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The most	The Const
important primary	supreme)

Sources of Law (Chp.1)

source of law is

The Constitution (it is supreme)

State constitutions are a primary source of law.

Statutory law, a primary source of law, involves the U.S. Congress and state and local legislatures.

The U.S. Congress passes federal statutes that apply to all states.

The Uniform Commercial Code is a uniform law adopted by all states that facilitates commerce.

Administrative agencies are created to perform specific government functions

Case law is derived from judges' decisions for actual cases.

Administrative Law	the rules, orders, and decisions of federal, state, or local government administrative agencies	
Statutory Law	laws (statutes and ordinances) enacted by federal, state, and local legislatures	
Constitutional Law	the laws expressed in the US Constitution and state constitutions	
Case Law	judge made laws	
Traditionally, courts of law offer three remedies, called remedies at law	Money, land, and items of value	
Remedies in equity involve specific performance.		
Part of the common law tradition relies on the doctrine of stare decisis		
the Latin phrase for stare deceases means to stand on decided cases		
stare decisis	issue ruling that are	

ccisis issue ruling that are consistent with precedents established in similar cases

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Sources of Law (Chp.1) (cont)

one of the most important functions of law is to provide stability and predictability

A precedent is a decision that furnishes an example or authority for deciding subsequent cases involving similar legal principles or facts.

A source of law that courts must follow when deciding a case is called a binding authority. A binding authority does NOT include opinions from trusted newspapers

Cases where there is no binding precedent in the jurisdiction are called cases of first impression .

court of law and equity no longer decide appropriate cases and provide the appropriate remedies.

Positivist	there is no law higher than the laws created by the government		
Historical	doctrines that have withstood the passage of time help guide us in shaping present law		
Natural Law	universal law as applicable to all human beings		
legal realism	takes into account customary practices and the circumstances surrounding the particular transaction		
One way to divide law is into procedural law and substantive law .			
civil law	the law the governs relations between people		
a law against not performing an employee argument cannot be at issue in criminal law			
cyberlaw is not a classification of law			
When one country violates international law, enforcement can take the form of into persuasive tactics and severance of diplomatic relations			
the primary source of law in a civil law system is statutory laws			

Sources of Law (Chp.1) (cont)

cyberlaw consists of traditional legal principles that have changed because of technology and new laws that govern unique problems related to technology

define: remedy, substantive law, procedural law

Judiciary Role (Chp. 2)

the doctrine of judicial review allows the judicial branch to decide whether laws or actions of the other two branches are constitutional

the power of judicial review has remained unchallenged since Marbury v. Madison

Marbury v. Case? Madison

A long arm statute allows one state's court to exercise jurisdiction over a defendant from another state who has minimum contacts with the state in which the court is located.

concurrent jurisdiction	cases involving federal questions and diversity of citizenship cases
exclusive state jurisdiction	cases involving all matters not subject to federal jurisdiction
exclusive federal jurisdiction	cases involving federal crimes, bankruptcy, patents, copyrights, trademarks, and suits against the US
venue	*
standing to sue	three elements: causation, remedy, and harm *
original jurisdiction	exists with courts that have the authority to hear a case for the first time called trial courts

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Judiciary Ro	ole (Chp. 2) (cont)		
subject matter	limits the court's jurisdictional authority to particular types of cases and can be either limited or general jurisdiction		
appellate jurisdiction	exists with courts of appeal and review		
a federal court can exercise jurisdiction if a case involves a treaty, the Constitution, or a federal law			
Order of most court systems	trial court, intermediate appellate court, supreme court		
trial courts	often deal with questions of fact		
appellate or reviewing courts	deal with questions of law		
the Supreme court has to issue a writ of certiorari before it hears a case			
litigation is the process of moving a case through the courts			
a default judgement is NOT involved in the two basic pleadings of a lawsuit			
A deposition is given orally by a party to a lawsuit or a witness before a trial			
pretrial conference	a pretrial hearing after discovery. the goal is settlement		
jury selection	during the process of void dire, prospective jurors can be challenged		
At the conclusion of the plaintiff's case, the defendant's attorney may ask for a directed verdict.			
When a jury reaches its decision, it typically issues a verdict in favor of one party.			
When the jury clearly misapplied the law or misunderstood the evidence, a judge will grant a motion for a new trial			
	if someone loses a trial, they can make a motion for a judgement not withstanding the		

if someone loses a trial, they can make a motion for a judgement not withstanding the verdict



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Judiciary Role (Chp. 2) (cont)

outfolding i	(Cont)
Alternativ e dispute resolution (ADR)	the resolution of disputes in other ways than those involves in traditional judicial process (negotiation, mediation, and arbitration)
because it i	is the simplest form of ADR s informal and does not require a ike arbitration, mediation, and
	n, the arbitrator hears the dispute s a solution on the parties
arbitration	the parties present their argument snap evidence to an arbitrator at a hearing and the arbitrator renders a decision resolving the dispute
arbitration clause	a part of the contract that provides that the parties will submit the dispute to arbitration rather than litigate the dispute in court
award	the arbitrator's decision
major non-profit ADR provider is the AAA	
	involves a court deciding whether a that must be resolved through
most states arbitration a	have adopted the uniform
When one party files a lawsuit to compel arbitration, the courts must resolve the issue of arbitrability.	
90%of case ADR	es are settled through some form of
Marbury v. I harm causation affirmative o discovery p pretrial moti	defense rocess

motion for *

the appealing party files a notice

the appellate court does not hear

of appeal with the trial court

evidence. they may affirm or reverse the trial court's judgement or remand the case for further

proceedings

through a system called PACER

informally

differences

Your attorney prepares a brief to present to the appellate court when you decide to appeal the

The public has access to electronic court filings

negotiation a process in which parties attempt to settle their dispute without going to court with or without attorneys to represent them; meet

> settling the disputes in which a neutral third part assists disputing parties in reconciling their

the resolution of disputes with the

assistance of organizations that

offer dispute-resolution services via the internet; best for resolving small sized business claims

Judiciary Role (Chp. 2) (cont)

a judgement not withstandi ng the verdict filing the

appeal

review

appellate

trial court's decision.

mediation

online

dispute

resolution