

Name

Class

Date

: _____ : _____ e: _____

Chapter 01: Introduction to Law

1.

Supreme Court Justice Oliver Wendell Holmes and William Blackstone, an English jurist, both define 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

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.07.01 - 7.01

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Nature of Law

KEYWORDS:

Blooms : Knowledge

2.

Laws are always based on moral concepts.

- a. True
- b. False

ANSWER:

False

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.02 - 1.02

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Nature of Law

KEYWORDS:

Blooms : Knowledge

3. Law and justice represent separate and distinct concepts.

- a. True
- b. False

ANSWER:

True

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.02 - 1.02

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Nature of Law

KEYWORDS:

Blooms : Knowledge

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

- a. True
- b. False

ANSWER:

False

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.03 - 1.03

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

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<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Classification of Law
<i>KEYWORDS:</i>	Blooms : Knowledge

5. The federal Constitution provides that federal statutes and treaties are paramount to state constitutions.

- a. True
- b. False

<i>ANSWER:</i>	True
<i>DIFFICULTY:</i>	Easy
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.01.04 - 1.04
<i>NATIONAL STANDARDS:</i>	AICPA: BB-Risk Analysis
<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Sources of Law
<i>KEYWORDS:</i>	Blooms : Knowledge

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

- a. True
- b. False

<i>ANSWER:</i>	False
<i>DIFFICULTY:</i>	Easy
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.01.03 - 1.03
<i>NATIONAL STANDARDS:</i>	AICPA: BB-Risk Analysis
<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Classification of Law
<i>KEYWORDS:</i>	Blooms : Knowledge

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

- a. True
- b. False

<i>ANSWER:</i>	False
<i>DIFFICULTY:</i>	Easy
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.07.01 - 7.01
<i>NATIONAL STANDARDS:</i>	AICPA: BB-Risk Analysis
<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Sources of Law
<i>KEYWORDS:</i>	Blooms : Comprehension

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

- a. True
- b. False

<i>ANSWER:</i>	True
<i>DIFFICULTY:</i>	Easy

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LEARNING OBJECTIVES: SRBL.MANN.18.07.01 - 7.01
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Nature of Law
KEYWORDS: Blooms : Analysis

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

- a. True
- b. False

ANSWER: False
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.03 - 1.03
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Classification of Law
KEYWORDS: Blooms : Knowledge

10. Under the civil law system, adversaries initiate and conduct litigation.

- a. True
- b. False

ANSWER: False
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.03 - 1.03
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Classification of Law
KEYWORDS: Blooms : Knowledge

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

- a. True
- b. False

ANSWER: False
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.05 - 1.05
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Sources of Law
KEYWORDS: Blooms : Analysis

12. 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

Chapter 01: Introduction to Law

b. False

ANSWER: True
 DIFFICULTY: Easy
 LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
 NATIONAL STANDARDS: AICPA: BB-Risk Analysis
 STATE STANDARDS: AICPA BB-Legal
 TOPICS: A-Head: Sources of Law
 KEYWORDS: Blooms : Knowledge

13. Without law, there can be no justice.

a. True
 b. False

ANSWER: True
 DIFFICULTY: Moderate
 LEARNING OBJECTIVES: SRBL.MANN.18.07.01 - 7.01
 NATIONAL STANDARDS: AICPA: BB-Risk Analysis
 STATE STANDARDS: AICPA BB-Legal
 TOPICS: A-Head: Nature of Law
 KEYWORDS: Blooms: Comprehension

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

a. True
 b. False

ANSWER: True
 DIFFICULTY: Easy
 LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
 NATIONAL STANDARDS: AICPA: BB-Risk Analysis
 STATE STANDARDS: AICPA BB-Legal
 TOPICS: A-Head: Sources of Law
 KEYWORDS: Blooms : Knowledge

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

a. True
 b. False

ANSWER: False
 DIFFICULTY: Easy
 LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
 NATIONAL STANDARDS: AICPA: BB-Risk Analysis
 STATE STANDARDS: AICPA BB-Legal
 TOPICS: A-Head: Sources of Law
 KEYWORDS: Blooms : Knowledge

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

- a. True
- b. False

ANSWER: False
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Sources of Law
KEYWORDS: Blooms : Knowledge

