

# **Street Law**

## **A Course in Practical Law**

***Fifth Edition***

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**National Institute for Citizen Education in the Law**



# Street Law

## A Course in Practical Law

**Fifth Edition**

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# Preface

For further information:

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The fifth edition of *Street Law: A Course in Practical Law* builds upon the success and popularity of earlier editions. Incorporating their best features, this edition provides new information, practical advice, and competency-building activities designed to provide students with the ability to analyze, evaluate, and, in some situations, resolve legal disputes. The fifth edition also incorporates a colorful new design.

The text reflects the changes in law and legal procedure that have taken place at the national level since the publication of the fourth edition. Throughout the book, we have added text and problems dealing with the most current law-related public issues, including gangs, guns, and substance abuse. We have continued to expand our emphasis on promoting alternative (nonjudicial) forms of dispute resolution. In addition, we have added to each chapter a new feature called Law Around the World. This material encourages students to analyze how other countries (and their legal systems) handle certain basic legal problems.

*Street Law's* approach to law-related education is to provide practical information and problem solving opportunities that develop in students the knowledge and skills necessary for survival in our law-saturated society. The curriculum includes case studies, mock trials, role-plays, small group exercises, and visual analysis activities. For optimal results, *Street Law* requires the use of community resource people such as lawyers and police officers. It also requires community experiences such as court tours and police ride-alongs. This methodology allows students to be active participants in their own education. In this way, we hope to promote in students a willingness and capability to participate effectively in the legal and political systems.

Properly used, *Street Law* has been found to contribute to programs that reduce juvenile delinquency, including the devastating problem of juvenile substance abuse. Teachers should note that a separate, comprehensive *Teacher's Manual*, supplemental *Test Bank*, *Work Book*, *Service Learning Video*, and *Street Law: Student Scenes* are available from the publisher.

**ADVICE TO READERS:** Law varies from state to state and is constantly changing. Therefore, someone confronted with a legal problem should not use this text as a substitute for legal advice from an attorney.

# The National Institute for Citizen Education in the Law

*Street Law* is a product of the National Institute for Citizen Education in the Law (NICEL). The Institute grew out of a Georgetown University Law Center program, launched in 1971, in which law students teach practical law courses in District of Columbia high schools, juvenile and adult correctional institutions, and a number of community-based settings.

NICEL was created to promote increased opportunities for citizen education in the law. It develops curricula, trains teachers, and replicates programs. It also provides technical assistance and curriculum materials to law schools, school systems, departments of corrections, juvenile justice agencies, bar associations, legal service and community organizations, state and local governments, and other groups and individuals interested in establishing law-related education programs. Through its national clearinghouse, NICEL distributes lists of its materials and services as well as technical assistance papers that guide practitioners in the replication of its program models. NICEL also provides assistance for programs at the elementary school level.

Some NICEL programs have also been replicated in South Africa, Hungary, Chile, Bolivia, Ecuador, and the Philippines.

In addition to *Street Law*, the Institute's publications include

*Democracy for All* (1994)

*We Can Work It Out: Problem Solving through Mediation* (1993)

*Human Rights for All* (1993)

*Teens, Crime, and the Community* (1992)

*Practical Law for Jail and Prison Personnel* (1987)

*Great Trials in American History: Civil War to the Present* (1985)

*Current Legal Issues Filmstrip Series* (1985)

*Family Law: Competencies in Law and Citizenship* (1984)

*Street Law: Mock Trial Manual* (1984)

*Current Legal Issues Filmstrip Series* (1984)



*Street Law Filmstrip Series* (1983)

*Consumer Law: Competencies in Law and Citizenship* (1982)

*Law and the Consumer* (1982)

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The authors gratefully acknowledge the many teachers, law students, law professors, and other attorneys who have assisted in the development of our curriculum materials. Over the years, many people have provided valuable field-testing, research, editorial assistance, encouragement, and support. We can name only a few in the space below, but we appreciate the efforts of all who have worked with us.

In 1987, our coauthor Ed McMahon left NICEL's staff. His work was part of the core of earlier editions of the book, and his writing skill, legal scholarship, and educational expertise are missed by all of us. We appreciate his editorial work on this edition and want to acknowledge that parts of this edition are based on his earlier writing.

In working on the fifth edition, we were particularly fortunate to have the assistance of several people who joined our staff on a temporary basis. Georgetown law student Audrey Kraus provided research and writing assistance on the consumer, housing, and tort law chapters. Hamline law student Lindsey Dodson spent the summer of 1993 with us making a substantial contribution to the revisions of the criminal and individual rights law chapters. Also that summer, Washington University senior Beth Landes helped revise the list of Organizations to Know in Appendix F.

