Instructor Manual

Miller, Business Law Today – Comprehensive Edition: Text and Cases 13e 2022, 9780357634783; Chapter 4: Courts and Alternative Dispute Resolution

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# Purpose and Perspective of the Chapter

The purpose of this chapter is for students to understand court systems in the United States, and the various methods of dispute resolution. Since almost all businesspersons will experience a lawsuit at some time in their careers, students will learn that apart from litigation, alternative methods of dispute resolution are available outside the courts.

# Cengage Supplements

The following product-level supplements provide additional information that may help you in preparing your course. They are available in the Instructor Resource Center.

* Transition Guide (provides information about what’s new from edition to edition)
* Test Bank (contains assessment questions and problems)
* Solution and Answer Guide (offers textbook solutions and feedback)
* PowerPoint (provides text-based lectures and presentations)
* Guide to Teaching Online (provides technological and pedagogical considerations and resources for teaching online)
* MindTap Educator Guide (describes assets in the MindTap platform with a detailed breakdown of activities by chapter with seat time)

# Chapter Objectives

The following objectives are addressed in this chapter:

1. Differentiate between types of jurisdiction in state and federal courts.
2. Define venue and standing.
3. Define arbitration, negotiation, and mediation.
4. Describe the benefits of alternative dispute resolution.
5. Identify the types of claims are best settled by alternative dispute resolution.
6. Identify when a mandatory arbitration clause may be struck down.

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# Key Terms

**Alternative dispute resolution (ADR)**: the resolution of disputes in ways other than those involved in the traditional judicial process, such as negotiation, mediation, and arbitration.

**Answer**: procedurally, a defendant’s response to the plaintiff’s complaint.

**Arbitration**: the settling of a dispute by submitting it to a disinterested third party (other than a court), who renders a decision.

**Arbitration clause**: a clause in a contract that provides that, in the event of a dispute, the parties will submit the dispute to arbitration rather than litigate the dispute in court.

**Award**: the monetary compensation given to a party at the end of a trial or other proceeding.

**Bankruptcy court**: a federal court of limited jurisdiction that handles only bankruptcy proceedings, which are governed by federal bankruptcy law.

**Brief**: a written summary or statement prepared by one side in a lawsuit to explain its case to the judge.

**Complaint**: the pleading made by a plaintiff alleging wrongdoing on the part of the defendant; when files with a court, the complaint initiates a lawsuit.

**Concurrent jurisdiction**: jurisdiction that exists when two different courts have the power to hear a case.

**Counterclaim**: a claim made by a defendant in a civil lawsuit against the plaintiff; in effect, the defendant is suing the plaintiff.

**Default judgment**: a judgement entered by a court against a defendant who has failed to appear in court to answer or defend against the plaintiff’s claim.

**Deposition**: the testimony of a party to a lawsuit or a witness taken under oath before a trial.

**Discovery**: a method by which the opposing parties obtain information from each other to prepare for trial.

**Diversity of citizenship**: a basis for federal court jurisdiction over a lawsuit between citizens of different states, or between a U.S. citizen and a citizen of a different country.

**Docket**: the list of cases entered on a court’s calendar and thus scheduled to be heard by the court.

**E-evidence**: a type of evidence that consists of computer-generated or electronically recorded information.

**Exclusive jurisdiction**: jurisdiction that exists when a case can be heard only in a particular court or type of court.

**Federal question**: a question that pertains to the U.S. Constitution, an act of Congress, or a treaty, and provides a basis for federal jurisdiction in a case.

**Interrogatories**: a series of written questions for which written answers are prepared by a party to a lawsuit, usually with the assistance of the party’s attorney, and then signed under oath.

**Judicial review**: the process by which a court decides on the constitutionality of legislative enactments and actions of the executive branch.

**Jurisdiction**: the authority of a court to hear and decide a specific case.

**Justiciable controversy**: a controversy that is not hypothetical or academic but real and substantial; it is a requirement that must be satisfied before a court will hear a case.

**Litigation**: the process of resolving a dispute through the court system.

**Long-arm statute**: a state statute that permits a state to exercise jurisdiction over nonresident defendants.

**Mediation**: a method of settling disputes outside the courts by using the services of a neutral third party, who acts as a communicating agent between the parties and assists them in negotiating a settlement.

**Metadata**: Data that are automatically recorded by electronic devices and provide information about who created a file and when, and who accessed, modified, or transmitted the file; it can be described as data about data.

