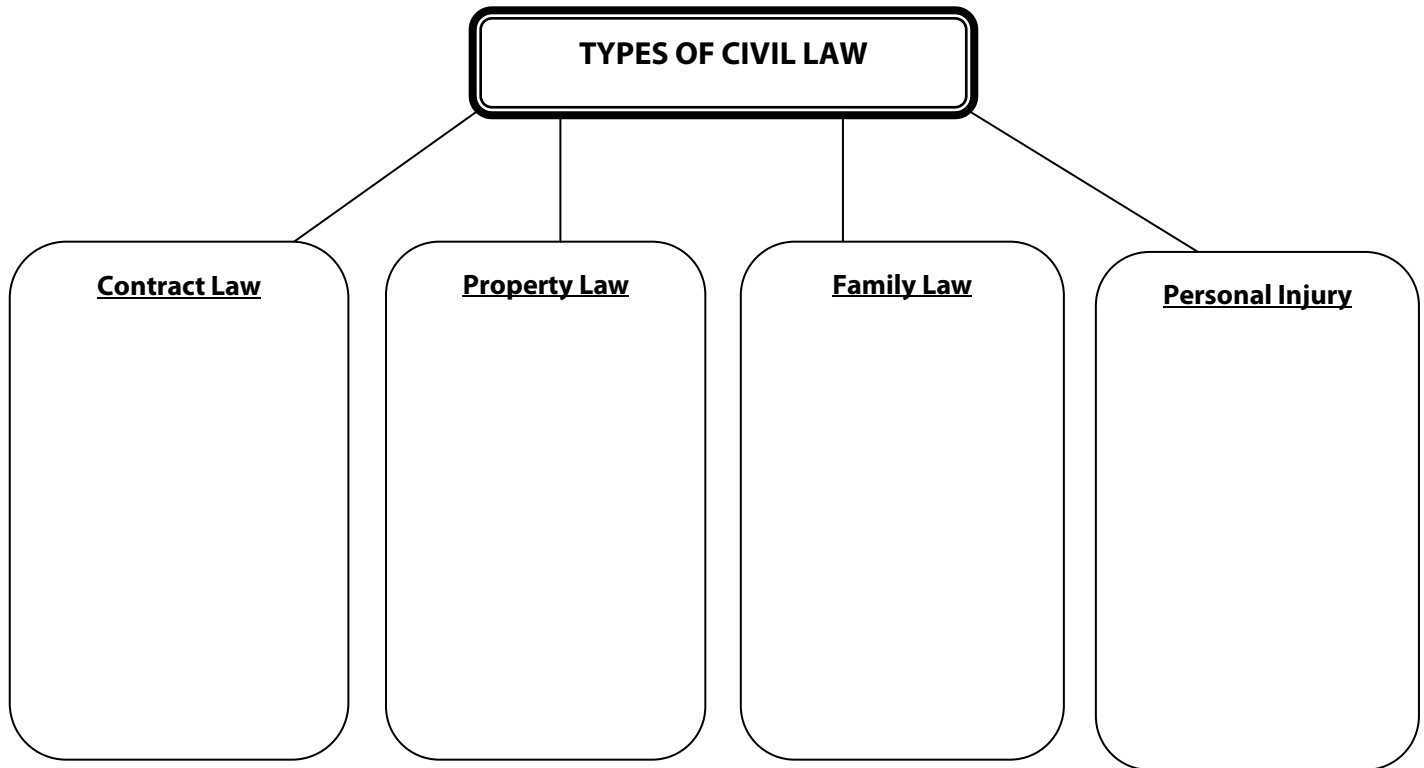


LESSON 1 | CIVIL LAW

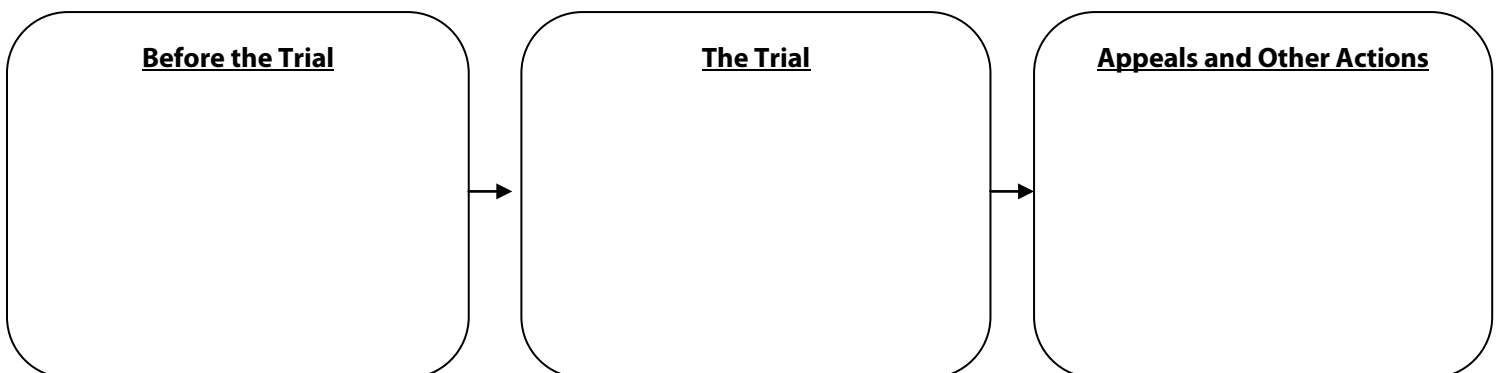


ACTIVE NOTE-TAKING ACTIVITY

<i>Types of Civil Law</i> Guiding Question: What is civil law?	
1. What is civil law? p. 432	
2. In the graphic organizer below, describe the different types of civil law. pp. 432-434	



<i>The Legal Process in Civil Cases</i> Guiding Question: What legal procedures are followed in civil lawsuits?
3. Using pages 435-436 in your textbook, fill in the civil trial time line below, describing the main points in each stage. Be sure to use the following words in your descriptions: <i>plaintiff, defendant, complaint, damages, summons, and discovery.</i>