Early in 1994, attorneys Amy L. Strain and Alan Korn (both of whom had taught *Street Law* while in law school) joined the staff and assumed major responsibilities for the completion of the teacher's manual and the glossary. They were instrumental in helping us with the final phases of this project.

There is no question that this project could not have been completed without the enormous contributions of our colleague and friend, Margaret



Fisher. Professor Fisher, formerly a member of our staff at NICEL, now coordinates law-related education programs for the state of Washington while also conducting a *Street Law* clinical program at the University of Puget Sound Law School. She took the lead in developing the new *Work Book* and also made the revisions in the *Test Bank*.

The new edition is also supplemented by a unique video. This video is the work of an extraordinarily dedicated lawyer, Beverly Reeves, and a talented group of high school students from Austin, Texas. Further information about this project is available with the teaching materials (also developed by Margaret Fisher) that accompany the video, but we hope this is just the first of many contributions that Beverly Reeves makes to the *Street Law* program.

Another new feature of the fifth edition is an appendix in the student text with information on law-related careers. For this excellent idea, and for the draft materials for the appendix, we want to thank Don Morris, a *Street Law* teacher in Cheyenne, Wyoming, who also coordinates his state's law-related education program.

Professor Grayfred B. Gray of the University of Tennessee College of Law provided us with a thorough edit of virtually the entire student manuscript. We benefitted from his recognized expertise in "plain language for lawyers and nonlawyers," as well as his broad-based legal scholarship. He also recruited colleagues from his faculty to review various chapters in their substantive areas of expertise.

NICEL's staff provided important encouragement and assistance during the lengthy process of developing the fifth edition. Praise should certainly go to NICEL's director, Jason Newman, who played a substantial role in the organization's founding and in the original conceptualization and design of the text. Support staff members Karla Williams, Pamela Dennis, Hellene Burnette, Sherri Singleton, and James Rohloff provided assistance that ranged from typing and photocopying draft chapters to proofreading, editing, and providing real-life examples for some of the problems in the text.

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In creating a new edition, we undertook a review process that involved legal experts from across the country. Because significant portions of the text necessarily deal with state statutes and cases, we tried to obtain a broad-based consensus on the current status of the law. We appreciate the generous volunteer efforts of the following persons who reviewed drafts of the chapters in the student text:



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Lee Arbetman  
Ed O'Brien  
Washington, D.C.  
April, 1994

## Dedication

TO THE ROBERT F. KENNEDY MEMORIAL, which funded RFK fellowships beginning in 1973 that enabled the authors to work with Jason Newman, Nancy Harrison, Vincent Reed, and others to found the first *Street Law* project in the District of Columbia.

The Memorial then helped establish the National Institute for Citizen Education in the Law, which has expanded *Street Law* nationally and internationally. This book is also dedicated to Robert F. Kennedy's ideals and the people he served.

Lee Arbetman, Ed O'Brien, and Ed McMahon  
April, 1994

TO MY PARENTS, William and Elizabeth O'Brien, who taught me how to respect and critically examine the law and TO MY CHILDREN, John and Beth, who every day reaffirm my optimism about our society's future.

Ed O'Brien  
April, 1994



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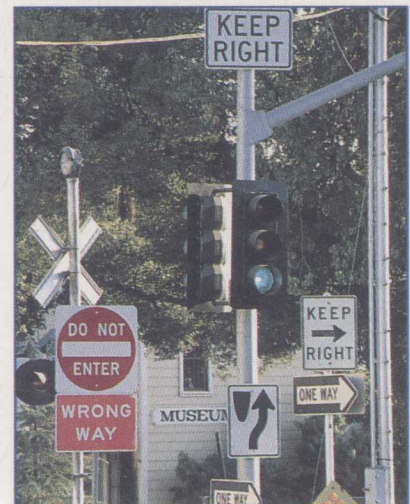
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## Chapter 1



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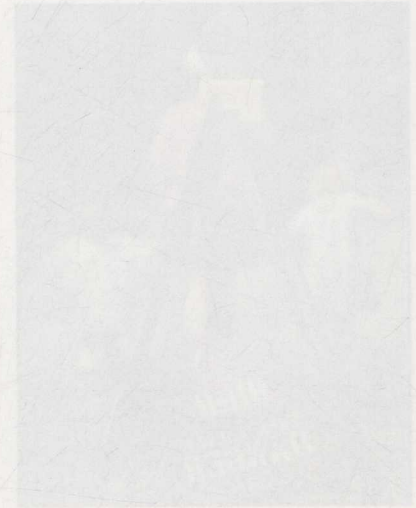


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