

## 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.

# Legal Business Environment Study Guide

**Roger E. Meiners, Al H.  
Ringleb, Frances L. Edwards**



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