

Student name: _____

Much of the origins of the law dealt with issues related to _____.

When the United States Supreme Court formally recognized its role in achieving equality for all Americans during the civil rights movement, it was following a _____ philosophy.

Attorneys who work for a company and are part of the executive or midlevel management team are specifically referred to as _____ counsel.

Attorneys, particularly in a business context, are also referred to as _____.

Measures of judicial action intended to compensate an injured party in a civil lawsuit are known as _____.

Equitable rules intended to be broad statements of rules that are based on notions of fairness and justice are referred to as equitable _____.

A judicial opinion is also referred to as the _____ of the case.

A collection of uniform legal principles focused on a particular area of traditional state law is called *The _____ of the Law*.

Trial lawyers from outside firms, often selected by general counsel when a particular field of expertise is needed, are referred to as _____.

_____ are recognized as binding between two parties even though no specific statute or regulation provides for the rights of the parties.

Jurisprudence is roughly defined as the science and philosophy of law.

true

false

Law today is crucial to business by creating some degree of reliability to be used in business planning, commercial transactions, and promoting good faith dealing among merchants and consumers.

true

false

It is less common for states to amend their constitutions than it is for Congress to amend the U.S. Constitution.

true

false

A presidential veto may be overridden by a two-thirds majority vote of the Senate.

true

false

Most schools of jurisprudential thought center on the government's role in creating the law.

true

false

Courts routinely question and overturn administrative agency decisions involving how and when an agency enforces a regulation.

true

false

The power of courts to establish law in matters not specifically addressed by statutes is very limited in common law countries.

true

false

Equitable remedies are available to compensate injured parties in both civil and criminal lawsuits.

true

false

Most states have combined courts of law and equity.

true

false

A statute of limitations determines the maximum and minimum amounts of monetary relief that may be granted in different types of civil lawsuits.

true

false

The purpose of secondary sources of law is to increase uniformity and fairness across courts in the 50 states.

true

false

A single wrongful act may violate civil law or criminal law but cannot violate both simultaneously.

true

false

A zoning law that regulates what a landowner may or may not do with his or her privately owned property is an example of a public law.

true

false

Laws requiring that the police show reasonable cause and obtain a search warrant before entering a place of business to search for evidence are examples of substantive laws.

true

false

Criminal law allows a party to be compensated for money lost as a result of another's unlawful conduct.

true

false

Statutes and ordinances are examples of private laws that provide for the rights of parties involved in private or business transactions, such as contracts for services.

true

false

Criminal law can be characterized as public law but can never be considered private law.

true

false

Freedom of speech, as defined in the Constitution, is an example of substantive law.

true

false

Restatements of the Law are written and revised by Congress and state legislatures as needed.

true

false

All statutes have both a statutory scheme and a legislative history.

true

false

The common law is the law that all states follow to avoid confusion and to promote consistency from state to state.

true

false

Civil law systems reject and prohibit the use of precedent, relying solely on strict interpretations of statutes.

true

false

When a Pennsylvania appellate court makes a decision, stare decisis requires that Delaware trial courts follow the case precedent when a case with a similar fact situation arises.

true

false

Aggressive litigation generally results in a high monetary cost for a corporation.

true

false

Although arbitration and mediation are legitimate dispute resolution methods, they may not always result in a satisfactory outcome for both sides of the dispute.

true

false

Ordinances will preempt state-level statutes.

true

false

Most companies employ in-house counsel for their legal needs.

true

false

Laws relating to contracts for the sale of goods are primarily found in the common law.

true

false

The U.S. system of common law is deep-seated in the French common law established by the Norman kings around 1066.

true

false

Enumerated powers are specific powers granted to the federal government by the Constitution.

true

false

Tanequia is a congressperson speaking about the philosophy of law under the U.S. and British systems. Which of the following legal categories is she addressing?

Statutory construction

Historical jurisdiction

Jurisprudence

Ordinances

Which of the following is correct about the law in the United States?

To be defined as law, something must have been codified by a legislature.

Law creates duties and obligations, but not rights, as these are exclusively created by constitutions.

Law is prescribed by controlling authority.

All of the answer choices are correct.

The origins of recorded law are cited by the textbook as being:

The writings of the British royals who recorded court decisions and then wrote them in a codified system of law.

