

Essay Questions

1. What is Probable Cause?

Probable cause is a requirement of the Fourth Amendment that must be met or exceeded "before police make an arrest, conduct a search, or receive a warrant." Probable cause exists when the courts believe that you can be reasonably certain that a crime was committed or that there is evidence of a crime that did commit in the place to searched.

Legal Information Institute. (n.d.). *Probable Cause*. Legal Information Institute. https://www.law.cornell.edu/wex/probable_cause.

2. What are Punitive Damages?

When damages are awarded to make someone whole, punitive damages are awarded on top. "Punitive damages are considered punishment and are typically awarded at the court's discretion when the defendant's behavior is found to be especially harmful." Punitive damages are usually only awarded when the crime was willfully committed, rather than committed in ignorance of the law.

Legal Information Institute. (n.d.). *Punitive damages*. Legal Information Institute. https://www.law.cornell.edu/wex/punitive_damages.

3. Explain the difference between a Chapter 7 and Chapter 13 bankruptcy proceeding?

In table form...

| | Chapter 7 | Chapter 13 |
|------------------------|---|--|
| Type | Liquidation: Any property that is not exempt is sold to cover debts. At the end, you owe the creditors nothing. | Reorganization: "you must pay creditors an amount equal to the nonexempt property value. In exchange, you pay back all or a portion of your debts through a repayment plan. The amount paid will depend on your income, expenses, and type of debt." |
| Who can file? | Individuals and businesses | Individuals |
| Eligibility | Low-income meeting the Chapter 7 Means Test | "Cannot Have More Than \$419,275 of Unsecured Debt or \$1,257,850 of Secured Debt (as of April 2019)" |
| How long to discharge? | 3-4 months | Upon completion of repayment |
| Benefits | Debtors can get a fresh start quickly by discharging qualifying debts | Debtors can keep their assets and catch up on missed debt payments |

Cara O'Neill, A. (2021, April 19). *What Are the Differences Between Chapter 7 and Chapter 13 Bankruptcy?* [www.nolo.com](https://www.nolo.com/legal-encyclopedia/what-is-the-difference-between-chapter-7-chapter-13-bankruptcy.html). <https://www.nolo.com/legal-encyclopedia/what-is-the-difference-between-chapter-7-chapter-13-bankruptcy.html>.

4. What is meant by the term "Discharge" in a bankruptcy proceeding?

"A bankruptcy discharge releases the debtor from personal liability for certain specified types of debts." Essentially, in a bankruptcy proceeding, "discharge" means that the debtor is no longer responsible for any debts that are discharged. Such an action is permanent and debtors are no longer able to collect or attempt to collect on the discharged debts.

Discharge in Bankruptcy - Bankruptcy Basics. United States Courts. (n.d.). <https://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics/discharge-bankruptcy-bankruptcy-basics>.

5. What is a "Negotiable Instrument", and name three (3) types of such instruments?

A "negotiable instrument" is an "unconditioned writing that promises or orders the payment of a fixed amount of money." There are two categories of instruments: drafts and notes. Drafts order a payment to be made and a note promises that a payment will be made. Certificates of deposit are notes while checks and money orders are drafts.

Legal Information Institute. (n.d.). *Negotiable instruments*. Legal Information Institute. https://www.law.cornell.edu/wex/negotiable_instruments.

6. What is the USMCA (hint: new version of NAFTA)? What countries are involved, and how do you feel about free trade as a general principle?

The United States-Mexico-Canada Agreement is a trade agreement that creates a “level playing field for American workers, including improved rules of origin for automobiles, trucks, other products, and disciplines on currency manipulation.” It benefits “farmers, ranchers, and agribusinesses by modernizing and strengthening food and agriculture trade in North America.” It also increases protections for intellectual property.

United States-Mexico-Canada Agreement. United States Trade Representative. (n.d.). <https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement>.

I think free trade is important to make sure that countries are able to import what they don't have and export excesses of what they do have. However, I also think there should be regulations on trade so that countries don't abandon their resources in favor of over-taxing low-cost international alternatives.