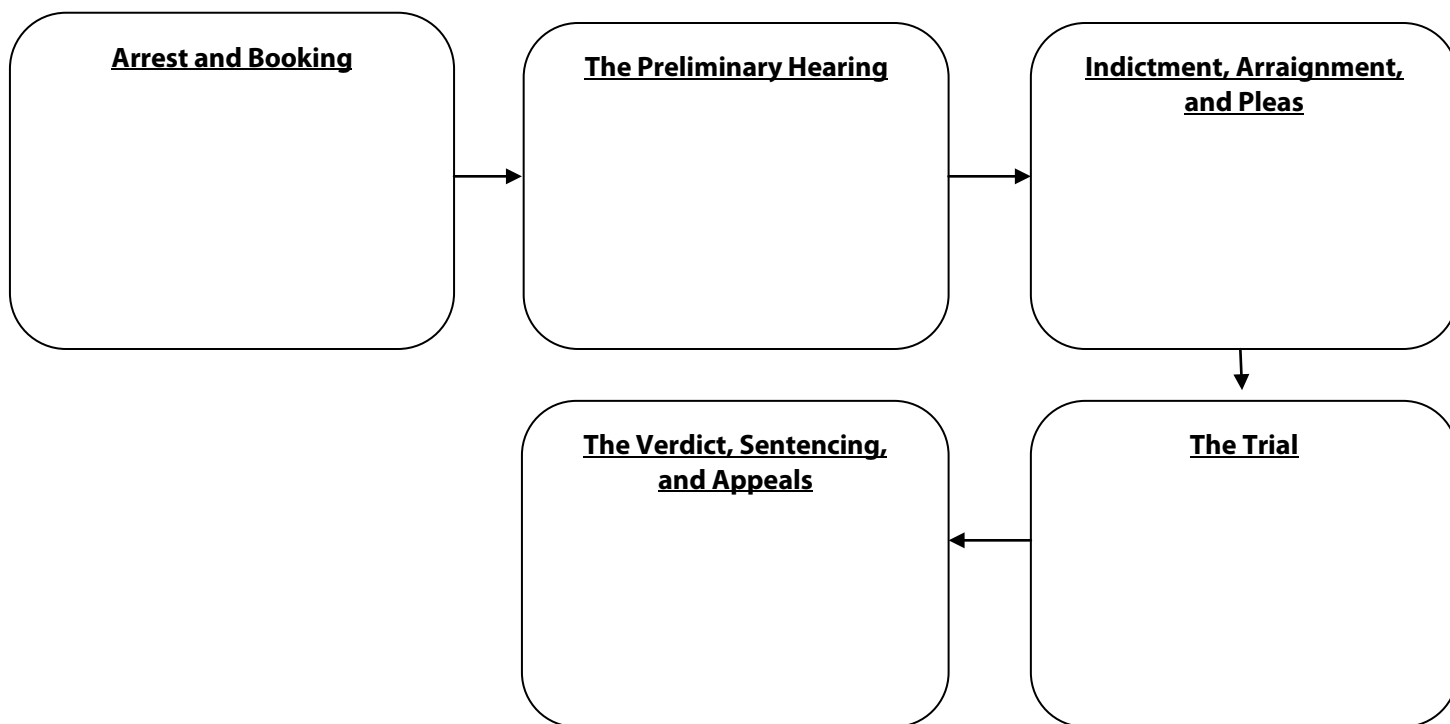


LESSON 2 | CRIMINAL LAW



ACTIVE NOTE-TAKING ACTIVITY

Crime and Punishment		
<i>Guiding Question: What does criminal law involve?</i>		
1. What is a crime? Where are each state’s criminal laws and punishments spelled out? p. 437		
2. Explain the difference between a felony and a misdemeanor. Provide examples of each. pp. 438-439	<u>Felony</u>	<u>Misdemeanor</u>
3. How are lawbreakers punished? What is the purpose of punishment? p. 439		
Criminal Case Procedure		
<i>Guiding Question: What are the legal procedures in a criminal law case?</i>		
4. Using pages 440-443 in your textbook, fill in the criminal trial time line below, describing the main points in each stage. Be sure to use the following words in your descriptions: <i>prosecution, plea bargaining, indictment, arraignment, cross-examination, acquittal, sentencing</i>		



The McDonald's Case

We've all heard the story of the McDonald's coffee burning a woman and her suing over it. The following document discusses the details of that case and the eventual outcome.

Stella Liebeck of Albuquerque, New Mexico, was in the passenger seat of her grandson's car when she was severely burned by McDonalds' coffee in February 1992. Liebeck, 79 at the time, ordered coffee that was served in a Styrofoam cup at the drive through window of a local McDonalds.

After receiving the order, the grandson pulled his car forward and stopped momentarily so that Liebeck could add cream and sugar to her coffee. (Critics of civil justice, who have pounced on this case, often charge that Liebeck was driving the car or that the vehicle was in motion when she spilled the coffee; neither is true.) Liebeck placed the cup between her knees and attempted to remove the plastic lid from the cup. As she removed the lid, the entire contents of the cup spilled into her lap.

The sweatpants Liebeck was wearing absorbed the coffee and held it next to her skin. A vascular surgeon determined that Liebeck suffered full thickness burns (or third-degree burns) over 6 percent of her body, including her inner thighs, perineum, buttocks, and genital and groin areas. She was hospitalized for eight days, during which time she underwent skin grafting. Liebeck, who also underwent debridement treatments, sought to settle her claim for \$20,000, but McDonalds refused.

During discovery, McDonalds produced documents showing more than 700 claims by people burned by its coffee between 1982 and 1992. Some claims involved third-degree burns substantially similar to Liebecks. This history documented McDonalds' knowledge about the extent and nature of this hazard.

McDonalds also said during discovery that, based on a consultants advice, it held its coffee at between 180 and 190 degrees Fahrenheit to maintain optimum taste. He admitted that he had not evaluated the safety ramifications at this temperature. Other establishments sell coffee at substantially lower temperatures, and coffee served at home is generally 135 to 140 degrees.