A collection of rules of tribal chieftains to perpetuate their power.

The common law rules adopted by the Founding Fathers of the United States.

The Justinian Code which standardized the civil law system among the Romans.

According to the text, which of the following does the system of law in the United States provide for?

Good faith dealings between merchants and consumers

Equality

Consistency

All of the answer choices are correct.

According to the textbook, which of the following statements about corporate strategy with legal counsel is/are true?

It is considered a sound strategy for a corporation to rely exclusively on attorneys to drive the legal decision-making process because they are the experts in the law and will generally understand the business side of things better than many corporate managers.

Research indicates that management working cooperatively with attorneys will add value to the business.

If one can understand the fundamentals of legal theory and how they impact a business, this is all that is needed to be able to understand how legal decisions should be made in a business context.

All of the answer choices are correct.

According to the textbook, which of the following statements about lawyers is/are true?

Corporate lawyers typically spend a large percentage of their time in court.

The general counsel is a phrase for one who works in an outside law firm and handles cases on general business law issues.

In larger organizations, corporate counsel are often part of the management or executive team.

All of the answer choices are correct.

Donovan works for a corporation as general legal counsel. Which of the following would be typical of the duties that a person in his position would perform in the U.S. legal system?

Managing one or more associate attorneys

Selecting and supervising lawyers from outside law firms

Being a corporate officer of the company, called a secretary

All of the answer choices are correct.

According to the textbook, which of the following statements are true about the typical relationships between corporations and attorneys in the United States?

Working closely with a business attorney results in opportunities and reduced business costs.

The majority of companies rely upon in house counsel for their legal needs.

It is almost unheard of for more than one attorney's advice to be needed on a legal matter, as consulting more than one attorney leads to confusion and conflicting counsel.

All of the answer choices are correct.

The city council of Neodesha, Kansas passed a rule requiring that residents have no more than three dogs per household within city limits. This law would be defined as:

an ordinance.

a regulation.

a statute.

a common law.

The U.S. Congress is considering legislation that will require all businesses with more than 50 employees to offer a minimum of three weeks' vacation per year. It has not yet passed the House of Representatives and the Senate by a majority vote or been signed by the president. This is known as a:

statute.

law.

draft.

bill.

Constitutional law and administrative law are known in the United States as _____ sources of law.

common

primary

secondary

procedural

The state of Idaho passed a law making it illegal for people under the age of 18 to drive an automobile with more than 400 horsepower. The law set a fine of \$200 for violations. Third offenders would have their licenses suspended for one year. This law making the use of automobiles with 400 horsepower or more illegal for a minor is known as a/an _____ and the rules that set out the fine and the suspension are a type of law known as a _____.

ordinance, procedural law

ordinance, substantive law

statute, procedural law

statute, substantive law

Isabella was a state appellate court judge writing a judicial opinion. In it, she referenced, or cited, a prior case decided by her state's supreme court. The rationale for the decision she made in her case was based upon the case she had cited. This is known in the law as the process of:

creating secondary sources of law.

res ipsa loquitur.

stare decisis.

ad hominem reasoning.

Which of the following is a secondary source of law?

A regulation passed by a federal agency

A model law drafted by a team of experts on real estate as a guide to states in crafting their statutes

A constitutional interpretation of a statute by a federal court of appeals

All of the answer choices are secondary sources of law.

Which of the following is an accurate statement of the concept of stare decisis and precedent under the U.S. legal system?

LaToya, a social media influencer, posted a video stating that once precedent is established, it may not be changed except by amending the U.S. Constitution.

Herschel, a judge, told his clerk that stare decisis is an "iron mold" that cannot be deviated from unless authorized by Congress or the Executive Branch.

Hamid, a law professor, told his class that stare decisis is a secondary source of law.

Ginger, a congressperson, gave a speech claiming that legal precedent in neighboring Texas had no bearing on cases decided in her home state of New Mexico.

Stare decisis is a Latin phrase that means_____.

One must not sit upon their rights in a court of equity, you must vigilantly pursue your rights to receive an equitable remedy from a court.

There can be no law higher than human-made law, there exist no absolutes of right and wrong.

Similar cases with similar facts and issues should have similar judicial outcomes.

All of the answer choices are correct.