**Motion for a directed verdict**: a motion for the judge to take the decision out of the hands of the jury and to direct a verdict for the party making the motion on the ground that the other party has not produced sufficient evidence to support a claim.

**Motion for a new trial**: a motion asserting that the trial was so fundamentally flawed (because of error, newly discovered evidence, prejudice, or another reason) that a new trial is necessary to prevent a miscarriage of justice.

**Motion for judgement *N.O.V*. (non obstante veredicto)**: a motion requesting the court to grant judgment in favor of the party making the motion on the ground that the jury’s verdict was unreasonable and erroneous.

**Motion for judgment on the pleadings**: a motion by either party to a lawsuit at the close of the pleadings requesting the court to decide the issue solely on the pleadings without proceeding to trial; the motion will be granted only if no facts are in dispute.

**Motion for summary judgment**: a motion requesting the court to enter a judgement without proceeding to trial; the motion can be based on evidence outside the pleadings and will be granted only if no facts are in dispute.

**Motion to dismiss**: a pleading in which a defendant admits the facts as alleged by the plaintiff but asserts that the plaintiff’s claim to state a cause of action has no basis in law.

**Negotiation**: a process in which parties attempt to settle their dispute informally, with or without attorneys to represent them.

**Online dispute resolution (ODR)**: the resolution of disputes with the assistance of organizations that offer dispute-resolution services via the Internet.

**Pleadings**: statements by the plaintiff and the defendant that detail the facts, charges, and defenses of a case.

**Probate court**: a state court of limited jurisdiction that conducts proceedings relating to the settlement of a deceased person’s estate.

**Question of fact**: in a lawsuit, an issue that involves only disputed facts, and not what the law is on a given point.

**Question of law**: in a lawsuit, an issue involving the application or interpretation of a law.

**Reply**: procedurally, a plaintiff’s response to a defendant’s answer.

**Rule of four**: a rule of the United States Supreme Court under which the Court will not issue a writ of *certiorari* unless at least four justices approve of the decision to issue the writ.

**Service of process**: the delivery of the complaint and summons to a defendant.

**Small claims court**: a special court in which parties can litigate small claims without an attorney.

**Standing to sue**: the legal requirement that an individual must have a sufficient stake in a controversy in order to bring a lawsuit.

**Summary jury trial (SJT)**: a method of settling disputes by holding a trial in which the jury’s verdict is not binding but instead guides the parties toward reaching an agreement during the mandatory negotiations that immediately follows.

**Summons**: a document informing defendants that a legal action has been commenced against them, and that they must appear in court on a certain date to answer the plaintiff’s complaint.

**Venue**: the geographic district in which a legal action is tried, and from which the jury is selected.

***Voir dire***: a part of the jury selection process in which the attorneys question prospective jurors about their backgrounds, attitudes, and biases to ascertain whether they can be impartial jurors.

**Writ of *certiorari***: a writ from a higher court asking a lower court for the record of a case.

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# What's New in This Chapter

The following elements are improvements in this chapter from the previous edition:

* New chapter-opening scenario on class-action lawsuits
* 1 New Numbered Case Example:
  + on diversity of citizenship based on 2020 case
* New Ethical Issue*: Should the law require discovery on third-part litigation funding?*
* 1 New Case
* *Oxford Tower Apartments, LP v. Frenchie’s Hair Boutique* (2020) – On an appellate court’s review of a trial court record between a landlord and a tenant.

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# Chapter Outline

*In the outline below, each element includes references (in parentheses) to related content. “PPT Slide #” refers to the slide number in the PowerPoint deck for this chapter (provided in the PowerPoints section of the Instructor Resource Center). Introduce the chapter and review objectives for Chapter 04. (PPT Slide 3).*

**I. 04-1 The Judiciary’s Role in American Government (PPT Slides 5-6)**

* 1. **Judicial Review**
  2. **The Origins of Judicial Review in the United States**

**II. 04-2 Basic Judicial Requirements (PPT Slides 7-21)**

1. **Jurisdiction**
   * 1. Before any court can hear a case, it must have jurisdiction over the person or company against whom the suit is brought (the defendant) or over the property involved in the suit. The court must also have jurisdiction over the subject matter of the dispute
        1. Jurisdiction over Persons or Property
           1. A court with jurisdiction over a particular geographic area can exercise personal jurisdiction (*in personam* jurisdiction) over any person or business that resides in that area. A state trial court, for instance, normally has jurisdictional authority over residents (including businesses) in a particular area of the state, such as a county or district. A state’s highest court (often called the state supreme court) has jurisdiction over all residents of that state.

