

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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Adamson



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