentencing guidelines force defendants to plead guilty and deny them the opportunity of exercising their constitutional right to a trial. Supporters of plea bargaining point out that the courts do not have the capacity to give every defendant a trial.
How are jurors selected? Does this process result in an impartial jury and a fair trial?	Prosecutors and defense attorneys question potential jurors who are selected randomly from tax records, lists of licensed drivers, or registered voters. Attorneys are entitled to remove a juror who has shown he or she cannot be impartial. Each side is also allowed a certain number of peremptory challenges to remove a juror for any reason. Though the Supreme Court has banned the removal of a juror because of race or gender, it is difficult to enforce.
What are the steps in a trial?	Both sides are entitled to an opening statement. The prosecution calls witnesses and makes their case first, with the defense being able to cross examine witnesses. Once the prosecution rests, the defense may call witnesses, followed by closing arguments.
What are the rules of evidence in most courtrooms and how do you prepare for direct and cross examination while staying within the confines of the rules?	The purpose of direct examination is for the witness to provide first hand knowledge regarding the case at hand. Therefore, to avoid any “coaching” of the witness, leading questions are forbidden. In general witnesses are not allowed to give an opinion, provide evidence that is hearsay, or speculate. During cross examination attorneys attempt to either discredit the witness or get the witness to confirm facts that help his or her case.
What are the different philosophies of criminal sentencing? What are the different sentencing options?	There are different reasons for punishment from retribution to rehabilitation and the ebb and flow of these philosophies in American law. In making sentencing decisions, judges weigh a number of factors in determining the appropriate sentence, such as prior criminal record, intent, and cruelty.
	In the 1980s and 1990s there was a movement to get tough on crime. Legislators across the country wrote

What are the arguments for and against mandatory minimums?	laws mandating long prison sentences for those convicted of particular crimes. This drastically increased the number of people in American prisons. Supporters argued this would mitigate racial disparities in sentences, deter would be criminals, and protect the public by incarcerating those who were a danger to society. Critics have argued that it has led to harsh sentences for one time offenders, forced defendants to take a plea deal rather than risk losing at trial, and taken discretion away from judges who were able to weigh the particular circumstances of a case when determining a sentence.
In what ways is our criminal justice process unjust and how do we fix it?	Though the American justice system purports to be color blind, the system is littered with racial disparities. Studies have shown significant racial disparities in the prison population, sentencing, police violence, and others. Proposed reform has been especially contentious, as seen with the recent Black Lives Matter protests in 2020. However there has been some successful efforts at reform, such as the 2018 First Step Act.

**Areas of Focus: Proficiencies  
(Progress Indicators)**

**NJSLS-SS (2020) Disciplinary Concepts:**

- Civic and political institutions address social and political problems at the local, state, tribal, national, and/or international levels.
- Constitutions, laws, treaties, and international agreements seek to maintain order at the national, regional, and international levels of governance.
- Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.
- Civic participation and deliberation are essential characteristics of individuals who support democracy and its principles.
- Civic deliberation requires civic dispositions, attentiveness to multiple perspectives, and understanding diverse perspectives.
- Democratic principles concerning universal human rights, concepts of equality, and the commitment to human freedom are commonly expressed in fundamental documents, values, laws, and practices.
- Social and political systems throughout time have promoted and denied civic virtues and democratic principles.
- Personal interests and perspectives impact the application of civic virtues, democratic principles, constitutional rights, and universal human rights.
- Historical, contemporary, and emerging processes, rules, laws, and policies are modified as societies change in an effort to promote the common good and strive to protect human rights.
- Human and civil rights support the worth and dignity of the Individual.
- Human rights serve as a foundation for democratic beliefs and practices.
- Governments around the world support universal human rights to varying degrees.
- An understanding of the role of an individual as a member of a state, the rights and responsibilities of

citizens, how civic values are determined and practiced, and examples of how civic identity and values in one place are different in other places, is essential.

