judicial learning center

Educator Center

Lesson Plan

Understanding the Types of Cases

Lesson Plan: 6-8; 9-12

Overview

The activities in this lesson can be assigned to students individually or in groups. In part 1, students will be asked to read and compare two current news stories and summarize the main differences between civil and criminal lawsuits. This should be completed ***before*** any detailed instruction on the differences between civil and criminal cases. In part 2, students will use the Student Center webpages and/or a fact sheet to differentiate between federal and state court cases.

Corresponding Student Center Pages

- State Courts vs. Federal Courts
- Types of Court Cases

Suggested Time Needed

1-2 class periods

Learning Objectives

After completing this activity, students will:

- Have a deeper understanding of the characteristics of civil and criminal lawsuits
- Be able to pick out key differences in a news story, and determine the type of case from those clues
- Be able to compare and contrast federal and state jurisdiction in simple terms
- Apply knowledge of these differences to new situations by determining the jurisdiction of fictional scenarios

Guiding Questions

- What are the main identifying components of a civil lawsuit?
- What are the main identifying components of a criminal lawsuit?
- How are civil and criminal lawsuits alike? How are they different?
- What is under the jurisdiction of the state court system? The federal court system?
- What is general jurisdiction? What is limited jurisdiction?

Missouri Grade Level and Course Level Expectations

6-8

- 6-8.AH.1.GS.A – Analyze laws, policies and processes to determine how governmental systems affect individuals and groups in society in American History prior to c. 1870.
- 6-8.AH.3.GS.E – Apply the principles of rule of law, representation, separation of powers, checks and balances, and federalism to explain the purposes and functions of the Constitution.
- 6-8.AH.5.GS.B – Analyze federalism and popular sovereignty to explain peoples' expectations of the role of government and their place in governance.

9-12

- 9-12.GV.3.CC.D – Analyze the changing relationship between state and federal governmental powers.
- 9-12.GV.3.GS.A – Apply the concepts of due process of law, popular sovereignty, rule of law, representation, and federalism to explain the purpose and legacy of the Constitution.
- 9-12.GV.3.GS.F – Compare the structure and functions of local, state, and federal governments.

Materials Needed

- Part 1 Handouts
  Handout A – Article 1
  Handout B – Article 2
  Handout C – Comparing Criminal and Civil Lawsuits Student Chart
  Handout D – Comparing Criminal and Civil Lawsuits Summary & Answer Key
- Part 2 Handouts
  Handout E – Fact Sheet: Comparing State and Federal Courts
  Handout F – Comparing State and Federal Courts Student Worksheet
  Handout G – Comparing State and Federal Courts Answer Key
  Handout H – Case Scenarios
  Handout I – Case Scenarios Answer Key

Procedure:

Part 1 – Civil or Criminal?

1. Explain to students that they will be reading about two different types of court cases, and that they will be asked to answer questions to help them understand the differences. Distribute copies of the 2 news stories (HANDOUT A & B) to all students and ask them to read both silently. You may prefer to group them in pairs to answer the questions. Don't explain the differences between criminal and civil yet.
2. Allow time for students to read both articles.
3. Distribute the student worksheet comparing criminal and civil lawsuits (HANDOUT C). Allow time for student pairs to answer the questions. The last question about the standard of proof will be difficult for students to answer from the articles but can easily be answered by you in the summary discussion.
4. Conclusion: Ask for volunteers to summarize each article. Then ask for volunteers to share each answer about these specific cases. Finally, distribute the summary handout (HANDOUT D) that explains general differences between the two types of cases and discuss.

   Criminal: A defendant is charged with a crime. The case is initiated by the government, through a prosecutor, who is an attorney for the government. The government must prove that the defendant is guilty beyond a reasonable doubt. The punishment for guilt can be incarceration, a

fine, or possibly the death penalty. The defendant has a constitutional right to a jury trial, and to be defended by an attorney.

Civil: An individual, the plaintiff, who feels wronged or injured initiates a case by entering a complaint against the defendant. The plaintiff must show by a preponderance of the evidence (more likely than not) that the defendant's actions or negligence caused the harm or injury. The losing party could be ordered to reimburse the loss. Either party can be a person, corporation, or government entity.

5. OPTIONAL EXTENSION:
   - Research local or national news to find additional examples of civil and criminal cases. Give prizes to the student or group who can find the most in a set amount of time.

Part 2 – What makes it a federal case?

