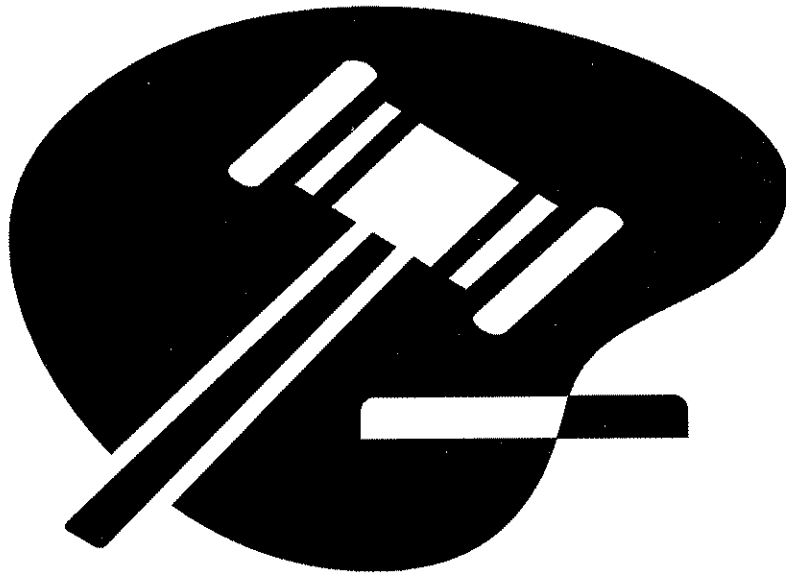


New York State

LAW DAY

Materials for the Classroom



New York State Bar Association

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LAW DAY XXVII : FREEDOM MAKES IT HAPPEN

Prepared by the Law, Youth and Citizenship Program
of the
New York State Bar Association

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FOREWORD

Since 1974, Project P.A.T.C.H., the Law and Citizenship Education Program of the Northport - East Northport U.F.S.D., has hosted the annual New York State Metropolitan Area Civil Law One-on-One Moot Court Competition at Northport High School in celebration of National Law Day. We are very grateful for the ongoing support of the New York State Bar Association's Law, Youth and Citizenship Program, which has made this event a success for over three decades.

The materials in this book were originally developed for publication by Project P.A.T.C.H. staff in 1984. Since that time, these materials have been utilized by thousands of students, together with their teachers, to foster greater understanding of the role of Civil Law in our society.

The title of this book, "Freedom," demonstrates the importance of law in maintaining social order and providing a framework for the peaceful resolution of conflicts. The ideas and skills supported through the use of these materials are as important today as they were when this book was first published.

We hope that you enjoy using these materials. They have formed the basis for our American Law program at Northport High School and are utilized by the many schools that compete in the annual New York State Metropolitan Area Civil Law One-on-One Moot Court Competition at Northport High School. As a culminating activity, the annual competition provides students from throughout the New York Metropolitan Area an outstanding opportunity to showcase their skills and enjoy spirited competition with students from neighboring communities.

As the skills of our student competitors require new challenges each year, special "Law Day" cases are written each year for the competition. We have included a selection of actual "Law Day" cases as an addendum to this book as enrichment material. Once students become comfortable with the original "Freedom" materials, the "Law Day" cases provide an extra challenge that students will enjoy.

If you are interested in learning more about the annual New York State Metropolitan Area Civil Law One-on-One Moot Court Competition at Northport High School, or have additional questions about these materials you can contact Project P.A.T.C.H. at (631) 262-6874 or patch@northport.k12.ny.us

P L A N N I N G

The materials enclosed describe a game entitled "Face The Facts", a one or two day activity that teachers in Grades 4-12 can use to introduce or sustain students' interest in Civil Law awareness.

Please review the case cards and the materials supplied. You can easily adapt the game, its rules, and the readings to meet the specific needs of your students.

The ONE ON ONE Civil Law Activity materials are quite extensive. We would recommend you plan to spend three to five weeks with these materials. Your planning should involve:

- Two to three weeks of didactic instruction. The overview/outline has been prepared as a guideline for two to three weeks instructional program in Civil Law.
- After Civil Law content has been covered, spend a few days coaching your students in an action-learning activity that develops their skills in presenting:
 1. One-minute opening statements.
 2. Questioning techniques for proper direct examinations.
 3. Questioning techniques for cross-examinations that probe and challenge creditability of witness.
 4. Proper use of formal objections.
 5. How to sum up in closing statements.
- One day should be spent on going over the rules and regulations that govern the ONE ON ONE Civil Law Competition.

Note: All students should be fully aware of and agree to all rules they will use in the competition.
- One or two days should be spent doing the two sample ONE ON ONE cases we have supplied in the packet.
- One day should be spent setting up classroom tournament competition. (See rule book.)

It will take two to three weeks to run a classroom competition. Two or three cases can be done in a class period of 46 minutes. We recommend that Tuesday, May 1st may be the day you hold your classroom or school finals. Get everyone in your school and legal community involved. Invite people to view the ONE ON ONES or participate as judges in the finals. Finally, please share your evaluation of the ONE ON ONES with other colleagues.