Long-Arm Statutes

A court can exercise personal jurisdiction over certain out-of-state defendants based on activities that took place within the state.

**Spotlight Case Example 4.2** Xbox

Corporate Contacts

A corporation normally is subject to personal jurisdiction in the state in which it is incorporated, has its principal office, and is doing business. Courts apply the minimum-contacts test to determine if they can exercise jurisdiction over out-of-state corporations.

**Case Example 4.3** Norfolk Southern Railway Company

* + 1. Jurisdiction over Subject Matter
       1. Jurisdiction over subject matter is a limitation on the types of cases a court can hear.
    2. Original and Appellate Jurisdiction
       1. Any court having original jurisdiction is known as a trial court. Courts having appellate jurisdiction act as reviewing courts, or appellate courts.
    3. Jurisdiction of the Federal Courts
       1. Federal courts have subject-matter jurisdiction in two situations.
          1. Federal Questions

Whenever a plaintiff’s cause of action is based, at least in part, on the U.S. Constitution, a treaty, or a federal law, then a federal question arises, and the federal courts have jurisdiction.

* + - * 1. Diversity of Citizenship

Common type of diversity jurisdiction requires the plaintiff and defendant to be residents of different states and the dollar amount in controversy must exceed $75,000.

**Case Example 4.4** Elijah Ratcliff

* + 1. Exclusive versus Concurrent Jurisdiction
       1. When both federal and state courts have the power to hear a case, as is true in lawsuits involving diversity of citizenship, concurrent jurisdiction exists.

1. **Jurisdiction in Cyberspace**
   * 1. The Internet’s capacity to bypass political and geographic boundaries undercuts the traditional basis on which courts assert personal jurisdiction.
        1. The “Sliding-Scale” Standard
           1. Determined when the exercise of jurisdiction over an out-of-state defendant is proper.

**Case Example 4.5** Dr. Arthur Delahoussaye

* + - 1. International Jurisdictional Issues
         1. Most courts indicate that minimum contacts are enough to compel a defendant to appear. The effect of this standard is that a business firm has to comply with the laws in any jurisdiction in which it targets customers for its products. This situation is complicated by the fact that many countries’ laws on particular issues—such as free speech—are very different from U.S. laws.

1. ***Knowledge Check Video Activity (1) PPT Slide: 2 ½ minute(s) total (5 minutes with discussion and review of answer).*** *Tests students’ knowledge of the five stages of trial. After answer is provided, review with students each of the five stages. Include a discussion about what instructions a judge may give to a jury.*
2. **Venue**
   * 1. Concerned with the most appropriate physical location for a trial.
3. **Standing to Sue**
   * 1. The party that files the action in court has a legally protected interest at stake in the litigation. The party bringing the lawsuit must have suffered a harm, such as physical injury or economic loss, as a result of the action that will be the focus of the lawsuit.
        1. **Case Example 4.6** Harold Wagnor

**III. 04-3 The State and Federal Court Systems (PPT Slides 22-26)**

1. **The State Court Systems**
   * 1. No two state court systems are exactly the same.
        1. Trial Courts
           1. Trials are held and testimony taken.
        2. Appellate, or Reviewing, Courts
           1. Three or more judges reviews the record of the case on appeal, which includes a transcript of the trial proceedings, and determines whether the trial court committed an error.

Focus on Questions of Law

Concerns the application or interpretation of the law.

Defer to the Trial Court’s Findings of Fact

Appellate courts normally defer (give significant weight) to a trial court’s findings on questions of fact, because the trial court judge and jury are in a better position to evaluate testimony.

* + - 1. Highest-State Courts
         1. Usually called the supreme court.

**Example 4.7** First Amendment issue

1. **The Federal Court System**
   * 1. The federal court system is basically a three-tiered model.
        1. U.S. District Courts
           1. U.S. district courts have original jurisdiction in federal matters. Federal cases typically originate in district courts.
        2. U.S. Courts of Appeals
           1. Hear appeals from the federal district courts located within their respective judicial circuits.
        3. The United States Supreme Court
           1. Highest level of the three-tiered model of the federal court system.

Appeals to the Supreme Court

To bring a case before the Supreme Court, a party requests that the Court issue a writ of certiorari.

Petitions Granted by the Court

When cases raise important constitutional questions, or when the lower courts are issuing conflicting decisions on a significant issue.

