

BUSINESS LAW



AGENCY

Principal-agent	Agent may replace principal • Agent acts on own discretion
Employer-employee	Employer's right to manage employee's physical conduct
Employer-independent contractor	Contractor is not an employee • No control over details of physical performance

PRINCIPAL-AGENT

Agreement	Formed by express consent or implied from conduct
Revocation	Principal, by act or agreement, ceases conduct of third person who acted outside authority
Estoppel	Principal causes third person to act on the belief that another person is the agent
Operation of law	Social duty or emergency where principal not available

TERMINATION OF AGENCY

Act of the parties	Lapse of time • Purpose achieved • Mutual revocation • Termination by one party
Operation of law	Death or insanity • Impossibility • Changed circumstances • Bankruptcy • War between trading countries

AGENT'S AUTHORITY

Express	Expressly given to agent
Implied	Custom, or position of the agent through principal's actions
Apparent	Principal's conduct leads third party to follow agent

CARELESSNESS

Contracts	Principal bound where agent has authority • Agent bound by express agreement • Agent contracts without authority
Agent's torts	Principal's own tortious conduct • Principal authorizes tortious conduct • Doctrine of respondent superior • Managementism
Independent	Employer not liable
Contractor's torts	Except negligent activities
Agent's crimes	Employer not liable
Subagent's acts	Principal is liable where authority exists

PARTNERSHIP

- Uniform Partnership Act governs the operation of partnerships in absence of express agreements
- Association of two or more persons acting as co-owners of business

CREATION OF PARTNERSHIP

Intent	Consent of parties involved
Formalities	Oral, written, or implied by conduct
Duration	Term or at will
Capacity	Legally capable
Estoppel	Third party liability

TAX STATUS

- Partners are taxed on proportional shares of income; taxes include accumulated & distributed earnings
- Proportionate share of capital gain; no tax on exempt income which is received from item
- Partnership plan may vary (for example, 100% self-employment tax required)
- No exemption for payments to partner's beneficiaries; not subject to state taxes

DISSOLUTION OF PARTNERSHIP

- Death of partner(s)
- Either partner may end it; winding up requires notice
- Bankruptcy, and so on

TYPES OF PARTNERSHIPS

General	Created by mutual agreement of parties involved • Not treated as entity (limited partners) • Unlimited debt liability • Equal management unless agreement states otherwise • Capital contribution set by agreement
Limited	Comply with statutory requirements • One or more general partners, and one or more limited partners • Limited partners not involved in management • Liable for contribution amount only

SOLE PROPRIETORSHIP

- Created at will by the owner
- Owner is the business; not separate entity
- Duration depends on owner; dissolved upon death
- Transfer of interest ends individual's ownership
- Management at owner's discretion
- Unlimited liability
- Owner pays personal taxes on business income
- Generally no limit on out-of-state business transactions

PRIVATE FRANCHISE

- Distributorship, chain-style business, or manufacturing/processing plant
- Agreement: Franchisee pays for license • Serves specific territory by franchisor's firm • Purchases goods from franchisor • Abides by standards • Conditions provided for in franchise • Retail price of goods cannot change

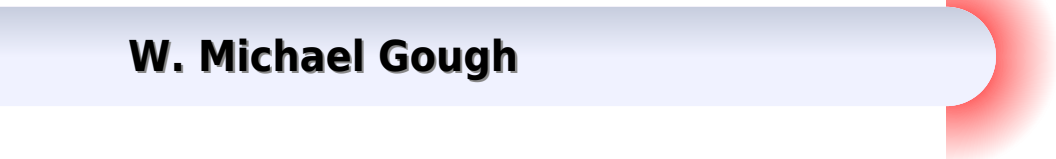
COMMON DUTIES

Duty of Care	Discharged in good faith with care in reasonable manner • Best interests of business entity • Liability limited to gross negligence or willful misconduct
Duty of Loyalty	Intrinsic, dispassionate • Top selling business opportunities • Protect confidential information

Notes: Please be advised that this chart does not account for jurisdictional differences • It is an informational tool that should be supplemented by more comprehensive materials and/or professional legal counsel

Guide To Business Law

W. Michael Gough



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Study Guide for Business Law Today, the Essentials Roger LeRoy Miller, Gaylord A. Jentz, 1999-07-12 This study guide provides a chapter by chapter review of Business Law Today The chapter by chapter review offers the following for each chapter of the text Key point covered in each chapter Brief chapter introduction Chapter outline True false questions Fill in questions Multiple choice questions Short essay problems Issue spotters Answers to all of the questions and issue spotters are found in a separate appendix at the end of the Study Guide a section entitled Uniform CPA Business Law Examination Information [The Complete Idiot's Guide to Business Law](#) Cara C. Putman, 2009 Presents information on the basics of business law covering such topics as business ethics government regulations partnerships contracts sale of goods agency law real property law and financial law **A Student's Guide to Business Law** , [Business Law Guide to Germany](#) , 1988 Handbook of legal and commercial policies of conducting business in Germany Explains rules and procedures and covers a wide range of business law topics e g sales conditions consumer protection customs and antidumping duties commercial intermediaries taxation accounting and auditing etc It includes developments at an international level *A Basic Guide to International Business Law* Harm Wevers, 2021-05-26 A Basic Guide to International Business Law aims to give students an understanding as well as practical knowledge of legal problems arising in the area of international business and to equip them with the skills needed to prevent and tackle these problems All Chapters employ the same didactic structure Introductory case studies examples annotated case law glossaries diagrams summaries and exercises are all designed to familiarize students quickly with relevant aspects of international business law A Basic Guide to International Business Law deals with the following topics Introduction to International Private Law and European Law Legal aspects of negotiations International contracts matters of jurisdiction and the law applicable to these contracts International contracts

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