

Chapter 1 review

[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.