ALTERNATIVE TO MINDTAP HOMEWORK

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**CHAPTER ONE**

1. What are four primary sources of law in the United States?  
   U.S. Constitution,   
   Federal & State Statutes and local ordinances,  
   Administrative Rules and Regulations and Common law
2. What are some important differences between civil law and criminal law?  
   Civil defines and enforces the duties and obligations between individuals and business pursued by individuals, whereas criminal law is prosecuted by government on behalf of people.
3. What constitutional clause gives the federal government the power to regulate commercial activities among the various states?  
   Commerce Clause (Article I Section 8)
4. What is the Bill of Rights? What freedoms does the First Amendment guarantee?  
   NO First, Fifith, and Fourteenth Amendments make up the bill of rights. The first Amendment guarantees freedom of religion, speech, the press, assembly, and petition.
5. Where in the Constitution can the due process clause be found?  
   Fifth Amendment

**CHAPTER TWO**

1. What is judicial review? How and when was the power of judicial review established?A court's authority to examine an executive or legislative act and to invalidate that act if it is contrary to constitutional principles.  
     
   It was established in 1803 in the Marbury vs. Madison case.
2. How are the courts applying traditional jurisdictional concepts to cases involving Internet?  
   The courts are looking to see whether there is ongoing business activity involved in the location of the case. **Sliding scale minimum contacts**
3. What is the difference between the focus of a trial court and an appellate court?  
   Trial courts focus on questions of fact and appellate courts focus on questions of law.
4. What is discovery, and how does electronic discovery differ from traditional discovery?  
   Discovery is asking questions and is made up of Interrogatories, Request for Documents, Request for Admissions, and Depositions. What is ediscovery not answered
5. What are three alternative methods of resolving disputes?  
   Arbitration, Mediation, and Litigation and NEGOTIATION

**CHAPTER THREE**

1. What is defamation? Name two types of defamation.  
   It is the act of making untrue statements about another which damages his/her reputation. Two examples are libel, and slander.
2. Identify the four elements of negligence.  
   Duty of Care  
   Breaching of Duty  
   Breach causing injury  
   Breach causing loss of money THESE ARE THE SAME. CAUSATION IS THE FOURTH ELEMENT.
3. What is meant by strict liability? In what circumstances is strict liability applied?  
   Regardless whether damage was intentional, liability of damage is still granted. It's a legal principle applied to circumstances tort and criminal law. More specifically, it is applied when a consumer suffers damage from a product regardless whether the manufacturer knew about the problem of product that caused such damage. NOT REALLY. LOOK AT THIS MORE CAREFULLY GENERALLY DANGEROUS SITUATIONS
4. What are three types of product defects?  
   Design defects, manufacturing defects, and marketing defects
5. What defenses to liability can be raised in a product liability lawsuit?  
   Assumption of risk where it is established that the plaintiff took the risk is a possible defense. MISUSE AND ALTERATION OF PRODUCTS

**CHAPTER FOUR**

1. What is intellectual property?  
   Any product of an individual's mind
2. Why is the protection of trademarks important?  
   Gives COMPANIES ABILITY TO PROTECT THEIR PRODUCTION AND ADVERTISEMENTS consumers clear information of source of product
3. How does the law protect patents?  
   Injunction, Damages for Royalties, and Reimbursements of attorney fees and costs EXCLUSIVE USE
4. What laws protect authors’ rights in the works they create?  
   Copyright
5. What are trade secrets, and what laws offer protection for this form of intellectual property?  
   Trade secrets is information or a process that gives a company a competitive edge in a given market and extends to ideas and expressions.

**CHAPTER FIVE**

1. What is cybersquatting, and when is it illegal?  
   Registering, then selling a domain name similar in trademark to party that holds the trademark. Illegal when there is bad faith intent of selling a similar-in-name trademark domain name for profit to the one party that holds the trademark.
2. What steps have been taken to protect intellectual property rights in the digital age?  
   Digital Millenium Copyright Act was passed
3. When does the law protect a person’s electronic communications from being intercepted or accessed?  
   In general, it protects's in all cases that don't involve business-extension. The company that is entrusted with your communication can't give other third parties access under the Stored Communications Act.
4. What law governs whether Internet service providers are liable for online defamatory statements made by users?  
   Communications Decency Act
5. How do online retailers track their users’ Web browsing activities?  
   Use of cookies, and data collection

