

ADMINISTRATION OF JUSTICE
Homework Exam Review

CIVIL LAW

Name: _____ Period: _____ Row: _____

1. The impression most people have is that the _____ of the American legal system is to _____.
2. In reality, most laws have _____.
3. They deal with _____.
4. Courts play an important role in settling disputes about property _____, _____, and _____.
5. They settle family matters such as divorce, adoption, and _____.
6. Civil law deals with the rights of private citizens in disputes with other _____, with _____, or with _____.
7. People accused of breaking civil laws are tried in _____, just as people accused of crimes are tried in _____.
8. If it's not clear how the law applies to a particular _____, the judge interprets the law by considering _____.
9. First, what are the _____? (In other words, how has this law been _____?)
10. Second, what is _____? (In other words, is there a commonsense _____?)
11. Civil law and criminal law are meant to accomplish very _____.
12. The main purpose of criminal law is to _____.
13. An important goal of civil law is to _____, or _____, the people who have been harmed.
14. Compensation is payment for the _____.
15. In many cases, the person who causes an _____ is tried in both criminal court and _____.
16. At a criminal trial, the defendant may be declared _____.
17. If found guilty, the punishment is usually a fine or a _____.
18. At a civil trial, the defendant may be declared _____.
19. If found liable, the defendant must provide the _____.
20. The process of resolving a dispute in civil court is called _____ or a _____.
21. The person who begins the litigation-in this case, is called _____.

22. The person who is being sued is _____.
23. The civil process begins when the _____ (or their lawyer) files a _____ - a written notice to the court that explains _____.
24. The complaint, for example, describes what was _____, damaged, or _____.
25. It explains who the plaintiff _____.
26. It also states the remedy the plaintiff _____.
27. The _____ right to a court-appointed lawyer does not apply in civil cases. (The same is true for most of the _____ safeguards, they apply only to _____.)
28. The court allows the _____ (or their _____) to file an answer.
29. A written response to the _____.
30. The defendant may deny the _____.
31. The defendant may also offer a _____.
32. Finally, the defendant may dispute the amount or type of _____ that the _____ is asking for.
33. After the complaint and answer are _____, both parties begin to _____ for the trial.
34. In a process called _____, the plaintiff and defendant gather as many _____.
35. Lawyers may want to _____ friends of the parties involved about the _____.
36. Lawyers will want to see _____.
37. Both lawyers will probably want to question _____, friends and _____ about what they saw or heard.
38. The trial itself is very similar to _____.
39. Both parties present _____ and call _____ to support their sides of the _____.
40. The plaintiff tries to prove that the defendant is responsible for the loss, _____.
41. The plaintiff also tries to prove that the compensation they are seeking is _____.
42. The defendant tries to prove that they are _____, injury or damage.
43. The defendant may also try to prove that the plaintiff is asking for too much _____.

44. If the evidence presented by one side conflicts with the _____ presented by the other, the judge (or, in some cases, the _____) must decide which side is _____.
45. The final decision is made _____ in a civil trial than in a _____ trial.
46. In a civil case, a defendant can be held liable on the basis of a _____.
47. In other words, the evidence doesn't have to _____; it only has to _____ case better than it supports the defendant's case.
48. When a defendant is held _____ in a civil case, they may have to offer a _____.
49. One common remedy is _____, in which the plaintiff recovers for a wrong or a loss by getting money or by _____.
50. In most civil cases, compensation takes the _____.
51. Money paid as compensation _____.
52. In many states, a defendant who is found liable in a civil case must pay all the _____, including the fees for the plaintiff's _____.

Types of Compensation:

53. In especially serious cases, the _____ may also have to pay _____.
54. Punitive damages is money that the defendant must pay as punishment for _____.
55. Occasionally a person may break a _____ without causing any real damage or _____.
56. In those cases, the defendant may be required to pay _____.
57. Nominal damages, or "damages _____," is a small amount of money the defendant must pay just for _____.
58. Compensation is not the only kind of _____.
59. Some remedies are meant to prevent or _____.
60. An injunction is a court order _____.
61. Injunctions are used in many _____.
62. Businesses sometimes get injunctions to stop _____ or unfair trade _____.
63. An injunction is also used to stop an _____.
64. A union is threatening a strike, the company anticipates _____ crossing the _____. They could seek an injunction to keep strikers off the _____.

65. Another type of court order is called _____.
66. Specific performance is an order requiring a _____ (unlike an injunction, which is an order _____).
67. Specific performance is the usual remedy when a defendant has signed a _____.
68. In some contracts disputes, a better _____.
69. With this remedy, the contract is _____.
70. When a contract is rescinded, the parties who signed the contract are no longer _____.
71. Sometimes a plaintiff in a contracts case _____.
72. A reformation is a _____ change in a contract.
73. Used to correct a _____, when parties sign the contract without noticing the _____.

Enforcing Remedies

74. When a court makes a decision in a civil case, it has the power to _____.
75. If a defendant refuses to _____, the court may send law enforcement officers to _____.
76. The court may then _____ until the defendant pays the plaintiff.
77. If the defendant still refuses to pay, the _____ the defendant's property and give the plaintiff the _____.
78. In some cases, the court can order the _____ to collect the _____.
79. The employer does this by _____ amount of money out of each _____ the defendant receives.
80. Litigation has several serious _____.
81. Litigation is _____.
82. Courts are flooded with more cases _____.
83. Years may pass before the case _____.
84. The Sixth Amendment guarantee of a " _____ " doesn't apply to _____ cases.)
85. Most disputes can be settled without the _____ of a civil trial.
86. There are several different ways to _____.
87. Most common and informal way to settle a dispute is _____,

working out an agreement _____.

88. Negotiation is often used to settle _____.
89. There are times when people can't find a _____ acceptable to both _____.
90. In these a cases, the _____ may decide to bring in a third party called a _____.
91. The mediator is neutral, having no _____ one side over the other.
92. The mediator listens to the arguments on _____ and suggests _____.
93. In some cases, the parties involved in a dispute will bring in an _____ rather than a mediator.
94. An arbitrator is a _____.
95. Unlike a mediator, an arbitrator acts as a _____.
96. The arbitrator then makes a _____.
97. An arbitrator can also order more _____ than a civil judge can.
98. Small claims court is a court designed to handle disputes about small amounts of money, _____.
99. A trial in small claims court is _____ and much less _____ than an ordinary trial.
100. If the plaintiff and defendant reach an _____, they can end the _____ immediately.
101. An agreement that is reached in this way is called an _____.