Further, McDonalds' quality assurance manager testified that the company actively enforces a requirement that coffee be held in the pot at 185 degrees, plus or minus five degrees. He also testified that a burn hazard exists with any food substance served at 140 degrees or above, and that McDonalds coffee, at the temperature at which it was poured into Styrofoam cups, was not fit for consumption because it would burn the mouth and throat. The quality assurance manager admitted that burns would occur, but testified that McDonalds had no intention of reducing the "holding temperature" of its coffee.

Plaintiffs' expert, a scholar in thermodynamics applied to human skin burns, testified that liquids, at 180 degrees, will cause a full thickness burn to human skin in two to seven seconds. Other testimony showed that as the temperature decreases toward 155 degrees, the extent of the burn relative to that temperature decreases exponentially. Thus, if Liebeck's spill had involved coffee at 155 degrees, the liquid would have cooled and given her time to avoid a serious burn.

McDonalds asserted that customers buy coffee on their way to work or home, intending to consume it there. However, the company's own research showed that customers intend to consume the coffee immediately while driving.

McDonalds also argued that consumers know coffee is hot and that its customers want it that way. The company admitted its customers were unaware that they could suffer third degree burns from the coffee and that a

statement on the side of the cup was not a "warning" but a "reminder" since the location of the writing would not warn customers of the hazard.

The jury awarded Liebeck \$200,000 in compensatory damages. This amount was reduced to \$160,000 because the jury found Liebeck 20 percent at fault in the spill. The jury also awarded Liebeck \$2.7 million in punitive damages, which equals about two days of McDonalds' coffee sales.

Post-verdict investigation found that the temperature of coffee at the local Albuquerque McDonalds had dropped to 158 degrees Fahrenheit.

The trial court subsequently reduced the punitive award to \$480,000 -- or three times compensatory damages -- even though the judge called McDonalds' conduct reckless, callous and willful.

No one will ever know the final ending to this case.

The parties eventually entered into a secret settlement which has never been revealed to the public, despite the fact that this was a public case, litigated in public and subjected to extensive media reporting. Such secret settlements, after public trials, should not be condoned.

Here is some of the evidence the jury heard during the trial:

- McDonald's operations manual required the franchisee to hold its coffee at 180 to 190 degrees Fahrenheit.
- Coffee at that temperature, if spilled, causes third-degree burns in three to seven seconds.
- The chairman of the department of mechanical engineering and biomechanical engineering at the University of Texas testified that this risk of harm is unacceptable, as did a widely recognized expert on burns, the editor-in-chief of the Journal of Burn Care and Rehabilitation, the leading scholarly publication in the specialty.
- McDonald's admitted it had known about the risk of serious burns from its scalding hot coffee for more than 10 years. The risk had repeatedly been brought to its attention through numerous other claims and suits.
- An expert witness for the company testified that the number of burns was insignificant compared to the billions of cups of coffee the company served each year.
- At least one juror later told the Wall Street Journal she thought the company wasn't taking the injuries seriously. To the corporate restaurant giant those 700 injury cases caused by hot coffee seemed relatively rare compared to the millions of cups of coffee served. But, the juror noted, "there was a person behind every number and I don't think the corporation was attaching enough importance to that."
- McDonald's quality assurance manager testified that McDonald's coffee, at the temperature at which it was poured into Styrofoam cups, was not fit for consumption because it would burn the mouth and throat.
- McDonald's admitted at trial that consumers were unaware of the extent of the risk of serious burns from spilled coffee served at McDonald's then-required temperature.
- McDonald's admitted it did not warn customers of the nature and extent of this risk and could offer no explanation as to why it did not.

excerpted from ATLA fact sheet. © 1995, 1996 by Consumer Attorneys of California

LESSON 1 | CIVIL LAW

PROCESSING ACTIVITY

BRIEFING THE CASE: *Liebeck v. McDonald's*

Directions: The *Journal of Consumer and Commercial Law* printed an article about the product liability lawsuit between Stella Liebeck of Albuquerque, New Mexico, and McDonald's. You can find an article about the case by typing *Liebeck v. McDonald's* into a search engine. This civil trial made headlines in 1994. You are going to "brief" the case.