**NJSLS-SS (2020) Performance Expectations:**

6.1.12.CivicsPI.14.a  
6.1.12.CivicsPI.14.b  
6.1.12.CivicsPI.14.c  
6.1.12.CivicsPI.14.d  
6.1.12.CivicsCM.14.a  
6.1.12.CivicsCM.14.b  
6.1.12.CivicsPD.14.a  
6.1.12.CivicsDP.14.a  
6.1.12.HistoryCA.14.b  
6.1.12.HistorySE.14.a  
6.1.12.CivicsPD.16.a  
6.1.12.CivicsPR.16.a

**Common Core Standard:**

CCSS.ELA-Literacy.RI.9-10.1  
CCSS.ELA-Literacy.RI.9-10.2  
CCSS.ELA-Literacy.SL.9-10.1.a  
CCSS.ELA-Literacy.SL.9-10.1.b  
CCSS.ELA-Literacy.SL.9-10.1.c  
CCSS.ELA-Literacy.SL.9-10.1.d  
CCS.ELA-Literacy.CCRA.R.2  
CCS.ELA-Literacy.CCRA.R.6  
CCS.ELA-Literacy.RH.11-12.8

**Conceptual Objectives**

- List and describe the proceedings that occur before a criminal trial;
- Describe the plea bargaining process
- Identify the due process rights that constitute a fair trial;
- Identify and discuss the jury in a sequestered;
- Identify the typical sentencing options available to the criminal court;
- Explain the factors that go into sentencing;
- Discuss the concept of prisoner's rights;
- Explain the difference between a prison and a jail;
- Discuss the various programs developed to deter juveniles from crime;
- Identify and evaluate the arguments for and against capital punishment;
- Analyze and discuss current Supreme Court rulings on Capital Punishment

**Examples, Outcomes, Assessments**

**Instructional Focus:**

- A. Proceedings Before Trial
- a. Bail
  - b. Plea Bargaining
  - c. Grand Jury



- B. The Trial
  - a. Steps in a Trial
  - b. Direct v. Cross Examination
  - c. Mock Trial
- C. Sentencing
  - a. Death Penalty
  - b. Mandatory Minimums
- D. Criminal Justice Reform

### **Sample Assessments:**

1. Tests and Quizzes
2. In groups students are assigned an area within the criminal justice system and read studies on racial disparities. They will summarize their findings and propose solutions in a presentation to the class. (see Washington Post *120 Studies on Racial Disparities* below)
3. Create an illustrated flow chart of the Criminal Process from intake to trial.
4. Create a pre-sentencing report for a judge that includes a rationale for punishment, past criminal record, education, any mitigating or aggravating factors and what is in the best interest of society and the individual.

### **Instructional Strategies:**

1. Jury Selection Simulation- Students are assigned a persona and act as potential jurors while other students act as lawyers. The lawyers question the jurors and decide who to remove based on the assigned case. The class discusses the merits of using such a system to find an impartial jury.
2. Mock Trial- Students are assigned roles (attorneys, witnesses, jurors) and participate in a mock trial involving a criminal case.
3. Students will discuss the various types of sentencing options, as well alternative options to conventional sentencing choices and review cases to determine appropriate punishment. They are then asked to assess which “theory” of punishment they most adhered to.
4. Debate: Students review criminal cases involving the death penalty and debate the moral, legal, financial, and social implications of the death penalty versus alternate sources of punishment.
5. Watch the Nytimes documentary on Three Strikes Laws and research the arguments for and against mandatory minimums then have a debate evaluating these policies.

### **Interdisciplinary Connections**

- Art: Have students produce artwork portraying the criminal justice system.

### **Technology Integration**

- Create a digital flow chart of the steps in the criminal justice process.
- Create a multimedia presentation explaining racial disparities within the criminal justice system.

### **Media Literacy Integration**

- Examine academic studies regarding racial disparities in the criminal justice system and assess their conclusions.

### **Global Perspectives**

- Compare crime rates and the U.S. prison population to other democracies.

