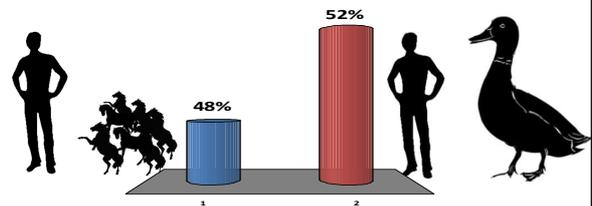


# Mind the Justice Gap

# Mind the Justice Gap Questions

## Would you rather be in a fight with...

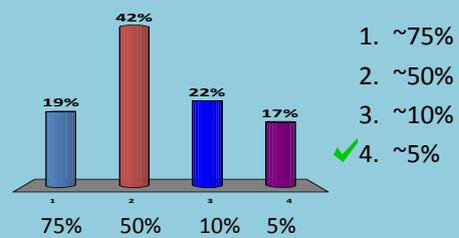
- 1. 100 duck-sized horses?
- 2. 1 horse-sized duck?



## Law quiz

## QUIZ

Civil: How many cases go to trial, out of all civil claims made?



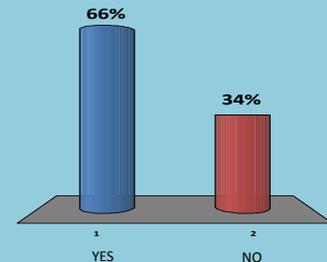
### Alternatives to going to trial:

- Out of court settlement (one party offers an amount of money to the other party to drop the claim)
- ADR: Alternative dispute resolution (such as arbitration, where both sides agree to abide by the decision of an arbitrator, or mediation, where a mediator helps the parties to try and reach a compromise)

### QUIZ

**Property: Does a person have ownership rights over their own body or body parts?**

1. Yes
- ✓ 2. No



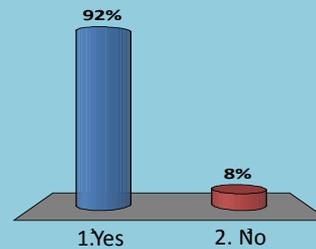
### Ownership:

- An essential element of ownership is the ability to transfer your right to ownership.
- If you can own your own body, then you can also sell it to someone else.
- The law does not recognise ownership of human beings, so such a transaction would be invalid.

### QUIZ

**Criminal: If you borrow something without asking, but intend to give it back, is this theft?**

1. Yes
- ✓ 2. No



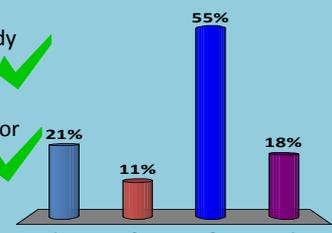
### Theft:

- The definition of theft (found in the **Theft Act 1968**):
  - 1. The act (actus reus):  
= *Appropriation of property that belongs to another*
  - 2. The mindset (mens rea)  
= *A dishonest state of mind and intention to permanently deprive the other person of it.*

### QUIZ

**If my friend commits a crime while I am there, can I be convicted of the same crime?**

1. Yes – if I don't stop them from doing it
2. Yes - if we were already doing something else illegal ✓
3. Yes – if I encourage it or help her not to get caught ✓
4. No – I didn't do the crime!



### Aiding and abetting

- Knowingly assisting with the commission of a crime (encouragement, helping to conceal) – means that you are guilty of the same crime

### Joint enterprise

- Once two or more people have agreed to or started to commit a crime together, if one of them commits a worse crime while they are working together, the whole group can be guilty of that crime.

