

WELCOME!
to **LAW 1103: Civil Law and Procedure!**
Prof. Kerin E. Coughlin

Friday, August 28, 2020 (class 1 of 15!!)

Today: Course introduction!

- Review syllabus!
- What is Civil Procedure?

For Mon. Aug. 31 (Intro): Read M&M "skills prep" & ch. 1 and email me a question or response by **10am!**

For Wed. Sept. 2 (Intro): Post "Who I Am" on OL.

For Fri. Sept. 4 (Civil): Read M&M ch. 6 pp. 145-158, email a question or response by **1pm!**

ASAP: Email me from your CT address: (a) emergency contact info & (b) 3 times to meet—*details on OL.*

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Civil procedure = proceedings and rules by which courts resolve disputes between private parties

- **parties** = individuals, businesses, etc.
- **proceedings** = trials, hearings, cases, lawsuits, litigations, matters, *etc.*
- **rules** = New York Civil Practice Law and Rules → *CPLR!!*

Other courts (other states, federal, etc.) follow different rules.

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Criminal vs. Civil

Parties

Civil = victim (plaintiff) v. alleged wrongdoer (defendant)

Criminal = government (prosecutor) v. alleged wrongdoer (defendant)

Law

Civil = mostly common law / case law (made by judges)

Criminal = statutory law (made by legislators) → *NY Penal Law*

Standards of Proof

Civil = "preponderance of evidence" (~51%)

Criminal = "beyond a reasonable doubt" (~98%)

Consequences

Civil = \$ damages *or* order to do/not do something, etc.

Criminal = fine; prison; DEATH.