17. 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
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Sources of Law
KEYWORDS: Blooms : Knowledge

18. The common law system of law is used in most of Europe, Scotland, and Latin America.

- a. True
- b. False

ANSWER: False
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Sources of Law
KEYWORDS: Blooms : Knowledge

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

- a. True
- b. False

ANSWER: False
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.05 - 1.05
NATIONAL STANDARDS: AICPA: BB-Risk Analysis

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STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Legal Analysis
KEYWORDS:	Blooms : Knowledge

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

a.	True
b.	False

ANSWER:	False
DIFFICULTY:	Easy
LEARNING OBJECTIVES:	SRBL.MANN.18.01.05 - 1.05
NATIONAL STANDARDS:	AICPA: BB-Risk Analysis
STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Sources of Law
KEYWORDS:	Blooms : Knowledge

21. 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.

a.	True
b.	False

ANSWER:	False
DIFFICULTY:	Easy
LEARNING OBJECTIVES:	SRBL.MANN.18.01.05 - 1.05
NATIONAL STANDARDS:	AICPA: BB-Risk Analysis
STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Sources of Law
KEYWORDS:	Blooms : Knowledge

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

a.	True
b.	False

ANSWER:	False
DIFFICULTY:	Easy
LEARNING OBJECTIVES:	SRBL.MANN.18.07.01 - 7.01
NATIONAL STANDARDS:	AICPA: BB-Risk Analysis
STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Nature of Law
KEYWORDS:	Blooms: Knowledge

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

a.	True
b.	False

ANSWER:	True
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<i>DIFFICULTY:</i>	Easy
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.01.04 - 1.04
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<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Sources of Law
<i>KEYWORDS:</i>	Blooms : Knowledge

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

- | | |
|----|-------|
| a. | True |
| b. | False |

<i>ANSWER:</i>	True
<i>DIFFICULTY:</i>	Easy
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.07.01 - 7.01
<i>NATIONAL STANDARDS:</i>	AICPA: BB-Risk Analysis
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<i>TOPICS:</i>	A-Head: Nature of Law
<i>KEYWORDS:</i>	Blooms : Comprehension

25. 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 United States Constitution.

- | | |
|----|-------|
| a. | True |
| b. | False |

<i>ANSWER:</i>	False
<i>DIFFICULTY:</i>	Easy
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.01.04 - 1.04
<i>NATIONAL STANDARDS:</i>	AICPA: BB-Risk Analysis
<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Sources of Law
<i>KEYWORDS:</i>	Blooms : Knowledge

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

- | | |
|----|-------|
| a. | True |
| b. | False |

<i>ANSWER:</i>	False
<i>DIFFICULTY:</i>	Easy
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.01.04 - 1.04
<i>NATIONAL STANDARDS:</i>	AICPA: BB-Risk Analysis
<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Sources of Law
<i>KEYWORDS:</i>	Blooms : Knowledge

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

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- a. True
b. False

ANSWER: True
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.03 - 1.03
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Classification of Law
KEYWORDS: Blooms : Knowledge

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

- a. True
b. False

ANSWER: False
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.07.01 - 7.01
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Nature of Law
KEYWORDS: Blooms : Knowledge

29. Business law is primarily public law.

- a. True
b. False

ANSWER: False
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.03 - 1.03
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Classification of Law
KEYWORDS: Blooms : Knowledge

30. Decisions of state courts of appeals are published in volumes known as "reports."

- a. True
b. False

ANSWER: True
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Legal Analysis
KEYWORDS: Blooms : Knowledge

Chapter 01: Introduction to Law

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

- a. True
- b. False

ANSWER: False
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.02 - 1.02
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Nature of Law
KEYWORDS: Blooms : Knowledge

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

- a. True
- b. False

ANSWER: True
DIFFICULTY: Moderate
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Sources of Law
KEYWORDS: Blooms : Knowledge

33. You find a decision of the U.S. Court of Appeals in the Federal Reporter.

- a. True
- b. False

ANSWER: True
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Legal Analysis
KEYWORDS: Blooms : Knowledge

