

Chapter 2 Test Questions
Sport Law: A Managerial Approach, 4th Edition

Multiple Choice

1. A “tort” is defined as?
 - A) A doctrine that holds an employing organization (employer) responsible for certain acts of its employees, not because of any wrongdoing by the employer, but because the law has deemed it appropriate for the employer to be held accountable for the actions of its employees.
 - B) A civil wrong other than a breach of contract; usually refers to the causing of damage or injury to property, a person, a person’s reputation, or a person’s commercial interest.
 - C) Occurs when there is conclusive proof that a defendant has breached the standard of care when an injury is caused by the defendant’s failure to meet a statutory requirement that was established for safety reasons.
 - D) A type of sexual harassment that occurs when an employer conditions a job-related benefit, such as a promotion or pay raise, on an employee’s willingness to engage in sexual behavior; sexual bribery.
2. To prevail in seeking a preliminary injunction, a plaintiff must prove all of the following elements except?
 - A) The plaintiff has a substantial likelihood of prevailing on the merits of the case.
 - B) The plaintiff will suffer irreparable injury if the preliminary injunction is not issued.
 - C) The plaintiff is likely to agree to a settlement if the case goes to court.
 - D) The injunction will not have an adverse effect on public interest.
3. Which of the following would NOT be considered a primary legal resource?
 - A) Law reviews and business publications
 - B) Court decisions
 - C) Statutes
 - D) Regulations
4. Once a higher court makes a decision, a lower court in that same jurisdiction must thereafter follow the rule of law established by the higher court because of the following principles.
 - A) Conformity and Conscience
 - B) Consistency and Outcomes
 - C) Res Ipsa Loquiter
 - D) Precedent and Stare Decisis
5. Which of the following is not an example of a secondary legal resource?
 - A) Law dictionaries
 - B) Case Summaries
 - C) Digital legal resources
 - D) Wikipedia law review

True/False

1. State courts have concurrent jurisdiction where they may hear both state and federal law claims.
2. The U.S. Supreme Court is not the highest court in the United States.
3. Courts will generally afford great deference to the interpretation of regulations rendered by the agency responsible for promulgating and enforcing those regulations.
4. Persuasive precedent means that a trial-level court in the State of Idaho is bound to follow the case law precedent established by the Supreme Court of Washington because the Washington court is a higher level court.
5. Arbitration can best be described as, negotiating a settlement of the dispute.
6. Motion of summary judgement occurs when there are no genuine issues of material fact and the judge is able to apply the facts to the law to decide the dispute.
7. The role of the courts is to decide legal controversies by interpreting constitutions, statutes, and common law precedent.
8. Once a higher court makes a decision, a lower court in that same jurisdiction must thereafter follow the rule of law established by the higher court because it has become binding precedent.
9. Assume the Supreme Court of Washington State has made the following decisions:
 - a. 1984: No discrimination against yellows
 - b. 1989: No discrimination against blues
 - c. 1992: OK to discriminate against squares
 - d. 1996: No discrimination against greens

The lowest-level trial court of Washington, which must now decide whether it is OK to discriminate against reds, may rule that such discrimination against reds is OK.

Short Answer

1. Identify and discuss two differences between mediation and arbitration?

2. When the higher court in a given jurisdiction declines to hear an appeal, how does that affect the decision rendered at the level below?

Essay

1. Explain the difference between persuasive and binding precedent and discuss the importance of being able to use analogical legal reasoning to solve business problems with legal implications.

ANSWERS

Multiple Choice

1. B. A civil wrong other than a breach of contract; usually refers to the causing of damage or injury to property, a person, a person's reputation, or a person's commercial interest.
2. C. The plaintiff is likely to agree to a settlement if the case goes to court.
3. A. Law reviews and business publications
4. D. Precedent and Stare Decisis
5. D. Wikipedia law review

True/False

1. True
2. False
3. True
4. False
5. False
6. True
7. True
8. True
9. False