7. What is contained in an “Environmental Impact Statement”, and who must sign one?

An environmental impact statement (EIS) is a document “that outlines the impact of a proposed project on its surrounding environment.” These are mandated for some projects in the United States by federal law. EIS documents usually include a section about the proposed action and its purpose and need, a section that describes the affected environment, a section that provides alternatives to the proposed actions and a description of a no action alternative, and an analysis section. An EIS is signed off on by the governing authority for the project and the EPA.

What is an Environmental Impact Statement? American Bar Association. (n.d.). https://www.americanbar.org/groups/public_education/publications/teaching-legal-docs/teaching-legal-docs--what-is-an-environmental-impact-statement/.

8. What is “Insider Trading”?and why is it prohibited?

Insider trading is when someone who has inside knowledge of company operations trades that company's stock based on their inside information. Insider trading is prohibited because those people have an unfair advantage in the stock market and can use their knowledge to “game” the market.

Source: Prior knowledge

9. What is International Law, and how is it different from National Law?

International law is law that covers the interactions and relations of nations with each other, “as well as the relations between states and individuals, and relations between international organizations.” Some sources of international law are treaties and international conventions.

Legal Information Institute. (n.d.). *International law*. Legal Information Institute. https://www.law.cornell.edu/wex/international_law.

"National law, which is often referred to as domestic law, are those laws that exist "within" a particular nation (State). National laws are also recognized as the expression of the State itself, since it emanates from the local authority, which could be the law making institution, such as the United States Congress or the French Parliament."

Kingdom, H., Kingdom, H., 22, L. on F., 24, kuniole on F., 24, kekoa on F., 25, kuniole on F., 25, kekoa on F., 26, K. K. on F., 26, kekoa on F., 1, I. on M., & 12, K. K. on M. (2016, February 22). *The Difference between International Law and National Law*. Hawaiian Kingdom Blog. <https://hawaiiankingdom.org/blog/the-difference-between-international-law-and-national-law/>.

10. What is the "Doctrine of Foreign Immunity" as it relates to the dynamics between foreign entities?


The Doctrine of Foreign Immunity, or Sovereign Immunity, refers to how the government cannot be sued without its consent. This comes from British common law which had the idea that the King could do no wrong. "In the United States, sovereign immunity typically applies to the federal government and state government, but not to municipalities. Federal and state governments, however, have the ability to waive their sovereign immunity."

Legal Information Institute. (n.d.). *Sovereign immunity*. Legal Information Institute. https://www.law.cornell.edu/wex/sovereign_immunity.

Extra Credit

11. Explain at least three (3) measures you think the Federal government could implement to help business in the USA rebound from the negative impact of the Covid-19 pandemic.

1. Implement single-payer healthcare. In the US, health insurance is most commonly tied to your job. With the pandemic, many people lost their jobs and their insurance. During a pandemic, a health crisis, this is bad. Many people who would have needed treatment did not get it because they would not have coverage and could not afford to pay out of pocket. By moving to single-payer health insurance, overall health insurance costs go down while everyone is covered and able to get the care they need. This includes preventative care that will help people stay in good health so that if they do get COVID, it does not have as much of an effect.
2. Stop bailing out big business and pump cash into small businesses for employee pay. Big businesses grew and continue to grow at extraordinary rates and pay their executives billions each year while under-paying their employees. If such a business needs a bailout, it can be bought out by the federal government to become a national company such as Amtrak or the USPS. This will help the employees of the company and the federal government because it now has control of the profits. Boosting small businesses will help the communities directly and allow them to pay employees a living wage during an economic downturn.
3. Raise the minimum wage. With small business boosted, they'll be more willing to make the jump to paying a higher minimum wage. They'll be able to realize it's a sustainable model while they have government support like I said in point 2. Now that people are being paid more, they'll go



back out into the local economy, including those small business, and begin spreading the wealth back out. This will boost the economy further and allow the fed to withdraw support. In addition, because people are no longer relying on their jobs for health insurance, they'll feel more comfortable leaving bad jobs which will increase competition among employers and further raise wages and creating a positive cycle.