1. Ask students to recall what they know about federalism, our dual system of government. Explain that there are two court systems operating side by side: state and federal. Each court system has its own jurisdiction, or area of power. Some types of cases fall under the jurisdiction of the state court system, while others will be heard in the federal courts.
2. Direct students to visit these two pages on the Judicial Learning Center website –
   a. How Courts Work; Types of Court Cases
   b. Organization of the Federal Courts; State Courts v. Federal Courts
   c. **OR tech free option**: distribute copies of **Fact Sheet: Comparing State and Federal Courts** (HANDOUT E) instead.

3. Distribute the **Student Worksheet: State and Federal Jurisdiction** (HANDOUT F), and ask students to complete it individually or in pairs. Allow time to complete, then go over the answers to be sure everyone has all answers correct. (Answers = HANDOUT G)

4. Instruct students to decide whether each of their two example cases (FROM THE ARTICLES ON HANDOUTS A & B) would be heard in state or federal court, and give reasons.
   a. Article 1: This civil case was heard in STATE COURT, because all parties are from one state, and it doesn't involve the U.S. Constitution or other federal laws.
   b. Article 2: This criminal case was heard in FEDERAL COURT, because it involves bank fraud, which is a federal crime. The article explains that the crime was investigated by the FBI (Federal Bureau of Investigation) and prosecuted by the United States Attorney.

5. Ask for a volunteer for each, and discuss the correct answers.

6. Write each of these headings (state criminal, state civil, federal criminal, federal civil) on the board.

7. Distribute slips of paper with case scenarios to pairs or groups of students, and allow 2 minutes for them to decide the correct jurisdiction.

8. Direct students to post their example under the correct category. Post the two original news stories first as examples.

9. Conclusion: Go through the 4 columns on the board as a class, making any corrections needed. Discuss the corrected lists with the class.
   a. State criminal
   b. State civil

c. Federal criminal
d. Federal civil

10. OPTIONAL EXTENSION:

a. Visit the computer lab. Research local or national news to find additional examples of federal or state court cases. Give prizes to the student or group who can find the most in a set amount of time.

11. Review the Guiding Questions

- What are the main identifying components of a civil lawsuit?
- What are the main identifying components of a criminal lawsuit?
- How are civil and criminal lawsuits alike? How are they different?
- What is under the jurisdiction of the state court system? The federal court system?
- What is general jurisdiction? What is limited jurisdiction?

Handout A – Article 1

BLAMING LACLEDE GAS, JURY AWARDS $4.5 MILLION IN FATAL HOME EXPLOSION[1]

The parents of a 20-year-old man killed in 1991 accused the utility of negligence

St. Louis - A St. Louis Circuit Court jury has ruled that Laclede Gas Co. owes a $4.5 million judgment to the parents of a man who died of burns he suffered in a natural gas explosion at his home.

The jury awarded Tommy and Rita Coggins $4.38 million for the death of their son, Thomas Coggins, 20, and an additional $120,000 for their wrecked home in the city's Lindenwood Park neighborhood.

On April 7, 1991, an explosion leveled the house at 7016 Winona Avenue. Thomas Coggins was found outside the rubble; he had suffered burns over 90 percent of his body. He died 80 days later at Barnes-Jewish Hospital.

Jurors awarded the judgment Wednesday after an eight-day trial before Circuit Judge Edward Peek. Laclede Gas plans to appeal.

Fire investigators said the house blew up because of an accidental buildup of natural gas, which somehow ignited. The Coggins' suit alleged that Laclede was negligent in maintaining its underground gas lines, allowing the buildup inside the residence.

Richard Hargraves, a spokesman for Laclede, said Friday that Coggins' death is a tragedy.

"We have always believed and continue to believe that Laclede was not at fault in this incident," he said. "We're disappointed by the jury verdict against Laclede and believe it was wrong. Therefore, Laclede will advance its position through all appropriate legal channels."

Fire Department investigators have never said the blast was anything but an accident. The explosion completely leveled the single-story frame house. Large sections of the roof landed on the roofs of both next-door neighbors, and some window frames were found 100 yards away, authorities said.

The explosion occurred early on a Sunday morning; Coggins' parents normally would have been home but were away for the weekend. One neighbor, Kathy Billedo, testified that she first thought the blast was thunder. When she looked outside, though, "Everything was orange."

Added St. Louis Police Sgt. Jack Huesgen, another neighbor: "I ran down to see if there was anything I could do, but there wasn't. There were little pieces of debris on fire all over the street. The whole house was four feet tall."

