

# [Chapter 1 review](https://assignbuster.com/chapter-1-review/)

[Law](https://assignbuster.com/essay-subjects/law/), [Common Law](https://assignbuster.com/essay-subjects/law/common-law/)

Chapter 1 Review Legal Environment 1. Describe the 4 primary sources of law: a. Constitutional- Federal Supreme law of the land. Gives us our rights, outlines powers of government and delegates powers to different branches of government. b. Statutes- Federal and State Laws. Uniform Laws: codified laws written down. The Uniform Commercial Code (UCC) facilitates commerce and governs trade in state, out of state, and on Indian reservations. c. Administrative rules and regulations- Federal regulation of agencies. EX: OSHA, EPA, FDA, etc. Put in place by executive order. d. Common Law- Local law and heritage laws that are written down. Based off historical law or traditions. 2. What is the Hierarchy among sources of American Law? (remember there are 7) a. Constitutional Law b. Federal Statutes c. Federal Administration and Regulation d. State Constitutional Law e. State Statutes f. State Based Regulations g. Common Law or Traditional Law 3. Define Stare Decisis. Why is it such an important doctrine for law? It means to stand on decided cases. It is a judge made law and each decision becomes precedent. Courts are obliged to follow binding precedents within their jurisdiction. In first impression cases a court may refer to public policy, or widely held social values to make a decision. 4. What are the basic steps in legal reasoning? Issue- What are the key facts and issues? Rule- What rules of law apply to the case? Application- How do the rules of law apply to the particular facts and circumstances of this case? Conclusion- What conclusion should be drawn? 5. Describe the following forms of legal reasoning: a. Deductive Reasoning- a logical relationship involving a premise and a conclusion. b. Linear Reasoning- proceeding from one point to another, with the final point being the conclusion. c. Reasoning by Analogy- to compare facts in the case to facts in a previous case, and if they are similar, to apply the same rule of law. 6. Define the following classifications of law: a. Substantive Law- defines and creates the rights and obligations of persons and governments. Consists of all laws that define, describe, regulate and create legal rights and obligations. b. Procedural Law- laws that outline the methods of enforcing the rights established by substantive law c. Civil Law- spells out the rights and duties that exist between persons and between persons and their governments, and the relief available when a person’s rights are violated. d. Criminal Law- concerned with wrongs committed against the public as a whole. Defined and prohibited by local, state or federal government statutes. e. Cyber Law- the body of law that governs transactions conducted via the internet. 7. Case Terminology: a. Judgment- the final order or decision resulting from a legal action. b. Opinion- a statement by the court expressing the reasons for its decision in the case. c. Unanimous Opinion- a court opinion in which all of the judges or justices of the court agree to the court’s decision. d. Per Curiam Opinion- by the whole court; a court opinion written by the court as a whole instead of being authored by a judge or justice. e. Majority Opinion- a court’s written opinion, outlining the views of the majority of the judges or justices deciding the case. f. Plurality Opinion- the controlling opinion when no majority opinion exists. g. Concurring Opinion- a written opinion outlining the views of a judge or justice to make or emphasize a point that was not made or emphasized in the majority opinion. h. Dissenting Opinion- a written opinion by a judge or justice who disagrees with the majority opinion.