

Student name: \_\_\_\_\_

**TRUE/FALSE - Write 'T' if the statement is true and 'F' if the statement is false.**

Jurisprudence is roughly defined as the science and philosophy of law.

true

false

Law today is crucial to business by creating some degree of reliability to be used in business planning, commercial transactions, and promoting good faith dealing among merchants and consumers.

true

false

It is less common for states to amend their constitutions than it is for Congress to amend the U.S. Constitution.

true

false

A presidential veto may be overridden by a two-thirds majority vote of the Senate.

true

false

Most schools of jurisprudential thought center on the government's role in creating the law.

true

false

Courts routinely question and overturn administrative agency decisions involving how and when an agency enforces a regulation.

true

false

The power of courts to establish law in matters not specifically addressed by statutes is very limited in common law countries.

true

false

Equitable remedies are available to compensate injured parties in both civil and criminal lawsuits.

true

false

Most states have combined courts of law and equity.

true

false

A statute of limitations determines the maximum and minimum amounts of monetary relief that may be granted in different types of civil lawsuits.

true

false

The purpose of secondary sources of law is to increase uniformity and fairness across courts in the 50 states.

true

false

A single wrongful act may violate civil law or criminal law but cannot violate both simultaneously.

true

false

A zoning law that regulates what a landowner may or may not do with his or her privately owned property is an example of a public law.

true

false

Laws requiring that the police show reasonable cause and obtain a search warrant before entering a place of business to search for evidence are examples of substantive laws.

true

false

Criminal law allows a party to be compensated for money lost as a result of another's unlawful conduct.

true

false

Statutes and ordinances are examples of private laws that provide for the rights of parties involved in private or business transactions, such as contracts for services.

true

false

Criminal law can be characterized as public law but can never be considered private law.

true

false

Freedom of speech, as defined in the Constitution, is an example of substantive law.

true

false

*Restatements of the Law* are written and revised by Congress and state legislatures as needed.

true

false

All statutes have both a statutory scheme and a legislative history.

true

false

The common law is the law that all states follow to avoid confusion and to promote consistency from state to state.

true

false

Civil law systems reject and prohibit the use of precedent, relying solely on strict interpretations of statutes.

true

false

When a Pennsylvania appellate court makes a decision, stare decisis requires that Delaware trial courts follow the case precedent when a case with a similar fact situation arises.

true

false

Aggressive litigation generally results in a high monetary cost for a corporation.

true

false

Although arbitration and mediation are legitimate dispute resolution methods, they may not always result in a satisfactory outcome for both sides of the dispute.

true

false

Ordinances will preempt state-level statutes.

true

false

Most companies employ in-house counsel for their legal needs.

true

false

Laws relating to contracts for the sale of goods are primarily found in the common law.

true

false

The U.S. system of common law is deep-seated in the French common law established by the Norman kings around 1066.

true

false

Enumerated powers are specific powers granted to the federal government by the Constitution.

true

false

**MULTIPLE CHOICE - Choose the one alternative that best completes the statement or answers the question.**

Tanequia is a congressperson speaking about the philosophy of law under the U.S. and British systems. Which of the following legal categories is she addressing?

Statutory construction

Historical jurisdiction

Jurisprudence

Ordinances

Which of the following is correct about the law in the United States?

To be defined as law, something must have been codified by a legislature.

Law creates duties and obligations, but not rights, as these are exclusively created by constitutions.

Law is prescribed by controlling authority.

All of the answer choices are correct.

The origins of recorded law are cited by the textbook as being:

The writings of the British royals who recorded court decisions and then wrote them in a codified system of law.

A collection of rules of tribal chieftains to perpetuate their power.

The common law rules adopted by the Founding Fathers of the United States.

The Justinian Code which standardized the civil law system among the Romans.

According to the text, which of the following does the system of law in the United States provide for?

Good faith dealings between merchants and consumers

Equality

Consistency

All of the answer choices are correct.

According to the textbook, which of the following statements about corporate strategy with legal counsel is/are true?

It is considered a sound strategy for a corporation to rely exclusively on attorneys to drive the legal decision-making process because they are the experts in the law and will generally understand the business side of things better than many corporate managers.

