

TEST ITEM FILE

Chapter 1: Introduction to Law

True/False

1. The term law refers exclusively to rules created and enforced by federal, state and local governments.
2. Because values, customs and even religious beliefs influence laws and legal systems, differences exist from country to country,
3. The Code of Hammurabi is an example of a law from a civil law legal system.
4. Substantive laws are those laws that define the rights and duties of parties.
5. Procedural laws are those laws that relate to the enforcement of substantive rights and duties.
6. Rules of court are generally substantive laws.
7. In a criminal case, the plaintiff is usually the victim of a crime.
8. A right to a jury only exists in a criminal case.
9. A right to a court appointed attorney for indigent defendants applies only in criminal cases.
10. In a civil case, if the defendant does not pay a civil judgment, he or she cannot usually be put in jail.

Multiple Choice

1. A civil law system is based on
 - a. constitutions and codes
 - b. cases and codes
 - c. constitutions and cases
 - d. tort law and contract law
2. Jurisprudence is
 - a. another term for precedent
 - b. another term for common law
 - c. the study of law
 - d. the study of the philosophy of law
3. The theory s based on the belief that laws are created by men and therefore subject to pitfalls created by men.
 - a. the natural theory of law

- b. legal positivism
- c. legal realism.
- d. jurisprudence

4. Substantive criminal laws for states are usually found in

- a. state rules of court
- b. case law
- c. statutory law
- d. constitutional law
- e. local rules of court

5. Procedural criminal laws are found in

- a. state constitutions
- b. U.S. Constitution
- c. state statutes
- d. state and federal case law
- e. all of the above

6. A law that gives a person who is accused of burglary the right to a trial by jury is an example of:

- a. civil substantive law
- b. civil procedural law
- c. criminal substantive law
- d. criminal procedural law
- e. none of the above

7. The statute of limitations for damages resulting from an automobile accident is an example of

- a. civil substantive law
- b. civil procedural law
- c. criminal substantive law
- d. criminal procedural law
- e. none of the above

8. Rules of court usually contain

- a. civil substantive law
- b. civil procedural law
- c. criminal substantive law
- d. criminal procedural law
- e. both b and d

9. Juries in civil cases are different from juries in criminal cases in that

- a. in a civil case the parties pay for the jury, whereas in a criminal case the state pays
- b. the number of jurors who must agree before a verdict is reached is often different
- c. jurors in a criminal case must be convinced of the defendant's guilt beyond a reasonable doubt, whereas jurors in a civil case must usually be convinced by a preponderance of the evidence
- d. all of the above
- e. none of the above, criminal and civil juries are not different

10. In a criminal case, the punishment can be:

- a. a fine
- b. incarceration
- c. probation
- d. any of the above
- e. none of the above, criminal and civil juries are not different

Answer Key

- | | | | | | |
|----------|----------|---------|----------|---------|----------|
| 1. False | 2. True | 3. True | 4. True | 5. True | 6. False |
| 7. False | 8. False | 9. True | 10. True | | |
| 1. a | 2. d | 3. c | 4. c | 5. e | 6. d |
| 7. b | 8. e | 9. d | 10. d | | |

Chapter 2: The U.S. Legal System

True/False

1. Federalism means that two separate governments, state and federal, regulate citizens in the United States.
2. In the area of criminal law, the powers of the federal government and state governments are concurrent.
3. When a conflict between state and federal laws exists, federal law controls.
4. The federal legislature consists of a bicameral structure.
5. The U.S. Supreme Court has the power to declare state laws unconstitutional.
6. All case law originates with a factual controversy between two or more parties.
7. The concept of *stare decisis* prevents one Supreme Court from overruling decisions of prior Supreme Courts.
8. Courts of appeals in the various states decide many cases that never become *stare decisis*.
9. When the President refuses to either sign or veto proposed legislation, the bill is automatically vetoed.
10. Administrative regulations are laws passed by various governmental boards, departments, commissions, and agencies.

Multiple Choice

1. Which power does federal congress not expressly have?
 - a. regulate commerce between the states
 - b. punish counterfeiting
 - c. establish inferior courts
 - d. punish drug offenders
 - e. none of the above; Congress has the express power to do all of the above
2. Which of the following powers is preempted by the federal government?
 - a. power to regulate criminal conduct
 - b. power to regulate civil tort liability
 - c. power to regulate the coining of money
 - d. power to regulate business organizations
 - e. both a and c

3. The power of government to regulate is sometimes referred to as:
 - a. preemption
 - b. jurisprudence
 - c. jurisdiction
 - d. supremacy
 - e. federalism
4. When both state and federal governments have the right to regulate an area, those governments have:
 - a. exclusive jurisdiction
 - b. concurrent jurisdiction
 - c. original jurisdiction
 - d. bicameral legislatures
 - e. none of the above
5. Which of the following is not a branch of the federal government?
 - a. executive
 - b. legislative
 - c. judicial
 - d. the president
 - e. none of the above
6. Another term for *stare decisis* is:
 - a. precedent
 - b. common law
 - c. statutory law
 - d. initiative
 - e. referendum
7. The court resolves disputes by:
 - a. making new laws to meet the situation
 - b. asking the legislature to make a new law to meet the situation
 - c. applying existing constitutional, statutory, and case law to the situation
 - d. applying only existing case law or precedent to the situation
 - e. none of the above
8. *Stare decisis* requires that:
 - a. all courts follow decisions of all other courts

- b. all courts follow only those decisions from the U.S. Supreme Court
- c. trial courts follow all decisions from appellate courts
- d. all appellate courts follow all decisions of other appellate courts
- e. none of the above

9. The Statutes at Large

- a. are a topical organization of statutory law
- b. are a chronological organization of statutory law
- c. is another name for code
- d. are easily used by legal researchers
- e. both b and c

10. Administrative regulations come from

- a. federal boards, departments, commissions, and agencies
- b. state boards, departments, commission, and agencies
- c. federal courts
- d. state courts
- e. both a and b

Answer Key

1. True	2. True	3. True	4. True	5. True	6. True
7. False	8. True	9. False	10. True		
1.d	2.c	3.c.	4.b	5.d	6.a
7.c	8.e	9.d	10.e		