Note: "Briefing a case" means that you are going dig out the issues surrounding the case, the law(s) that were applied, and the outcome of the case for reference and review.

1. Who was the plaintiff in the case?	
2. Who was the defendant in the case?	
3. What are the facts of the case? What happened to the plaintiff that made her sue for damages? Be specific.	
4. How much was the plaintiff asking for damages and suffering?	
5. What was some of the evidence brought against the McDonald's corporation by Liebeck's attorney?	
6. How did McDonald's argue against these allegations?	
7. What was the verdict, or the outcome, of the case?	

Criminal Law

Criminal laws are laws that make certain actions a crime. These laws come from all three levels of government (federal, state, and local) and can be found in statutes, regulations, and sometimes in state constitutions.



There are two general levels of crimes. Felonies are serious crimes that normally have a punishment of more than a year in jail. Misdemeanors are less serious crimes where the penalty is usually less than a year in jail or even just a fine. A law that makes it a crime to do something usually says whether violating the law will be considered a felony or a misdemeanor. Felonies and misdemeanors are also divided into classes depending on how serious they are.



In a criminal trial, the question is always, —“Did this person commit a crime?” The government is always on one side of the case, charging someone with a crime. The person accused of the crime, called the defendant, is always on the other side. The defendant is either found innocent of the crime and is acquitted, or he or she is found guilty and is sentenced with a fine or jail time.

Civil Law



Here’s a basic rule of thumb: If it’s not criminal, it’s civil! Civil laws involve a wide range of subjects such as property, divorce, contracts, wills, personal injury, bankruptcy, employment, agriculture, and taxes. For this reason, there are many more civil laws than criminal laws.

Civil laws usually help settle disagreements between people. People may disagree over things like rights to property, custody of children in a divorce, or what a contract says. The two sides in a civil case each get to tell their side of the story. The judge or jury decides what the facts are and what the remedy, or solution, should be.

Sometimes, like criminal cases, civil cases involve someone who has injured someone else. Many injuries, such as accidents, are not caused by a crime. The person who caused the accident and the person who was hurt must come to an agreement about how the injured person can be compensated for his or her loss.

Very often, civil law does not involve a problem or disagreement at all. If someone wants to make a will or draw up a contract to sell something, there are civil laws that say how those things should be done.



Name: _____ Date: _____ Period: _____

Criminal vs. Civil Law

Directions: Identify each scenario as either as a “civil” or “criminal” law case. Then explain why it is this type of law.

Scenario 1: A hospital patient dies. An investigation reveals that, because of sloppy record keeping, the patient was given the wrong dose of medication.

Law: _____
Why?: _____

Scenario 2: A tenant is three months behind in paying her rent. The landlord uses his key to enter the tenant’s apartment when she is not home. He takes money out of her desk drawer to cover the back rent.

Law: _____
Why?: _____

Scenario 3: George gets into an argument with his neighbor Walter, complaining that Walter’s icy sidewalk is dangerous for pedestrians. Walter gets angry and pushes George, who falls down on Walter’s icy driveway and breaks his hip.

Law: _____
Why?: _____

Scenario 4: An elderly millionaire dies, and in her will leaves all her money to her butler. The millionaire’s children claim that the will is invalid because the butler forced their mother to make him her heir.

Law: _____
Why?: _____

Scenario 5: A woman gets a cup of coffee from a drive through restaurant. She places the cup in her lap while driving out of the parking lot. Seconds later, the coffee split on her lap causing third degree burns. The woman files a lawsuit against the restaurant.

Law: _____
Why?: _____

Scenario 6: A man was caught on tape robbing a gas station. He was arrested, brought to trial, and found guilty of burglary. He was sentenced to ten years in prison and fine.

Law: _____
Why?: _____

Directions: Read the information about Criminal and Civil Laws and fill in the chart below.

What is your own example of Criminal Law ?	
Define Felony :	Define Misdemeanor :
What is your own example of Civil Law ?	