Research indicates that management working cooperatively with attorneys will add value to the business.

If one can understand the fundamentals of legal theory and how they impact a business, this is all that is needed to be able to understand how legal decisions should be made in a business context.

All of the answer choices are correct.

According to the textbook, which of the following statements about lawyers is/are true?

Corporate lawyers typically spend a large percentage of their time in court.

The general counsel is a phrase for one who works in an outside law firm and handles cases on general business law issues.

In larger organizations, corporate counsel are often part of the management or executive team.

All of the answer choices are correct.

Donovan works for a corporation as general legal counsel. Which of the following would be typical of the duties that a person in his position would perform in the U.S. legal system?

Managing one or more associate attorneys

Selecting and supervising lawyers from outside law firms

Being a corporate officer of the company, called a secretary

All of the answer choices are correct.

According to the textbook, which of the following statements are true about the typical relationships between corporations and attorneys in the United States?

Working closely with a business attorney results in opportunities and reduced business costs.

The majority of companies rely upon in house counsel for their legal needs.

It is almost unheard of for more than one attorney's advice to be needed on a legal matter, as consulting more than one attorney leads to confusion and conflicting counsel.

All of the answer choices are correct.

The city council of Neodesha, Kansas passed a rule requiring that residents have no more than three dogs per household within city limits. This law would be defined as:

an ordinance.

a regulation.

a statute.

a common law.

The U.S. Congress is considering legislation that will require all businesses with more than 50 employees to offer a minimum of three weeks' vacation per year. It has not yet passed the House of Representatives and the Senate by a majority vote or been signed by the president. This is known as a:

statute.

law.

draft.

bill.

Constitutional law and administrative law are known in the United States as \_\_\_\_\_ sources of law.

common

primary

secondary

procedural

The state of Idaho passed a law making it illegal for people under the age of 18 to drive an automobile with more than 400 horsepower. The law set a fine of \$200 for violations. Third offenders would have their licenses suspended for one year. This law making the use of automobiles with 400 horsepower or more illegal for a minor is known as a/an \_\_\_\_\_ and the rules that set out the fine and the suspension are a type of law known as a \_\_\_\_\_.

ordinance, procedural law

ordinance, substantive law

statute, procedural law

statute, substantive law

Isabella was a state appellate court judge writing a judicial opinion. In it, she referenced, or cited, a prior case decided by her state's supreme court. The rationale for the decision she made in her case was based upon the case she had cited. This is known in the law as the process of:

creating secondary sources of law.

*res ipsa loquitur*.

*stare decisis*.

*ad hominem* reasoning.

Which of the following is a secondary source of law?

A regulation passed by a federal agency

A model law drafted by a team of experts on real estate as a guide to states in crafting their statutes

A constitutional interpretation of a statute by a federal court of appeals

All of the answer choices are secondary sources of law.

Which of the following is an accurate statement of the concept of *stare decisis* and precedent under the U.S. legal system?

LaToya, a social media influencer, posted a video stating that once precedent is established, it may not be changed except by amending the U.S. Constitution.

Herschel, a judge, told his clerk that *stare decisis* is an "iron mold" that cannot be deviated from unless authorized by Congress or the Executive Branch.

Hamid, a law professor, told his class that *stare decisis* is a secondary source of law.

Ginger, a congressperson, gave a speech claiming that legal precedent in neighboring Texas had no bearing on cases decided in her home state of New Mexico.

*Stare decisis* is a Latin phrase that means\_\_\_\_\_.

One must not sit upon their rights in a court of equity, you must vigilantly pursue your rights to receive an equitable remedy from a court.

There can be no law higher than human-made law, there exist no absolutes of right and wrong.

Similar cases with similar facts and issues should have similar judicial outcomes.

All of the answer choices are correct.

The Immigration and Naturalization Service, a federal agency involved in immigration security, has applied a rule stating that prior to deportation, an individual must be allowed a due process hearing at which they can make a case against their deportation. This would be which of the following types of laws?

Administrative laws

Securities laws

Statutory laws

Ordinances

Which of the following statement(s) is/are true?