34. 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
DIFFICULTY: Moderate

Chapter 01: Introduction to Law

LEARNING OBJECTIVES:	SRBL.MANN.18.01.03 - 1.03
NATIONAL STANDARDS:	AICPA: BB-Risk Analysis
STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Classification of Law
KEYWORDS:	Blooms : Comprehension

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

- a. Federal statutes
- b. The UCC
- c. The common law
- d. The U.S. Constitution

ANSWER:	d
DIFFICULTY:	Easy
LEARNING OBJECTIVES:	SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS:	AICPA: BB-Risk Analysis
STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Sources of Law
KEYWORDS:	Blooms : Knowledge

36. 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
DIFFICULTY:	Moderate
LEARNING OBJECTIVES:	SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS:	AICPA: BB-Risk Analysis
STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Sources of Law
KEYWORDS:	Blooms : Analysis

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

- 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
DIFFICULTY:	Moderate
LEARNING OBJECTIVES:	SRBL.MANN.18.07.01 - 7.01

Chapter 01: Introduction to Law

<i>NATIONAL STANDARDS:</i> <i>STATE STANDARDS:</i> <i>TOPICS:</i> <i>KEYWORDS:</i>	AICPA: BB-Risk Analysis AICPA BB-Legal A-Head: Nature of Law Blooms : Comprehension
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38. Which one of the following is NOT true of a suit brought under criminal law?

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

<i>ANSWER:</i> <i>DIFFICULTY:</i> <i>LEARNING OBJECTIVES:</i> <i>NATIONAL STANDARDS:</i> <i>STATE STANDARDS:</i> <i>TOPICS:</i> <i>KEYWORDS:</i>	c Easy SRBL.MANN.18.01.03 - 1.03 AICPA: BB-Risk Analysis AICPA BB-Legal A-Head: Classification of Law Blooms : Comprehension
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39. 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

<i>ANSWER:</i> <i>DIFFICULTY:</i> <i>LEARNING OBJECTIVES:</i> <i>NATIONAL STANDARDS:</i> <i>STATE STANDARDS:</i> <i>TOPICS:</i> <i>KEYWORDS:</i>	d Easy SRBL.MANN.18.01.04 - 1.04 AICPA: BB-Risk Analysis AICPA BB-Legal A-Head: Sources of Law Blooms : Comprehension
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40. American jurists ____ and ____ 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

<i>ANSWER:</i> <i>DIFFICULTY:</i> <i>LEARNING OBJECTIVES:</i> <i>NATIONAL STANDARDS:</i> <i>STATE STANDARDS:</i>	d Moderate SRBL.MANN.18.07.01 - 7.01 AICPA: BB-Risk Analysis AICPA BB-Legal
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Chapter 01: Introduction to Law

<i>TOPICS:</i>	A-Head: Nature of Law
<i>KEYWORDS:</i>	Blooms : Comprehension

41. The separation of powers involves:

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

ANSWER:	a
DIFFICULTY:	Moderate
LEARNING OBJECTIVES:	SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS:	AICPA: BB-Risk Analysis
STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Sources of Law
KEYWORDS:	Blooms : Comprehension

42. 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
DIFFICULTY:	Easy
LEARNING OBJECTIVES:	SRBL.MANN.18.07.01 - 7.01
NATIONAL STANDARDS:	AICPA: BB-Risk Analysis
STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Nature of Law
KEYWORDS:	Blooms : Comprehension

43. A(n) ____ is the fundamental law of a particular level of government.

- a. Restatement of law
- b. executive order
- c. constitution
- d. code

ANSWER:	c
DIFFICULTY:	Easy
LEARNING OBJECTIVES:	SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS:	AICPA: BB-Risk Analysis
STATE STANDARDS:	AICPA BB-Legal
TOPICS:	A-Head: Sources of Law
KEYWORDS:	Blooms : Comprehension

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44. A ____ is any act or omission prohibited by public law in the interest of protection of the public and made punishable by the government in a judicial proceeding brought by it, whereby proof must be beyond a reasonable doubt.

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

ANSWER:

c

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.03 - 1.03

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Classification of Law

KEYWORDS:

Blooms : Comprehension

45. 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

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.04 - 1.04

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Sources of Law

KEYWORDS:

Blooms : Comprehension

46. In a court of equity, a chancellor could issue an order called a ____, compelling a defendant to do or refrain from doing a certain act.