### What do you think?

### What do you think?

#### Would you ever become a lawyer?

1. Yes	33%
2. No	67%

### What do you think?

#### Do you think most lawyers went to private school?

1. Yes	23%
2. No	77%

### What do you think?

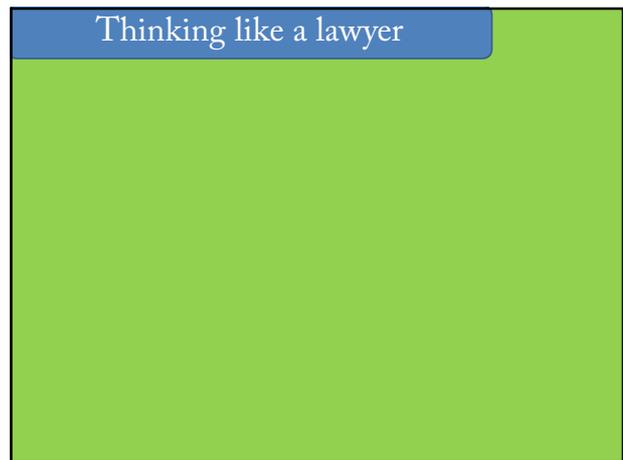
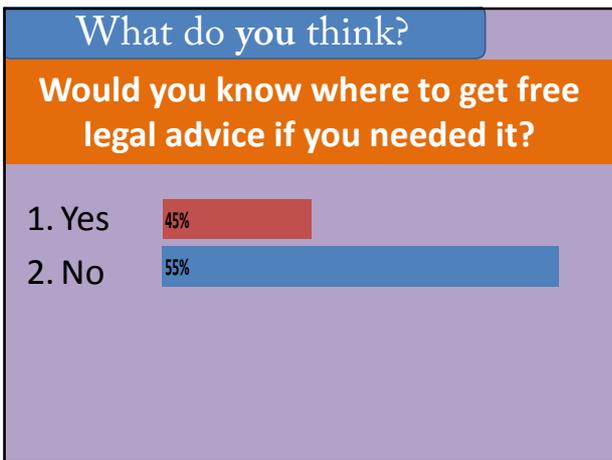
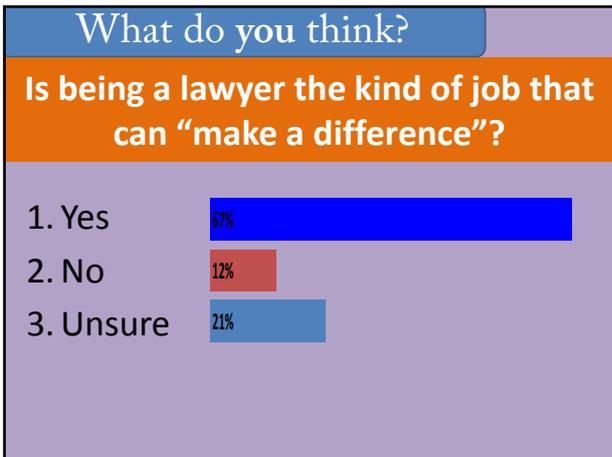
#### Do you think most lawyers went to Oxford or Cambridge?

1. Yes	21%
2. No	79%

### What do you think?

#### How many judges do you think are from ethnic minorities?

1. 1% or less	33%
2. 1% - 5%	33%
3. 5% - 10%	19%
4. 10% +	14%

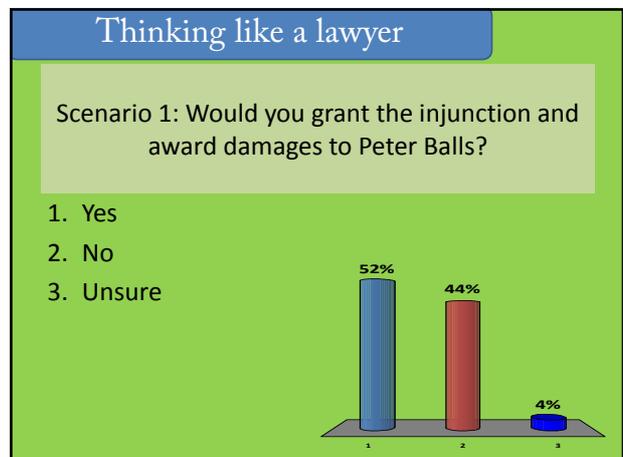


Thinking like a lawyer

**Scenario 1: Balls v The News**

Peter Balls is an international footballer. He is world-famous and a role model to many children and young people. His publicity company has worked hard to ensure that the image of him that has been projected to the media is one of a clean-living and wholesome family man, and he has been quoted as saying that he is “different from other footballers” in this respect.

