

Chapter 01: Introduction to Law

True / False

1. Both Supreme Court Justice Oliver Wendell Holmes and William Blackstone, an English jurist, defined law as “rules of civil conduct prescribed by the supreme power of a state, commanding what is right and prohibiting what is wrong.”

- a. True
- b. False

ANSWER:

False

2. Laws are always based on moral concepts.

- a. True
- b. False

ANSWER:

False

3. Substantive law establishes the rules for enforcing rights that exist in a society.

- a. True
- b. False

ANSWER:

False

4. Under the Federal Constitution, federal statutes and treaties are paramount to State constitutions.

- a. True
- b. False

ANSWER:

True

5. Usual remedies granted in a criminal case include compensation for the victim.

- a. True
- b. False

ANSWER:

False

6. The law does not change; it is based on unchanging and universal truths.

- a. True
- b. False

ANSWER:

False

7. Sanctions are the means by which the law enforces the decisions of the courts.

- a. True
- b. False

ANSWER:

True

8. A private citizen may bring a criminal action against an individual for breaking a criminal law.

- a. True
- b. False

ANSWER:

False

9. The doctrine of *stare decisis* does not allow the common law to change.

Chapter 01: Introduction to Law

- a. True
- b. False

ANSWER: False

10. In nearly every jurisdiction in the United States, courts of common law and courts of equity have combined into a single court that administers both systems of law.

- a. True
- b. False

ANSWER: True

11. Laws that are enacted by legislatures are called statutes.

- a. True
- b. False

ANSWER: True

12. The Uniform Commercial Code is a federal law that applies to commercial transactions among the states.

- a. True
- b. False

ANSWER: False

13. Laws passed by Congress are the supreme law of the land in the United States and take precedence over the U.S. Constitution.

- a. True
- b. False

ANSWER: False

14. The final arbiter as to the constitutionality of laws passed by Congress or by the legislature of a state is the Supreme Court of the United States.

- a. True
- b. False

ANSWER: True

15. Decisions in state trial courts generally are reported or published.

- a. True
- b. False

ANSWER: False

16. The principle of *stare decisis* precludes courts from changing any decisions they previously announced.

- a. True
- b. False

ANSWER: False

17. Under the principle of *stare decisis*, the U.S. Supreme Court must follow a rule of law applied by a district court (federal trial court) in a prior decision involving a similar issue.

Chapter 01: Introduction to Law

- a. True
- b. False

ANSWER: False

18. The primary function of law is to regulate the economy.

- a. True
- b. False

ANSWER: False

19. Business law topics such as contracts, agency, property, and trusts are governed primarily by the common law.

- a. True
- b. False

ANSWER: True

20. The law is pervasive, and it is in part prohibitory and in part mandatory.

- a. True
- b. False

ANSWER: True

21. If the state of Minnesota negotiates with the Canadian government on issues involving acid rain and eventually reaches an agreement with Canadian officials, this is a valid treaty under the U.S. Constitution.

- a. True
- b. False

ANSWER: False

22. In the United States, treaties are not subject to judicial review.

- a. True
- b. False

ANSWER: False

23. The party bringing a civil lawsuit must prove the case by a preponderance of the evidence.

- a. True
- b. False

ANSWER: True

24. The primary function of law is to preserve the state.

- a. True
- b. False

ANSWER: False

25. Business law is primarily public law.

- a. True
- b. False

ANSWER: False

Chapter 01: Introduction to Law

26. Decisions of State courts of appeals are published in consecutively numbered volumes known as "reports."

- a. True
- b. False

ANSWER:

True

27. The terms "law" and "justice" are interchangeable.

- a. True
- b. False

ANSWER:

False

28. The President of the United States has the authority to issue laws.

- a. True
- b. False

ANSWER:

True

Multiple Choice

29. In the common law system of the United States, a crime is defined as:

- a. a private wrong that necessitates litigation between the victim and the perpetrator.
- b. any act or omission prohibited by the government and made punishable in a judicial proceeding brought by the government.
- c. litigation where the injured party sues to recover compensation for the damages and injury sustained as a result of the defendant's wrongful conduct.
- d. interstate compacts and the rules and regulations of federal and state agencies.

