

Chapter 1: Sources of Law & Systems of Justice

1. The first ten amendments to the United States Constitution are called the

- a) federalist papers
- b) bedrock law
- c) Bill of Rights
- d) Articles of Confederation

Answer: c

2. The three branches of the U.S. government are the

- a) administrative, operational, and treasury
- b) legislative, executive, and judicial
- c) city/county, state, federal
- d) military, commercial, educational

Answer: b

3. Which of the following is the term for the final analysis of executive and legislative actions?

- a) writ of mandamus
- b) statutory law
- c) common law
- d) judicial review

Answer: d

4. The authority of appellate courts to exercise judicial review can be traced back to which landmark case?

- a) *Marbury v. Madison* (1803)
- b) *Texas v. Johnson* (1989)
- c) *New York Times v. Sullivan* (1964)
- d) *Roe v. Wade* (1973)

Answer: a

5. Where is the “Supremacy Clause” found?

- a) Communications Act of 1934
- b) United States Constitution
- c) Declaration of Independence
- d) Articles of Confederation

Answer: b

6. Common Law refers to the

- a) legal system of precedents developed by rulings by judges and court decisions
- b) legal rulings decided by executive action
- c) legal system decided by legislative action
- d) legal system that is only applied to the common man

Answer: a

7. A *landmark ruling* refers to a
- a) case concerning a property dispute
 - b) decision that upholds a precedent
 - c) decision that establishes a new legal principle
 - d) case that is invalid

Answer: c

8. *Stare decisis* refers to the
- a) legal doctrine that judges are bound to follow precedent in deciding similar cases
 - b) law put in place by an executive order
 - c) plea of “no contest” in a criminal proceeding
 - d) process of a bill becoming a law

Answer: a

9. Which of the following is an example of injunctive relief?
- a) court order to pay money for damages incurred
 - b) court order to remain a certain distance away from a person
 - c) court order that bans the sale of a product
 - d) court order that finds an act as obscene

Answer: b

10. Federal agencies have legal authority to
- a) decide appeals to rule enforcement
 - b) enforce rules
 - c) draft rules
 - d) all of the above

Answer: d

11. Which of the following would *not* be heard in criminal court?
- a) case involving a speeding ticket
 - b) case involving a property dispute
 - c) case involving an armed robbery
 - d) case involving embezzlement

Answer: b

12. Which of the following is not a part of the pre-trial phase of a criminal case?
- a) depositions
 - b) entering of a plea
 - c) attorneys review evidence
 - d) verdict

Answer: d

13. Which of the following is a part of the post-trial phase of a civil case?
- a) arraignment
 - b) sentencing
 - c) awarding of damages
 - d) continuance

Answer: c

14. A civil wrong involving a breach of duty to someone else, resulting in foreseeable harm is a
- a) tort
 - b) demurrer
 - c) voir dire
 - d) Miranda warning

Answer: a

15. Which of the following is an example of punitive damages?
- a) money awarded based on loss of reputation
 - b) money awarded to punish the defendant
 - c) money awarded for lost wages
 - d) money awarded to compensate for invasion of privacy

Answer: b

16. Which of the following could be a ruling by a court of appeals?
- a) guilty or innocent
 - b) trial court verdict upheld or reversed
 - c) nolo contendere
 - d) stare decisis

Answer: b

17. Which one is a good reason for the U.S. Supreme Court voting to hear a case on appeal?
- a) because it has heard a similar case recently
 - b) because it is a controversial issue deserving attention
 - c) because it needs to give guidance to the lower courts on an issue
 - d) because the justices wish to write a new law

Answer: c

18. A formal written order by the Supreme Court to review a lower court's decision is called a
- a) per curiam order
 - b) memorandum order
 - c) stare decisis
 - d) writ of certiorari

Answer: d

19. How many justices sit on the U.S. Supreme Court?
- a) seven
 - b) eight
 - c) nine
 - d) eleven

Answer: c

20. Which of the following is not a part of a case brief?
- a) issue
 - b) writ
 - c) ruling
 - d) facts

Answer: b

21. Attorneys in most states are required to stay abreast of changes in the law by
- a) watching Court TV
 - b) serving as jurors
 - c) reading the newspaper
 - d) continuing their education

Answer: d

22. Which one has the authority to strike down a flawed law and set precedent for the rule of law?
- a) President of the United States
 - b) United States Congress
 - c) United States Supreme Court
 - d) all of the above

Answer: c

True/False – Hypothetical Items

1. Congressman Hugh Jim Bissell gets legislation passed by the congress (and signed by the president) to make it a crime for minors under 18 to ever say the word “whatever” with sarcastic intent. Law enforcement agencies will enforce the law, but if the law’s constitutionality is questioned, the U.S. House of Representatives will decide whether such a law is constitutional.

