

U01d1 the american legal system



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RUNNING HEAD: THE AMERICAN LEGAL SYSTEM The American Legal System

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The legal System of America is one which has never been separated by the discrimination suits and normally requires the direct evidence of race or sex based animosity. There are three main differences between common law and statutory law. The common law is based on a pattern, for example a case law. The statutory law on the other hand is a law that is written and is decided by a government agency or a legislature. It is essential to note that the main difference between these laws is how they are created and the challenges basis of these laws (Francois, 2010). The main basis of the common laws is based on the decisions that have been made in previous cases. During a hearing the judges make the decision on a case based on previous cases and previous decisions. It is also essential to understand that if a particular case has not been found in the common law, then the decision made by the judge on a case will become the law.

Statutory laws on the other hand are the laws that are made by the government of the specific country. Here the governments play a major role in the law determination and they are also responsible for the development of punishments as well. These laws are made to basically meet the needs of the citizens, or to help in the formalization of the existing laws or even to resolve cases that are outstanding and need the government interference (Hillestad, 2004).

Considering the health care systems, it is essential to note that the government has taken over the ' driver's seat' for several organization and the hospitals that are run by the government now hold a monopoly in the

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markets. Here the local hospitals are given the rights to allow or not the starting up of other newer hospitals in the area (Schneller, Smeltzer, & Burns, 2006). Hospitals are given the right to prohibit any new competition in the markets and this in simpler words means that the local hospital tend to gain a monopolistic power in the industry. This is very similar to providing a company the legal rights to create higher levels of barriers to entry in the markets so that the new competition is completely eliminated.

The laws those are present in the market at present are to a great extent the root cause for the several liabilities that have cropped up in the past. To ensure that the health care is improved and the issue of the health care is reduced, the governments needs to allow the health care organizations to be privatized instead of taking on the entire markets and also the level of laws and regulations need to be reduces as well (Ill, 2008). When the industry has a high level of competition, the levels of health care and the overall services will also improve. Also, this will impact the costs of the healthcare and the competition will follow the law of demand.

References

Francois, C. (2010). What is the Difference between Common Law and Statutory Law? Retrieved January 19, 2010, from Wise Geek: <http://www.wisegeek.com/what-is-the-difference-between-common-law-and-statutory-law.htm>

Hillestad, S. G. (2004). Health Care Market Strategy, Third Edition: From Planning to Action. Jones and Bartlett Publishers.

Ill, G. M. (2008). Managing Health Care Business Strategy. Jones & Bartlett Publishers; 1 edition.

Schneller, E. S., Smeltzer, L. R., & Burns, L. R. (2006). Strategic Management of the Health Care Supply Chain. Jossey-Bass; 1 edition.