

THE LEGAL ENVIRONMENT TODAY

CHAPTER 1: LAW AND LEGAL REASONING

1. Basic steps in Legal Reasoning:

- **Issue:** What are the key fact and issues?
 - + Plaintiff bị đơn (người kiện)
 - + Defendant bị kiện (người bị kiện)
- **Rule:** What rule of law applies to the case?
 - + Use **Stare Decisis**: judges are obligated to follow the precedents established within their jurisdictions (Dựa vào những vụ kiện tương tự trước đó để đưa ra phán quyết)

CHAPTER 2: COURTS AND ALTERNATIVE DISPUTE RESOLUTION

1. Basic Judicial Requirement:

- **Jurisdiction** (Quyền thực thi pháp lý): Court's authority to hear and decide the case
 - + **Jurisdiction over Persons or Property:**
 - Authority to decide dispute involving *persons or business that resides in the court's geographic area*
 - **Long arm statutes (36):**
 - A court can exercise personal jurisdiction over certain out-of-state defendants based on *activities that took place within the state*.
 - The court must be *convinced* that the defendant had sufficient contacts, or *minimum contacts*, with the state to justify the jurisdiction.
 - A state may exercise personal jurisdiction over a nonresident defendant who is sued for breaching a contract that was formed within the state
 - **Corporate Contacts (37):**
 - A corporation normally is subject to personal jurisdiction *in the state in which it is incorporated, has its principal office, and is doing business* (such as advertising or selling products)
 - A corporation is subject to jurisdiction only in states where it does *such substantial and continuous business* that is "*at home*" in that state. The court *look at the amount of business* the corporation does within the state relative to the amount it does elsewhere.
 - + **Jurisdiction over Subject Matter:** a limitation on the types of cases a court can hear
- Trial court's subject matter jurisdiction can be limited by:

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1. Understanding the eBook Study Guide Legal Environment Today
 - The Rise of Digital Reading Study Guide Legal Environment Today
 - Advantages of eBooks Over Traditional Books
2. Identifying Study Guide Legal Environment Today
 - 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 Study Guide Legal Environment Today
 - User-Friendly Interface
4. Exploring eBook Recommendations from Study Guide Legal Environment Today
 - Personalized Recommendations
 - Study Guide Legal Environment Today User Reviews and Ratings
 - Study Guide Legal Environment Today and Bestseller Lists
5. Accessing Study Guide Legal Environment Today Free and Paid eBooks
 - Study Guide Legal Environment Today Public Domain eBooks
 - Study Guide Legal Environment Today eBook Subscription Services
 - Study Guide Legal Environment Today Budget-Friendly Options

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 - ePub, PDF, MOBI, and More
 - Study Guide Legal Environment Today Compatibility with Devices
 - Study Guide Legal Environment Today Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Study Guide Legal Environment Today
 - Highlighting and Note-Taking Study Guide Legal Environment Today
 - Interactive Elements Study Guide Legal Environment Today
8. Staying Engaged with Study Guide Legal Environment Today
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Study Guide Legal Environment Today
9. Balancing eBooks and Physical Books Study Guide Legal Environment Today
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Study Guide Legal Environment Today
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Study Guide Legal Environment Today
 - Setting Reading Goals Study Guide Legal Environment Today
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Study Guide Legal Environment Today
 - Fact-Checking eBook Content of Study Guide Legal Environment Today
 - 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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