### **Career Readiness, Life Literacies, and Key Skills Practices:**

- Act as a responsible and contributing community member and employee.
- Attend to financial well-being.
- Consider the environmental, social, and economic impacts of decisions.
- Demonstrate creativity and innovation.
- Utilize critical thinking to make sense of problems and persevere in solving them.
- Model integrity, ethical leadership, and effective management.
- Plan education and career paths aligned to personal goals.
- Use technology to enhance productivity, increase collaboration, and communicate effectively.
- Work productively in teams while using cultural/ global competence

## Resources:

### Mock Trial Skills

<https://www.mocktrialstrategies.com/introduction-to-mock-trial/>

### Three Strikes Law Documentary

<https://www.nytimes.com/video/us/100000002579045/the-making-of-the-three-strikes-laws.html>

### Mandatory Minimums Debate

<https://idebate.org/debatebase/law-punishment/house-supports-mandatory-sentencing>

### 120 Studies on Racial Disparities in Criminal Justice System

<https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/>

### 2000 Sentencing Project Report on how to fix Racial Disparities

<https://pdfs.semanticscholar.org/4eb4/d601cab12c5dffc6b7649485bb5709de2d02.pdf>

### Criminal Justice Facts - Racial Disparities

<https://www.sentencingproject.org/criminal-justice-facts/>

### Brock Turner's Sentencing Revives Mandatory Minimums Debate

<https://www.npr.org/2016/09/03/492516923/brock-turners-sentencing-revives-mandatory-minimums-debate>

### Racial Disparities Summary and Possible Solutions

<https://www.prisonpolicy.org/scans/sp/Justice-for-All-Challenging-Racial-Disparities-in-the-Criminal-Justice-System.pdf>

## Unit 6: Tort Law

### Anchor Standard:

6.3 Active Citizenship in the 21st Century All students will acquire the skills needed to be active, informed citizens who value diversity and promote cultural understanding by working collaboratively to address the challenges that are inherent in living in an interconnected world..

**Big Ideas:** *Course Objectives/Content Statement(s)*

This unit will examine what is Tort Law, its purpose, the different types of torts, legal defenses, and current efforts to reform it. Students will examine limits placed on individuals ability to file lawsuits against the government here in the state of New Jersey. The concept of Negligence will be explored in depth including a mock trial litigating a negligent tort. Torts involving different categories of property will be explored including both real property and intellectual property. Significant time will be spent researching and discussing current cases. The unit will conclude with a discussion of criticisms of the current tort system and efforts to reform it.

<b>Essential Questions</b> <i>What provocative questions will foster inquiry, understanding, and transfer of learning?</i>	<b>Enduring Understandings</b> <i>What will students understand about the big ideas?</i>
<p>What type of actions should a society consider “wrong” and therefore actionable by persons harmed by that wrong?</p>	<p>Actions of society are governed by rules of conduct that prescribes conduct with responsibilities toward individuals, that do not rise to criminal behavior, but rather are consensual rules that only have civil consequences A Tort is an action based upon a wrongdoing not based upon contract law or criminal law. The wrongdoing involves exposing another to an unreasonable risk of harm, with that harm resulting.</p>
<p>What is the difference between Tort Law and Criminal Law?</p>	<p>Tort law involves an individual seeking compensation or other action in response to harm done to them by another individual or group of individuals. Like criminal law, torts are defined by statute however the standard of proof is lower because the repercussions for defendants are not as serious. The standard that must be met to meet a tort case is the plaintiff must show that a preponderance of evidence supports their case.</p>
<p>What are the benefits and criticism of Tort Law?</p>	<p>Tort law is meant to deter misbehavior as a well as provide an opportunity for an individual to be compensated for harm done to them. Critics of the current tort system claim it is filled with frivolous lawsuits as individuals try to receive a big payday from those perceived to have “deep pockets,” mostly businesses and corporations. These lawsuits are time consuming and expensive and drive up the costs of key services, such healthcare.</p>

