

# Business law essay



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Chapter 1 THE NATURE AND SOURCES OF LAW A. Nature of Law and Legal Rights 1. LEGAL RIGHTS 2. INDIVIDUAL RIGHTS 3. THE RIGHT OF PRIVACY 4. PRIVACY AND TECHNOLOGY B. Sources of Law C. Uniform State Laws D. Classifications of Law Copyright 2010 Cengage Learning, Inc. All Rights Reserved. May not be copied, scanned, or duplicated, in whole or in part. Licensed to: iChapters User 4 Part 1 The Legal and Social Environment of Business law – the order or pattern of rules that society establishes to govern the conduct of individuals and the relationships among them. Why have law? If you have ever been stuck in a traffic jam or jostled in a crowd leaving a stadium, you have observed the need for order to keep those involved moving in an efficient and safe manner. The interruptions and damages from Internet viruses demonstrate the need for rules and order in this era of new technology. When our interactions are not orderly, whether at our concerts or through our e-mail, all of us and our rights are affected. The order or pattern of rules that society uses to govern the conduct of individuals and their relationships is called law. Law keeps society running smoothly and efficiently.

W A. NATURE OF LAW AND LEGAL RIGHTS Law consists of the body of principles that govern conduct and that can be enforced in courts or by administrative agencies. The law could also be described as a collection or bundle of rights. 1. Legal Rights right – legal capacity to require another person to perform or refrain from an action. duty – an obligation of law imposed on a person to perform or refrain from performing a certain act. A right is a legal capacity to require another person to perform or refrain from performing an act. Our rights flow from the U. S.

Constitution, state constitutions, federal and state statutes, and ordinances at the local levels, including cities, counties, and boroughs. Within these sources of rights are also duties. A duty is an obligation of law imposed on a person to perform or refrain from performing a certain act. Duties and rights coexist. No right exists in one person without a corresponding duty resting on some other person or persons. For example, if the terms of a lease provide that the premises will remain in a condition of good repair so that the tenant can live there comfortably, the landlord has a corresponding duty to provide a dwelling that has hot and cold running water.

## 2. Individual Rights

The U. S. Constitution gives individuals certain rights. Those rights include the right to freedom of speech, the right to due process or the right to have a hearing before any freedom is taken away, and the right to vote. There are also duties that accompany individual rights, such as the duty to speak in a way that does not cause harm to others. For example, individuals are free to express their opinions about the government or its officials, but they would not be permitted to yell “ Fire! ” in a crowded theater and cause unnecessary harm to others.

The rights given in the U. S. Constitution are rights that cannot be taken away or violated by any statutes, ordinances, or court decisions. These rights provide a framework for the structure of government and other laws.

## 3. The Right of Privacy

One very important individual legal right is the right of privacy, which has two components. The first is the right to be secure against unreasonable searches and seizures by the government. The Fourth Amendment of the U. S. Constitution

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Licensed to: iChapters User Chapter 1 The Nature and Sources of Law 5 right of privacy – the right to be free from unreasonable intrusion by others. guarantees this portion of the right of privacy. A police officer, for example, may not search your home unless the officer has a reasonable suspicion (which is generally established through a warrant) that your home contains evidence of a crime, such as illegal drugs. If your home or business is searched unlawfully, any items obtained during that unlawful search could be excluded as evidence in a criminal trial because of the

Fourth Amendment’s exclusionary rule. For Example, in the murder trial of O. J. Simpson, Judge Lance Ito excluded some of the evidence the police had obtained from inside Mr. Simpson’s Ford Bronco, which was parked on the street outside his home. Judge Ito ruled that the officers should have first obtained a warrant for the locked vehicle, which was not going to be taken anywhere because Mr. Simpson was out of town at that time. When Warrants Are Involved, No Brief Photographs FACTS: In the early morning hours of April 16, 1992, a special team of Deputy U. S.

