

Employment Law Study Guide

Chapter 1 Section 1-7

Section 1.1 Introduction to Law:

Purpose and Function of Law

Law: A binding set of rules for human behavior established by legitimate authority. The purpose and function of law is to:

- Prevent undesirable, or promote desirable behavior
- Facilitate for private arrangements between individuals
- Settle private and public disputes
- Determine procedures for changing law
- Regulate the institutions of state to protect individual freedom
- Keep peace
- Remedy social injustice
- Facilitate planning
- Provide for the orderly change in government

Common Law and Precedent

U.S law is based on the English and American common law, which consist of opinions of judges in cases covering hundreds of years.

- **Precedent:** a controlling rule, example or guide established by a judge that provides a framework for other judges to follow in later cases.

-**Stare decisis:** Latin for (let the decision stand) the doctrine of a court following the precedent of an earlier court.

Supreme Law of the Land: The Constitution

Every law in the land must comply with the provisions of the Constitution, or that law is void.

Judicial Review: The power of the Supreme Court to consider whether a law complies with the Constitution.

Main Functions of the Constitution

It first establishes the three branches of the federal government and allocates the divisions of powers between them. Second and most importantly as it pertains to employment law the Constitution enumerates fundamental rights- the Bill of Rights- of citizens and protects them from the government's ability to restrict those rights.

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