ANSWER:

b

30. What is the supreme law of the land in the United States?

- a. Federal statutes
- b. The Uniform Commercial Code (UCC)
- c. The common law
- d. The U.S. Constitution

ANSWER:

d

31. Statutory law is:

- a. not well suited for making drastic or comprehensive changes, thus its importance as a source of law has diminished since the end of the nineteenth century.
- b. the primary source of law for such business law topics as contracts, agency, property, and trusts.
- c. a primary source of new law and ordered social change in the United States.
- d. created by legislatures, which are less likely to repeal prior enactments than courts are likely to overrule prior decisions.

ANSWER:

c

32. The courts are likely to provide remedies in all but which of the following cases?

Chapter 01: Introduction to Law

- a. A person refuses to return your friend's book.
- b. A passerby refuses to help rescue a drowning woman.
- c. A person pushes a man into the lake.
- d. A person does not drive carefully on a busy street.

ANSWER:

b

33. Which one of the following is true of a suit brought under criminal law?

- a. It must be brought by private party.
- b. It is brought on the ground of private interests.
- c. Proof of guilt must be "by a preponderance of the evidence."
- d. Conviction may result in imprisonment.

ANSWER:

d

34. Sources of federal law include all but which of the following?

- a. Rules of administrative agencies
- b. Decisions of federal courts
- c. Executive orders of the President of the United States
- d. Hearings before the Senate

ANSWER:

d

35. Name the two American jurists who defined law in a functional sense as predictions of the way that a court will decide specific legal questions.

- a. Roscoe Pound and Alexander Hamilton
- b. Blackstone and Austin
- c. Roscoe Pound and Benjamin Cardozo
- d. Oliver Wendell Holmes and Benjamin Cardozo

ANSWER:

d

36. The separation of powers involves the:

- a. Federal judiciary, the Congress, and federal executive branch.
- b. federal House of Representatives and the federal Senate.
- c. executive branches at the federal, state, and local levels.
- d. court systems at the federal, state and local levels.

ANSWER:

a

37. The law is a combination of:

- a. prohibitory, mandatory, and permissive.
- b. mandatory, mundane, and mediocre.
- c. permissive, passive, and meditative.
- d. prohibitory, malevolent, and mandatory.

ANSWER:

a

38. What is the fundamental law of a particular level of government?

Chapter 01: Introduction to Law

- a. Restatement of law
- b. Executive order
- c. Constitution
- d. Code

ANSWER:

c

39. When an act or omission prohibited by public law in the interest of protection of the public, is made punishable by the government, we are dealing with:

- a. rescission
- b. a sanction
- c. a crime
- d. a maxim

ANSWER:

c

40. The courts in law systems such as the one in the United States have developed a body of law that serves as precedent for determination of later controversies. This is sometimes called:

- a. previous law.
- b. common law.
- c. equity law.
- d. administrative law.

ANSWER:

b

41. In a court of equity, a chancellor could issue an order compelling a defendant to do or refrain from doing a certain act. This order is called:

- a. a judgment.
- b. a decree.
- c. *stare decisis*.
- d. rescission.

ANSWER:

b

42. The branch of public law that deals with the various regulatory functions and activities of the government is:

- a. criminal law.
- b. administrative law.
- c. constitutional law.
- d. substantive law.

ANSWER:

b

43. Which branch of law specifically enumerates certain liberties of the people and establishes governmental structure?

- a. Judicial
- b. Legislative
- c. Administrative
- d. Constitutional

ANSWER:

d

Chapter 01: Introduction to Law

44. The person who files or commences a civil lawsuit is known as the:

- a. plaintiff.
- b. prosecuting attorney.
- c. defendant.
- d. attorney general.

ANSWER:

a

45. Which law has expanded enormously its scope in the past century because of the increasing complexity of the social, economic, and industrial life of the nation?

- a. Common law
- b. Administrative law
- c. Procedural law
- d. Equitable law

ANSWER:

b

46. A court order requiring that a person do or refrain from doing a specified act is known as a(n):

- a. injunction.
- b. maxim.
- c. statute.
- d. executive order.

