

Ch. 21 Sec. 1: The Role of Civil Law

Our _____ system helps people settle conflicts according to the rules of _____. In a typical year, Americans file more than a million _____, or cases in which a court is asked to settle a dispute. Some people who file lawsuits believe that someone has injured them physically. Others believe that someone owes them money. Some think that their rights have been violated.

People who file lawsuits usually have two things in common. They believe that they have been _____, and they want the courts to do something about it. Our civil justice system is based on the idea of _____. Civil trials are one way to make people take responsibility for the harm they have caused others.

A civil case, like a _____, always has a plaintiff and a defendant. In a criminal case, the plaintiff is always the government. The defendant is the person or persons accused of a crime. In a civil case, the plaintiff is usually an _____. The defendant may be an individual, a group, a business, or even a government body. For instance, a person may sue the maker of a product that does not work.

Principles of Civil Law

Civil law has different purposes from criminal law. Criminal law protects society by punishing people who break the _____. The main purpose of civil law is to settle disagreements _____. Civil courts depend on two main principles for settling conflicts: the principle of _____ and the principle of _____.

Compensation Under civil law a person has a right to receive compensation, or being “_____” for harm caused by another person’s acts. Suppose someone damages your bicycle, and you have to pay \$45 to get it repaired. The person refuses to pay you back, so you decide to take him or her to court. The judge rules that the person must give you \$45. This money is not a fine, because it is not meant to be a _____. Instead it is called _____, which means money that is paid in an effort to make up for a loss.

Sometimes the payment of damages completely makes up for a loss. For instance, if you get the \$45 you paid to repair your bike, you are where you were before the bike was damaged.

In many cases, though, the payment of damages cannot completely make up for the harm done. An example would be money a court gives to a person left paralyzed by an auto accident. The money will not make the person able to walk again. Instead, it is an effort to soften the effects of the _____.

Equity Not every problem can be settled by the payment of money. Sometimes courts rely on equity, the use of general rules of fairness, to settle conflicts. Suppose that potentially harmful fumes are coming from a nearby factory. Forcing the factory owners to pay money to everyone in town will not stop the terrible smell. The dispute between the owners and the community has to be _____ in a different way.

Under the rules of equity, a court may issue an _____, an order to do or not do a certain act. For instance, a court could order the factory to prevent the harmful fumes from escaping. Unlike damages, which make up for past injuries, an injunction prevents _____.

Some Types of Civil Cases

Many civil cases are _____ cases. Personal injury cases can invoke both physical and mental suffering. In some cases, such as those invoking plane crashes, survivors may seek _____ for emotional stress. Also, relatives of a person killed in an accident may receive payments for mental suffering if the death was caused by someone else's carelessness.

In addition to personal injury cases, there are many other types of civil cases. These include _____, consumer cases, housing cases, domestic relations cases, and _____.

Property Cases People often want payment for damage to their _____.

A car owner might sue a repair shop if the car comes back with a new dent. A homeowner might sue a neighbor whose tree fell over and damaged the homeowner's roof.

Before going to court a person should carefully consider whether it is fair to blame someone else for the damage. If the case comes to trial, the _____ must prove that the defendant caused the damage either on purpose or out of _____.

Another common type of property case involves charges of _____. In many trespassing cases, a plaintiff is trying to prove that the defendant knowingly and wrongfully crossed over his or her land. Property owners do have rights, of course, and signs saying "_____" or "Private Property—Keep Out" are quite common. However, laws also protect people who have good reasons for crossing someone's property. For example, the person who reads your gas meter is not trespassing.

Property cases may be settled through compensation or through equity. Payment of money, for instance, may make up for damage to a person's roof. However, courts usually settle trespassing cases through equity. A court may issue an _____ ordering a defendant to stay off the plaintiffs land in the future.

Consumer Cases "This computer you sold me broke down just one week after I took it home," declared Sharon. "I want my money back."

What happens if a product does not work as it should? What can consumers do if they are misled by an advertisement or by a salesperson? What guarantees must come with products you buy?

These questions and many others related to consumers' rights are covered in a collection of laws called the _____, which was created in 1940. These laws were put together to help clear up legal issues concerning interstate commerce. It took more than ten years

to draft the Uniform Commercial Code and another fourteen years to get the laws into place across the country.

Many of the laws that make up the Uniform Commercial Code set _____ for contracts, or legal agreements between buyers and sellers. The buyer promises to pay for a product or service, and the seller agrees that it will meet certain _____. Conflicts arise when either a buyer or a seller says that the other has not lived up to the contract.

In Sharon's situation, for instance, if the computer store does not settle the problem, she may decide to _____ the store. If the court finds that Sharon is not to blame, it may order the store to repair or replace the computer for free. In this way, the law protects Sharon's rights as a _____.

Housing Cases Suppose that you live in an apartment building where the landlord refuses to repair some broken stairs. Do you have a _____ to do something about it?

Housing cases involve relationships between landlords and tenants. When you rent an apartment or a house, you usually sign a _____, an agreement stating the rights and responsibilities of the landlord and the tenant. In a lease, the tenant agrees to pay rent every month. The landlord agrees to keep the rental unit safe and in good repair.

Under _____, a tenant and a landlord may take certain steps if either one believes that the other has not lived up to the lease. In some situations, tenants can pay for needed repairs and take the cost out of the rent. If apartment conditions are allowed to become unlivable, tenants have the right to end their leases and move out without paying rent.

On the other hand, landlords who meet their responsibilities can force tenants to leave for not paying rent or for _____ other terms of the lease. In cases of _____, the courts must consider the rights and responsibilities of both landlords and tenants.

Domestic Relations Cases Cases that concern family relationships are called domestic relations cases. Most domestic relations cases relate to divorce. The problems in divorce cases are often complicated and emotional. How will the couple divide up their property? Who will have custody of the children? Who will support them? In a divorce case, there are seldom easy answers.

Probate Cases Disagreements can also arise over how to divide up the property of a friend or relative who has died. Such cases are called _____.

Sometimes when someone dies there is no will, a document that tells what is to be done with the dead person's property. Usually however, probate cases involve questions about whether the _____ can be trusted. Is the signature real? Was the person who made the will unfairly influenced or not thinking clearly? In probate cases, it may take years for the court to decide how to divide the property.

The Wide Range of Civil Cases

Civil courts can find ways to settle any type of disagreement. In some cases, such as property cases, the courts use compensation. Others, such as probate cases, are usually settled through equity. Sometimes courts use a combination of compensation and equity. For instance, a person who dumps trash on your land may have to pay you back for the cost of removing it. In addition, the court may issue an injunction ordering the person never to dump trash there again.

Regardless of how civil cases are settled, they all have something in common. Their goal is to make a _____ and to place the responsibility where it belongs.