

CHAPTER 01: INTRODUCTION TO LEGAL PRINCIPLES AND AUTHORITIES

1. A constitution is not an example of enacted law.

- a. True
- b. False

ANSWER: False

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-1 - Understand the main sources and types of law.

OTHER: Bloom's: Remembering

2. Administrative law is usually more specific than statutory law.

- a. True
- b. False

ANSWER: True

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-1 - Understand the main sources and types of law.

OTHER: Bloom's: Remembering

3. Decisions of the highest court in a state are examples of common law.

- a. True
- b. False

ANSWER: True

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-1 - Understand the main sources and types of law.

OTHER: Bloom's: Remembering

4. The term *case law* does not encompass a broader range of law than the term *common law*.

- a. True
- b. False

ANSWER: False

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-1 - Understand the main sources and types of law.

OTHER: Bloom's: Remembering

5. Personal jurisdiction is the extent of a court's authority to hear and resolve specific disputes.

- a. True
- b. False

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ANSWER: False

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-1 - Understand the main sources and types of law.

OTHER: Bloom's: Remembering

6. The United States District Courts are the main trial courts in the federal system.

a. True

b. False

ANSWER: True

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-2 - Understand the basic structure of the state and federal court systems.

OTHER: Bloom's: Remembering

7. A court of appeals may review new evidence when considering a matter on appeal.

a. True

b. False

ANSWER: False

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-2 - Understand the basic structure of the state and federal court systems.

OTHER: Bloom's: Remembering

8. The doctrine of stare decisis requires lower courts to follow the decision of a higher court in a jurisdiction in cases involving similar issues and facts.

a. True

b. False

ANSWER: True

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-2 - Understand the basic structure of the state and federal court systems.

OTHER: Bloom's: Remembering

9. If times have changed and there is good reason not to follow a prior decision of a higher court, then a lower court may choose not to follow the precedent of a higher court in the same jurisdiction.

a. True

b. False

ANSWER: False

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RATIONALE: See "Sources of Law"

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LEARNING OBJECTIVES: LRAW.PUTM.18.1-2 - Understand the basic structure of the state and federal court systems.

OTHER: Bloom's: Understanding

10. Because of the doctrines of stare decisis and precedent, courts can be relied on to reach the same decision on an issue as earlier courts did when the cases are sufficiently similar.

a. True

b. False

ANSWER: True

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-2 - Understand the basic structure of the state and federal court systems.

OTHER: Bloom's: Understanding

11. The United States Supreme Court may declare laws enacted by state legislatures unconstitutional.

a. True

b. False

ANSWER: True

RATIONALE: See "Hierarchy of the Law"

POINTS: 1

DIFFICULTY: Medium

LEARNING OBJECTIVES: LRAW.PUTM.18.1-3 - Understand the hierarchy of the various sources of law.

OTHER: Bloom's: Understanding

12. Mandatory authority is a nonlaw source that a court may rely on when reaching a decision.

a. True

b. False

ANSWER: False

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-4 - Understand the types of legal authority.

OTHER: Bloom's: Remembering

13. There is no uniform method for citations.

a. True

b. False

ANSWER: False

RATIONALE: See "Introduction to Legal Citation"

POINTS: 1

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DIFFICULTY: Easy

OTHER: Bloom's: Remembering

14. The *Restatements of Law* is restricted to discussion of a single legal topic.

a. True

b. False

ANSWER: False

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-4 - Understand the types of legal authority.

OTHER: Bloom's: Remembering

15. The *American Law Reports* (ALR) is a series of books that contain the text of selected court opinions, along with scholarly commentaries on the opinions.

a. True

b. False

ANSWER: True

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-4 - Understand the types of legal authority.

OTHER: Bloom's: Remembering

16. Legal dictionaries include definitions of legal terms and commentaries on the definitions.

a. True

b. False

ANSWER: False

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-4 - Understand the types of legal authority.

OTHER: Bloom's: Remembering

17. Law reviews are usually published by law schools.

a. True

b. False

ANSWER: True

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-4 - Understand the types of legal authority.

OTHER: Bloom's: Remembering

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18. Secondary authority cannot be mandatory authority.

- a. True
- b. False

ANSWER: True

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-5 - Understand when and how legal authority applies.

OTHER: Bloom's: Remembering

19. Not all primary authority is mandatory authority.

- a. True
- b. False

ANSWER: True

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Medium

LEARNING OBJECTIVES: LRAW.PUTM.18.1-5 - Understand when and how legal authority applies.

OTHER: Bloom's: Understanding

20. For a court opinion to be mandatory authority, it must be on point and it must be written by a higher court in the jurisdiction.

- a. True
- b. False

ANSWER: True

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Medium

LEARNING OBJECTIVES: LRAW.PUTM.18.1-5 - Understand when and how legal authority applies.

OTHER: Bloom's: Understanding

21. As used in the text, enacted law includes:

- a. Regulations adopted by administrative bodies
- b. Opinions of the United States Supreme Court
- c. Statutes
- d. Ordinances
- e. All of the above
- f. Answers a, b, and c above
- g. Answers a, c, and d above

ANSWER: g

RATIONALE: See "Sources of Law"

POINTS: 1

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DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-1 - Understand the main sources and types of law.

OTHER: Bloom's: Remembering

22. Constitutions:

- a. Define the powers of the government
- b. Establish the structure of the government
- c. Define the rights of the people
- d. All of the above
- e. Answers a and c above

ANSWER: d

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-1 - Understand the main sources and types of law.

