

Name _____ Class _____ Date _____
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1. Congress passed a law imposing penalties for displaying "indecent" material online where children could see it. If the U.S. Supreme Court subsequently rules that the statute conflicts with the First Amendment of the U.S. Constitution, the statute is void.

- a. True
- b. False

ANSWER: True

2. A rule that establishes maximum length of work shifts for air traffic controllers demonstrates an agency imposing a regulation.

- a. True
- b. False

ANSWER: True

3. In 1994, the Arizona Supreme Court decided the case of *Hernandez v. Arizona Board of Regents* and found a duty of care to avoid furnishing alcohol to underage consumers. If in 2008 a Flagstaff, Arizona plaintiff brings a lawsuit against an Arizona university's fraternity for providing alcohol to members under the legal drinking age, the *Hernandez v. Arizona Board of Regents* case will serve as precedent.

- a. True
- b. False

ANSWER: True

4. Wilfred was driving too fast for the icy road conditions and hit Sally's car. Sally can sue Wilfred in criminal court.

- a. True
- b. False

ANSWER: False

5. Congress can create a statute on any topic at all.

- a. True
- b. False

ANSWER: False

6. If the President vetoes a bill, it can still become law if both the House and the Senate approve it with a 51% majority.

- a. True
- b. False

ANSWER: False

7. The doctrine of precedent is binding on all courts from county courts to the U.S. Supreme Court..

- a. True
- b. False

ANSWER: False

8. The case called *Kuehn v. Pub Zone* would reveal that *Kuehn* is the plaintiff, since the plaintiff is always listed first.

- a. True
- b. False

ANSWER: False

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9. Common law is a body of cases decided by legislatures.

- a. True
- b. False

ANSWER:

False

10. In order to determine if the case she was hearing broke the law, Judge Jane referred to prior rulings on the same subject. In other words, the judge is relying on precedent to make her decision.

- a. True
- b. False

ANSWER:

True

11. DoorWay Computers, Inc., the trademark owner of "DoorWay," sought a court injunction to prevent Handyman Hardware, Inc. from using the domain name, "DoorWay.com." A jury will decide whether DoorWay is entitled to this remedy.

- a. True
- b. False

ANSWER:

False

12. In the case of *Panavision Int'l v. Toeppen*, the Ninth Circuit Court of Appeals affirmed the district court's decision. This means that the Ninth Circuit Court of Appeals approved the district court's decision and upheld the outcome in the case.

- a. True
- b. False

ANSWER:

True

13. The government itself prosecutes the wrongdoer in a case involving behavior so threatening that society outlaws it altogether. This kind of case involves

- a. procedural law.
- b. private law.
- c. civil law.
- d. criminal law.

ANSWER:

d

14. The Occupational Safety and Health Administration promulgated a rule requiring warehouse employees to wear hardhats when in the vicinity of an operating forklift. The purpose of the hardhats is to protect employees from danger of falling objects. This rule is

- a. an executive order.
- b. a statute.
- c. common law.
- d. administrative law.

ANSWER:

d

15. Common law refers to

- a. law that is the same or similar in all the states.

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- b. law made when judges decide cases and then follow those decisions in later cases.
- c. law made by legislatures in the form of statutes.
- d. the legal systems of France, Germany, and Italy.

ANSWER:

b

16. Hasbro, Inc., the trademark owner of "Candy Land," sought a court injunction to stop Internet Entertainment Group, LTD from using the domain name, "candyland.com." Internet Entertainment Group had established a sexually explicit site at the domain name. This injunction would have to be issued by

- a. a jury.
- b. a judge.
- c. an executive order.
- d. a lawyer.

ANSWER:

b

17. The three branches of government in the United States are

- a. the executive, legislative, and administrative.
- b. the administrative, executive, and statutory.
- c. the executive, legislative, and judicial.
- d. the administrative, legislative, and international.

ANSWER:

c

18. The doctrine of *stare decisis*

- a. makes the legal process more expensive.
- b. is an equitable remedy.
- c. makes the law more predictable.
- d. is unimportant to the common law.

ANSWER:

c

19. In 1992, the North Carolina Supreme Court ruled in a case entitled *Goodman v. Wenco Foods, Inc.*, that when a substance in food causes injury to a consumer of the food, it is not a bar to recovery against the seller that the substance was natural to the food. If, in a 2008 case involving a consumer's injury caused by a fish bone in a bowl of fish chowder, the court followed the decision in *Goodman v. Wenco Foods, Inc.*, the court's action in the second case is an example of

- a. *stare decisis*.
- b. statutory law.
- c. public law.
- d. criminal law.

ANSWER:

a

20. When the Food and Drug Administration prohibits a certain drug from being marketed in the United States, this is

- a. private law.
- b. an agency regulation.
- c. legal negativism.
- d. an executive order.