FACE THE FACTS

FACE THE FACTS GAME

FACE THE FACTS is a one-day civil law game that can be a tool, a device, and a teaching strategy that can be used in several ways.

- . As an attention step awareness activity, the game can introduce students to civil law.
- . As a reviewing activity, the game supports, sustains, and evaluates the civil law unit or course of study.
- . As a culmination activity, the game can highlight a civil law unit or course of study.

FACE THE FACTS is an action-learned civil law case study game that the P.A.T.C.H. staff developed, based on the original 1950s game show of the same name, FACE THE FACTS.

FACE THE FACTS can be played by just about any student in grades 4-12. Supplies needed to conduct the game:

1. Case fact cards (supplied in Appendix).
2. Case verdicts (supplied in Appendix).
3. 25-35 blank 3x5 cards.
4. Basic civil law fact sheet and vocabulary listing.
(This material can be found after the GAME PROCEDURES & RULES.)

GAME PROCEDURES & RULES

1. All students should read the Civil Law Fact Sheet before they play the game. The Basic Civil Law Fact Sheet was designed to familiarize students with a rudimentary awareness of civil law. Depending on students' reading level, the teacher may find it necessary to assist the students with the reading. Review the vocabulary listing. The reading may be a good homework assignment.
2. Each student is given a 3x5 card. Each student should fold the card in half (from left to right) and write the word PLAINTIFF on one outer side of the folded card and the word DEFENDANT on the other outer side of the folded card. When folded correctly, the card should be able to stand on its own on the student's desk and the words, PLAINTIFF or DEFENDANT, should be visible to the teacher.

You may wish to use two cards, one for each word and then use only the card that indicates your choice of either DEFENDANT OR PLAINTIFF.

3. The teacher or student reader then reads a complete case fact card to the students. (The fact card will describe a civil conflict between two parties.) After a second and final reading of the case fact card, the reader will announce, "Ladies and gentlemen, it's now time to FACT THE FACTS."
4. Each student will place the 3x5 card on top of the desk with the side PLAINTIFF or DEFENDANT, which he/she feels should win the case, facing the teacher.
5. The teacher should read the verdict to the class. (Discussion may follow the reading of the verdict. You may wish to debrief the case with the students. These debriefing discussions become more important as student's civil knowledge grows.)
6. In a forty-five minute period, as many as ten cases can be covered.

NOTE TO THE TEACHER:

We have supplied you with fifty (50) cases and their verdicts. These are real cases in which the real names have been changed. They represent a cross-section of common civil law issues that were argued throughout the United States.

You may wish to review all the cases prior to conducting the game. As the teacher, you yourself can best determine appropriate issues, readability, and vocabulary. Select and use only cases you feel your class can understand and deal with.

Please share your evaluation of the game with your colleagues.

BASIC CIVIL LAW FACT SHEET

Our system of justice asks citizens to take unresolvable disputes they have with other citizens into a civil court of law. A civil court is a place where people can solve their problems with other people peacefully. The function of civil law is to supply a legal remedy to solve problems. The person who feels he/she has not been treated fairly by another person is called the plaintiff in civil court. He/she takes legal action (a lawsuit) against the person whom the plaintiff will prove treated him/her unfairly. The defendant is the person the plaintiff feels was unfair and caused him/her harm. The plaintiff will show and tell the court that something the defendant did or did not do was wrong. In turn, the defendant will tell the Court what he/she did was not wrong.

The plaintiff will tell the civil court that what the defendant did or failed to do harmed him/her in some way. The defendant will tell the court it harmed no one. The plaintiff will ask the civil court to tell the defendant to right the wrong done. Most times, the remedy the plaintiff wants is money (money the plaintiff will use to correct the damages caused by the defendant). The court after hearing both sides will award damages/money to the plaintiff if the court agrees the defendant wronged the plaintiff. If the court finds the defendant did no wrong, it will not award damages or money to the plaintiff.

The game you are about to play asks you to listen carefully to both sides of the case and then asks you to decide the case. Some of the cases you will hear deal with contracts. These are written or verbal agreements between two persons. Contracts to be legal should have the following: an offer (what is going to be done), an acceptance (the two should agree), consideration (the money or service agreed to by both persons), and a meeting of the minds (both persons were old enough and understood what was going on).

If you have a contract case, ask yourself: Did all these parts take place? If they did, you most likely have a legal contract. If they did not, you most likely have no legal contract.

Some cases will deal with negligence. The civil court feels a person is negligent when he/she does something that most people normally would not do.

Before you decide any case, think about the one word, FAIRNESS. I think students have a good idea about what is fair and what is unfair. Let your feelings about FAIRNESS guide you.

FACE THE FACTS
VOCABULARY LISTING

ACCEPTANCE	JUDGE
AWARD	LAWSUIT
CIVIL COURT	LEGAL ACTION
CIVIL LAW	MEETING OF THE MINDS
CIVIL SUIT	NEGLIGENCE
CONSIDERATION	OFFER
CONTRACT	PLAINTIFF
DAMAGES	REMEDY
DEFENDANT	RESOLUTION
DISPUTES	TRESPASS
FAIRNESS	UNRESOLVABLE
HARM	WITNESS