Marshals and police officers executed warrants that had been issued against Dominic Wilson, who was wanted for robbery, theft, and assault and who had a “ use caution” warning posted on law enforcement files and records. The team was accompanied by a reporter and a photographer from the Washington Post, who had been invited by the marshals to accompany them as part of a Marshals Service ride-along policy. The officers, with media

representatives in tow, entered the dwelling noted in the warrant at 6: 45 A. M. The home they entered and that was on the arrest warrant actually belonged to Dominic's parents, Charles and Geraldine Wilson.

Charles and Geraldine were still in bed. When they heard the officers enter the home, Charles Wilson, dressed only in a pair of briefs, ran into the living room to investigate. He angrily cursed the officers. Geraldine Wilson then entered the living room to investigate, wearing only a nightgown. She observed her husband being restrained by the armed officers. Dominic Wilson was not in the house, and the officers left. However, the Washington Post photographer had already taken numerous pictures of the confrontation between the police and Charles Wilson. The Washington Post never published its photographs of the incident.

The Wilsons filed suit against the officers for invasion of their privacy and violation of their Fourth Amendment rights. The district court found that the officers could be held liable. The Court of Appeals reversed and found that the officers had immunity. The U. S. Supreme Court granted certiorari because of several conflicting circuit decisions on the issue of cameras and reporters being present during arrests and warrant executions. **DECISION:** The Court held that although there were reasons for having the reporters and cameras present, such as public relations, safety for officers, and assistance, those reasons were not sufficient enough to disregard the Fourth Amendment rights of the homeowners. Citing " a man's home is his castle," the Court noted the longstanding history of protecting individuals in their homes. The Court held that having reporters and photographers along in the execution of a warrant is a violation of the Fourth Amendment rights of the

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parties being searched. Officers can be subject to some liability for their failure to honor privacy protections. [Wilson v Layne, 526 US 603 (1999)]<sup>1</sup> 1 Police officers who record the arrest of a DUI suspect have not violated the suspect's privacy, State v Morris, 214 P 3d 883 (UT App 2009).

Copyright 2010 Cengage Learning, Inc. All Rights Reserved. May not be copied, scanned, or duplicated, in whole or in part. Licensed to: iChapters User 6 Part 1 The Legal and Social Environment of Business A second aspect of the right of privacy protects individuals against intrusions by others. Your private life is not subject to public scrutiny when you are a private citizen. This right is provided in many state constitutions and exists through interpretation at the federal level in the landmark case of Roe v Wade, 2 in which the U. S.

Supreme Court established a right of privacy that gives women the right to choose whether to have an abortion. These two components of the right to privacy have many interpretations. These interpretations are often found in statutes that afford privacy rights with respect to certain types of conduct. For Example, a federal statute provides a right of privacy to bank customers that prevents their banks from giving out information about their accounts except to law enforcement agencies conducting investigations. Some laws protect the rights of students.

For Example, the Family Educational Rights and Privacy Act of 1974 (FERPA, also known as the Buckley Amendment) prevents colleges and universities from disclosing students' grades to third parties without the students' permission. From your credit information to your Social Security number, you

have great privacy protections. 4. Privacy and Technology Technology creates new situations that may require the application of new rules of law. Technology has changed the way we interact with each other, and new rules of law have developed to protect our rights.

Today, business is conducted by computers, wire transfers of funds, e-mail, electronic data interchange (EDI) order Googling Job Applicants A recent survey shows a new component in the background searches performed by potential employers of job applicants: ? 61 percent of professional service firms, including accounting, consulting, engineering, and law firms, do Google searches on their job candidates. Fifty percent of professional services hired by employers to do background checks use Google. ? such a search.

Experts tell college students to remember that what may seem to be something noncontroversial in your youth can later come back to haunt you when you begin your professional career. Their advice is to watch what you put in MySpace, Facebook, and all other Internet sites. Discuss privacy rights and whether there is any legal issue when information is posted voluntarily on the Internet. Is there an ethical issue with these types of searches?

