

Business law

Law



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Lecturer: Business Law In circumstance a), the twoifications of law suit that are entailed include; private and civil. The categories of law in this circumstance serve the purpose of ensuring social justice. This is because the circumstance entails personal responsibility between the condominium homeowners and their clients. In circumstance 1 (b), private and civil laws are involved. The laws serve the purpose of providing order. This is because the private colleges are governed by private law and the sign limitations are set to ensure that non-violent protests do not disturb peace within the various locations. In circumstance 1 (c), private and criminal law suits are involved. They serve a purpose of guaranteeing personal freedoms. This is because carrying guns in public is meant to enable the licensed individuals to secure the freedom of ownership of their assets such as money and cars while in public places. Moreover, violation of the terms of use of their guns leads to disputes between them and their governments. Lastly, in circumstance 1 (d), private and civil laws are involved. They serve the purpose of ensuring social justice. This is because disputes arising between potential employees and their employers would be addressed by private law. Moreover, the civil law ensures that all individuals enjoy equal economic rights hence deserving equal consideration during hiring (Browne et. al, 2). In scenario 2, precedent refers to a principle that had been established in a previous legal case that is persuasive to a court judge when deciding subsequent cases with similar facts. On the other hand, stare decisis refers to the act of abiding to the decided cases (Browne et. al, 4). Precedent will help the judge in deciding whether to close the different business for similar instances of misconduct through examining the applicability of the previously established rule in the current scenario. Correlation between the <https://assignbuster.com/business-law-essay-samples-30/>

current and the previous cases will influence the judge to abide by the established rule. As a businessperson, knowledge of case law relevant to my business would help me make decisions regarding a shift of my business location.

In scenario 3 (a), historical school of thought would help the judge to recognize the gay partner as a surviving spouse. The school of thought considers past principles established on a particular case to be influential in deciding the current case. Therefore, since there are other States that consider gay partners as surviving spouses the judge can also decide to follow suit. On the other hand, legal positivism would help the judge not to recognize the gay partner as a surviving spouse. The school of thought emphasizes that moral questions about the law should not interfere with the inclination of the citizens to obey it. Therefore, whether gay marriage is morally good or wrong the fact remains that the State does not recognize it. In scenario 3(b), legal positivism would make the judge to apply the death penalty. This school expects judgment to be made according to the laws established without letting moral questions or personal beliefs to hinder the course of law. Therefore, the judge would be forced to apply the death penalty even if his religious beliefs are against the practice. On the other hand, legal realism would cause the judge not to apply the death penalty. The school argues that the law should not be taken as the sole basis for making judgment. Therefore, strong religious beliefs can be considered in order to provide alternative judgment to the case.

In scenario 3 (c), historical school would help the judge not to apply the immigration laws. Even other States experience the cases of immigrants committing minor offences and they do not rush to opt for applying the

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immigration laws in such cases. However, legal positivism would make the judge to apply the immigration laws. The offenders are threats to the welfare of the country hence whether it is morally right or wrong the immigration laws can be applied on their cases.

In scenario 4 (a), the ethical dilemma is whether to term the salesperson to have violated the no-drug policy and terminate his employment contract; a factor that would make the company to lose his sales connections? The primary stakeholders are; the salesman, the manager and the company. The most important factors to be considered are; the salesman got was involved in a serious car accident, his addiction resulted from pain killers and he has promising sales connections. The salesman was forced by circumstances of his accident to take the painkillers that led to addiction. Therefore, his situation should not be taken ordinarily. The golden guideline would be applied to make proper ethical choice since the company needs favor from the salesman through his connections while the salesman expects a favor of absence leave and job security.

In scenario 4 (b), the dilemma is whether to continue incurring costs or undertake actions that might seem to be a form of discrimination to the employees. The primary stakeholders are; the smokers and obese employees and the company. The important factors that should be considered is fairness for all employees as dictated by the Employment Law and need for the company to cut its operational cost. The public disclosure guideline would be adopted to launch the wellness program that will provide information to even members of the public and help the targeted employees to undertake behavioral modification strategies hence saving the company from high operational costs.

Work Cited

Browne, Niel et. al. Dynamic Business Law: The Essentials. New York:
McGraw-Hill, 2012.