

Chapter 1

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Sources of Law

- Constitutional
- Statutory
 - Ordinances
 - Uniform Laws
 - Commercial Code (OSHA)
- Administrative Law
 - Federal Agencies
 - State/Local Agencies
- Case Law/Common Law Doctrine
 - English Common Law had two courts:
 - Courts of Law: Land Money, Items of Value
 - Courts of Equity: Notions of justice/fair dealing
- American Law is based on English Common Law
- **Stare Decisis:** Stand on decided case, is judge made law
- **Case Precedents and Reporters:** each case becomes a legal precedent for following
- **Controlling Precedents:** referred to as binding authorities
 - Includes the Constitution, Supreme Court cases, federal appellate cases, fed
 - First impression cases where there is no precedent the court uses positive la
- There is no "Right Answer"
 - Good arguments are made for different sides
 - Judges have personal beliefs that can affect decisions
- **Natural Law School**
 - Assumes law, rights, and ethics are based on universal moral principles
- **Positivist Law School**
 - Law is supreme will of the State that applies only to the citizens of that nation
 - Don't question the law, just follow it
- **Historical Law School**
 - Emphasizes the evolutionary process of law, concentrates on the origins of t

ing cases

ederal and state statutes

aw, public policy, and social values

on at the time

the legal system

- Focus on precedent and stare Decisis and follow existing concepts
- **Legal Realism**
 - Hold that law is not simply a result of the written law, but the views of decisis
- **Classifications of Law**
 - Civil or Criminal
 - **Civil Law** defines the rights between individuals or individuals and gov
 - **Criminal Law** defines an individuals obligation to society as a whole
 - Substantive or Procedural
 - **Substantive** law defines or creates the rights and obligations of person
 - **Procedural** law talks about the steps or procedures one must follow to
 - Cyber Law
 - Applies to just about all legal issues including copyright, contracts, ban
 - Not a new type of law, but traditional legal rules applied to online tran
- **How to Read and Understand Case Law**
 - Legal cases are identified by a legal citation such as:
 - Apple, Inc. v. Amazon.com, Inc.
 - ___ F. Supp.2d ___, 2013 WL 11896 (2013)
 - Plaintiff (person doing the suing) is listed first
 - Federal case from 2013 found on Westlaw document #11896