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

ANSWER:

b

DIFFICULTY:

Moderate

LEARNING OBJECTIVES:

SRBL.MANN.18.01.04 - 1.04

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Sources of Law

KEYWORDS:

Blooms : Comprehension

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

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

ANSWER:

b

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.03 - 1.03

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Classification of Law

KEYWORDS:

Blooms : Comprehension

48. A constitution does not:

- a. restrict the powers of government.
- b. specifically enumerate certain liberties of the people.
- c. establish governmental structure.
- d. clearly define all the powers of the state governments.

ANSWER:

d

DIFFICULTY:

Moderate

LEARNING OBJECTIVES:

SRBL.MANN.18.01.04 - 1.04

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Sources of Law

KEYWORDS:

Blooms : Analysis

49. 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

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.03 - 1.03

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Classification of Law

KEYWORDS:

Blooms : Comprehension

50. Because of the increasing complexity of the social, economic, and industrial life of the nation, the scope of ____ law has expanded enormously in the past century.

- a. common
- b. administrative

Chapter 01: Introduction to Law

- c. procedural
- d. equity

ANSWER: b
 DIFFICULTY: Moderate
 LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
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 TOPICS: A-Head: Sources of Law
 KEYWORDS: Blooms : Comprehension

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

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

ANSWER: a
 DIFFICULTY: Easy
 LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
 NATIONAL STANDARDS: AICPA: BB-Risk Analysis
 STATE STANDARDS: AICPA BB-Legal
 TOPICS: A-Head: Sources of Law
 KEYWORDS: Blooms : Analysis

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

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

ANSWER: c
 DIFFICULTY: Easy
 LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
 NATIONAL STANDARDS: AICPA: BB-Risk Analysis
 STATE STANDARDS: AICPA BB-Legal
 TOPICS: A-Head: Sources of Law
 KEYWORDS: Blooms : Analysis

53. The ____ are orderly compilations of the general common law of the United States, prepared by a distinguished group of lawyers, judges, and law teachers.

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

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<i>ANSWER:</i>	d
<i>DIFFICULTY:</i>	Easy
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.01.04 - 1.04
<i>NATIONAL STANDARDS:</i>	AICPA: BB-Risk Analysis
<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Sources of Law
<i>KEYWORDS:</i>	Blooms : Analysis

54. The sources of law in the American legal system include ALL BUT which of the following?

- State administrative regulations
- Executive orders
- Resolutions passed by the United Nations
- Federal legislation

<i>ANSWER:</i>	c
<i>DIFFICULTY:</i>	Moderate
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.01.04 - 1.04
<i>NATIONAL STANDARDS:</i>	AICPA: BB-Risk Analysis
<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Sources of Law
<i>KEYWORDS:</i>	Blooms : Analysis

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

- Compensation
- Rehabilitation
- Deterrence
- Punishment

<i>ANSWER:</i>	c
<i>DIFFICULTY:</i>	Easy
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.07.01 - 7.01
<i>NATIONAL STANDARDS:</i>	AICPA: BB-Risk Analysis
<i>STATE STANDARDS:</i>	AICPA BB-Legal
<i>TOPICS:</i>	A-Head: Nature of Law
<i>KEYWORDS:</i>	Blooms : Analysis

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

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

<i>ANSWER:</i>	c
<i>DIFFICULTY:</i>	Moderate
<i>LEARNING OBJECTIVES:</i>	SRBL.MANN.18.01.05 - 1.05

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NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Sources of Law
KEYWORDS: Blooms : Analysis

57. 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
DIFFICULTY: Moderate
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Sources of Law
KEYWORDS: Blooms : Analysis

58. Which of the following is NOT considered to be an equitable remedy?

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

ANSWER: d
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Sources of Law
KEYWORDS: Blooms : Analysis

59. Which of the following is NOT true about the equity courts?

- a. They were originally presided over by a chancellor.
- b. They provided remedies not available in courts of law.
- c. They provided for trials by jury.
- d. They followed maxims.

ANSWER: c
DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Sources of Law

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KEYWORDS:

Blooms : Analysis

60. 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.