Source: Sandhya Bathija , “ Have a Profile on MySpace? Better Keep It Clean,” National Law Journal, June 4, 2007, 10.

One employer commented that a Google search is so simple that it would be irresponsible not to conduct 2 410 US 113 (1973). Copyright 2010 Cengage Learning, Inc. All Rights Reserved. May not be copied, scanned, or duplicated, in whole or in part. Licensed to: iChapters User Chapter 1 The

Nature and Sources of Law 7 placements, and the Internet. We still expect that our communication is private. However, technology also affords others the ability to eavesdrop on conversations and intercept electronic messages. The law has stepped in to reestablish that the right of privacy still exists even in these technologically nonprivate circumstances.

Some laws now make it a crime and a breach of privacy to engage in such interceptions of communications. 3 (See Chapter 11) Employers, E-mail, and Privacy Scott Kennedy, a computer system administrator for Qualcomm Corporation in San Diego, California, discovered that somebody had obtained unauthorized access (or “hacked into,” in popular parlance) the company’s computer network. Kennedy contacted the Federal Bureau of Investigation (FBI). Working together, Kennedy and the FBI were able to trace the intrusion to a computer on the University of Wisconsin at Madison network.

They contacted Jeffrey Savoy, the University of Wisconsin computer network investigator, who found evidence that someone using a computer on the university network was in fact hacking into the Qualcomm system and that the user had gained unauthorized access to the university’s system as well. Savoy traced the source of intrusion to a computer located in university housing, the room of Jerome Heckenkamp, a computer science graduate student at the university. Savoy knew that Heckenkamp had been terminated from his job at the university computer help desk two years earlier for similar unauthorized activity.

While Heckenkamp was online and logged into the university’s system, Savoy, along with detectives, went to Heckenkamp’s room. The door was



ajar, and nobody was in the room. Savoy entered the room and disconnected the network cord that attached the computer to the network. In order to be sure that the computer he had disconnected from the network was the computer that had gained unauthorized access to the university server, Savoy wanted to run some commands on the computer. Detectives located Heckenkamp, explained the situation, and asked for Heckenkamp's password, which Heckenkamp voluntarily provided.

Savoy then ran tests on the computer and copied the hard drive without a warrant. When Heckenkamp was charged with several federal computer crimes, he challenged the university's access to his account and Savoy's steps that night, including the copy of the hard drive, as a breach of his privacy. Was Heckenkamp correct? Was his privacy breached? [U. S. v Heckenkamp, 482 F3d 1132 (CA 9 2007). ] constitution – a body of principles that establishes the structure of a government and the relationship of the government to the people who are governed. B. SOURCES OF LAW

Several layers of law are enacted at different levels of government to provide the framework for business and personal rights and duties. At the base of this framework of laws is constitutional law. Constitutional law is the branch of law that is based on the constitution for a particular level of government. A constitution is a 3 State v Christensen, 79 P3d 12 (CA Wash 2003). Copyright 2010 Cengage Learning, Inc. All Rights Reserved. May not be copied, scanned, or duplicated, in whole or in part. Licensed to: iChapters User 8 Part 1 The Legal and Social Environment of Business statutory law – legislative acts declaring, commanding, or prohibiting something.

administrative regulations – rules made by state and federal administrative

agencies. private law – the rules and regulations parties agree to as part of their contractual relationships. case law – law that includes principles that are expressed for the first time in court decisions. precedent– a decision of a court that stands as the law for a particular problem in the future. stare decisis – “ let the decision stand”; the principle that the decision of a court should serve as a guide or precedent and control the decision of a similar case in the future. common law – the body of unwritten principles originally based upon the usages and customs of the community that were recognized and enforced by the courts. body of principles that establishes the structure of a government and the relationship of that government to the people who are governed. A constitution is generally a combination of the written document and the practices and customs that develop with the passage of time and the emergence of new problems. In each state, two constitutions are in force: the state constitution and the federal Constitution. Statutory law includes legislative acts.