Timothy rode his motorcycle while intoxicated. He wrecked his bike into Hazel, a pedestrian, breaking her leg. Timothy could be both prosecuted and sued for his actions.

Procedural law sets out the steps that the city of Newark must follow when their police obtain warrants to perform searches of homes of those suspected of criminal activity.

In the United States, a civil law would enable Olivia to be compensated for her medical bills incurred due to Justin's negligence.

All of the answer choices are correct.

Peter hit a rock into the air with a baseball bat and accidentally smashed a window in Gianna's house. The type of law that gives Gianna the right to be compensated monetarily for Peter's conduct is which of the following?

It is civil and substantive.

It is civil and administrative.

It is criminal and substantive.

It is administrative and procedural.

The State of Colorado has a law stating that you may not be in possession of more than four ounces of certain controlled drugs. This is an example of which of the following types of law?

Substantive law

Procedural law

Interrogative law

Interpretive functional law

A surgeon accidentally severed a nerve in Miranda's back during surgery so she now has numbness in her left leg. Miranda sued to get compensation for her pain and suffering and additional medical expenses as a result of alleged malpractice. The malpractice statute in her state gave her two years from the time she "knew or should have known of the injury" to file a lawsuit. What type of law is the malpractice statute that gives her the right to sue and what type of law is the statute that determines that she has two years to file her claim?

Private law, Public law

Substantive law, Procedural law

Procedural law, Substantive law

Compensatory law, Punitive law

Jefferson paid \$100,000 to Classic Cars of Atlanta for a custom 1957 Chevy. Classic Cars accepted his payment. When Jefferson returned the next day to pick up the car, Classic Cars refused to turn it over. Which of the following equitable remedies would be appropriate for Jefferson if he wants to make a request to a court to force Classic Motors to give him the Chevy?

Specific performance

Injunction

Rescission

All of the equitable remedies listed would be appropriate.

On June 1, Wayne paid \$500,000 for Nas's Ferrari. Under the contract, Nas was to deliver the Ferrari by June 3. On June 2, Nas received an offer of \$600,000 from Snoop. Nas refused to

deliver the Ferrari to Wayne. Wayne wants to go to court to prevent Nas from selling the Ferrari to Snoop. What remedy should he seek?

Specific performance

Laches

Rescission

Injunction

The City of Draconia has informed Miko that they are going to evict her from her land and auction it off for nonpayment of \$100 in taxes. Miko is contesting the tax bill and wants to stop them from evicting her and auctioning off the land. Which of the following would best enable Miko to accomplish this?

Specific performance

Injunction

Rescission

A legal remedy

Gwen purchased a commercial refrigerator from Big Box Retailing for \$20,000. It was a high-end model that was available at other retailers around the country. She paid in cash and scheduled a delivery to her house. Big Box Retailing did not deliver the refrigerator by the scheduled date and has refused to deliver it, also refusing to refund her money. What is the appropriate remedy for Gwen?

An equitable remedy of an injunction

An equitable remedy of rescission

An equitable remedy of specific performance

A legal remedy for the \$20,000

The equitable maxim “clean hands” would best be described by which of the following examples?

Emily filed her lawsuit seeking an injunction in district court, but the judge dismissed it because she filed too late.

Brian worked for Elias & Yount, CPAs. His firm, which treated him like an employee but classified him as an outside contractor, refused to offer him benefits. The court ruled that Brian was entitled to benefits and ordered Elias & Yount to classify him as an employee.

Rihanna was attempting to use specific performance to make Shawn perform under the contract they had both signed. Shawn made a motion to the court to deny the specific performance that Rihanna was seeking against him. Shawn alleged that Rihanna had intentionally misrepresented several things in the contract.

Ling sought specific performance against Big Corporation to have them provide her with the \$10,000 sign on bonus that was promised to her when she was hired, but that they were refusing to pay.

Jorge offered a painting by Degas for sale on eBay for a minimum bid of \$150,000. Celine won with a bid of \$175,000. Jorge then changed his mind and refused to deliver the painting, as Mariah, a friend of his, had privately offered him \$200,000 after he had begun the eBay auction. If Celine wants the painting and sues Jorge, which course of action will best provide her the results she desires?

Sue for breach of contract and seek a legal remedy of \$175,000.

