

Criminal and Civil Law

Criminal law: decided by legislature, contained in California's Penal Code.

Civil law: any legal matter not involving criminal law.

Criminal law and civil law have different penalties and procedures.

Criminal and Civil Law

Penalties:

- Criminal law: fines, restitution, incarceration
- Civil law: limited to fines, revocation of licenses

Criminal and Civil Law

Procedures:

- Criminal law: only government can prosecute
- Civil law: government or private person can bring case

Criminal and Civil Law

Most disputes involve civil law.

- Government or private person brings claim for damages.

Damages: compensation for financial losses caused by defendant's wrongful conduct.

Criminal and Civil Law

Types of civil law

Most civil matters involve:

- contract law
- tort law
- property law

Civil matter may involve one area or all three.

Types of Civil Law

Contract law

Contract: each party makes promise to other party.

- Exchange of promises = binding contract

Legislatures generally leave contract law to courts.

Types of Civil Law

Tort law

Tort law: imposes a duty to take reasonable care to avoid injuring people or damaging property.

Types of Civil Law

Tort law

Negligence: failure to use reasonable care.

- Unintentional tort: causing injury through negligence.
- Intentional tort: intending to cause injury to person or property.

Types of Civil Law

Tort law

Intentional torts in real estate:

- trespass, fraud, conversion, etc.
- many have counterparts in criminal code

Types of Civil Law

Property law

Property law: governs ownership of both real property and personal property.

Personal property: any property that isn't real estate or permanently attached to real estate.

Criminal and Civil Law

Standards of proof

Standard of proof: proof necessary for jury to find person guilty (criminal case) or liable (civil case).

Criminal: “beyond a reasonable doubt”

Civil: “more likely than not”

Person can be found “not guilty” in criminal case, but still liable in civil case.

Summary

Criminal Law and Civil Law

- **Criminal law**
- **Civil law**
- **Contract law**
- **Tort law**
- **Property law**
- **Negligence**
- **Standard of proof**