Both Congress and the state legislatures enact statutory law. Examples of congressional legislative enactments include the Securities Act of 1933 (Chapter 46), the Sherman Antitrust Act (Chapter 5), the bankruptcy laws (Chapter 35), and consumer credit protection provisions (Chapter 33). At the state level, statutes govern the creation of corporations, probate of wills, and the transfer of title to property. In addition to the state legislatures and the U. S. Congress, all cities, counties, and other governmental subdivisions have some power to adopt ordinances within their sphere of operation.

Examples of the types of laws found at this level of government include traffic laws, zoning laws, and pet and bicycle licensing laws. Administrative

regulations are rules promulgated by state and federal administrative agencies, such as the Securities and Exchange Commission and the National Labor Relations Board. These regulations generally have the force of statutes. Even individuals and businesses create their own laws, or private law. Private law consists of the rules and regulations parties agree to as part of their contractual relationships.

For Example, landlords develop rules for tenants on everything from parking to laundry room use. Employers develop rules for employees on everything from proper computer use to posting pictures and information on bulletin boards located within the company walls. Homeowner associations have rules on everything from your landscaping to the color of your house paint. Law also includes principles that are expressed for the first time in court decisions. This form of law is called case law. 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.

Using precedent and following decisions in similar cases is the doctrine of stare decisis. However, the rule of stare decisis is not cast in stone. Judges have some flexibility. When a court finds an earlier decision to be incorrect, it overrules that decision. For Example, in 1954, the U. S. Supreme Court departed from the general rule of stare decisis in *Brown v Board of Education*.<sup>4</sup> In that case, the Court decided that its 1896 decision *Plessy v Ferguson*,<sup>5</sup> that held separate facilities for blacks were equal to facilities for whites, was incorrect. Court decisions do not always deal with new problems or make new rules.

In many cases, courts apply rules as they have been for many years, even centuries. These time-honored rules of the community are called the common law. Statutes sometimes repeal or redeclare the common law rules. Many statutes depend on the common law for definitions of the terms in the statutes. Law also includes treaties made by the United States and proclamations and executive orders of the president of the United States or of other public officials. 4 5 349 US 294 (1954). 163 US 537 (1895).

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Licensed to: iChapters User Chapter 1 The Nature and Sources of Law 9 C. UNIFORM STATE LAWS To facilitate the national nature of business and transactions, the National Conference of Commissioners on Uniform State Laws (NCCUSL), composed of representatives from every state, has drafted statutes on various subjects for adoption by the states. The best example of such laws is the Uniform Commercial Code (UCC). 6 (See Chapters 23–31, Chapter 34. ) The UCC regulates the sale and leasing of goods; commercial paper, such as checks; funds transfers; secured transactions in personal property; banking; and letters of credit.

Having the same principles of law on contracts for the sale of goods and other commercial transactions in most of the 50 states makes doing business easier and less expensive. Other examples of uniform laws across the states include the Model Business Corporations Act (Chapter 44), the Uniform Partnership Act (Chapter 42), and the Uniform Residential Landlord Tenant Act (Chapter 51). The Uniform Computer Information Transactions Act (UCITA) as well as the Uniform Electronic Transactions Act (UETA) are <https://assignbuster.com/business-law-essay-essay-samples/>

new technology statutes that have been adopted or are under consideration for passage by the states.

These two uniform laws and versions of them take contract law from the traditional paper era to the paperless computer age. D. CLASSIFICATIONS

substantive law – the law that defines rights and liabilities. procedural law – the law that must be followed in enforcing rights and liabilities. OF LAW

equity – the body of principles that originally developed because of the inadequacy of the rules then applied by the common law courts of England.

Law is classified in many ways. Substantive law creates, defines, and regulates rights and liabilities. Procedural law specifies the steps that must be followed in enforcing those rights and liabilities.