Pursue an injunction to prevent the sale to Mariah, then pursue specific performance through the court.

Pursue a rescission, then seek an injunction against Mariah to force her to perform under the auction contract.

Sue for breach of contract and seek an injunction to force Mariah to deliver the painting.

Bart was angry at his neighbor Homer, who had been playing loud hip hop music after midnight every night. In retaliation, Bart had been throwing eggs at Homer's house. Bart has pursued the equitable remedy of an injunction against Homer. What is Homer's best defense to Bart's equitable action under these circumstances?

Laches

Substance over form

Equity aids the vigilant

Clean hands

Members of the Wyoming Nature Consortium, an environmentalist group, regularly walked along a trail in a desert area. Bubba, the owner of a ranch the trail ran through, went to court to stop members of the Nature Consortium from walking on the trail. This was 15 years after he first knew about their activity. What remedy should Bubba pursue and what defense might the members of the Nature Consortium have against Bubba's claim?

The remedy is an injunction, and the Nature Consortium has no defense because they have done the offending activity for such a long period of time.

The remedy is an injunction, and the Nature Consortium has the defense that equity aids the vigilant, as Bubba did not pursue his remedy within a reasonable period of time.

The remedy is specific performance, and the Nature Consortium has no defense because they have done the offending activity for such a long period of time.

The remedy is rescission, and the Nature Consortium has the defense that equity aids the vigilant, as Bubba did not pursue his remedy within a reasonable period of time.

**FILL IN THE BLANK. Write the word or phrase that best completes each statement or answers the question.**

Much of the origins of the law dealt with issues related to\_\_\_\_\_.

When the United States Supreme Court formally recognized its role in achieving equality for all Americans during the civil rights movement, it was following a \_\_\_\_\_ philosophy.

Attorneys who work for a company and are part of the executive or midlevel management team are specifically referred to as \_\_\_\_\_ counsel.

Attorneys, particularly in a business context, are also referred to as \_\_\_\_\_.

Measures of judicial action intended to compensate an injured party in a civil lawsuit are known as \_\_\_\_\_.

Equitable rules intended to be broad statements of rules that are based on notions of fairness and justice are referred to as equitable\_\_\_\_\_.

A judicial opinion is also referred to as the \_\_\_\_\_ of the case.

A collection of uniform legal principles focused on a particular area of traditional state law is called *The \_\_\_\_\_ of the Law*.

Trial lawyers from outside firms, often selected by general counsel when a particular field of expertise is needed, are referred to as \_\_\_\_\_.

\_\_\_\_\_ are recognized as binding between two parties even though no specific statute or regulation provides for the rights of the parties.

**ESSAY. Write your answer in the space provided or on a separate sheet of paper.**

A case of first impression comes before a state court in Illinois. While the issue has not been heard in Illinois courts, appellate courts in the states of Wisconsin, Iowa, and Indiana have definitively ruled on the issue, although the outcomes of the various cases were slightly different in each case. Further, the case heard by the Indiana court was definitively ruled upon by the U.S. Supreme Court. Explain whether the court in Illinois is bound by the decision of any of the other courts, and why.

Mike is a high school dropout employed as a counter worker at Bob's Roasted Chicken (BRC), a local fast food franchise in Georgia. Mike is voted Employee of the Month and awarded a trip to visit the home office of BRC in Knoxville, Tennessee. While on a tour of the offices at BRC's headquarters, Mike notices an open wall safe, and when he looks inside, he discovers the original, handwritten copy of the secret family chicken recipe. He quickly makes a copy and returns the original to the safe. Once he arrives home, he contacts a number of local fried-chicken restaurants and offers to sell them the recipe. When BRC's president, Bob, discovers what Mike is doing, BRC immediately sues Mike. However, it quickly discovers that there are no applicable trade secret statutes. What effect does the lack of an applicable statute have on BRC's claim, and what, if anything, can BRC rely upon to maintain its claim? What relief should BRC seek against Mike?

Name the three essential functions of the U.S. Constitution.

Define and explain the concepts of permanence and preemption as they apply regarding the U.S. Constitution.