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ANSWER: b

21. If the title of an appellate court case appears as *Jones v. Smith*,
- a. then it is correct to say that Jones is the plaintiff and Smith is the defendant.
 - b. it means that Smith won the trial court decision.
 - c. you cannot determine which party is the plaintiff, because when a defendant loses a trial and files an appeal, some courts (but not all) reverse the names of the parties.
 - d. the trial judge was Jones and the appellate judge is Smith.

ANSWER: c

22. The Minnesota legislature passed a law requiring that employers allow each employee adequate time within each four consecutive hours of work to utilize the nearest convenient restroom. This law is

- a. an executive order.
- b. an ordinance.
- c. a statute.
- d. a *stare decisis*.

ANSWER: c

23. The doctrine of precedent requires
- a. that the victim testify.
 - b. that the defendant testify.
 - c. a 12-member jury of the defendant's peers.
 - d. judges to base rulings on previous cases.

ANSWER: d

24. Congress enacted legislation in 1933 to regulate the securities industry and prohibit various forms of fraud with securities. The Securities Exchange Act of 1934 was passed a year later. This law created the Securities and Exchange Commission (SEC) as an independent regulatory entity whose function is to administer the two laws. The SEC has generated rules and regulations to administer these acts. These rules and regulations are

- a. statutes.
- b. administrative law.
- c. executive orders.
- d. common law.

ANSWER: b

25. The federal judicial branch of the U.S. government
- a. interprets statutes.
 - b. passes statutes.
 - c. issues executive orders.
 - d. creates administrative agencies.

ANSWER: a

26. The United States Supreme Court has the power to
- a. appoint judges to serve on the Supreme Court.

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- b. void laws passed by Congress.
- c. issue executive orders.
- d. ratify treaties.

ANSWER:

b

27. The president of the United States

- a. creates federal common law.
- b. can veto Congressional legislation.
- c. determines the constitutionality of statutes.
- d. passes statutes.

ANSWER:

b

28. Tony raped Jane in the parking lot of Joe's Brew Pub. The District Attorney's office prosecuted Tony on rape charges. Subsequently, Jane filed a lawsuit against Tony for money damages. Classify each legal action.

- a. The District Attorney's case was a criminal case; Jane's lawsuit was a civil case.
- b. The District Attorney's case was a civil case. Jane's lawsuit was a criminal case.
- c. Both cases are criminal.
- d. Both cases are civil.

ANSWER:

a

29. President Nixon issued wage-price controls in an effort to stabilize the economy. This use of executive power was

- a. an illegal usurpation of legislative powers which belong to the Congress.
- b. a valid use of power based on Article II of the Constitution.
- c. a valid use of judicial power.
- d. an illegal usurpation of the regulatory powers of administrative agencies.

ANSWER:

b

30. Which of the following would be an example of a civil lawsuit?

- a. George is being prosecuted for bank fraud.
- b. The government has initiated an action against Jeff for operating a motor vehicle under the influence of alcohol.
- c. Gretta hit Rita in a bar during happy hour. Rita is now suing for her injuries.
- d. The district attorney is bringing Ali to court for violating the city's keg ordinance.

ANSWER:

c

31. Curtis filed a lawsuit against Ulhoff for failure to repay \$1,000 according to the terms of a promissory note. The trial ended before it began, with the trial judge granting a motion for summary judgment in favor of Curtis. Ulhoff has appealed, and the Supreme Court of Iowa has remanded the case. This means

- a. Curtis automatically wins because he won in the lower court.
- b. Ulhoff automatically wins because he lost in the lower court.
- c. Neither party wins because the case is being thrown out.
- d. We don't know who wins yet because the case is being returned to the trial court for additional steps.

ANSWER:

d

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32. Explain the role that power, importance and fascination play in contemporary American law.

ANSWER: The role of "power" in contemporary law is reflected in the fact that the strong reach of the law touches nearly everything we do. The role of "importance" in contemporary law reflects the fact that we depend on it to keep our society functioning. The law too, is fascinating. Verdicts have an impact on us in many ways.

33. Identify and discuss the primary sources of contemporary U.S. law.

ANSWER:

The primary sources of U.S. law include:

1. United States Constitution (the supreme law of the land) and state constitutions, which establish state governments;
2. Statutes, which are drafted by the legislatures;
3. Common law, which is the body of cases decided by judges, as they follow earlier cases, known as precedent;
4. Court orders issued by judges;
5. Administrative law, the rules and decisions made by federal and state administrative agencies.

34. Describe the doctrine of precedent and its application to common law.

ANSWER: The doctrine of precedent, which developed gradually over centuries, requires that judges decide current cases based on previous rulings. This vital principle is at the heart of American common law. Precedent ensure predictability. The accumulation of precedent, based on case after case, makes up the common law.