

Example of case study on legal

[Law](#), [Criminal Justice](#)



First scenario

Tony case presents a situation of the interpretation of the law. Generally, the law should be applied for the common good of society. In this case, the question put forth is whether Tony has a right to attend school in a district outside her actual residency. The question of residency informs the central problem. For purposes of determining actual residency, the law looks at the residence of the parents. No wonder the submission that grandmother is not the legal guardian. The legal guardians, under the law, are the parents, that is, the father and the mother. The law should, therefore, be interpreted without any bias or favour. It remains clear that Tony is not a resident for purposes of admission into school. The law should not be stretched or bent in favour of individuals. It thus goes that Tony has no recourse in the law. She fails on the requirement of residency. One may argue that the law ought to be interpreted in favour of Tony. In that vein, one may put forth the argument that since Tony had grown fond of her grandmother having lived with her previously, it should be assumed that the grandmother is her legal guardian for purposes of admission into school. Such argument can be buoyed by the fact that her (Tony's) performance has since gone on the drain for the simple reason that she lives away from her grandmother. However, such arguments cannot stand judicial scrutiny. A judgement in favour of that argument would lay a bad precedent in the body of law. It would expose the law to manipulations and forgeries. If the law requires one to be legally resident in a district for purposes of registration in school, then that requirement ought to be fulfilled and anything to the contrary should be rejected.

Scenario two

The second scenario relates to the application of the law by administrative bodies such as schools. The central problem in this case is the insistence of the parents of other students to have the two, John and Mary, expelled and the attendant suit pressed against the school district by the latter's parents. Exactly who has the duty and obligation to expel and does the conduct of the two amount to misconduct consequent of expulsion and whether it was within the province of the other students' parents to press the school into so expelling the duo. The problem arises because of the unclear stipulations of the rules of engagement in the school as regards policies. That is why the duo was initially merely suspended before pressure was put for their expulsion. It remains to be decided what law is being applied and the avenues available for appeal. Just like the duo's parents have sued the school district to appeal against the suggestion of expulsion, so can the other parents also sue for implementation of the expulsion. The question that the court will seek to answer is where exactly does the power to suspend or expel lie. If the power is within the school administration, then it should exercise that power using its own judgement and not be subject to pressure from external quarters like the parents. On the other hand, the court should also consider what entails misconduct resultant of suspension. The general practise of the law that a crime cannot be punished retrospectively should apply.

References

Amsterdam, A. G., & Bruner, J. S. (2009). *Minding the Law*. New York: Harvard University Press.

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