Congratulations! You have just been named as a judge in your state's general trial court. Your first case involves a complicated environmental statute. What resources might you use to interpret and apply the statute to your case?

Describe the similarities and differences among statutes, ordinances, and regulations.

Discuss the differences between the common law and civil law with regard to precedent and the court's right to establish new law.

Tom has attacked Kathy in the parking lot of a bar. He knocked her to the ground and stole her wallet, breaking her arm in the process. Kathy works as a data input specialist at a bank and missed eight weeks of work due to her injury. Discuss how her case could be handled under both the criminal law and civil law systems, including possible remedies available under each system.

Identify and discuss the various types of secondary law. How does secondary law affect the American legal system?

In 2010, the state of Arizona passed an immigration law that allowed law enforcement officers to check the immigration status of individuals charged with a crime. Which legal philosophy best fits the theory of jurisprudence used by Arizona lawmakers to justify this law?

## **Answer Key**

Test name: Ch1\_The Legal Environment of Business: A Managerial Approach\_2025

TRUE

Jurisprudence, roughly defined as the science and philosophy of law, defines several schools of thought used to describe the various approaches to the law.

TRUE

Law must always be considered when making business decisions and when planning.

FALSE

It is much more difficult to change the U.S. Constitution than individual state constitutions.

FALSE

A repeal of a presidential veto requires a two-thirds vote of Congress.

FALSE

Most schools of jurisprudential thought center on how legal rights are recognized.

FALSE

Courts are highly deferential to agency decisions.

FALSE

The power of courts to establish law is limited in civil law countries but not in common law countries.

FALSE

Equitable remedies are available only in civil cases.

TRUE

Most modern courts are combined courts of law and equity.

FALSE

A statute of limitations sets the time within which a lawsuit must be filed after an injury occurs.

TRUE

Secondary sources of law allow each state to refer to a singular explanation of various laws for increased consistency.

FALSE

The same act may result in both civil and criminal liability.

TRUE

Zoning laws are examples of public law that are based on statutes and ordinances.

FALSE

Search and seizure laws, such as those that require the police to show reasonable cause and obtain warrants prior to a search, are examples of procedural laws.

FALSE

Only civil law actions may result in monetary damages. Criminal laws result in fines or imprisonment.

FALSE

Statutes and ordinances are examples of public laws, which are enacted by some government legislative entity.

TRUE

Criminal law must be statutory and is therefore public law.

TRUE

Freedom of speech is an individual right protected by the Constitution, and is a form of substantive law.

FALSE

Restatements of the Law are secondary legal sources that interpret the laws, and they are written and revised by the American Law Institute.

TRUE

All statutes have a statutory scheme as well as a legislative history showing the sponsor, debates, and votes. When interpreting statutes, the court also look to the records kept by the legislature, including the debates, committee, and conference reports, along with legislative findings of fact.

FALSE

The common law is made by state courts to “fill in the gaps” when a controversy arises. The common law varies from state to state.

FALSE

Civil law recognizes the general notion of precedent, but its use is severely limited.

FALSE

Stare decisis and case precedent apply only in courts in the state in which the appellate court making the decision sits.

TRUE

Aggressive litigation takes additional counsel time and assets, which increases the cost of litigation.

TRUE

While arbitration and mediation are legitimate and effective dispute resolution methods, they do not always result in a satisfactory outcome for both sides of the dispute.

FALSE

State-level laws preempt local-level laws known as ordinances.

FALSE

The majority of companies rely on attorneys employed by law firms.

FALSE

Laws relating to contracts for the sale of goods are statutory.

FALSE

The U.S. system of common law is deep-seated in the English common law established by the Norman kings around 1066.

TRUE

Article I, Section 8 of the Constitution names 17 specific powers granted to the federal government, which are known as enumerated powers.

C

Jurisprudence is defined as the science and philosophy of law.

C

The only correct answer is that law is prescribed by controlling authority, as law need not have been codified or created by a legislature and law creates duties, obligations, and rights.

B

The origins of recorded law were initially a collection of rules of powerful tribal chieftains intended to perpetuate their domination and the power of their authority.

D

The law in the United States provides for good faith dealings, equality, and consistency.