**IV. 04-4 Following a State Court Case (PPT Slides 27-38)**

1. **The Pleadings**
   * 1. The pleadings inform each party of the other’s claims, and specify the issues (disputed questions) involved in the case.
        1. The Plaintiff’s Complaint
           1. Complaints may be lengthy or brief, depending on the complexity of the case and the rules of the jurisdiction.
        2. Service Process
           1. Courts must have proof that the defendant was notified of the lawsuit.

Method of Service

Depends on the rules of the court or jurisdiction in which the lawsuit is brought.

**Case Example 4.8** Minor Child

Waiver of Formal Service of Process

When the defendant is aware that a lawsuit is being filed and is willing to waive (give up) the right to be served personally.

* + - 1. The Defendant’s Answer
         1. Either admits the statements or allegations set forth in the complaint, or denies them and outlines any defenses that the defendant may have.
      2. Motion to Dismiss
         1. Requests the court to dismiss the case for stated reasons.

**Case Example 4.9** Espresso Disposition Corporation 1

* 1. **Pretrial Motions**
     1. Either party may attempt to get the case dismissed before trial through the use of various pretrial motions.
  2. **Discovery**
     1. Before a trial begins, each party can use a number of procedural devices to obtain information and gather evidence about the case from the other party or from third parties.
        1. Depositions and Interrogatories
           1. Discovery can involve the use of depositions (sworn testimonies), interrogatories (written questions), or both.

**Case Example 4.10** Construction Laborers Trust Funds for Southern California Administrative Company

* + - 1. Requests for Other Information
         1. A party can serve a written request on the other party for an admission of the truth on matters relating to the trial. Any matter admitted under such a request is conclusively established for the trial.
      2. Electronic Discovery
         1. Any relevant material, including information stored electronically, can be the object of a discovery request.

E-Discovery Procedures

Must usually hire an expert to retrieve evidence in its electronic format. The expert uses software to reconstruct e-mail exchanges and establish who knew what and when they knew it. The expert can even recover files that the user thought had been deleted from a computer.

Advantages and Disadvantages

Back-up copies of documents and e-mail can provide useful—and often quite damaging—information about how a particular matter progressed over several weeks or months. E-discovery can uncover the proverbial smoking gun that will win the lawsuit. Many companies have found it challenging to fulfill their duty to preserve electronic evidence from a vast number of sources. Failure to do so, however, can lead to sanctions and even force companies to agree to settlements that are not in their best interests.

* 1. **Pretrial Conference**
     1. The purpose of the hearing is to explore the possibility of a settlement without a trial, and if this is not possible, to identify the matters that are in dispute and to plan the course of the trial.
  2. **Jury Selection**
     1. During *voir dire* in most jurisdictions, attorneys for the plaintiff and the defendant ask prospective jurors oral questions to determine whether a potential jury member is biased, or has any connection with a party to the action or with a prospective witness. In some jurisdictions, the judge may do all or part of the questioning based on written questions submitted by counsel for the parties.
  3. **At the Trial**
     + 1. Opening Arguments and Examinations of Witness
          1. At the beginning of the trial, the attorneys present their opening arguments, setting forth the facts that they expect to prove during the trial.
       2. Closing Arguments and Awards
          1. After the defense concludes its presentation, the attorneys present closing arguments supporting their clients.
  4. **Posttrial Motions**
     1. A motion for judgment *n.o.v*. (which means “notwithstanding the verdict”) *as a matter of law* in the federal courts can be made along with a motion for a new trial, asking the judge to set aside the adverse verdict and to hold a new trial. The motion will be granted if, after looking at all the evidence, the judge is convinced that the jury was in error but does not feel that it is appropriate to grant judgment for the other side.
  5. **The Appeal**
     1. In order to appeal, the party must have a valid claim that the lower court committed an error.
        1. Filing the Appeal
           1. Attorneys file the record on appeal with the appellate court.
        2. Appellate Review
           1. The appellate court reviews the record for errors of law.
        3. Appeal to a Higher Appellate Court
           1. If the reviewing court is an intermediate appellate court, the losing party may decide to appeal to the state supreme court.
  6. **Enforcing the Judgment**
     1. Uncertainties of the litigation process are compounded by the lack of guarantees that any judgment will be enforceable. Even if a plaintiff wins an award of damages in court, the defendant may not have sufficient assets or insurance to cover that amount.