ANSWER:

a

47. The three distinct and independent branches of the United States government are the:

- a. executive branch, the House of Representatives, and the U.S. Senate.
- b. federal judiciary, the House of Representatives, and the U.S. Senate.
- c. federal judiciary, the Congress, and the executive branch.
- d. state government, the Congress, and the executive branch.

ANSWER:

c

48. What are the orderly compilations of the general common law of the United States, prepared by a distinguished group of lawyers, judges, and law professors called?

- a. Statutes
- b. Executive Orders
- c. Maxims
- d. Restatements of Law

ANSWER:

d

49. The sources of law in the American legal system include all EXCEPT which of the following?

- a. State administrative regulations
- b. Executive orders
- c. Resolutions passed by the United Nations
- d. Federal legislation

Chapter 01: Introduction to Law

ANSWER:

c

50. Which of the following is a common purpose of the civil and criminal law?

- a. Compensation
- b. Rehabilitation
- c. Deterrence
- d. Punishment

ANSWER:

c

51. Which of the following is characteristic of a common law legal system?

- a. It relies heavily on the inquisitorial method for settling disputes.
- b. It depends heavily on comprehensive legislative enactments called Codes.
- c. It applies the principle of *stare decisis*.
- d. It is based on Roman law.

ANSWER:

c

52. The area of public law that creates the most rules and decides the most controversies is:

- a. criminal law.
- b. judicial law.
- c. legislative law.
- d. administrative law.

ANSWER:

d

53. Which of the following is NOT considered to be a common law remedy?

- a. Specific performance
- b. Injunction
- c. Reformation
- d. Money damages

ANSWER:

d

54. Which of the following is true about the equity courts?

- a. They have developed a body of law known as "case law."
- b. They provided remedies not available in the common law system.
- c. They provided for trials by jury.
- d. They evolved by applying the principle of *stare decisis*.

ANSWER:

c

55. The doctrine of *stare decisis* means that:

- a. the common law has not been able to evolve in a stable and predictable manner.
- b. certain decisions cannot be appealed.
- c. courts adhere to and rely on rules of law that they or superior courts announced and applied in prior similar decisions.
- d. courts are not allowed to correct erroneous decisions or choose among conflicting precedents.

Chapter 01: Introduction to Law

ANSWER:

c

56. Which of the following is correct with regard to treaties in the United States legal system?

- a. They have no legal effect.
- b. Under the U.S. Constitution they must be signed by the President and approved by the U.S. Senate.
- c. They have no effect on business law.
- d. They must be approved by the States before they have the force of law.

ANSWER:

b

57. Which of the following is correct regarding the decisions of State trial courts?

- a. They are generally not reported.
- b. They are reported in regional reports.
- c. They are reported in State court reports.
- d. They are binding upon higher courts based upon the principle of *stare decisis*.

ANSWER:

a

58. The law that creates, defines, and regulates legal rights and obligations is known as:

- a. substantive law.
- b. procedural law.
- c. constitutional law.
- d. criminal law.

ANSWER:

a

59. Which of the following is correct regarding the English courts of equity?

- a. They were presided over by the king.
- b. They could only award money damages.
- c. They could issue a decree ordering a defendant to do or refrain from doing a specific act.
- d. They issued rulings only when a court of common law had refused to do so.

ANSWER:

c

60. Which amendment to the U.S. Constitution makes it clear that the enumeration of rights found in the Constitution does not in any way deny or limit other rights that the people retain?

- a. First Amendment
- b. Tenth Amendment
- c. Twelfth Amendment
- d. Ninth Amendment

ANSWER:

d

61. The party who files an appeal is the:

- a. appellant.
- b. appellee.
- c. defendant.
- d. plaintiff.

Chapter 01: Introduction to Law

ANSWER:

a

Multiple Response

62. The functions of law are several. Choose three answers.

- a. To maintain stability in the social, political, and economic system
- b. To permit change
- c. To enforce morality
- d. To protect an owner's use of property and facilitate voluntary agreements

ANSWER:

a, b, c

63. Contract law and property law can be classified as what types of law? Choose two answers.

- a. Substantive law
- b. Procedural law
- c. Public law
- d. Private law

ANSWER:

a, d

64. Criminal law has many purposes. Choose three answers.

- a. Compensation
- b. Deterrence
- c. Punishment
- d. Preservation of peace

ANSWER:

b, c, d

65. Identify the sources of law subordinate to Federal statutes. Choose two answers.

- a. U.S. Constitution
- b. Treaties
- c. State constitutions
- d. State statutes

