

## **Test Item File**

# Chapter 1: Introduction To Law

## 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.

Answer: a

Objective: Explain the basic concepts of a civil law legal system.

Page number: 3

Level: Basic

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.

Answer: d

Objective: List and describe three major philosophical theories of law.

Page number: 3

Level: Intermediate

3. This theory is 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

Answer: c

Objective: List and describe three major philosophical theories of law.

Page number: 3

Level: Intermediate

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.

Answer: c

Objective: Provide examples of substantive criminal laws and substantive civil laws.

Page number: 3

Level: Basic

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

Answer: e

Objective: Explain the purpose of substantive laws.

Page number: 3

Level: Basic

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

Answer: d

Objective: Explain the purpose of substantive laws.

Page number: 3

Level: Intermediate

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

Answer: b

Objective: Explain the purpose of procedural laws.

Page number: 3

Level: Difficult

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

Answer: e

Objective: Explain the purpose of procedural laws.

Page number: 3

Level: Intermediate

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

Answer: d

Objective: Compare and contrast procedures in a criminal case with procedures in a civil case.

Page number: 3

Level: Difficult

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: d

Objective: Provide examples of substantive criminal laws and substantive civil laws.

Page number: 3

Level: Intermediate

11. What is a type of law that regulates many religious organizations?

a. Statutory law

b. Canon law

c. Constitutional law

d. Case law

Answer: b

Objective: Define the term law.

Page number: 2

Level: Intermediate

12. What is a set of rules and procedures usually intended to regulate some aspect of society?

a. Law

b. Canon

c. Bylaw

d. Precedent

Answer: a

Objective: Define the term law.

Page number: 3

Level: Basic

13. The Napoleonic Code became the basis of a civil law legal system in which country?

a. Great Britain

b. France

c. Germany

d. China

Answer: b

Objective: List some of the historical origins of law.

Page number: 3

Level: Basic

14. The origins and development of laws and legal systems are predominantly based on the actions of government and \_\_\_\_\_.

- a. religion
- b. corporations
- c. philosophers
- d. professors

Answer: a

Objective: List some of the historical origins of law.

Page number: 3

Level: Basic

15. Which type of legal system refers to a system based primarily on written constitutions and written laws or codes?

- a. Common law
- b. Civil law
- c. Natural law
- d. Bylaws

Answer: b

Objective: Explain the basic concepts of a civil law legal system.

Page number: 3

Level: Intermediate

16. Which type of legal system refers to a system based on precedent or case law?

- a. Common law
- b. Civil law
- c. Natural law
- d. Bylaws

Answer: a

Objective: Explain the basic concepts of a common law legal system.

Page number: 3

Level: Intermediate

17. What does the phrase "stare decisis" mean?

- a. "Let the master answer"
- b. "The Law speaks for itself"
- c. "It stands decided"
- d. "To hold the body"

Answer: c

Objective: Explain the basic concepts of a common law legal system.

Page number: 3

Level: Intermediate

18. Which of the following is a way that laws are categorized?

- a. Whether the law is constitutional law, statutory law, or case law
- b. Whether the law is substantive or procedural
- c. Whether the law is criminal or civil
- d. All of the above

Answer: d

Objective: List three important categories of law.

Page number: 4

Level: Basic

19. A law that makes shoplifting a crime is an example of which type of law?

- a. Substantive law
- b. Procedural law
- c. A rule of court
- d. A bylaw

Answer: a

Objective: List three important categories of law.

Page number: 4

Level: Difficult

20. What is the burden of proof in a criminal case?

- a. Preponderance of the evidence
- b. Clear and convincing evidence
- c. Beyond a reasonable doubt
- d. Beyond a shadow of a doubt

Answer: c

Objective: Compare and contrast procedures in a criminal case with procedures in a civil case.

Page number: 8

Level: Intermediate

### True-False

1. The term law refers exclusively to rules created and enforced by federal, state and local governments.

- a. True
- b. False

Answer: b

Objective: Define the term law.

Page number: 2

Level: Basic

2. Because values, customs and even religious beliefs influence laws and legal systems, differences exist from country to country.

- a. True
- b. False

Answer: a

Objective: Define the term law.

Page number: 2

Level: Basic

3. The Code of Hammurabi is an example of a law from a civil law legal system.

a. True

b. False

Answer: a

Objective: List some of the historical origins of law.

Page number: 3

Level: Intermediate

4. Substantive laws are those laws that define the rights and duties of parties.

a. True

b. False

Answer: a

Objective: Explain the purpose of substantive laws.

Page number: 5

Level: Basic

5. Procedural laws are those laws that relate to the enforcement of substantive rights and duties.

a. True

b. False

Answer: a

Objective: Explain the purpose of procedural laws.