**V. 04-5 Courts Online (PPT Slides 39-40)**

1. Electronic Filing
   * 1. Some state and federal courts allow parties to file litigation-related documents with the courts via the Internet or other electronic means.
2. Cyber Courts and Proceedings
   * 1. Eventually, litigants may be able to use cyber courts, in which judicial proceedings take place only on the Internet. The parties to a case could meet online to make their arguments and present their evidence. Cyber proceedings might use e-mail submissions, video cameras, designated chat rooms, closed sites, or other Internet facilities. The promise of these virtual proceedings is greater efficiency and lower costs.

**VI. 04-6 Alternative Dispute Resolution (PPT Slides 41-52)**

1. **Negotiation**
   * 1. The simplest form of alternate dispute resolution is negotiation, in which the parties attempt to settle their dispute informally, with or without attorneys to represent them.
2. **Mediation**
   * 1. In mediation, a neutral third party acts as a mediator and works with both sides in the dispute to facilitate a resolution.
        1. **Example 4.12** Mark and Charles
3. **Arbitration**
   * 1. An arbitrator (a neutral third party or a panel of experts) hears a dispute and imposes a resolution on the parties.
        1. The Arbitrator’s Decision
           1. The arbitrator’s decision is called an award, and is usually the final word on the matter.
        2. Arbitration Clauses
           1. Clause saying that any dispute that arises under the contract will be resolved through arbitration rather than through the court system.
        3. Arbitration Statutes
           1. Most states have statutes under which arbitration clauses will be enforced.

**Case Example 4.13** Cox Communications

* + - 1. The Issue of Arbitrability
         1. The court decides whether the matter is one that must be resolved through arbitration.
      2. Mandatory Arbitration in the Employment Context
         1. The United States Supreme Court has held that mandatory arbitration clauses in employment contracts are generally enforceable.
  1. **Other Types of ADR**
     1. Newer types of alternate dispute resolutions are:
        1. Early Neutral Case Evaluation
        2. Mini-Trial
        3. Summary Jury Trials
  2. **Providers of ADR Services**
     1. Services are provided by both government agencies and private organizations.
  3. **Online Dispute Resolution**
     1. Increasing number of companies and organizations are offering services using the Internet using online forums.
        1. **Example 4.15** Cybersettle.com

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# Discussion Questions

You can assign these questions several ways: in a discussion forum in your LMS; as whole-class discussions in person; or as a partner or group activity in class.

