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Criminal law vs civil law uk

Home > Newsroom > Difference between criminal & civil law UK Defence What's the difference between criminal and civil law? As one of the UK's largest and best-known consumer law firms, the team at Slater and Gordon Lawyers have extensive experience in both of these areas. In this blog, we take a look at criminal vs. civil law and the key differences between them. 11 April 2018 Criminal law essentially relates to offences and breaches that negatively affect society as a whole, rather than just one person. This area of the law outlines what Acts of Parliament deem to be acceptable (and unacceptable) conduct in the UK. There are also offences which can be committed by a British citizen abroad, but then prosecuted under British law in England and Wales. If a person breaches criminal law, they're subject to criminal prosecution by the state. Criminal proceedings will usually be brought by the Crown Prosecution Service (CPS) in the name of the Crown, and will be heard in a Magistrates' Court or the Crown Court. Private Prosecutions are also pursued by parties who've a specific interest in the case such as the RSPCA/ Royal Mail. Examples of offences that breach criminal law, while not an exhaustive list, include: Criminal damage Sexual assaultMurder FraudMoney laundering Drug dealing If convicted, the offender will receive the penalty laid out in the relevant legislation and sentencing guidelines, usually in the form of fines, prison sentences or community orders. In order to be found guilty of a criminal offence, the person must be proven guilty beyond reasonable doubt. They're considered to be innocent unless proven guilty. Civil law is quite different from criminal law. It's concerned with the rights and property of individual people or organisations, which may not always be protected by criminal laws. Civil law settles disputes between individuals and organisations, and it often involves compensation being awarded. No one is sent to prison in a civil case, but they may be left out of pocket if they're found liable for compensation. Examples of civil law cases include: Family disputes, such as divorce, dissolution of civil partnerships, children's issues and childcare arrangements Personal injury cases, such as road traffic accidents, medical and clinical negligence and slips, trips and falls Breach of contract or promise, such as cases where money is unpaid or a contract isn't honoured Employment law, for example where an employee suffers discriminationCivil law cases often hinge on establishing whether or not the accused person or organisation, legally known as the defendant, had a duty of care towards the claimant. For example, an employer has a duty of care towards their employees. If an employee is injured at work, a personal injury solicitor must be able to prove that the employer breached their duty of care and that this breach caused the injury to the claimant. A good way to remember the key differences when considering criminal vs. civil law is this summation from William Geldart in an Introduction to English Law: "The difference between civil law and criminal law turns on the difference between two different objects which law seeks to pursue - redress or punishment." In other words, criminal law seeks to punish for an offence. Civil law seeks to achieve a remedy (for example, compensation) for the injured party. Other important distinctions include: By handing out a punishment or penalty, criminal law aims to deter offenders and others in society from offending Criminal law has the ultimate aim of maintaining the stability of the state and society Civil law aims to deal with disputes between individuals or organisations Civil law cases usually (but not always) involve compensation or an agreement or judgement relating to finances Civil law cases are filed by private parties, while criminal cases are usually filed by the government The decision of the court in a criminal case is guilty or not guilty. In a civil court, it is liable or not liable The outcome of civil cases where one party is found liable is usually the awarding of compensation, while for criminal cases it's conviction and punishment in the form of a custodial sentence, fine or community service for someone found guilty When it comes to appeals, either party can appeal in a civil case. In a criminal case, only the defendant can appeal the decision of the court The simple answer to this is yes, and it happens quite frequently. The CPS will prosecute a person in a criminal case, and then a wronged person (for example, the victim of a robbery or assault) may choose to bring civil action against that person too. The person may be found innocent in the criminal court, but lose the civil case and be ordered to pay damages or compensation to the injured party. Whether you're facing a civil or criminal law case, it's essential to seek reliable legal advice as soon as possible. A trained legal expert can help you whether you've been accused of a crime, are facing a civil lawsuit or want to start a compensation claim. Slater and Gordon assist clients in a wide range of civil and criminal cases. If you need our help, please don't hesitate to contact us online or call freephone on 0330 041 5869. All information was correct at the time of publication. Criminal vs civil law Criminal defence Notice of intended prosecution When it comes to enrolling for initial classes (and even beyond), many prospective lawyers aren't fully sure what type of law they want to pursue—criminal or civil—and that's perfectly OK. But navigating your degree and assessing the future at the same time can be daunting, especially when you're gearing up to work toward a law degree. Thankfully, most law schools understand this and don't require incoming students to immediately define the type of law they'll be pursuing upon enrollment. As you embark on your studies, understanding the difference between criminal and civil law is one of the first things you study. As you progress through law school, learning your preference becomes increasingly pertinent to both your education and career path, as both come with a plethora of job opportunities and responsibilities. What is Criminal Law? According to Princeton Review, Criminal Law covers a system of laws enacted to punish or reform those who have committed a criminal act against a state or nation—this also includes crimes committed against individuals. Criminal law varies based on jurisdiction; for example, in some American States, some crimes are considered more severe than others. A criminal prosecution typically involves the government deciding whether to punish someone for committing a crime, whether misdemeanor or felony. 1. Misdemeanor Misdemeanors are typically crimes that are not that serious. They are classified in most states, by letter, from least to most severe — typically in A-C format (some states use numbers) — and range in punishment from fines, to loss of privileges, to jail time. Some states, like California, Idaho, and Louisiana, do not classify misdemeanors, meaning that they assign penalties on a case-by-case basis. Examples of misdemeanors include parking tickets, public intoxication, trespassing, petty drug crimes, disorderly conduct, and certain cases of weapons possession. 