Answer: False. Early in our nation’s history, the Supreme Court asserted its authority of judicial review. Courts decide whether laws are constitutional, but only once they’ve been challenged.

2. Aaron de Tires believes that his employer has violated his First Amendment rights of free expression. He files suit in the district court, and goes to trial with his complaint. He loses at trial, but decides to take his case to the state court of appeals, but de Tires loses there. He appeals to the state supreme court, and then loses one more time. So he’s out of any further appeals at this point.

Answer: False. As long as Mr. de Tires has raised a Constitutional question (the First Amendment) in the trial court, Aaron has the right to appeal to the U.S. Supreme Court. Of course the Supremes do not have to take his case, but he has the right to appeal.

3. Anne Archist is an atheist with a flair for dramatic protest. She decides to burn the Bible, the Quran, and the U.S. flag in protest of religion. Ms. Archist might be able to get away with burning religious literature, but the law prohibits her from treating the U.S. flag with disrespect.

Answer: False. State and federal laws prohibiting flag burning as a form of protest were struck down twice by the U.S. Supreme Court. Flag burning, and even burning religious books are all forms of protected free expression.

4. The town of Silentium passes an anti-noise ordinance limiting the hours when noise can be made at the public park including speeches. This is not an uncommon rule in certain areas, but in this case it applies only to Silentium’s park. And because its scope is so limited, anyone wishing to challenge the ordinance may do so only by arguing it stands in conflict with other state laws.

Answer: False. Any local law is subservient to state and federal law. An anti-noise ordinance could possibly be found unconstitutional for conflicting with the First Amendment if its restrictions go too far.

5. Dan Sirr is a photographer for tabloid magazines. He springs out of bushes, jumps from cars, and pops up in windows to take pictures of celebrities. He's not just annoying – he's a threat to public safety due to his reckless acts. Sirr has been pursuing celebrity Eva Distraction, who files suit to stop him. He appears before the judge, but there is no common law (precedent) or statutory act on the matter. Without such guidance, the judge has no authority to restrict Dan's actions.

Answer: False. The law of equity gives the judge authority to “make right” situations such as this. The judge could issue an injunction or otherwise restrict Dan's actions.

6. The Federal Communications Commission is one of many federal administrative agencies created by the U.S. Congress and as such, the FCC is responsible for enforcing the rules that Congress creates regarding electronic media. The FCC is not empowered to make its own rules, but only to carry out those rules created by Congress.

Answer: False. While it is true that the FCC must carry out the rules created by Congress, the FCC also has the authority to create regulations, as long as those rules are consistent with the rules created by Congress.

7. Phyllis Stine is somewhat of a gossip who can say harmful things about people she doesn't even know. Some of the things Stine says are in fact libelous to their reputations. Sam Airatan decides to sue Phyllis for false statements she made harming his good name. If Airatan wins his case against her, the judge can actually throw Stine in jail under the civil tort of defamation.

Answer: False. Jail is for crimes, not for torts. The judge could fine Stine but not send her to jail.

8. Will Toowin is the defense attorney in a murder trial. Sherman Tank is a prospective juror. Toowin can't put his finger on it, but there's just something about Tank he doesn't like -- so the attorney would like to keep him off the jury. Yet attorneys can only have a prospective juror dismissed if they can provide the judge with a legitimate reason for not seating a particular juror.

Answer: False. While reasons must be given for prospective jurors dismissed for cause, attorneys have a limited number of peremptory challenges that they can use to dismiss jurors without giving any reason.

9. No need to go into all the details, but let's assume famous reporter Ray Gunn has invaded the privacy of a leading citizen. Once the court determines that Ray is liable for this offense, it must then assign the appropriate punishment. Assuming there is a fine involved, the court will be limited to fining Ray for the **actual damages** caused by his privacy violation - no more, no less.

Answer: False. A court might decide to award actual damages (the amount of the harm done), but it could also decide to go far beyond that and award punitive or exemplary damages to the defendant, especially if the court is trying to “send a message” about Ray's irresponsible behavior.