For example, the laws that grant employees protection against discrimination are substantive laws. The regulations of the Equal Employment Opportunity Commission (EEOC) for bringing suits against or investigations of employers for discrimination charges are procedural laws. The laws that prohibit computer theft are substantive laws. The prosecution of someone for computer theft follows procedural law. Law may also be classified in terms of its origin from Roman (or civil) law, from English common law based on customs and usages of the community, 7 or from the law merchant.

Law may be classified according to subject matter, such as the law of contracts, the law of real estate, or the law of wills. Law is at times classified in terms of principles of law and principles of equity. The early English courts were very limited as to the kinds of cases they could handle. Persons who

could not obtain relief in those courts would petition the king to grant them special relief according to principles of equity and justice. In the course of time, these special cases developed certain rules that are called principles of equity. In general, 6

The UCC has been adopted in every state, except that Louisiana has not adopted Article 2, Sales. Guam, the Virgin Islands, and the District of Columbia have also adopted the UCC. The NCCUSL has adopted amendments to Article 8, Investment Securities (1977 and 1994), and Article 9, Secured Transactions (1999, and as amended 2001). There have been new articles of the UCC: Article 2A, Leases, and Article 4A, Funds Transfers. The United Nations Convention on Contracts for the International Sale of Goods (CISG) has been adopted as the means for achieving uniformity in sale-of-goods contracts on an international level.

Provisions of CISG were strongly influenced by Article 2 of the UCC. 7 For example, in *Washington State Grange v Washington Republican Party*, 552 US 442 (2008), Justice Antonin Scalia wrote, “ Washington’s law is like a law that encourages Oscar the Grouch (Sesame Street’s famed bad-taste resident of a garbage can) to state a “ preference” for Campbell’s at every point of sale, while barring the soup company from disavowing his endorsement, or indeed using its name at all, in those same crucial locations. ” In *BMW of North America, Inc. Gore*, 517 US 559 (1996), Justice Scalia, in his dissenting opinion, wrote, “ One expects the court to conclude, ‘ To thine own self be true. ’ ” Copyright 2010 Cengage Learning, Inc. All Rights

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Licensed to: iChapters User 10 Part 1 The Legal and Social Environment of

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Business On March 17, 2005, former and current major league baseball (MLB) players, Commissioner Bud Selig, and the parents of young baseball players who had taken their own lives after taking steroids testified before the U.

S. House of Representatives Government Reform Committee. The House held the hearings to determine whether government regulation of baseball is necessary. Committee Chair Tom Davis made an opening statement with the following excerpts: Fourteen years ago, anabolic steroids were added to the Controlled Substance Act as a Schedule III drug, making it illegal to possess or sell them without a valid prescription. Today, however, evidence strongly suggests that steroid use among teenagers—especially aspiring athletes—is a large and growing problem.

Today we take the committee's first steps toward understanding how we got here, and how we begin turning those numbers around. Down the road, we need to look at whether and how Congress should exercise its legislative powers to further restrict the use and distribution of these substances. Our specific purpose today is to consider MLB's recently negotiated drug policy; how the testing policy will be implemented; how it will effectively address the use of prohibited drugs by players; and, most importantly, the larger societal and public health ramifications of steroid use.

Mark McGwire, now a retired MLB player and a record holder, stated during the hearings: Asking me, or any other player, to answer questions about who took steroids in front of television cameras, will not solve this problem. If a player answers ' no,' he simply will not be believed. If he answers ' yes,' he

risks public scorn and endless government investigations. My lawyers have advised me that I cannot answer these questions without jeopardizing my friends, my family, or myself. I intend to follow their advice. Give a list of all the laws, rights, and duties you can find in this information. \* <http://reform.house.gov/GovReform/Hearings/EventSingle.aspx?EventID=1637>. Click on Mark McGwire the rules of equity apply when the remedies provided at law cannot provide adequate relief in the form of monetary damages. At one time, the United States had separate law courts and equity courts. Except in a few states, these courts have been combined so that one court applies principles of both law and equity. A party may ask for both legal and equitable remedies in a single court. For Example, suppose a homeowner contracts to sell his home to a buyer. If the homeowner then refuses to go through with the contract, the buyer has the legal remedy of recovering damages. The rules of equity go further, when appropriate, and could require the owner to actually transfer the ownership of the house to the buyer. Such remedies require a court order for specific conduct, known as specific performance. Equitable remedies may also be available in certain contract breaches (see Chapter 2, 12 and 20). 8