Page number: 5

Level: Basic

6. Rules of court are generally substantive laws.

a. True

b. False

Answer: b

Objective: Explain the purpose of procedural laws.

Page number: 6

Level: Intermediate

7. In a criminal case, the plaintiff is usually the victim of a crime.

a. True

b. False

Answer: b

Objective: Compare and contrast procedures in a criminal case with procedures in a civil case.

Page number: 8

Level: Basic

8. A right to a jury only exists in a criminal case.

a. True

b. False

Answer: b

Objective: Provide examples of substantive criminal laws and substantive civil laws.

Page number: 8

Level: Intermediate

9. A right to a court appointed attorney for indigent defendants applies only in criminal cases.

a. True

b. False

Answer: a

Objective: Provide examples of substantive criminal laws and substantive civil laws.

Page number: 8

Level: Intermediate

10. In a civil case, if the defendant does not pay a civil judgment, he or she cannot usually be put in jail.

a. True

b. False

Answer: a

Objective: Compare and contrast procedures in a criminal case with procedures in a civil case.

Page number: 9

Level: Intermediate

11. Religion has had no impact on the development of law.

a. True

b. False

Answer: b

Objective: List some of the historical origins of law.

Page number: 3

Level: Intermediate

12. Common law systems are those based on the concept of precedent.

a. True

b. False

Answer: a

Objective: Explain the basic concepts of a common law legal system.

Page number: 3

Level: Intermediate

13. Stare decisis means "it stands decided."

a. True

b. False

Answer: a

Objective: Explain the basic concepts of a common law legal system.

Page number: 3

Level: Difficult

14. Jurisprudence is the study of philosophy of law.

a. True

b. False

Answer: a

Objective: List and describe three major philosophical theories of law.

Page number: 3

Level: Basic

15. The natural theory of law is a philosophical theory holding that the validity of law is not related to morality.

a. True

b. False

Answer: b

Objective: List and describe three major philosophical theories of law.

Page number: 4

Level: Difficult

16. Whether a law is criminal or civil is one way that laws are categorized.

a. True

b. False

Answer: a

Objective: List three important categories of law.

Page number: 4

Level: Difficult

17. Whether a law is substantive or procedural is one way that laws are categorized.

a. True

b. False

Answer: a

Objective: List three important categories of law.

Page number: 4

Level: Difficult

18. Civil law describes a legal system based on written laws or codes.

a. True

b. False

Answer: a

Objective: Explain the basic concepts of a civil law legal system.

Page number: 3

Level: Intermediate

19. The role of courts is essential in a civil law legal system.

a. True

b. False

Answer: b

Objective: Explain the basic concepts of a civil law legal system.

Page number: 3

Level: Intermediate

20. Substantive laws define the rights and duties of parties and establish the legal basis for any lawsuit

a. True

b. False

Answer: a

Objective: Explain the purpose of substantive laws.

Page number: 5

Level: Intermediate

### Fill-in-the-blank

1. \_\_\_\_\_ refers to rules created and enforced by federal, state, and local governments.

Answer: Law

Objective: Define the term law.

Page number: 2

Level: Basic

2. Historically, the two major types of legal systems that developed were civil law systems and \_\_\_\_\_ systems.

Answer: common law

Objective: List some of the historical origins of law.

Page number: 3

Level: Intermediate

3. The legal system based primarily on written constitutions and written laws or codes is known as a \_\_\_\_\_ system.

Answer: civil law

Objective: Explain the basic concepts of a civil law legal system.

Page number: 3

Level: Basic

4. Common law systems are based on the concept of \_\_\_\_\_ or “stare decisis.”

Answer: precedent

Objective: Explain the basic concepts of a common law legal system.

Page number: 3

Level: Intermediate

5. The philosophical theory of law that holds that law reflects the moral and unchangeable laws of nature is known as the \_\_\_\_\_ theory of law.

Answer: natural

Objective: List and describe three major philosophical theories of law.

Page number: 4

Level: Intermediate

6. The philosophical theory of law that holds that the validity of law is not related to morality is known as legal\_\_\_\_\_.

Answer: positivism

Objective: List and describe three major philosophical theories of law.

Page number: 4

Level: Difficult

7. Whether the law is constitutional law, statutory law, or case law is one way that laws are \_\_\_\_\_.

Answer: categorized

Objective: List three important categories of law.

Page number: 4

Level: Intermediate

8. Laws that define the rights and duties of parties and establish the legal basis for any lawsuit are known as \_\_\_\_\_ laws.

Answer: substantive

Objective: Explain the purpose of substantive laws.