B

It is not considered a sound strategy to rely exclusively on attorneys for legal decision-making, as it may be expensive and attorneys may not understand the business well. Understanding the fundamentals of legal theory and how they impact a business is only the first step. However, studies have demonstrated that it is true that working cooperatively with legal counsel can lead to better strategic business decisions that add value to the business.

C

Corporate attorneys typically spend their time advising clients rather than appearing in court. General counsel is a phrase describing an in-house attorney, not an outside law firm attorney. Finally, in larger organizations, corporate counsel, or attorneys, are often in management.

D

All of the answer choices are typical of the roles of a general counsel for a corporation in the United States.

A

The text emphasizes that working closely with a business attorney can increase opportunities and reduce costs. On the other hand, the majority of companies use outside counsel, and it is common and often advisable to seek the advice of more than one attorney.

A

When a law is passed at the city or county level, it is an ordinance.

D

When Congress is drafting a federal statute, but it has not yet had the executive branch's concurrence or signature, it is known as a bill.

B

Constitutional law, administrative law, common law and statutory law are primary sources of law in the United States.

C

This type of law is a statute, which is the term for a law made at the state or federal level, and the part of the law that calls for the fine and suspension, is a procedural law, which can be distinguished from the underlying substantive law itself.

C

Stare decisis is the principle that similar cases with similar facts and issues should have similar judicial outcomes.

B

Secondary sources of law include model laws for states to adopt and restatements of law, which are collections of uniform legal principles.

D

Precedent is not an iron mold from which judges may not deviate. Once precedent is established, it may be altered by subsequent holding from the Article III judiciary, there is no need for a constitutional amendment under Article V to bring about a change in precedent. Stare decisis is not a secondary source of law, it is a principle that applies to the common law, which is a primary source of law. A state court facing an issue for the first time might look to precedent created in other states for insight; however, nothing requires its adherence to the other states' decisions.

C

Stare decisis is a foundational concept in our system of common law, it means that cases with similar facts should have similar judicial outcomes and be followed by future courts as precedent.

A

Administrative law is the source of law that authorizes the exercise of authority by executive branch agencies and independent government agencies and is carried out by administrative agencies. The Immigration and Naturalization Service is an administrative agency, thus, this is an example of administrative laws.

D

All of the answer choices are correct. One may be both prosecuted and sued for many actions, including driving while intoxicated. States must follow certain procedures before denying individuals certain substantive rights, such as against searches and seizures. Finally, civil laws enable parties to be compensated for losses from another's negligence.

A

The type of law that permits one party to be compensated for the actions of another is civil law. The category of law that involves the underlying law itself, such as a law providing for civil penalties for dangerous activities, is a substantive law.

A

Substantive law is the underlying law, such as a speed limit law or a drug possession law; it is to be distinguished from procedural law, which would involve the rules and procedures by which the substantive law is applied.

B

Substantive law is the underlying law. It is to be distinguished from procedural law, which would involve the rules and procedures by which the substantive law is applied. In this case, the basic malpractice law is the substantive law, while the procedures for applying it, the statute of limitations, is procedural law.

A

Specific performance is a remedy available when you are seeking to have the court order another party to do something.

D

An injunction is an equitable remedy that requests a court to stop a party from doing something. Wayne should seek an injunction to stop Nas from selling the Ferrari to Snoop.

B

An injunction is an equitable remedy that requests a court to stop a party from doing something. Miko should seek an injunction to prevent the city from conducting the eviction and auction.

D

In this case, the court would be unlikely to grant an equitable remedy. The best available equitable remedy would be specific performance, but it is typically not available unless the item is rare or one of a kind. In this case, the available remedy is a legal remedy for \$20,000, plus potentially other incidental legal damages.

B

Clean hands is a maxim where one seeking the aid of a court must come to the court with clean hands that are unstained by bad faith, misrepresentations, or deceit.

D

An injunction is when one seeks a court order to prevent someone from doing something. This would be appropriate. Specific performance is an equitable remedy available only when monetary damages will not be a sufficient remedy. In this case, a Degas painting would be a rare, unique item, and specific performance would be appropriate.

D

One seeking an equitable remedy must come to the court with clean hands that are unstained by bad faith, and Bart's retaliation was not in good faith.