[1] Bryant, Tim. "Blaming Laclede Gas, jury awards $4.5 million in fatal home explosion." *St. Louis Post-Dispatch* 26 Jun. 1999, Five Star Lift, News: 11. *NewsBank.* Web. 1 Aug. 2012.

Handout B – Article 2

MAN HELD IN ONLINE BANK HEIST PLOT[2]

Suspect accused of ordering loot for pickup

ST. LOUIS - It would have been a new twist in bank robbery: going online to order delivery of the loot.

Mario Darnell Smith, according to federal authorities, posed as the electric company in emails to try to arrange an armored car pickup of about $180,000 from a bank in Chicago. What might have happened from there is conjecture, because Ameren caught on to the scam and the FBI nabbed Smith, 28, empty-handed. He is charged with bank fraud.

The bank fraud case came to the attention of the FBI on May 31, when Ameren called to complain that someone tried to get money from U.S. Bank, according to an affidavit filed in court by FBI Special Agent Brian D. Jackson. The utility said the would-be thief pretended to be an employee and used email addresses set up to look similar to real Ameren addresses.

The schemer contacted the bank again on June 13 and June 20, asking it to release about $180,000 for pickup in Chicago by an armored car on June 21. It is not clear how the FBI came to target Smith. But he was being followed by a surveillance team that watched when he made a call June 20 at the same time one was received by the bank, Jackson wrote. Smith was then arrested at a Quizno's sandwich shop in St. Louis.

A form used to request the money was filled out by someone using the name "Bigdaddyallday," according to data imbedded in the Microsoft Word document, the agent wrote. Smith is said to use that name on his YouTube channel.

Agent Jackson also wrote that the June 13 contact with the bank had taken place at an unprotected Wi-Fi hot spot across the street from Smith's apartment. He noted that Smith, who is on supervised release from a prior conviction, requested permission on June 15 to travel to Chicago in the coming days.

An Ameren spokeswoman did not respond Friday to requests for comment. Assistant U.S. Attorney John Bodenhausen and Mr. Smith’s defense lawyer, Welby, declined to comment on the case.

Smith has prior convictions on federal identity theft and firearms charges. In 2006, Smith was sentenced to 366 days in prison for identity theft. He had used a man's credit cards to set up other credit accounts in that name and taunted the victim during the course of the crime. In 2009, Smith, at this point a convicted felon, was caught with a gun and sentenced to 21 months in prison.

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[2] Excerpts taken from:

Robert Patrick. "Man held in online bank heist plot - Suspect, who was in gallery at an ATM Solutions sentencing, accused of ordering loot for pickup." *St. Louis Post-Dispatch* 25 Jun. 2011, First Edition, News: A1. *NewsBank.* Web. 1 Aug. 2012.

Handout C – Comparing Criminal and Civil Lawsuits Student Chart

	Article 1 (civil case)	Article 2 (criminal case)
Who are the parties on both sides of the case?		
What happened?		
Which party initiated or started the case?		
What is this party asking the court to decide?		
What penalty or remedy are they seeking?		
Has the trial already happened? If so, what was the outcome?		
What must the person prove to win? What is the burden of proof in this type of case?		

Handout D – Comparing Criminal and Civil Lawsuits Answer Key

	Article 1 (civil case)	Article 2 (criminal case)
Who are the parties on both sides of the case?	Plaintiff = Tommy and Rita Coggins Defendant = Laclede Gas Company	Prosecutor = The United States Government (Also accept federal authorities, the FBI, or the U.S. Attorney) Defendant = Mario Darnell Smith
What happened?	Their house exploded due to a buildup of gas. Their son was injured and later died from his injuries.	Someone tried to get money from U.S. Bank by posing as the electric company in emails.
Which party initiated or started the case?	The plaintiffs Tommy and Rita Coggins initiated the case by suing Laclede Gas Company.	The United States government/FBI initiated the case by arresting Mr. Smith and charging him with bank fraud.
What is this party asking the court to decide?	The plaintiffs wanted Laclede to be found negligent in maintaining its underground gas lines, allowing gas to build up inside the house, and thus causing the loss and damage.	The government would like the defendant to be found guilty of breaking the law.
What penalty or remedy are they seeking?	They are seeking/sought money to repay their loss and damages.	The government is seeking an appropriate punishment. The government also wants to deter future crimes and protect public safety.
Has the trial already happened? If so, what was the outcome?	In this case, the decision has already been made. The jury found (***by a preponderance of the evidence***) that Laclede Gas was negligent and awarded money to the plaintiffs.	The trial has not happened yet at the time this article was written, and ***Mr. Smith is presumed innocent unless the government can prove he is guilty beyond a reasonable doubt***.
What must the person prove to win? What is the burden of proof in this type of case?	The plaintiff must prove their claims by a ***preponderance of the evidence*** = meaning it is more likely to be true than not true, or that there is greater than a 50% chance that it's true. (Lower standard than in criminal cases)	The prosecutor must prove the defendant is ***guilty beyond a reasonable doubt*** = meaning that there is no other reasonable explanation that can be derived from the evidence presented. (Highest standard)