2. Felony The most severe criminal offenses are considered felonies. Felonies are classified in most states by a letter from least to most severe—typically in A-F format—and range in punishment from short-to-long-term imprisonment and even death. The classifications and penalties do vary from state to state, so be sure to check here for your state's policies. Examples of felonies include murder, aggravated and felony assault, kidnapping, arson, and the sale/manufacturing of drugs. What is Civil Law? According to Cornell Law School, civil law is a blanket term for all non-criminal law, typically in settling monetary or property-related disputes between private citizens. In a nutshell, civil law deals with individual rights or interests (like contractual interests) that have been violated by another individual or organization and warrant a case filing. In the courtroom, participants on both sides of the case are referred to as the "parties." Civil law is typically broken down into four separate fields, which could intersect, depending on the case: Contract Law enforces and interprets agreements between people, businesses, or groups related to the exchange of money, services, goods, or property. Property Law governs the different forms of ownership regarding personal and real (land) property. Family Law involves issues related to family relationships, including child custody, divorce, adoption, paternity, emancipation, etc. Tort Law covers most civil suits, as it involves the law that protects and compensates people who have been injured by the recklessness or negligence of wrongdoers. What Are Some Key Differences Between Criminal and Civil Law? The key difference between civil and criminal law comes in the courts themselves, as criminal cases are typically prosecuted by state officials, whereas civil cases take place between plaintiffs, or private individuals/organizations. The overall processes are different, as is how they're ultimately found guilty (criminal court) or liable (civil court). Rather than requiring criminal law's "beyond a reasonable doubt" standard of evidence, civil law operates on a "preponderance of evidence" standard which, according to Cornell Law School, is a "greater than 51-percent chance that the [plaintiff's] claim is true." Where criminal law was designed to protect the state's welfare from actions deemed threatening or harmful to its overall safety, civil law focuses on private relationships between members of a given community or society. Do Criminal Law & Civil Law Intersect? While criminal law and civil law were designed to address separate wrongdoings, they share similarities and even meet in the middle at times. How? In criminal law, crimes are viewed as offenses against the state, but some cases will actually have both civil and criminal trials if, for example, a victim sues a perpetrator for civil damages resulting from the crime. As a litigator, there's also the possibility you'll be assigned a case that was once in criminal court (i.e. murder, aggravated assault, arson), as it pertains to individual human rights. Some of the most interesting and important cases challenge incarceration or other sentences on constitutional grounds. Criminal and civil case rulings are not mutually exclusive, and they were specifically designed to be this way. A person not convicted of a crime might still be liable in a civil case for the same conduct (i.e. being found not guilty in criminal court, but liable in civil court). How Much Do Criminal and Civil Lawyers Make? Good lawyers can make a good living in whichever type of law they practice. Starting off as a junior associate and working your way up to senior associate, and then partner can definitely take time, and the same is true for the move from public defender or junior prosecutor to chief public defender or district attorney. Higher earnings come with more time and experience in any field of practice. It is important to note, however, when researching salaries and possible jobs within the criminal or civil law fields, that attorney compensation varies from state to state based on cost of living and other factors. Criminal Lawyer Salary Range According to Lawyer Edu, the average criminal lawyer salary in the US is \$78,500. However, criminal lawyer salaries can range from \$45,000-\$130,000 or more, depending on the scope of work. Criminal lawyers can also become District Attorneys, making between \$89,310 and upwards of \$100,000. Civil Lawyer Salary Range According to Lawyer Edu, the average civil litigation lawyer salary in the US is \$133,437. However, some civil lawyers—like medical and intellectual property attorneys, can make upwards of \$200,000 and \$160,000, respectively. How Do I Decide Which Is Right For Me? Each legal role has its own job responsibilities, expectations and opportunities—each of which can differ greatly. Deciding what type of lawyer you want to be takes years of learning and practice, as well as resilience, research and basic communication skills. Below are some tips to help you navigate your options and decide what is best for you. Tip 1: Do More Research While this may seem like a no-brainer, extensive research can help you determine — at the very least — what route you don't want to take with your career. Check out the American Bar Association or Princeton Review research tips and tools for burgeoning up-and-coming law students. Tip 2: Expand Your Networks As a lawyer, you're going to have to do a lot of networking, so why not get started now? Get in touch with your peers and professors, and get involved in law programs on or off-campus, to open doors for unexpected, bountiful opportunities for learning, working or something completely different. Tip 3: Interview Professionals There are many different areas of criminal and civil law, and a variety of lawyers working in these areas. Use the connections you've made with your classmates and professors, in your personal time or through LinkedIn, to reach out to professionals working in various positions within criminal and civil law, ask them about the ins and outs of their work, and assess whether or not this line of work is meant for you. Tip 4: Be Honest with Yourself Both sides of law take serious work, and becoming a lawyer takes years of studying, practice, and grit. While it's understandable to pursue a high-paying job with an impressive title, the best thing you can do is really assess job requirements, find a position you think would fit your skills, education and goals, and discover how passion can drive long-lasting job success. Find Your Path at St. Francis School of Law Knowing your preferred legal field will be essential down the line, but a strong foundation is everything. At St. Francis School of Law, we provide a mix of civil and criminal courses throughout our rigorous curriculum that gives you the opportunity to hone your skills in a variety of settings, and ultimately, help you pursue a legal career you're passionate about. Explore our online J.D. program.

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