

Legal Business Environment Study Guide – Chapters 1, 2 & 4

Chapter 1: The Nature and Sources of Law

- **Legal Right** - Legal capacity to require another person to perform or refrain from performing an act.
 - Rights come from federal and state constitutions, federal and state statutes, and local ordinances
- **Individual Rights** - Rights given by the U.S. Constitution (freedom of speech, due process, right to vote, etc.)
 - Fourth Amendment - violation of unreasonable search and seizure
 - The Right of Privacy - Right to be secure against intrusion of other
 - Riley v. California - determined police cannot search a smartphone without a warrant.
 - Technology has changed the way we interact with each other and allows for easier intrusion into another's privacy
 - According to Courts and Congress, the right to privacy also exists in electronic form and online
 - Roe v. Wade - protects the right of privacy that gives women the right to choose whether to have an abortion.
 - Roe v. Wade - Class discussion
- **Duty** - Obligation of law imposed on a person to perform or refrain from performing a certain act.
- Duty and Rights coexist. **No right exists in one person without a corresponding duty resting in some other person or persons.**
 - For example, if the terms of a lease provide that the tenant has the right to live comfortably in a place kept in good condition, the landlord has corresponding duties to provide such a dwelling, including things such as heat in the winter and hot and cold running water.
- **Law** - Body of principles that govern conduct and can be enforced by the courts or administrative agencies / Bundle of rights and duties
 - Laws keep society running smoothly and efficiently
 - Laws tell people what they can and cannot do
- **Sources of Law**
 - **Constitutional Law** - Branch of law based on the constitution of a particular level of government
 - In each state, two constitutions are in force: the state constitution and the U.S. Constitution.
 - Constitution - body of principles that establishes the structure of a government and the relationship of that government to the people who are governed.
 - Generally a combination of the written document and the practices and customs that develop with the passage of time and the emergence of new problems.

Study Guide Legal Environment Today

Roger LeRoy Miller, Frank B. Cross



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