Handout E – Fact Sheet: Comparing State and Federal Courts

Why Are There Two Court Systems in the United States?

The U.S. Constitution created a governmental structure for the United States known as federalism. ***Federalism*** refers to a sharing of powers between the national government and the state governments. The Constitution gives certain powers to the federal government and reserves the rest for the states. Therefore, while the Constitution states that the federal government is supreme with regard to those powers expressly or implicitly delegated to it, the states remain supreme in matters reserved to them.

Both the federal and state governments need their own court systems to apply and interpret their laws. Furthermore, both the federal and state constitutions attempt to do this by specifically spelling out the jurisdiction of their respective court systems.

Jurisdiction of the Courts: Federal vs. State

As the framers wrote the Constitution, some feared that the federal courts might threaten the independence of the states and the people. To combat this fear the framers set up a federal court system that can only hear cases in special circumstances. We call this having "***limited jurisdiction***." Since the federal courts can only hear certain kinds of cases, most of the day-to-day cases that courts deal with happen in state courts.

On the other hand, state courts are courts of "***general jurisdiction***." They hear all the cases not specifically selected for federal courts. Just as the federal courts interpret federal law, state courts interpret state laws. Each state gets to make and interpret its own laws. This helps the states retain power and makes sure that the national government does not become too strong.

FEDERAL COURTS

The federal courts are courts of limited jurisdiction because they may only decide certain types of cases. Basically, federal courts hear only two types of cases; those that raise a "***federal question***," and those involving "***diversity of citizenship***."

Federal Question Jurisdiction: These cases involve the U.S. Government, the U.S. Constitution or other federal laws. Examples include:

- A crime that is a violation of federal law, such as bank robbery, drug cases, guns, or kidnapping.
- Cases involving interstate commerce or interstate criminal activity.
- Civil cases based on federal laws, such as laws prohibiting employment discrimination, or laws regulating securities trading or competition (anti-trust).

Federal Courts – Limited Jurisdiction, continued….

Federal Question Jurisdiction, continued….

- A controversy arising out of the U.S. Constitution or other federal laws, such as a violation of a protection guaranteed by the Bill of Rights.
- A case in which the United States is a party, such as Social Security claims or federal tax violations.
- A controversy between two states.
- A case involving foreign governments such as international trade or foreign treaties.
- All bankruptcy, patent, copyright, Native American, and maritime cases.

Diversity of Citizenship Jurisdiction: These cases involve disputes between two parties not from the same state or country. Examples include:

- Between citizens of two different states.
- Between a U.S. citizen and a citizen of another country.
- NOTE: The case must involve a claim for at least $75,000 in damages – if not, then it must be filed in state court instead.

STATE COURTS

The state courts are courts of "***general jurisdiction.***" They hear all the cases not heard by federal courts. About 90% of all the cases heard in the American court system happen at the state level. Examples include:

- A crime that is a violation of state law. Most criminal activity falls in this category, such as robbery, assault, murder, and many drug-related crimes.
- A controversy arising out of the state constitution or other state laws.
- A case in which the state is a party, such as state tax violations.
- Most real estate cases, malpractice, personal injury cases, and contract disputes.
- All family, divorce, custody, inheritance, and probate cases.
- Most traffic and juvenile cases.

Handout F – Student Worksheet: State and Federal Jurisdiction

DIRECTIONS: Use The Judicial Learning Center website or the Fact Sheet: Comparing State and Federal Courts to answer these questions:

1. What is federalism?

2. What are the two court systems?

3. Which court system has limited jurisdiction? What does that mean?

4. Which court system has general jurisdiction? What does that mean?

5. Which court system hears more cases?

6. Federal courts only have jurisdiction over two types of cases. What are they?

7. List three example cases that would probably be heard in federal court.

8. Is each of your examples civil or criminal?

9. State courts have jurisdiction over anything not mentioned in #6-7 above. List five example cases that would probably be heard in state court.

