CH 1

Common Law- from the decisions of normal courts

Statutes: laws created by elected representatives in congress or a state legislature.

Administrative regulations: -agency power -not an elected body – like statutes -Business makes own rules

Priority rules: 1) Federal law > state law. 2) US const > State const > State law. 3) Treaties, older prevails. 4) Statutes> administrative regulation

5) statues and administrative regulation prevail over common state law

Precedents- stare decis

Civil Law- obligations that parties owe to one another

Substantive law: a law-making murder a crime. Procedural law: rules on how a trial operates.

Jurisprudence is the field of the general essence of law

Natural Law- righteous law

Ch 2

Trial courts: find facts, look at rule, make decision.

Jurisdiction: courts need subject matter and en personam.

-subject matter: is courts ability to decide the type of dispute involved. A breach of $500,000 cannot be in a small claims court.

-In Personam: only have jurisdiction over citizens. -Long arm: if they do business in that state, or commit a tort in that state,

Venue: “change of venue” -> if no fair trial

Federal Courts: 1) Over $75000 and 2) different states. Exclusive and Concurrent Jurisdiction

Summons and Pleadings: Complaint -> Answer

Motion to Dismiss -> Discovery: obtain facts and evidence from other party. -> Summary Judgement: decision on a relatively clear case before trial

Class Action Plaintiff is acting as a group

ADR: Settlement -Arbitration: 3rd party decides the case. – Mediation: 3rd party helps reach an agreement.

CH 6 Torts

1. Intent. 2. Recklessness. 3. Negligence. 4. Strict Liability.-liability without fault, risk is born by those who pursue it

Battery: Harm or offensive. 1) the intent to cause harm. 2) intent to cause apprehension. (transferred intent)

Assault: Intent of harm. Doesn’t have to actually occur

Intentional Infliction of Emotional Distress. Can only recover if there was an outrageous tort committed.

False Imprisonment: anything that prevents defendant from moving. Holds goods, threatens. Must have knowledge of entrapment.

Invasion of Privacy: Enter someone’s property. Give out disclosed info. False light. Commercial appropriation of name.

Private Nuisance: disturb ones peace on own land

CH 7

Negligence: 1) Defendant owed duty of care 2) breached that duty. 3) The breached caused plaintiff injury. -In foreseeability

Causation Link: -Actual cause: direct cause of injury, “but for” test -Proximate cause: how close injury is to the act. “foreseeability”

Res ipsa:  "the thing speaks for itself"

Defenses: -Assumption of risk -comparative negligence (less) -contributory negligence. Pure: recover no matter what. Mixed: at least 50%

Notes:

1. You cant receive noneconomic damages if it happened from negligence 2)