1. **Discussion – The Judiciary’s Role in American Government (PPT Slides 5-21). Duration 20 Minutes.**
2. **If a corporation is incorporated in Delaware, has its main office in New York and does business in California, but its president lives in Connecticut, in which state(s) can it be sued?** 
   1. Delaware, New York, and California—a corporation is subject to the jurisdiction of the courts in any state in which it is incorporated, in which it has its main office, or in which it does business.
3. **Why might a defendant prefer to be sued in one state rather than in another?** 
   1. The law, and the circumstances in which the law is applied, vary from state to state. These factors might favor a particular defendant’s position in one state over another.
4. **When can a court exercise jurisdiction over a party whose only connection to the jurisdiction is via the Internet?** 
   1. One way to phrase the issue is when, under a set of circumstances, there are sufficient minimum contacts to give a court jurisdiction over a remote party. If the only contact is an ad on the Web originating from a remote location, the outcome to date has generally been that a court cannot exercise jurisdiction. Doing considerable business online, however, generally supports jurisdiction. The “hard” cases are those in which the contact is more than an ad but less than a lot of activity.
5. **Should a plaintiff be required to serve a defendant with a summons and a copy of a complaint more than once? Why, or why not?** 
   1. More than one service is not more likely to receive a re­sponse. Besides, it would be unfair to the plaintiff to require more than one service. For example, a plaintiff who has provided evidence that a person authorized to receive mail on behalf of a corporation in fact received an item that was mailed to an officer of the corporation should not be held responsible for any failure on the part of the corporate defendant to effectively distribute that mail. If a mailed summons actually reached the individual to be served, would that be sufficient to establish valid service, even if the summons was not addressed correctly or was signed for by someone who did not have the authority to do so? Probably. If a plaintiff can provide evidence that a corporate officer or an agent for service of process actually received a summons, this would likely be sufficient to establish that the plaintiff substantially effected service.
6. **What are the advantages of effecting service of process via e-mail?** 
   1. The chief advantages are lower cost and faster process. Any businessperson who is involved in litigation will benefit—through lower legal costs—by saving time and cost resulting from service by e-mail. The legal profession, the court systems, and other plaintiffs will also realize the cost-saving advantages of effecting processing services over the Internet. Federal Rules of Civil Procedure permit service by e-mail in certain circumstances, but generally, a party will have to obtain a court’s permission.
7. **Discussion – The State and Federal Court Systems (PPT Slides 21-38). Duration 15 Minutes.**
8. **When may a federal court hear a case?** 
   * 1. Federal courts have jurisdiction in cases in which federal questions arise, in cases in which there is diversity of citizenship, and in some other cases. When a suit involves a question arising under the Constitution, a treaty, or a federal law, a federal question arises. When a suit involves citizens of different states, a foreign country and an American citizen, or a foreign citizen and an American citizen, diversity of citizenship exists. In diversity suits, there is an additional requirement—the amount in controversy must be more than $75,000. Federal courts have exclusive jurisdiction in cases involving federal crimes, bankruptcy, patents, and copyrights; they also have jurisdiction in suits against the United States, and in some areas of admiralty law.
9. **What are the advantages of discovery?**
10. Discovery saves time by preserving evidence, narrowing the issues, preventing surprises at trial, and avoiding a trial altogether in some cases. A trial might also be avoided if no facts are in dispute, and only questions of law are at issue. Either party then files a motion for summary judgment.
11. **After a trial, a court issues a judgment that includes a grant of relief for the plaintiff, but the relief is not as much as the plaintiff wanted. Neither the plaintiff nor the defendant is satisfied with this result. Who can appeal to a higher court?**
12. Either a plaintiff or a defendant, or both, can appeal a judgment to a higher court. An appellate court can affirm, reverse, or remand a case, or take any of these actions in combination. To appeal successfully, it is best to appeal on the basis of an error of law, because appellate courts do not usually reverse on findings of fact.
13. **Discussion – Courts Online (PPT Slides 39-40). Duration 5 Minutes.**
14. **What is a court’s docket? Does the Supreme Court post opinions online?**
15. The United States Supreme Court has an official website and publishes its opinions there immediately after they are announced to the public. In fact, even decisions that are designated as “unpublished” opinions by the appellate courts are usually published (posted) online.
16. **Discussion – Alternative Dispute Resolution (PPT Slides 41-52). Duration 10 Minutes.**
17. **What is the principal difference between negotiation and mediation?**
18. The major difference between negotiation and mediation is that mediation involves the presence of a third party called a mediator. The mediator assists the parties in reaching a mutually acceptable agreement. The mediator talks face to face with the parties, and allows them to discuss their disagreement in an informal environment. The mediator’s role, however, is limited to assisting the parties. The mediator does not decide a controversy; he or she only aids the process by helping the parties more quickly find common ground on which they can begin to reach an agreement for themselves.
19. **What is arbitration?**
20. The process of arbitration involves the settling of a dispute by an impartial third party (other than a court) who renders a legally binding decision. The third party who renders the decision is called an arbitrator. Arbitration combines the advantages of third-party decision making—as provided by judges and juries in formal litigation—with the speed and flexibility of rules of procedure and evi­dence less rigid than those governing courtroom litigations.

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# Additional Activities and Assignments

1. **MindTap** – Why Does Jurisdiction Matter to Me?
   1. Online auto-graded activities connect the upcoming chapter to an authentic, real-world scenario designed to pick engagement and emphasize relevance. Consists of 1 multiple choice question in each.
2. **MindTap** – Learn It: Jurisdiction; Arbitration, Negotiation, and Mediation; Steps of a Trial; Post-Trial Motions
   1. Online auto-graded activities that review foundational concepts presented in this chapter, and assesses students’ comprehension of the topics. Consists of 2 multiple choice questions in each.
3. **MindTap** – Check Your Understanding: Courts and ADR
   1. Online auto-graded activity that assesses students’ foundational knowledge of the concepts presented in this chapter. Consists of 10 multiple choice questions.
4. **MindTap** – Case Problem Analysis: Jurisdiction
   1. Online auto-graded activity that first walks students through a fact pattern, and then asks them to answer similar questions with slight variations in the fact pattern. Consists of approximately 5 fill-in-the-blank questions.
5. **MindTap** – Brief Hypotheticals: Courts
   1. Online auto-graded activity that presents 5 fact patterns in which students are asked to apply the concepts of the chapter, and to come up with a legal conclusion. Consists of 5 multiple choice questions.

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# Additional Resources

## Cengage Video Resource

* MindTap Quick Lesson Video:
  + The Stages of a Trial. Duration 2:19 minutes.
  + Alternative Dispute Resolution (ADR). Duration 1:48 minutes.

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