ANSWER:

c

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.05 - 1.05

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Sources of Law

KEYWORDS:

Blooms : Analysis

61. 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

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.04 - 1.04

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Sources of Law

KEYWORDS:

Blooms : Analysis

62. 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

DIFFICULTY:

Moderate

LEARNING OBJECTIVES:

SRBL.MANN.18.01.04 - 1.04

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Legal Analysis

KEYWORDS:

Blooms : Analysis

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63. 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

DIFFICULTY:

Easy

LEARNING OBJECTIVES:

SRBL.MANN.18.01.03 - 1.03

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Classification of Law

KEYWORDS:

Blooms : Analysis

64. 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

DIFFICULTY:

Moderate

LEARNING OBJECTIVES:

SRBL.MANN.18.01.04 - 1.04

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Sources of Law

KEYWORDS:

Blooms : Analysis

65. The ____ 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. 1st Amendment
- b. 10th Amendment
- c. 12th Amendment
- d. 9th Amendment

ANSWER:

d

DIFFICULTY:

Moderate

LEARNING OBJECTIVES:

SRBL.MANN.18.01.04 - 1.04

NATIONAL STANDARDS:

AICPA: BB-Risk Analysis

STATE STANDARDS:

AICPA BB-Legal

TOPICS:

A-Head: Sources of Law

KEYWORDS:

Blooms : Analysis

66. The party who files an appeal is the:

- a. appellant.

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

ANSWER: a
DIFFICULTY: Moderate
LEARNING OBJECTIVES: SRBL.MANN.18.01.04 - 1.04
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Legal Analysis
KEYWORDS: Blooms : Analysis

67. What is 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 refrain from performing, a certain act. A duty is an 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.

DIFFICULTY: Moderate
LEARNING OBJECTIVES: SRBL.MANN.18.01.02 - 1.02
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Nature of Law
KEYWORDS: Blooms : Synthesis

68. What is *stare decisis*? 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.

DIFFICULTY: Easy
LEARNING OBJECTIVES: SRBL.MANN.18.01.05 - 1.05
NATIONAL STANDARDS: AICPA: BB-Risk Analysis
STATE STANDARDS: AICPA BB-Legal
TOPICS: A-Head: Legal Analysis
KEYWORDS: Blooms : Synthesis

69. What are the various kinds or sources of American law? Discuss how these various types of law 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;

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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.

DIFFICULTY: Moderate

LEARNING OBJECTIVES: RBL.MANN.18.01.04 - 1.04

CTIVES:

NATIONAL STANDARD AICPA: BB-Risk Analysis

DARDS:

STATE STANDARD AICPA BB-Legal

DS:

TOPICS: A-Head: Sources of Law

KEYWORDS: Blooms : Synthesis

70. What is law? Discuss the various definitions of law by legal scholars. What is the relationship between law and morality and between law and justice?

ANSWER: Numerous philosophers and jurists have attempted to define law. American jurists 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 Blackstone 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, 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.

DIFFICULTY: Moderate

LEARNING OBJECTIVES: RBL.MANN.18.07.01 - 7.01

CTIVES:

NATIONAL STANDARD AICPA: BB-Risk Analysis

DARDS:

STATE STANDARD AICPA BB-Legal

DS:

TOPICS: A-Head: Nature of Law

KEYWORDS: Blooms : Synthesis

71. What is the function of law? Some observers claim we have too much law today. What accounts for the increased number of laws that exist today?

ANSWER: The primary function of law is to maintain stability 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.

DIFFICULTY: Difficult

LEARNING OBJECTIVES: RBL.MANN.18.07.01 - 7.01

Name _____ Class _____ Date _____
: _____ : _____ e: _____

Chapter 01: Introduction to Law

CTIVES:

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DARDS:

STATE STANDAR AICPA BB-Legal

DS:

TOPICS: A-Head: Nature of Law

KEYWORDS: Blooms : Synthesis

72. Explain how the terms *civil law* and *civil law system* differ.

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.

DIFFICULTY: Moderate

LEARNING OBJESRBL.MANN.18.01.03 - 1.03

CTIVES:

NATIONAL STAN AICPA: BB-Risk Analysis

DARDS:

STATE STANDAR AICPA BB-Legal

DS:

TOPICS: A-Head: Classification of Law

KEYWORDS: Blooms : Synthesis