

Common law and sources of law

Law



Common Law and Sources of Law As the new manager in my department I would suggest that the employees in my department who will be charged with interacting with the legal department familiarize themselves with the law. In carrying out their day to day operations they should understand various concepts and the sources of the law utilized in the county. The employees should understand that common law as practiced in the American judicial system refers to the laws that are developed through the decisions that are made in courts along with tribunals by judges. They should also know that the system followed under common law gives greater precedential weight on the use of the laws (Chambers, 2008). In addition, the principle behind this law emphasizes on the importance of treating similar events in the same manner. The laws that have previously been made by judges in the courts and tribunals become binding to all other similar cases that come up in the future (Schmidt, Shelley & Bardes, 2012). Whenever a similar case comes before a court of law practicing common law, the sitting judges are supposed to evaluate all previous precedents for a decision to the case. However, sometimes a case that is brought before a panel of judges with circumstances that have not previously been experienced. In such instances, the judges are supposed to make new decisions which will serve as a precedent for similar cases in the future. This system is complex to practice due to the imbalances of power between the courts found in the country's judicial system (Chambers, 2008). The employees should research on the previous precedents that have been made in connection with their daily activities so that they may know which defenses they may adopt. The knowledge of these laws may also help in the regulation of their habits at the work place (Schmidt, Shelley & Bardes, 2012). The employees should also <https://assignbuster.com/common-law-and-sources-of-law/>

have knowledge of the American law sources which include the common laws, constitutional laws, court rules and administrative law along with the statutory laws. They should comprehend that common law refers to the laws that are made up by judges whereas the statutory laws are created by the country's legislature (Chambers, 2008). The powers of the law making institutions within America are kept under watch by the bill of rights contained in their constitution. They workers should be taught more concerning the bill of rights so that they may understand their rights better. The municipalities in America use ordinances for the purpose of regulating their zoning, construction and building activities (Schmidt, Shelley & Bardes, 2012). Their understanding of the different ordinances utilized across different municipalities in the country will help the employees to avoid any lawsuits that may be brought against them. The employees should know that the administrative laws are created by governmental units that are state, federal or local based and are responsible for administering governmental affairs (Chambers, 2008). However, administrative law can either be administrative or regulatory with the former being charged with putting into effect any programs that have been initiated by the government. The regulatory law that is created by the government's administrative units is charged with the task of overseeing and regulating medical practices in the country. The employees working within the department should be able to distinguish between both types of administrative laws and also differentiate their uses. This move will additionally help the employees in avoiding conflicts with the law department (Schmidt, Shelley & Bardes, 2012). They should also know that court rules are used for the purpose of governing criminal along with civil processes and should not conflict with the statutory

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laws being applied in the country. These court rules are drafted upon getting directions from the highest courts in a state though they become effective once they have been voted for by the legislature (Chambers, 2008).

However, in the federal system these laws are usually drafted under the directions of the country's Supreme Court. Finally, the entire law system of America can be said to be based on their bill of rights along with the constitution. If the employees become conversant and agree to comply with the above laws, they can be sure of avoiding any harsh penalties that may be imposed on them by the law (Schmidt, Shelley & Bardes, 2012). The employees should additionally know that precedents are important to the judicial decision-making process because they enable the judges listening to their cases to come up with the best decisions in a timely fashion. This is mainly because the precedents usually emphasize on the adoption of previously made decisions (Schmidt, Shelley & Bardes, 2012). These decisions are treated as law and remain abiding to any other similar cases that are brought before a panel of judges. The employees can be granted equitable remedies which are normally available in jurisdictions made under common law and are in the form of injunctions along with specific performances. Injunctions are normally used by the courts in order to make an employee perform certain acts whereas the special performances are used to make employees to a contract to perform specific duties they are supposed to under the contract (Chambers, 2008). On the other hand, employees should know that they can be granted legal remedies by the courts when enforcing their rights, imposing penalties or when they are imposing the will of the law (Schmidt, Shelley & Bardes, 2012). References Chambers, R. W. (2008). *The Common Law: Easyread Super Large Edition* <https://assignbuster.com/common-law-and-sources-of-law/>

24th Edition, New York: Routledge. Schmidt, S. W., Shelley, M. C. & Bardes, B. A. (2012), American Government And Politics Today, London: Cengage Learning.