

Business law study guide assignment

[Business](#), [Management](#)



Wade: right of privacy that gives women the right to choose whether to have abortion. * Privacy and Technology – Sources of Law * Constitution Law: A body of principles that establishes the structure of a government and the relationship of that government to people who are governed. In each state: the state constitution and the federal Constitution. * Statutory Law: includes legislative act. Both Congress and the state legislatures enact statutory law. All cities, counties and other governmental subdivisions have some power to adopt ordinances within their sphere of operations. Administrative Regulations: rules promulgated by state and federal administrative agencies. The regulations have the force of statutes. * Private Law: consists of the rules and regulations parties agree to as part of their contractual relationships. *Case Law, Statutory Interpretation and Precedent: Case law clarifies the meaning of statutes or provides statutory interpretation. When a court decides a new question or problem, its decision becomes a precedent, which stands as the law in future cases that involve that particular problem (stare decisis: using precedents).

Common law: developing a body of law that is not statutory but addresses long standing issues. * Treaties and Executive Orders: treaties made by US and proclamation and executive orders of the president of US or of other public officials. * Uniform State Laws: facilitate the national nature of business and transaction. – Substantive Law vs.. Procedural Law * Substantive Law: creates, defines, and regulates rights and liabilities. * Procedural Law: specifies the steps that must be followed in enforcing those rights and liabilities. – Criminal Law vs.. Civil Law * Criminal Law: wrongs against society.

Penalties: fines and imprisonment. * Civil Law: the rights of one person against another. Penalties: in addition to taking care of our wrong to injured party. – Law vs.. Equity * Equity: a body of law that provides Justice when the law does not offer an adequate remedy or the application of the law would be terribly unfair. A party may ask for both legal and equitable remedies in a single court. Chapter 2 – Court is a tribunal established by government to hear evidence, decide cases Business Law study guide By prehensile of Courts * Jurisdiction: authority of courts to hear cases.

Subject matter: Original Jurisdiction: authority to hear the original proceedings General Jurisdiction: broad authority to hear general civil and criminal cases Limited or special restriction: authority to hear only particular kinds of cases Appellate Jurisdiction: reviews the work of a lower court (appeal) – Federal Court System * Federal District Courts (94): general trial courts of the federal system (original jurisdiction). Criminal cases: the defendant is charged with violation of federal law.

Civil cases: civil suits in which the US is a party; cases between citizens of different states that involve damages of \$75, 000 or more; cases that arises under the Constitution or federal laws and treaties. * US Courts of Appeals: 12 Judicial circuits and one Federal Circuit. Each 12 circuit has an appellate court. En banc: decision made by the circuit's full panel of Judges. * US Supreme Court: Original Jurisdiction. Writ of certiorari: preliminary review of those cases appealed to decide whether a case will be heard or allowed to stand as ruled on by lower courts.

The only court expressly created in US Constitution. – State Court System *

General Trial Courts: General and original Jurisdiction (superior courts, circuit courts or county courts). * Specialty Courts: Limited Jurisdiction. E. G. : Juvenile courts * City, Municipal, and Justice Courts: Handle civil matters in which the claim made in the suit is an amount below a certain level or handle misdemeanors types of offenses. * Small Claims Courts: Limited Jurisdiction where parties with small amounts in dispute may come to have a third party. Parties are not permitted to be represented by counsel.

Informal and inexpensive. * State Appellate Courts: Intermediate-level courts similar to the federal courts of appeal. * State Supreme Courts: Highest court in most states. Appellate Jurisdiction and original Jurisdiction. Also have screening process for cases. They are required to hear some cases such as the defendant has received death penalty. Participants in the Court System *

Plaintiff: party that initiates the proceedings in a court of original Jurisdiction. * Prosecutor: plaintiff in criminal cases. * Defendant: the party against whom the civil or criminal proceedings are brought. Judge: primary officer of the court * Attorney-Client Privilege: lawyers cannot disclose what their clients tell them unless the client is committing or plans to commit a crime. – Initial steps in a Lawsuit (original Jurisdiction) * Commencement of a Lawsuit: begins with the filing of a complaint, containing a description of the wrongful conduct and request for damages. Service of Process: Plaintiff has the responsibility of notifying the defendant that the lawsuit has been filed. The defendant must be served with process: writ, notice or summons. The Defendant's Response and the Pleadings: The defendant is required to respond or answer the complaint within the time provided under the court's

rules. Defendant could make a motion to dismiss (demurrer), respond and deny the allegations, witnesses and to provide each side a chance to question those witnesses in advance of the trial. Each party has the opportunity to examine, inspect.