

Informative essay on law 531

Law



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Traditional and Nontraditional Litigation Systems Law/531 [July 30, 2012]

The traditional legal system of utilizes law as it is foundation for all decisions.

Laws in the United States have four sources; constitutional, statutes and ordinance, common law and administrative. The features of these four are: *

Constitutional Law is based on a formal document that defines broad powers.

Federal constitutional law originates from the U. S. constitution. State constitutional law originates from the individual state constitutions. Statutes

and Ordinances are legislation passed on the federal, state, or local levels. *

Common Law is based on the concept of precedence - on how the courts have interpreted the law. Under common law, the facts of a particular case

are determined and compared to previous cases having similar facts in order to reach a decision by analogy. Common law applies mostly at the state

level. It originated in the 13th century when royal judges began recording their decisions and the reasoning behind the decisions. * Administrative Law

- federal, state, and local level.

Administrative law is made by administrative agencies that define the intent of the legislative body that passed the law. These four steps are used to

structure and interpret laws to remedy situations as they arise the enforcement occurs at three levels and they are called courts. The Supreme

Court, Appellate courts and Trial courts, in the business environment the trial court is a popular choice because it handles the civil disputes and it is only

when unique cases appear it is sent to be viewed by the Supreme Court for a ruling.

Cases such as NATIONAL FEDERATION OF INDEPENDENT BUSINESS ET AL. v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. (Supreme

Court of the United States 2011) otherwise known as the healthcare law which mandates healthcare for all, when this kind of law is in place and it affects the citizens on a whole that decision must be weighed against the rules of the constitution which is the law of the land. Alternative Dispute Resolution (ADR) this is the mitigation process where the end result is the agreement according to the process of litigation.

ADR is the involvement of a third party to who is unbiased but encourages a discussion between the parties. This features is particularly important to businesses because of this feature the discussions are private and so it reduces the negative publicity which may arise, the process is quicker because it because the terms of the agreement is then presented to judge for his/her viewing and then a ruling is made. Finally, the agreement is also covered by a caveat of confidentiality which reminds both parties that the agreed terms must not be discussed.

This type of discussion is helpful in mergers and acquisitions as is used in the work environments where a union supplies the employees. Comparison Both processes are features of the judicial system and the remedy is legally binding. Most times the remedy is monetary and the TORT is settled in the civil courts, however, laws have two features, state and federal and whenever applicable the federal ruling is the governing law. Contrast

The judicial system in terms of the courts is time consuming and the pretrial hearings can be a lengthy task, the courts that will hear the case is also determined by the monetary remedy that is asked by the plaintiff. References Supreme Court System, American Legal System; Quick MBA, Law and Business <http://www.quickmba.com/law/sys/>, viewed July 30th 2012. <https://assignbuster.com/informative-essay-on-law-531/>

Healthcare Reform Ruling; NATIONAL FEDERATION OF INDEPENDENT BUSINESS ET AL. v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL; <http://www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf>, viewed July 30th 2012. Definition of Tort; The Lectric Law Library LECLAW.com, <http://www.lectlaw.com/def2/t032.htm>, viewed July 30th 2012. ----- [1]. A tort is an act that injures someone in some way, and for which the injured person may sue the wrongdoer for damages. Legally, torts are called civil wrongs, as opposed to criminal ones. (Some acts like battery, however, may be both torts and crimes; the wrongdoer may face both civil and criminal penalties.)