For example, Jennifer Lopez and Marc Anthony filed suit against the manufacturer of a British company that produces baby carriages for using their images on its Web site and in ads without permission; they asked for \$5 million in damages as well as an injunction to stop use of their photos and likenesses in the company's ads. *Lopez v Silver Cross*, 2009 WL 481386 (CD Cal). Copyright 2010 Cengage Learning, Inc. All Rights Reserved. May not be



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User Chapter 1 The Nature and Sources of Law 11

And Justice for All (1979) (R) An excellent film that gives an overview of the judicial system in Maryland. Rights, precedent, and the role of lawyers are all topics for satire and analysis in the movie. Check out LawFlix at [www.cengage.com/blaw/dvl](http://www.cengage.com/blaw/dvl) to access movie clips that illustrate business law concepts. MAKE THE CONNECTION SUMMARY Law provides rights and imposes duties. One such right is the right of privacy, which affords protection against unreasonable searches of our property and intrusion into or disclosure of our private affairs.

Law consists of the pattern of rules established by society to govern conduct and relationships. These rules can be expressed as constitutional provisions, statutes, administrative regulations, and case decisions. Law can be classified as substantive or procedural, and it can be described in terms of its historical origins, by the subject to which it relates, or in terms of law or equity. The sources of law include constitutions, federal and state statutes, administrative regulations, ordinances, and uniform laws generally codified by the states in their statutes.

The courts are also a source of law through their adherence to case precedent under the doctrine of stare decisis and through their development of timehonored principles called the common law. LEARNING OUTCOMES After studying this chapter, you should be able to clearly explain: A. NATURE OF LAW AND LEGAL RIGHTS LO. 1 Discuss the nature of law and legal rights See Wilson v Layne, p. 5. See E-Commerce and Cyberlaw, p. 7. B. SOURCES

OF LAW LO. 2 List the sources of law See the For Example discussion of landlords developing rules for tenants on everything from parking to laundry room use on p. 8.

Copyright 2010 Cengage Learning, Inc. All Rights Reserved. May not be copied, scanned, or duplicated, in whole or in part. Licensed to: iChapters User 12 Part 1 The Legal and Social Environment of Business See the Sports & Entertainment Law discussion of steroids in baseball on p. 10. C. UNIFORM STATE LAWS LO. 3 Explain uniform state laws See the list and explanation of uniform laws on p. 9. D. CLASSIFICATIONS OF LAW LO. 4 Describe the classifications of law See the discussion of law, equity, and substantive law on p. 9. See footnote 8 with the discussion of the Jennifer Lopez/Marc Anthony suit on p. 10.

KEY TERMS administrative regulations case law common law constitution duty equity law precedent private law procedural law right of privacy right stare decisis statutory law substantive law QUESTIONS AND CASE PROBLEMS

1. Glenda Brunette, a 60-year old widow, operates a pedigreed cat breeding business on her 11-acre ranch and avocado farm in Ojai, California. You can enter Brunette's ranch only by passing through a locked gate that has a " No Trespass" sign. Concerned citizens reported to the Humane Society that Brunette was " selling cats that looked sick, with eyes matted shut and covered in flies and feces. The Humane Society, a quasi-public body in California, can investigate reports of animal cruelty, impound animals, place liens on property, and bring criminal charges against citizens. The Humane Society obtained a warrant to search Brunette's property and invited Tim Dewar of the Ojai Valley News to come along and photograph the search of <https://assignbuster.com/business-law-essay-essay-samples/>

the ranch. Dewar came in his own car and arrived after the Humane Society had severed the lock on the gate. When he arrived, Dewar went in and began photographing the search, the animals, and Brunette.