Should individuals be able to sue the government?	The principle of sovereign immunity derives from British common law and holds that the “King can do no wrong,” meaning the government is immune from lawsuits. Legislatures, however, have passed statutes, such as the New Jersey Tort Claims Act which allows individuals to file lawsuits but only under certain circumstances.
What are the elements of a negligent tort?	There four elements to a negligent tort. The defendant must have had a legal duty to the plaintiff, meaning a responsibility to avoid potential harm. The defendant must have breached this duty, meaning failed to take reasonable precautions. The reasonable person standard, what the ideal member of society would have done, is used to determine duty and breach. The plaintiff must have been harmed by the defendant’s actions or lack thereof. Lastly, breach of duty must have been a proximate cause of the harm done to the plaintiff.
What are the elements of a strict liability tort? Should we hold individuals strictly liable?	Strict liability is legal responsibility without fault or negligence. The plaintiff must only prove causation and damages. STRICT liability only applies to certain dangerous activities, such as owning an exotic animal, as defined by statute. The purpose is to ensure that those engaging in such dangerous activities take every possible precaution to avoid harming others.
<b>Areas of Focus: Proficiencies (Progress Indicators)</b>	
<b>NJSLS-SS (2020) Disciplinary Concepts:</b> <ul style="list-style-type: none"> <li>• Civic and political institutions address social and political problems at the local, state, tribal, national, and/or international levels.</li> <li>• Constitutions, laws, treaties, and international agreements seek to maintain order at the national, regional, and international levels of governance.</li> <li>• Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.</li> <li>• Civic participation and deliberation are essential characteristics of individuals who support democracy and its principles.</li> <li>• Civic deliberation requires civic dispositions, attentiveness to multiple perspectives, and understanding diverse perspectives.</li> <li>• Democratic principles concerning universal human rights, concepts of equality, and the commitment to human freedom are commonly expressed in fundamental documents, values, laws, and practices.</li> <li>• Social and political systems throughout time have promoted and denied civic virtues and democratic principles.</li> <li>• Personal interests and perspectives impact the application of civic virtues, democratic principles,</li> </ul>	

constitutional rights, and universal human rights.

- Historical, contemporary, and emerging processes, rules, laws, and policies are modified as societies change in an effort to promote the common good and strive to protect human rights.
- Human and civil rights support the worth and dignity of the Individual.
- Human rights serve as a foundation for democratic beliefs and practices.
- Governments around the world support universal human rights to varying degrees.
- An understanding of the role of an individual as a member of a state, the rights and responsibilities of citizens, how civic values are determined and practiced, and examples of how civic identity and values in one place are different in other places, is essential.

#### **NJSLS-SS (2020) Performance Expectations:**

6.1.12.CivicsPI.14.a  
6.1.12.CivicsPI.14.b  
6.1.12.CivicsPI.14.c  
6.1.12.CivicsPI.14.d  
6.1.12.CivicsCM.14.a  
6.1.12.CivicsCM.14.b  
6.1.12.CivicsPD.14.a  
6.1.12.CivicsDP.14.a  
6.1.12.HistoryCA.14.b  
6.1.12.HistorySE.14.a  
6.1.12.CivicsPD.16.a  
6.1.12.CivicsPR.16.a

#### **Common Core Standard:**

CCSS.ELA-Literacy.RI.9-10.1  
CCSS.ELA-Literacy.RI.9-10.2  
CCSS.ELA-Literacy.SL.9-10.1.a  
CCSS.ELA-Literacy.SL.9-10.1.b  
CCSS.ELA-Literacy.SL.9-10.1.c  
CCSS.ELA-Literacy.SL.9-10.1.d  
CCS.ELA-Literacy.CCRA.R.2  
CCS.ELA-Literacy.CCRA.R.6  
CCS.ELA-Literacy.RH.11-12.8

### **Conceptual Objectives**

- Define the term "tort" and describe the purpose of tort law
- Given case scenarios, identify the parties involved in a tort action
- Explain the concept of liability
- Describe the general ways in which tort actions are resolved
- Explain what a personal injury does
- Define and distinguish the three main categories of torts: intentional, negligent, and strict liability
- Describe the difference between an intentional tort and a crime and how society treats each
- Given a case scenario, identify the type of tort, if any, that occurred
- Compare tort cases and criminal cases
- Identify those which can be sued in a tort action
- Identify the different types of auto insurance and discuss the types of accidents that will be covered by each

- Identify the types of intentional torts
- Describe the three basic defenses to intentional torts that injure people
- Define the terms "trespass" and "conversion"
- Analyze the amount of force that may be used to protect property and an individual
- Define the term "negligence" and list the 4 elements that constitute negligence
- identify the breach of duty in a given situation
- Analyze a negligence situation in order to determine what damages the plaintiff has sustained and can recover
- Describe the "egg shell skull" rule
- Explain the reasonable person standard
- Explain the most commonly encountered defenses in negligence suits.