OTHER: Bloom's: Remembering

23. In regard to subject matter jurisdiction, the basic types of courts are courts of:

- a. Limited jurisdiction
- b. Personal jurisdiction
- c. Concurrent jurisdiction
- d. General jurisdiction
- e. All of the above
- f. Answers a, c, and d above
- g. Answers a and d above

ANSWER: g

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-2 - Understand the basic structure of the state and federal court systems.

OTHER: Bloom's: Remembering

24. Which of the following are courts of limited jurisdiction?

- a. United States Tax Court
- b. United States District Court
- c. State small claims court
- d. All of the above
- e. Answers a and b above
- f. Answers a and c above

ANSWER: f

RATIONALE: See "Sources of Law"

POINTS: 1

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OTHER: Bloom's: Remembering

25. A court of appeals may:

- a. Hear new testimony
- b. Retry the case
- c. Take new evidence
- d. Review the record of the trial court
- e. All of the above

ANSWER: d

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-2 - Understand the basic structure of the state and federal court systems.

OTHER: Bloom's: Remembering

26. The basic principle that requires a court to follow a previous decision of a higher court, when the current decision involves issues and facts similar to those involved in the previous decision, is the doctrine of:

- a. Precedent
- b. Concurrent jurisdiction
- c. Subject matter jurisdiction
- d. Stare decisis
- e. None of the above

ANSWER: d

RATIONALE: See "Sources of Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-2 - Understand the basic structure of the state and federal court systems.

OTHER: Bloom's: Understanding

27. The highest legal authority in a jurisdiction is the:

- a. Decision of the state supreme court
- b. Decision of the United States Supreme Court
- c. Laws of the United States Congress
- d. Constitution

ANSWER: d

RATIONALE: See "Hierarchy of the Law"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-3 - Understand the hierarchy of the various sources of law.

OTHER: Bloom's: Remembering

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28. Primary authority is:

- a. A nonlaw source that a court may rely on when deciding an issue
- b. Authority that a court must rely on when deciding an issue
- c. Authority that a court may rely on when deciding an issue
- d. The law itself
- e. Answers a, b, and c above
- f. Answers a and c above

ANSWER: d

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-4 - Understand the types of legal authority.

OTHER: Bloom's: Remembering

29. Examples of primary authority are:

- a. *American Law Reports*
- b. Ordinances
- c. Court opinions
- d. Treatises
- e. All of the above
- f. Answers a, b, and c above
- g. Answers b and c above

ANSWER: g

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-4 - Understand the types of legal authority.

OTHER: Bloom's: Remembering

30. Which of the following is used to obtain a summary of the law?

- a. *Restatements of the Law*
- b. A legal encyclopedia
- c. A law review article
- d. *ALR*

ANSWER: b

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-4 - Understand the types of legal authority.

OTHER: Bloom's: Remembering

31. When looking for a review of selected court opinions on specific topics and scholarly commentaries on the opinions which option would be used?

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- a. A legal encyclopedia
- b. *Restatements of the Law*
- c. A treatise
- d. *ALR*
- e. All of the above

ANSWER: d

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Easy

LEARNING OBJECTIVES: LRAW.PUTM.18.1-5 - Understand when and how legal authority applies.

OTHER: Bloom's: Remembering

32. When a court in state A looks to a decision of a court in state B when deciding an issue, the decision in state B is:

- a. Mandatory authority
- b. Concurrent jurisdiction
- c. Secondary authority
- d. Persuasive authority
- e. None of the above

ANSWER: d

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Medium

LEARNING OBJECTIVES: LRAW.PUTM.18.1-5 - Understand when and how legal authority applies.

OTHER: Bloom's: Understanding

33. When the highest court in state A defines the term *malice*, all of the courts in state A are bound to follow the highest court's definition of the term. The state A definition is:

- a. Primary authority
- b. Persuasive authority
- c. Secondary authority
- d. Mandatory authority
- e. All of the above
- f. Answers a and d above
- g. Answers b and d above

ANSWER: f

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Medium

LEARNING OBJECTIVES: LRAW.PUTM.18.1-5 - Understand when and how legal authority applies.

OTHER: Bloom's: Understanding

34. The highest court in state B defines the term *malice*. The highest court in state A looks to the state B definition when defining the term. The state B definition is:

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- a. Primary authority
- b. Persuasive authority
- c. Secondary authority
- d. Mandatory authority
- e. All of the above
- f. Answers a and d above
- g. Answers a and b above

ANSWER: g

RATIONALE: Se "Authority"

POINTS: 1

DIFFICULTY: Medium

LEARNING OBJECTIVES: LRAW.PUTM.18.1-5 - Understand when and how legal authority applies.

OTHER: Bloom's: Understanding

35. The highest court in state A decides to adopt the *Restatements of the Law* definition of *malice*. Once adopted, the adopted definition is:

- a. Secondary authority
- b. Persuasive authority
- c. Mandatory authority
- d. All of the above
- e. Answers a and b above
- f. Answers a and c above

ANSWER: c

RATIONALE: See "Authority"

POINTS: 1

DIFFICULTY: Medium

LEARNING OBJECTIVES: LRAW.PUTM.18.1-5 - Understand when and how legal authority applies.

OTHER: Bloom's: Understanding