

## 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 For A New Century Study Guide For

**D Keegan**



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## **Table of Contents Business Law For A New Century Study Guide For**

1. Understanding the eBook Business Law For A New Century Study Guide For
  - The Rise of Digital Reading Business Law For A New Century Study Guide For
  - Advantages of eBooks Over Traditional Books
2. Identifying Business Law For A New Century Study Guide For
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Business Law For A New Century Study Guide For
  - User-Friendly Interface
4. Exploring eBook Recommendations from Business Law For A New Century Study Guide For
  - Personalized Recommendations
  - Business Law For A New Century Study Guide For User Reviews and Ratings
  - Business Law For A New Century Study Guide For and Bestseller Lists
5. Accessing Business Law For A New Century Study Guide For Free and Paid eBooks
  - Business Law For A New Century Study Guide For Public Domain eBooks
  - Business Law For A New Century Study Guide For eBook Subscription Services
  - Business Law For A New Century Study Guide For Budget-Friendly Options

6. Navigating Business Law For A New Century Study Guide For eBook Formats
  - ePub, PDF, MOBI, and More
  - Business Law For A New Century Study Guide For Compatibility with Devices
  - Business Law For A New Century Study Guide For Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Business Law For A New Century Study Guide For
  - Highlighting and Note-Taking Business Law For A New Century Study Guide For
  - Interactive Elements Business Law For A New Century Study Guide For
8. Staying Engaged with Business Law For A New Century Study Guide For
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Business Law For A New Century Study Guide For
9. Balancing eBooks and Physical Books Business Law For A New Century Study Guide For
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Business Law For A New Century Study Guide For
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Business Law For A New Century Study Guide For
  - Setting Reading Goals Business Law For A New Century Study Guide For
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Business Law For A New Century Study Guide For
  - Fact-Checking eBook Content of Business Law For A New Century Study Guide For
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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