**CHAPTER SIX**

1. What two elements normally must exist before a person can be held liable for a crime?  
   Mens Rea and Actus Reus. In other words, Intent and act on intent.
2. What are five broad categories of crimes? What is white-collar crime?  
   Violent, property, public order, white collar, and organized crime  
   White-collar crime is any non-violent crimes involving a business transaction
3. What defenses can be raised to avoid liability for criminal acts?  
   Justifiable force, duress, necessity, insanity, entrapment, statute of limitations, mistake immunity
4. What constitutional safeguards exist to protect persons accused of crimes?  
   The Fifth Amendment's Due Process of Law, Double Jeopordy not allowed in same court system, and the right to not self-incriminate. Also, the Sixth and Egith Amendments protect with the right to a speedy trial, right to a jury, right to public trial, right to confront witness, right to counsel, and prohibition on cruel and unusual punishment.
5. How has the Internet expanded opportunities for identity theft?  
   Difficult to prosecute since criminal doesn't leave much evidence.

**CHAPTER SEVEN**

1. What is business ethics, and why is it important?  
   It's making judgement of what is right and wrong in doing business, and applying judgement in decision making.
2. How do duty-based ethical standards differ from outcome-based ethical standards?  
   Duty-based are followed from an authoritative source such as sources from religion, or the law, whereas outcome-based are standards followed by practicality.
3. What are five steps that a businessperson can take to evaluate whether his or her actions are ethical?  
   Reference ethics codes and compliance programs, public opinion and sentiment, personal morality,
4. How can business leaders encourage their companies to act ethically?  
   To commit to ethical practices so as to set a model to employees
5. What types of ethical issues might arise in the context of international business transactions?  
   Public Opinion may be concerned with different issues affecting ethical ways of judgement, and sources of duty-based ethical standards might be different too.

**CHAPTER EIGHT**

1. What are the four basic elements necessary to the formation of a valid contract?
2. How does a void contract differ from a voidable contract? What is an unenforceable contract?
3. What are the elements that are necessary for an effective acceptance?
4. How do shrink-wrap and click-on agreements differ from other contracts? How have traditional laws been applied to these agreements?
5. What is consideration? What is required for consideration to be legally sufficient?

**CHAPTER NINE**

1. Does a minor have the capacity to enter into an enforceable contract? What does it mean to disaffirm a contract?
2. Under what circumstances will a covenant not to compete be enforced? When will such covenants not be enforced?
3. What is an exculpatory clause? In what circumstances might exculpatory clauses be enforced? When will they not be enforced?
4. What is the difference between a unilateral and a bilateral mistake?
5. What contracts must be in writing to be enforceable?

**CHAPTER TEN**

1. What is an assignment? What is the difference between an assignment and a delegation?
2. How are most contracts discharged?
3. What is the standard measure of compensatory damages when a contract is breached? How are damages computed differently in construction contracts?
4. Under what circumstances is the remedy of rescission and restitution available?
5. What is a limitation-of-liability clause, and when will courts enforce it?

**CHAPTER ELEVEN**

1. If a contract involves both goods and services, does the UCC apply?
2. In a sales contract, if an offeree includes additional or different terms in an acceptance, will a contract result? If so, what happens to these terms?
3. What exceptions to the writing requirements of the Statute of Frauds are provided in Article 2 and Article 2A of the UCC?
4. If the parties to a contract do not expressly agree when risk passes and the goods are to be delivered without movement by the seller, when does risk pass?
5. What law governs contracts for the international sale of goods?

**CHAPTER TWELVE**

1. What are the respective obligations of the parties under a contract for the sale or lease of goods?
2. What is the perfect tender rule? What are some important exceptions to this rule that apply to sales and lease contracts?
3. What options are available to the non-breaching party when the other party to a sales or lease contract repudiates the contract prior to the time for performance?
4. What remedies are available to a seller or lessor when the buyer or lessee breaches the contract?
5. What implied warranties arise under the UCC?

**CHAPTER THIRTEEN**

1. When will advertising be deemed deceptive?
2. What information must be listed on the labels of food products?
3. What law protects consumers against contaminated and misbranded foods and drugs?
4. What does Regulation Z require, and how does it relate to the Truth-in-Lending Act?
5. What federal statute is aimed at preventing inaccurate credit reporting?