The Immigration and Naturalization Service, a federal agency involved in immigration security, has applied a rule stating that prior to deportation, an individual must be allowed a due process hearing at which they can make a case against their deportation. This would be which of the following types of laws?

Administrative laws

Securities laws

Statutory laws

Ordinances

Which of the following statement(s) is/are true?

Timothy rode his motorcycle while intoxicated. He wrecked his bike into Hazel, a pedestrian, breaking her leg. Timothy could be both prosecuted and sued for his actions.

Procedural law sets out the steps that the city of Newark must follow when their police obtain warrants to perform searches of homes of those suspected of criminal activity.

In the United States, a civil law would enable Olivia to be compensated for her medical bills incurred due to Justin's negligence.

All of the answer choices are correct.

Peter hit a rock into the air with a baseball bat and accidentally smashed a window in Gianna's house. The type of law that gives Gianna the right to be compensated monetarily for Peter's conduct is which of the following?

It is civil and substantive.

It is civil and administrative.

It is criminal and substantive.

It is administrative and procedural.

The State of Colorado has a law stating that you may not be in possession of more than four ounces of certain controlled drugs. This is an example of which of the following types of law?

Substantive law

Procedural law

Interrogative law

Interpretive functional law

A surgeon accidentally severed a nerve in Miranda's back during surgery so she now has numbness in her left leg. Miranda sued to get compensation for her pain and suffering and additional medical expenses as a result of alleged malpractice. The malpractice statute in her state gave her two years from the time she "knew or should have known of the injury" to file a lawsuit. What type of law is the malpractice statute that gives her the right to sue and what type of law is the statute that determines that she has two years to file her claim?

Private law, Public law

Substantive law, Procedural law

Procedural law, Substantive law

Compensatory law, Punitive law

Jefferson paid \$100,000 to Classic Cars of Atlanta for a custom 1957 Chevy. Classic Cars accepted his payment. When Jefferson returned the next day to pick up the car, Classic Cars refused to turn it over. Which of the following equitable remedies would be appropriate for Jefferson if he wants to make a request to a court to force Classic Motors to give him the Chevy?

Specific performance

Injunction

Rescission

All of the equitable remedies listed would be appropriate.

On June 1, Wayne paid \$500,000 for Nas's Ferrari. Under the contract, Nas was to deliver the Ferrari by June 3. On June 2, Nas received an offer of \$600,000 from Snoop. Nas refused to deliver the Ferrari to Wayne. Wayne wants to go to court to prevent Nas from selling the Ferrari to Snoop. What remedy should he seek?

Specific performance

Laches

Rescission

Injunction

The City of Draconia has informed Miko that they are going to evict her from her land and auction it off for nonpayment of \$100 in taxes. Miko is contesting the tax bill and wants to stop them from evicting her and auctioning off the land. Which of the following would best enable Miko to accomplish this?

Specific performance

Injunction

Rescission

A legal remedy

Gwen purchased a commercial refrigerator from Big Box Retailing for \$20,000. It was a high-end model that was available at other retailers around the country. She paid in cash and scheduled a delivery to her house. Big Box Retailing did not deliver the refrigerator by the scheduled date and has refused to deliver it, also refusing to refund her money. What is the appropriate remedy for Gwen?

An equitable remedy of an injunction

An equitable remedy of rescission

An equitable remedy of specific performance

A legal remedy for the \$20,000

The equitable maxim “clean hands” would best be described by which of the following examples?

Emily filed her lawsuit seeking an injunction in district court, but the judge dismissed it because she filed too late.

Brian worked for Elias & Yount, CPAs. His firm, which treated him like an employee but classified him as an outside contractor, refused to offer him benefits. The court ruled that Brian was entitled to benefits and ordered Elias & Yount to classify him as an employee.

Rihanna was attempting to use specific performance to make Shawn perform under the contract they had both signed. Shawn made a motion to the court to deny the specific performance that Rihanna was seeking against him. Shawn alleged that Rihanna had intentionally misrepresented several things in the contract.

Ling sought specific performance against Big Corporation to have them provide her with the \$10,000 sign on bonus that was promised to her when she was hired, but that they were refusing to pay.