### Examples, Outcomes, Assessments

#### Instructional Focus:

- A. Intro to Torts and Liability
- B. Intentional Torts
  - a. Torts That Injure Persons
  - b. Torts that Harm Property
  - c. Defenses to Intentional Torts
- C. Acts of Negligence
  - a. Elements of Negligence
  - b. Defenses to Negligence Suits
- D. Strict Liability
- E. Tort Reform

#### Sample Assessments:

1. Tests and Quizzes
2. Compare and contrast the OJ Simpson criminal and civil trial. Research the evidence used in each and specifically identify the differences between a civil and criminal trial.
3. Create a timeline of the evolution of tort law in U.S. history.

#### Instructional Strategies:

1. Analyze scenarios from Problem 18.1 in Streetlaw textbook and identify the plaintiff and defendant in each case. Determine whether the plaintiff should be paid damages.
2. Discuss defamation and analyze the case described in the "Bad Yelp Review Gets Couple Sued" AOL article.
3. Discuss copyrights and analyze the "'Blurred Lines' and 5 other songs sued for copyright infringement" This Week article.
4. Read the New Jersey Tort Claims Act and determine whether or not a person can sue the government in a list of scenarios.
5. Divide students into groups and assignment them either Intentional Torts ,Negligent Torts, or Strict Liability Torts and have them present the key concepts involved in each and examples of current cases involving each type of tort law.
6. Have students research proposed tort reforms, determine the problem it is meant to solve and evaluate the extent to which they would be successful. Then write a letter to legislators advocating for or against the reform.

7. Read about and discuss the concept of qualified immunity. Why is it controversial in the context of the recent killings of unarmed black men and how should it be reformed?

- **Interdisciplinary Connections**
  - Science: Look at examples of the use of dangerous chemicals that have destroyed the environment and current lawsuits demanding compensation.
  - Industrial Arts: Discuss intellectual property laws including patents and copyrights.
- **Technology Integration**
  - Create a public service announcement explaining the responsibility of members of society to abide by the reasonable person standard or potentially face a negligence lawsuit.
- **Media Literacy Integration**
  - Read the NJ statutes pertaining to torts and determine their rational and assess whether or not they are fair to both plaintiffs and defendants.
- **Global Perspectives**
  - Compare Tort laws in the United States to other democracies around the world.

#### **Career Readiness, Life Literacies, and Key Skills Practices:**

- Act as a responsible and contributing community member and employee.
- Attend to financial well-being.
- Consider the environmental, social, and economic impacts of decisions.
- Demonstrate creativity and innovation.
- Utilize critical thinking to make sense of problems and persevere in solving them.
- Model integrity, ethical leadership, and effective management.
- Plan education and career paths aligned to personal goals.
- Use technology to enhance productivity, increase collaboration, and communicate effectively.
- Work productively in teams while using cultural/ global competence

#### **Supports for English Language Learners:**

Sensory Supports	Graphic Supports	Interactive Supports
Real-life objects (realia) Manipulatives Pictures & photographs Illustrations, diagrams, & drawings Magazines & newspapers Physical activities Videos & films Broadcasts Models & figures	Charts Graphic organizers Tables Graphs Timelines Number lines	In pairs or partners In triads or small groups In a whole group Using cooperative group structures With the Internet (websites) or software programs In the home language With mentors

from <https://wida.wisc.edu>

#### **Differentiation Strategies:**

Accommodations	Interventions	Modifications
Allow for verbal responses	Multi-sensory techniques	Modified tasks/ expectations
Repeat/confirm directions	Increase task structure (e.g., directions, checks for understanding, feedback)	Differentiated materials
Permit response provided via computer or electronic device	Increase opportunities to engage in active academic responding (e.g., writing, reading)	Individualized assessment tools based on student need

		aloud, answering questions in class)	
	Audio Books	Utilize prereading strategies and activities: previews, anticipatory guides, and semantic mapping	Modified assessment grading