**CHAPTER FOURTEEN**

1. What requirements must an instrument meet to be negotiable?
2. How does the negotiation of order instruments differ from the negotiation of bearer instruments?
3. What are the requirements for attaining the status of a holder in due course (HDC)?
4. What is the difference between signature liability and warranty liability?
5. Name four defenses that can be used against an ordinary holder but are not effective against an HDC.

**CHAPTER FIFTEEN**

1. What type of check does a bank agree in advance to accept when the check is presented for payment?
2. When may a bank properly dishonor a customer’s check without being liable to the customer?
3. What duties does the Uniform Commercial Code impose on a bank’s customers with regard to forged and altered checks?
4. What is electronic check presentment, and how does it differ from the traditional check-clearing process?
5. What are the four most common types of electronic fund transfers?

**CHAPTER SIXTEEN**

1. What is required to create a security interest?
2. How does a mechanic’s lien assist creditors?
3. What are three ways for a debtor to avoid mortgage foreclosure?
4. In a Chapter 7 bankruptcy, what happens if a court finds that there was “substantial abuse”? How is the means test used?
5. What constitutes a preference in bankruptcy law? When is a trustee able to avoid preferential transfers?

**CHAPTER SEVENTEEN**

1. What is the difference between an employee and an independent contractor?
2. How do agency relationships arise?
3. What duties do agents and principals owe to each other?
4. When is a principal liable for the agent’s actions with respect to third parties? When is the agent liable?
5. What are some of the ways in which an agency relationship can be terminated?

**CHAPTER EIGHTEEN**

1. What is the employment-at-will doctrine?
2. Under the Family and Medical Leave Act, in what circumstances may an employee take family or medical leave?
3. What are the two most important federal statutes governing immigration and employment today?
4. What is required to establish a prima facie case of disparate-treatment discrimination?
5. What federal act prohibits discrimination based on age?

**CHAPTER NINTEEN**

1. What advantages and disadvantages are associated with the sole proprietorship?
2. What is meant by joint and several liability? Why is this often considered to be a disadvantage of doing business as a general partnership?
3. What advantages do limited liability partnerships offer to entrepreneurs that are not offered by general partnerships?
4. What are the key differences between the rights and liabilities of general partners and those of limited partners?
5. How are limited liability companies formed, and who decides how they will be managed and operated?

**CHAPTER TWENTY**

1. What is a close corporation?
2. What four steps are involved in bringing a corporation into existence?
3. In what circumstances might a court disregard the corporate entity (“pierce the corporate veil”) and hold the shareholders personally liable?
4. What are the duties of corporate directors and officers?
5. What is a voting proxy?

**CHAPTER TWENTY-ONE**

1. What is meant by the term securities?
2. What are the two major statutes regulating the securities industry?
3. What is insider trading? Why is it prohibited?
4. What are some of the features of state securities laws?
5. What certification requirements does the Sarbanes-Oxley Act impose on corporate executives?

**CHAPTER TWENTY-TWO**

1. What is a monopoly? What is market power? How do these concepts relate to each other?
2. What rule do courts apply to price-fixing agreements, and why?
3. What is the main type of activity prohibited by Section 2 of the Sherman Act?
4. What are the four major provisions of the Clayton Act, and what types of activities do these provisions prohibit?
5. What agencies of the federal government enforce the federal antitrust laws?

**CHAPTER TWENTY-THREE**

1. What is real property? What is personal property?
2. What are the three necessary elements for an effective gift?
3. What are the three elements of a bailment?
4. What are the basic duties of a bailee?
5. What is an insurable interest? When must an insurable interest exist?

**CHAPTER TWENTY-FOUR**

1. What is a fixture, and how does it relate to real property rights?
2. What is the difference between a joint tenancy and a tenancy in common?
3. What are the requirements for acquiring property by adverse possession?
4. What is contained in an environmental impact statement, and who must file one?
5. What are three main goals of the Clean Water Act?

**CHAPTER TWENTY-FIVE**

1. What is the principle of comity, and why do courts deciding disputes involving a foreign law or judicial decree apply this principle?
2. What is the act of state doctrine? In what circumstances is this doctrine applied?
3. Under the Foreign Sovereign Immunities Act, in what situations is a foreign state subject to the jurisdiction of U.S. courts?
4. What are some clauses commonly included in international business contracts?
5. What federal law allows U.S. citizens, as well as citizens of foreign nations, to file civil actions in U.S. courts for torts that were committed overseas?