Jorge offered a painting by Degas for sale on eBay for a minimum bid of \$150,000. Celine won with a bid of \$175,000. Jorge then changed his mind and refused to deliver the painting, as Mariah, a friend of his, had privately offered him \$200,000 after he had begun the eBay auction. If Celine wants the painting and sues Jorge, which course of action will best provide her the results she desires?

Sue for breach of contract and seek a legal remedy of \$175,000.

Pursue an injunction to prevent the sale to Mariah, then pursue specific performance through the court.

Pursue a rescission, then seek an injunction against Mariah to force her to perform under the auction contract.

Sue for breach of contract and seek an injunction to force Mariah to deliver the painting.

Bart was angry at his neighbor Homer, who had been playing loud hip hop music after midnight every night. In retaliation, Bart had been throwing eggs at Homer's house. Bart has pursued the

equitable remedy of an injunction against Homer. What is Homer's best defense to Bart's equitable action under these circumstances?

Laches

Substance over form

Equity aids the vigilant

Clean hands

Members of the Wyoming Nature Consortium, an environmentalist group, regularly walked along a trail in a desert area. Bubba, the owner of a ranch the trail ran through, went to court to stop members of the Nature Consortium from walking on the trail. This was 15 years after he first knew about their activity. What remedy should Bubba pursue and what defense might the members of the Nature Consortium have against Bubba's claim?

The remedy is an injunction, and the Nature Consortium has no defense because they have done the offending activity for such a long period of time.

The remedy is an injunction, and the Nature Consortium has the defense that equity aids the vigilant, as Bubba did not pursue his remedy within a reasonable period of time.

The remedy is specific performance, and the Nature Consortium has no defense because they have done the offending activity for such a long period of time.

The remedy is rescission, and the Nature Consortium has the defense that equity aids the vigilant, as Bubba did not pursue his remedy within a reasonable period of time.

A case of first impression comes before a state court in Illinois. While the issue has not been heard in Illinois courts, appellate courts in the states of Wisconsin, Iowa, and Indiana have definitively ruled on the issue, although the outcomes of the various cases were slightly different in each case. Further, the case heard by the Indiana court was definitively ruled upon by the U.S. Supreme Court. Explain whether the court in Illinois is bound by the decision of any of the other courts, and why.

Mike is a high school dropout employed as a counter worker at Bob's Roasted Chicken (BRC), a local fast food franchise in Georgia. Mike is voted Employee of the Month and awarded a trip to visit the home office of BRC in Knoxville, Tennessee. While on a tour of the offices at BRC's headquarters, Mike notices an open wall safe, and when he looks inside, he discovers the original, handwritten copy of the secret family chicken recipe. He quickly makes a copy and returns the original to the safe. Once he arrives home, he contacts a number of local fried-chicken restaurants and offers to sell them the recipe. When BRC's president, Bob, discovers what Mike is doing, BRC immediately sues Mike. However, it quickly discovers that there are no applicable trade secret statutes. What effect does the lack of an applicable statute have on BRC's claim, and what, if anything, can BRC rely upon to maintain its claim? What relief should BRC seek against Mike?

Name the three essential functions of the U.S. Constitution.

Define and explain the concepts of permanence and preemption as they apply regarding the U.S. Constitution.

Congratulations! You have just been named as a judge in your state's general trial court. Your first case involves a complicated environmental statute. What resources might you use to interpret and apply the statute to your case?

Describe the similarities and differences among statutes, ordinances, and regulations.

Discuss the differences between the common law and civil law with regard to precedent and the court's right to establish new law.

Tom has attacked Kathy in the parking lot of a bar. He knocked her to the ground and stole her wallet, breaking her arm in the process. Kathy works as a data input specialist at a bank and missed eight weeks of work due to her injury. Discuss how her case could be handled under both the criminal law and civil law systems, including possible remedies available under each system.

Identify and discuss the various types of secondary law. How does secondary law affect the American legal system?

In 2010, the state of Arizona passed an immigration law that allowed law enforcement officers to check the immigration status of individuals charged with a crime. Which legal philosophy best fits the theory of jurisprudence used by Arizona lawmakers to justify this law?

Answer Key

Test name: CH1 The Legal Environment of Business A Managerial
Approach 4E

property ownership

legal realism

in-house

counsel

remedies

maxims

holding

Restatements

litigators

Private laws

TRUE

TRUE

FALSE

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