ANSWER:

c, d

66. Courts of equity provided remedies that were not available in common law courts. Choose three answers.

- a. Specific performance
- b. Injunction
- c. Reformation
- d. Money damages

ANSWER:

a, b, c

67. Identify the true statements regarding the Uniform Commercial Code (UCC). Choose two answers.

- a. The UCC is a state statute.
- b. The Code is an example of a proposed uniform law.
- c. The UCC is the paramount law in every state when it comes to certain commercial contracts.

Chapter 01: Introduction to Law

d. One of the UCC's purposes is to simplify, clarify, and modernize the law governing commercial transactions.

ANSWER: b, d

68. Identify the true statements regarding executive orders. Choose two answers.

- a. Executive orders are remedies issued by state courts in equity.
- b. Executive orders are remedies issued by federal courts in equity.
- c. The President of the United States has the power to issue executive orders.
- d. The governors of most States have the power to issue executive orders.

ANSWER: c, d

69. A case litigated in a state trial court is titled "*Blue v. Berry*." Identify the two roles that Berry plays in this case based on the appearance of their name in the title. Choose two answers.

- a. Party to the case
- b. Plaintiff
- c. Defendant
- d. Appellant

ANSWER: a, c

Essay

70. Explain the relationship between rights and duties under the law.

ANSWER: A right is the capacity of a person, with the aid of the law, to require another person(s) to perform, or to refrain from performing, a certain act. A duty is the obligation the law imposes upon a person to perform, or to refrain from performing, a certain act. Duty and right are correlatives: no right can rest upon one person without a corresponding duty resting upon some other person or, in some cases, upon all other persons.

71. Explain what *stare decisis* is and discuss its place in the American legal system.

ANSWER: *Stare decisis* is the principle that courts should apply rules that they or superior courts applied in prior, substantially similar cases. This principle is followed in the American legal system to allow the common law to evolve in a stable, predictable manner.

72. List the various kinds or sources of American law and discuss how they interrelate to form the system of law in the United States.

ANSWER: The sources of American law include the U.S. Constitution and the constitutions of the various states; judicial decisions in precedent-setting cases, the common law that has developed over centuries; statutes passed by Congress and by state legislatures; ordinances passed by local legislative bodies such as city councils; treaties; executive orders; and administrative rules or regulations adopted by Federal and State administrative agencies. Constitutions are the supreme law. Federal statutes and treaties are paramount to State constitutions and statutes, and State constitutions and statutes are paramount to local ordinances. Administrative rules and regulations and executive orders of the president have the force of law.

73. Discuss the various definitions of law by legal scholars and explain the relationship between law and morality and between law and justice.

ANSWER: Numerous philosophers and jurists (legal scholars) have attempted to define law. American jurists and Supreme Court Justices Oliver Wendell Holmes and Benjamin Cardozo defined law as predictions of the way a court will decide specific legal questions. On the other hand, the English jurist William Blackstone

Chapter 01: Introduction to Law

defined law as "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right, and prohibiting what is wrong." Roscoe Pound, a distinguished American jurist and former dean of the Harvard Law School, described law as having multiple meanings including the legal order, the aggregate of legal precepts, and the judicial process. Law and morality can be viewed as intersecting circles, but they are not concentric. Each includes some common area, but they are not exactly the same. Law and justice are separate and distinct concepts. Without law, there can be no justice, but law is no guarantee of justice.

74. Explain the function of law and what accounts for the increased number of laws that exist today.

ANSWER: The primary function of law is to maintain stability in the social, political, and economic system while simultaneously permitting change. Other functions are protection of property, dispute resolution, facilitation of voluntary agreements, and preservation of the state. Many factors and opinions can be cited by students. In general, the complexity of today's society accounts for the increase in law, especially the statutory and administrative law.

75. Differentiate between the terms *civil law* and *civil law systems*.

ANSWER: Civil law *systems* depend on comprehensive legislative enactments called codes and the inquisitorial method of adjudication. The "civil law" defines duties the violation of which constitutes a wrong against the party injured by the violation.