

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.

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Cross, Miller



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