B

The remedy available to Bubba is an injunction, when one seeks a court order to prevent someone from doing something. However, equity aids the vigilant is a maxim that acts as a defense to an equitable remedy when the party seeking the remedy waited too long to pursue it.

property ownership

legal realism

in-house

counsel

remedies

maxims

holding

Restatements

litigators

Private laws

Essay

The Illinois court would be bound by the ruling of the Supreme Court, but not the courts in Wisconsin, Iowa, or Indiana. Precedent established in one state's court will have no bearing on the courts of other states, but when a state court is facing an issue for the first time, it may look to other states for guidance and insight. However, once an issue has been ruled upon by the Supreme Court, its holding is binding on all lower state courts.

Essay

When there are no applicable statutes, the court will look to the common law for case precedent. If a case with a similar fact situation has previously been decided, the doctrine of stare decisis will mandate that the court follow the established case precedent in most cases. Initially, BRC should ask for an equitable remedy in the form of an injunction to prevent the sale until binding decisions can be made. Equitable relief is necessary, as damages awarded at the end of the case may be insufficient to protect BRC from irreparable harm from the disclosure of the recipe.

Essay

The Constitution addresses three broad areas:

1. establishing a state and federal government structure with qualifications for certain offices and positions and rules for amending the Constitution;
2. granting specific powers to the three branches of the federal government; and
3. providing procedural protections for U.S. citizens from wrongful government actions.

Essay

*Permanence* refers to the concept that a constitution is thought to reflect the basic principles of a society and should be amended only in extraordinary cases and only when a majority of its constituents agree over a certain period of time.

*Preemption*, in terms of the Constitution, stands for the concept that constitutional law is supreme over all other sources of law.

Essay

Two things that must be considered are the statute's statutory scheme and its legislative history. The statutory scheme is the format and wording used, which gives an indication of the legislature's intent regarding the statute's application. The statute's legislative history includes all records pertinent to the introduction, debate, and voting regarding the particular statute. The debate history, in particular, will show the thought processes used by the legislature when discussing, amending, and passing the law.

Essay

Statutes, ordinances, and regulations are similar in that each is a form of a written law or rule of public law. The differences have to do with where they originate. Statutes are written laws passed by Congress or a state legislature. Ordinances are written laws that are enacted by local government bodies below a state legislature level. Regulations are written laws and rules created by administrative agencies.

Essay

Under the common law, in the absence of statutory law, judges may make decisions creating law, which becomes case precedent in future cases unless subsequently preempted by statute. Civil law recognizes the general notion of precedent, but its role is substantially reduced. The power of courts to make new laws in matters not specifically addressed by the country's civil code is very limited under civil law.

#### Essay

Criminal law protects society by making certain conduct unlawful. Knocking Kathy to the ground and stealing her wallet would certainly be criminal offenses. Penalties if Tom is convicted could include fines and/or imprisonment. Civil law is designed to compensate individuals for losses due to another person's conduct. Reimbursement for lost wages and for Kathy's medical bills would be available along with other possible monetary damages.

#### Essay

The two most important forms of secondary law are *Restatements of the Law* and model state statutes. *Restatements of the Law* are prepared, from time to time, by professors, judges, and lawyers who are members of the American Law Institute. These Restatements capture the state of the law at the time the restatement is written and provide a basis for interpretation, which allows for consistency and general conformity. Model state statutes, written by the National Conference of Commissioners on Uniform State Laws, were formed through the American Bar Association for the purpose of establishing uniform standards in areas of law where national interest would be achieved through the use of uniform laws. Both forms of secondary law feature commentary and examples but possess no independent authority and have no legally binding effect. They are advisory, and states are free to reject all, adopt all, or adopt part of proposed secondary laws.

#### Essay

Legal realism is based on the concept that law is a social institution and that law should be used to promote fairness by taking into account social and economic realities when arriving at a legal conclusion. Arguments made by Arizona lawmakers center on issues relating to crime, a social issue, and increased costs for essential services, which relate to economic issues. In terms of fairness, the argument that has been put forward is that citizens' lives are being negatively affected by uncontrolled illegal immigration.