LAW

Rule of conduct enforced by controlling authority; provides order, stability, and justice.
Areas of Business Law

• Criminal Law
• Contract Law
• Law of Torts
Civil Law versus Criminal Law

• Civil Law—non-governmental corporation or individual files the lawsuit and becomes the plaintiff; burden of proof on the plaintiff.

• Criminal Law—Litigation filed by the government (prosecution); burden of proof on the state (government).
Litigation

Lawsuit; legal contest.
Plaintiff

A person who begins a lawsuit; complaining party.
Defendant

A person required to answer legal action or lawsuit.
Dispute

Conflict between 2 or more parties.
Conducting yourself in accordance with the rules or standards for right conduct or practice.
Crime

Committed or omitted act in violation of law; case decision relies on definitions within law.
Felony

• Serious crime for which punishment can be more than one year in prison or death

• Felony examples—murder, robbery, larceny/shoplifting, arson, burglary, embezzlement, receiving stolen goods, forgery, conspiracy, computer crimes, identity theft, phone crimes.
Misdemeanor

• Crime for which punishment is one year or less in jail and/or a fine.

• Examples—petty larceny/shoplifting, disorderly conduct.
Contract

A binding agreement between parties that creates legally enforceable duties or obligations.
Contractual Elements

• Mutual Consent—“meeting of the minds”
• Offer and Acceptance
• Mutual Consideration—exchange of something of value
• Performance or Delivery
• Good Faith
• No Violation of Public Policy
Tort

A civil (private) wrong, not arising out of contractual obligations, that a court will give a remedy in the form of an action or damages; relies on case decisions and existing elements that must be present.
Torts Examples

• Battery—intentional, unprivileged touching of a person by another.

• Assault—intentional, unlawful threat to cause bodily injury to another by force.

• Negligence--conduct that failed to use degree of care necessary for circumstances.
Tort Examples

• Infringement of copyrights, trademarks, and patents

• Copyright--a form of protection provided by U.S. laws to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works.
Tort Examples

• Trademark—a word, name, device, symbol, or combination used by a manufacturer or seller to distinguish product from another’s.

• Patent—grant entitling the patentee to prevent others from making, using, or selling the particular inventions, generally for a period of 20 years.
Tort Examples

• False imprisonment—restraining the movement of another person.

• Invasion of privacy—private information that is made public that is objectionable by that person.
Tort Examples

• Slander—spoken defamation of character of a person, business, or group, causing the entity to lose esteem of community.

• Libel—written false and malicious defamation printed for the purpose of harming an entity.

• Additional tort examples—emotional distress, trespassing, fraudulent marketing.
What kind of Lawyer would you want to be?

- Admiralty
- Aviation
- Bankruptcy
- Civil Rights
- Consumer
- Corporate
- Criminal
- Education
- Elder Law
- Employment
- Entertainment
- Family
- Employment
- Entertainment
- Family
- General Practice
- Mesothelioma
- Immigration
- Intellectual Property
- Labor Attorney
- Media
- Medical Malpractice
- Military Law
- Personal Injury
- Product Liability
- Real Estate
- Securities
- Taxation
- Toxic Torts
- Trusts, Estates, Wills & Probate
Sources of Law

- Constitutional Law
  Defined by U.S. Constitution

- Statutory Law
  Written law set down by a legislature

- Administrative Law
  Decision-making of administrative units of government

- Common Law
  Case law or precedent, developed by judges through their rulings
Levels of Law

- Federal Law
- State Law
- Local Law

- The higher level always supersedes the lower levels.