# Business Law

## January 28, 2013

* **Source of Law**
  + Constitutional Law
  + Statutory Law
  + Administrative Law
  + Case Law & Common Law Doctrine
* **Constitutional Law**
  + Gives state or U.S. the authority to act.
  + Two Clauses to Know
    - Supremacy Law – Any federal or state statute that violates the constitution is null and void. Article VI of the U.S. Constitution.
    - Commerce Clause – Article I Section 8. Gives the federal government the right to regulate interstate commerce and activities that effect interstate commerce. Activities that do not affect interstate commerce are passed onto to the state.
* **Statutory Law**
  + Commonly referred to as statutes. Come from congress at federal or state level. State statutory law varies state to state. Anybody can propose legislation. The bill can be introduced into the House of Representatives or senate or both simultaneously. Subject to political interest.
* **Administrative Law**
  + Laws that come from administrative agencies at the state and federal level.
  + An Agency can do:
    - Promulgates rules and regulations within it’s limitations.
    - Enforce those rules and regulations. May require periodic reporting. If they believe you are in violation they can impose fines or penalties. If you dispute the administrative agency you can go to an administrative law judge.
    - Tiered system, adjudicate disputes.
* **Common Law**
  + Comes from the judicial branch. You only have state common law. It obviously will vary state to state. You have to find the degree of control to see if they could of controlled the outcome in the case of whether or not a student should be able to retake a missed exam.
* **Definitions**
  + Lobbying – Advocating for a specific interest, or even a corporation through campaign contributions, perks, etc.
  + Most legal disputes are not good vs. evil or right vs. wrong but rather just opposing interests.
* **FIRAC**
  + Facts
  + Issue
  + Relevant Rule
  + Analysis/Argument
  + Conclusion