One day, outside of the football season, he goes to a friend’s barbeque and gets drunk in the garden. Some paparazzi hold their cameras over the 6 foot fence and take photos of Peter’s drunken and aggressive behaviour. Peter’s friends are quite distressed by the photographer’s intrusion into their party. Peter seeks to sue the newspaper, which is threatening to publish the photos, for an injunction (to stop the photos being published) and monetary damages for invasion into his private life (under Article 8 of the European Convention of Human Rights: “Everyone has the right to respect for his private and family life”)



### Thinking like a lawyer

**Scenario 2: Smith v Jones**

Ray Smith and his wife Flora want to have a child, but unfortunately Flora is infertile. They investigate options for surrogacy and find a woman called Jemima Jones, who agrees to have one of her own eggs, fertilised with Ray's sperm, implanted into her womb, and to carry the baby to term and hand it over to the Smiths when it is born. She signs a legally binding contract, and the Smiths agree to pay her £10,000.

Jemima becomes pregnant through artificial insemination. 9 months later when the baby is born, she discovers that she actually cannot bear to part with her new-born daughter and refuses to hand over the child.

Ray Smith sues Jemima for custody of his biological child under Family law (the overriding principle of which is the "best interests of the child")

Ray and Flora both sue Jemima for breach of contract and want a "specific performance" remedy – that is, they do not want monetary damages but instead want Jemima to perform her duty under the contract and hand over the child.

### Thinking like a lawyer

Scenario 2: To whom would you grant custody in this situation?

1. Jemima, it is her right to not hand over the child
2. Whoever is the fitter parent, regardless of the contract.
3. The Smiths – it is Ray's child too, and the contract means Jemima has a duty to give up the child.

Option	Percentage
1	7%
2	52%
3	41%

### Thinking like a lawyer

**Scenario 3: Re A (Children) [2001] 2 WLR 480**

This case concerned conjoined twins, Jodie and Mary. The medical evidence indicated that Jodie was the stronger sibling who was sustaining the life of Mary. Mary had only survived birth due to a shared common artery that enabled her sister Jodie to oxygenate blood for both twins. If surgically separated Jodie could live but Mary would die. However, should they have not been separated, it was expected that neither would live past the age of one. The doctors wanted to perform the operation, but the parents refused for religious reasons. The doctors went to court for a declaration that their actions would not be illegal.

The definition of murder is an action done which  
 - **causes a person to die;** and  
 - is done with either the intention to cause serious harm **OR the knowledge that that action will inevitably cause death.**

### Thinking like a lawyer

From a moral perspective and ignoring what the law says, what do you think is the *right* thing to do in this situation?

1. Yes
2. No
3. Unsure

Option	Percentage
1	50%
2	50%
3	0%

### Thinking like a lawyer

(Irrespective of what you think *should* be done in this situation:)  
 Do you think the surgical separation of Jodie and Mary was **legal**, given the definition of murder?

1. Yes
2. No
3. Unsure

Option	Percentage
1	67%
2	17%
3	17%

### Thinking like a lawyer

You are stopped in the street by 2 policemen who want to search you. **Do you think you would know what they can and cannot do in that situation?**

1. Yes
2. No

Option	Percentage
1	47%
2	53%

## Mind the Justice Gap

## Mind the Justice Gap

### Stop & Search

What information do the police need to give me?



- Their name
- the station where they work OR their warrant card OR ID number
- The law under which you have been stopped eg Theft Act, Misuse of Drugs Act, Terrorism Act, Criminal Justice Act
- Your rights
- Why you have been stopped and searched
- Why they chose you
- What they are looking for



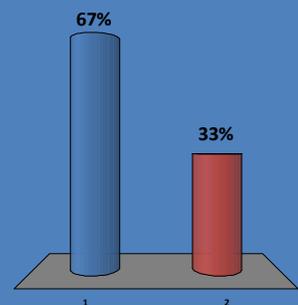
## Mind the Justice Gap

## Mind the Justice Gap

### Trial

You are the judge in this scenario...  
Would you grant bail?

1. Yes
2. No



Mind the Justice Gap