Brunette filed suit against Dewar and the Ojai Valley News for invasion of her privacy. Can she recover damages? Be sure to refer to the *Wilson v Layne* case (on p. 5) as you consider your answer. *Brunette v Humane Society of Ventura County*, 294 F3d 1205 (CA 9). 2. The Family Educational Rights and Privacy Act (FERPA) protects students' rights to keep their academic records private. What duties are imposed and upon whom because of this protection of rights? Discuss the relationship between rights and duties. Copyright 2010 Cengage Learning, Inc. All Rights Reserved.

May not be copied, scanned, or duplicated, in whole or in part. Licensed to: iChapters User Chapter 1 The Nature and Sources of Law 13 3. List the sources of law. 4. What is the difference between common law and statutory law? 5. Classify the following laws as substantive or procedural: a. A law that requires public schools to hold a hearing before a student is expelled b. A law that establishes a maximum interest rate for credit transactions of 24 percent c. A law that provides employee leave for the birth or adoption of a child for up to 12 weeks d.

A law that requires the county assessor to send four notices of taxes due and owing before a lien can be filed (attached) to the property 6. What do uniform laws accomplish? Why do states adopt them? Give an example of a uniform law. 7. Cindy Nathan is a student at West University. While she was at her 9: 00 A. M. anthropology class, campus security entered her dorm

room and searched all areas, including her closet and drawers. When Cindy returned to her room and discovered what had happened, she complained to the dorm's senior resident.

The senior resident said that this was the university's property and that Cindy had no right of privacy. Do you agree with the senior resident's statement? Is there a right of privacy in a dorm room? 8. Professor Lucas Phelps sent the following e-mail to Professor Marlin Jones: " I recently read the opinion piece you wrote for the Sacramento Bee on affirmative action. Your opinion is incorrect, your reasoning and analysis are poor, and I am embarrassed that you are a member of the faculty here at Cal State Yolinda. Professor Jones forwarded the note from Professor Phelps to the provost of the university and asked that Professor Phelps be disciplined for using the university e-mail system for harassment purposes. Professor Phelps objected when the provost contacted him: " He had no right to forward that e-mail to you. That was private correspondence. And you have no right of access to my e-mail. I have privacy rights. " Do you agree with Professor Phelps? Was there a breach of privacy? 9. Under what circumstances would a court disregard precedent? 10. What is the difference between a statute and an administrative regulation? 11. What is the difference between a remedy in equity and other forms of judicial remedies? 12. Give examples of areas covered by federal laws. Give examples of areas covered by city ordinances. What are the limitations on these two sources of laws? What could the laws at these two levels not do? 13. What is the principle of stare decisis? 14. List some purposes of law that you were able to spot in reading this chapter.

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copied, scanned, or duplicated, in whole or in part. 14 Part 1 The Legal and Social Environment of Business 5. During the 2001 baseball season, San Francisco Giants player Barry Bonds hit 73 home runs, a new record that broke the one set by Mark McGwire in 2000 (72 home runs). FN Be sure to read the text box on p. 9 for more background on McGwire's hitting prowess. When Mr. Bonds hit his recordbreaking home run, the ball went into the so-called cheap seats. Alex Popov was sitting in those seats and had brought along his baseball glove for purposes of catching any hits that might come into the stands. Everyone sitting in the area agreed that Mr. Popov's glove touched Bonds's home-run ball.

Videotape also shows Mr. Popov's glove on the ball. However, the ball dropped and, following a melee among the cheap-seat fans, Patrick Hayashi ended up with Bonds's home-run ball. Mr. Popov filed suit for the ball, claiming it as his property. Such baseballs can be very valuable. The baseball from Mr. McGwire's recordbreaking home run in 2000 sold for \$3 million. List those areas of law that will apply as the case is tried and the owner of the baseball is determined. Copyright 2010 Cengage Learning, Inc. All Rights Reserved. May not be copied, scanned, or duplicated, in whole or in part.