10. Is each of your examples civil or criminal?

Handout G – Student Worksheet: State and Federal Jurisdiction Answer Key

1. What is federalism?
    - **FEDERALISM**: Form of government in which power is divided between one national government and other, smaller state or regional governments.
    - ***Federalism*** refers to a sharing of powers between the national government and the state governments. The Constitution gives certain powers to the federal government and reserves the rest for the states.

2. What are the two court systems?
    - State and federal (each state has its own, and the entire country has one federal system)

3. Which court system has limited jurisdiction? What does that mean?
    - Federal
    - As the framers wrote the Constitution, some feared that the federal courts might threaten the independence of the states and the people. To combat this fear the framers set up a federal court system that can only hear cases in special circumstances, we call this having "***limited jurisdiction***."
    - The federal courts interpret federal law.

4. Which court system has general jurisdiction? What does that mean?
    - State
    - State courts are courts of "***general jurisdiction***." They hear all the cases not specifically selected for federal courts.
    - The state courts interpret the laws of that state.

5. Which court system hears more cases?
    - State

6. Federal courts only have jurisdiction over two types of cases. What are they?
    - Federal courts hear only two types of cases: those that raise a "***federal question***," and those involving "***diversity of citizenship.***

7. List three example cases that would probably be heard in federal court.
    - Answers will vary. Could include federal crime, violation of constitutional rights, bankruptcy, federal tax violation, copyright are all examples.

8. Is each of your examples civil or criminal?
    - Answers will vary.

9. State courts have jurisdiction over anything not mentioned in #6-7 above. List five example cases that would probably be heard in state court.
    - Answers will vary. State crime, divorce, traffic, custody, probate are all examples.

10. Is each of your examples civil or criminal?
    - Answers will vary.

Handout H – Case Scenarios

Instructions: Cut out each strip, then sort the strips into categories: Federal Civil, State Civil, Federal Criminal, State Criminal.

Mr. Jones uses his cell phone and his car to distribute illegal drugs in Missouri, Iowa, Kansas, and Colorado.
Mr. Garcia sues his doctor for injury from malpractice. Both Mr. Garcia and the doctor are from Missouri.
ABC Recording Company sues the local radio station for using some of their copyrighted songs in a commercial without paying or giving credit.
Mrs. Bart files for divorce from Mr. Bart.
Miss Smith has a trial for robbing her neighbor's house, which is against a Missouri law.
Miss Anderson, who lives in Missouri, sues her insurance company from California, because they failed to pay for her covered damages in a recent tornado. She is suing for $290,000.
Miss Martin, who is from Missouri, sues a chair company in Wyoming, for selling her faulty products to re-sell in her store. She is suing for $19,000.
Mr. Ward is suing the hospital because he feels he's been fired from his job as a nurse due to his participation in a political protest, which is his 1st Amendment right.
Mr. Green has a trial for driving while intoxicated, which is against Missouri state law.
Mrs. Frank uses her position as a U.S. Postal Service worker to steal money and checks from the mail she is supposed to deliver.
Mr. Tate files for bankruptcy.

Handout I – Case Scenarios Answer Key

State criminal

Mr. Green has a trial for driving while intoxicated, which is against Missouri state law.

Miss Smith has a trial for robbing her neighbor's house, which is against a Missouri law.

State civil

Mr. Garcia sues his doctor for injury from malpractice. Both Mr. Garcia and the doctor are from Missouri.

Mrs. Bart files for divorce from Mr. Bart.

Miss Martin, who is from Missouri, sues a chair company in Wyoming, for selling her faulty products to re-sell in her store. She is suing for $19,000.

Federal criminal

Mr. Jones uses his cell phone and his car to distribute illegal drugs in Missouri, Iowa, Kansas, and Colorado.

Mrs. Frank uses her position as a U.S. Postal Service worker to steal money and checks from the mail she is supposed to deliver.

Federal civil

Miss Anderson, who lives in Missouri, sues her insurance company from California, because they failed to pay for her covered damages in a recent tornado. She is suing for $290,000.

Mr. Ward is suing the hospital because he feels he's been fired from his job as a nurse due to his participation in a political protest, which is his 1st Amendment right.

ABC Recording Company sues the local radio station for using some of their copyrighted songs in a commercial without paying or giving credit.

Mr. Tate files for bankruptcy.