

Study Guide Exam 1 Business Law

Chapter 1

Basis of American law – Constitutions

- “The Constitution” usually refers to the United States Constitution, which governs entire U.S.
- All laws in the U.S. must comply with the U.S. Constitution since it is “*the supreme law of the land*”
 - Any statute (federal or state) that conflicts with U.S. Constitution is unconstitutional (invalid).
 - Any state statute that conflicts with federal statute is preempted (invalid).
- However, each state has its own state constitution, which often provides additional rights or an alternative way to have rights; *e.g.*, establishment of religion clause in recent “Ten Commandments” case in Oklahoma.
- Constitutions are usually generally worded and can even be vague.
- Two purposes for any constitution:
 - Create government powers/structure.
 - Guarantee individual rights.

Basis of American law –Statutes

- Laws created by federal, state and local legislatures.
- Also called ordinances, regulations and codes.
- Often very detailed.
- Many areas of law governed by statutes.

Basis of American law- Administrative Law

- Decisions and rules of federal, state and local administrative agencies.
- Important since many laws require a hearing by an administrative agency before being able to file a case in court.
- Since administrative agencies specialize in a certain field (*e.g.*, IRS, DMV), courts often give great deference to administrative agency’s decision so take administrative proceedings seriously.

Business Law Study Guide With Critical Legal Thinking

S Ben Porath



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