Page number: 5

Level: Intermediate

9. Laws that relate to the enforcement of the substantive rights and duties are known as \_\_\_\_\_ laws.

Answer: procedural

Objective: Explain the purpose of procedural laws.

Page number: 5

Level: Intermediate

10. Murder, assault, and theft are examples of \_\_\_\_\_ criminal laws.

Answer: substantive

Objective: Provide examples of substantive criminal laws and substantive civil laws.

Page number: 6

Level: Intermediate

11. In a criminal case, if the court finds against the defendant, the defendant is found guilty. In a civil case, if the court finds against the defendant, the defendant is said to be \_\_\_\_\_.

Answer: liable

Objective: Compare and contrast procedures in a criminal case with procedures in a civil case.

Page number: 8

Level: Difficult

### Matching

Match the type of legal procedure listed in Column 1 to the type of case in Column 2.

Column 1	Column 2
1. The defendant is found liable or not liable	a. criminal case

2. A government prosecutor files criminal charges against person accused of murder	b. civil case
3. Each party must bear his or her own attorney costs	
4. The prosecutor must prove the defendant guilty beyond a reasonable doubt	
5. The defendant is found guilty or is acquitted	
6. The plaintiff must prove his or her case by a preponderance of the evidence	

1. \*a
2. \*a
3. \*b
4. \*a
5. \*a
6. \*b

Objective: Compare and contrast procedures in a criminal case with procedures in a civil case.

Page number: 9

Level: Intermediate

Match the type of law listed in Column 1 to the category in Column 2.

Column 1	Column 2
7. Laws define the rights and duties of parties and establish the legal basis for any lawsuit.	a. Procedural laws
8. The determination of where a lawsuit should be filed.	b. Substantive laws
9. A state law that prohibits drunk driving.	
10. The time limit for filing the action.	

7. \*b
8. \*a
9. \*b
10. \*a

Page number: 5

Level Intermediate

### Essay

1. What is the definition of law?

Answer: Law is defined as a set of rules and procedures usually intended to regulate some aspect of society.

Objective: Define the term law.

Page number: 2  
Level: Basic

2. Discuss two examples of historical origins of a civil law legal system.

Answer: One of the most famous examples of a civil law system was the Babylonian Empire, a society ruled by a law known as the Code of Hammurabi. In the nineteenth century, the Napoleonic Code became the basis of a civil law legal system in France.

Objective: List some of the historical origins of law.

Page number: 3

Level: Intermediate

3. Compare and contrast the differences between a civil law legal system and a common law legal system.

Answer: A civil law legal system refers to a system based primarily on written constitutions and written laws or codes. In such legal systems, a ruler or legislative body creates an extensive set of rules or regulations to govern. The role of courts in such systems is limited. Common law systems, on the other hand, are based on precedent or case law.

Objective: Explain the basic concepts of a civil law legal system.

Page number: 3

Level: Intermediate

4. Describe the three major philosophical theories of law.

Answer: The three major philosophical theories of law are the natural law theory, legal positivism, and legal realism. The natural theory of law is a philosophical theory holding that law reflects the moral and unchangeable laws of nature. Legal positivism is a philosophical theory holding that the validity of law is not related to morality. Legal realism is a philosophical theory that laws are created by judges and therefore subject to individual beliefs and prejudices.

Objective: List and describe three major philosophical theories of law.

Page number: 4

Level: Difficult

5. Provide two examples of substantive criminal laws and two examples of substantive civil laws.

Answer: Two examples of substantive criminal laws are laws against murder and drunk driving. Two examples of substantive civil laws are breach of contract and tort actions.

Objective: Provide examples of substantive criminal laws and substantive civil laws.

Page number: 6

Level: Difficult

6. Discuss the burden of proof in criminal cases with the burden of proof in civil cases.

Answer: The burden of proof is the necessity of establishing a particular fact or the necessity of going forward with the evidence. The amount of proof necessary for a conviction in a criminal case is beyond a reasonable doubt. At trial, the prosecutor must prove the case against the defendant meets a burden of proof known as beyond a reasonable doubt. If the jury finds against the defendant, he or she is said to be guilty. In a civil case, the plaintiff must prove his or her case by a standard known as a preponderance of the evidence. If the court finds against the defendant, the defendant is said to be liable. Preponderance of the

evidence is the amount of proof necessary for most civil cases which is defined as more likely than not.

Objective: Compare and contrast procedures in a criminal case with procedures in a civil case.

Page number: 8

Level: Difficult

### Critical Thinking

1. Which system do you think provides for a fairer system: a civil law legal system or a common law legal system? Explain.

Answer: Student answers will vary.

Objective: Explain the basic concepts of a civil law legal system.

Page number: 2

Level: Difficult

2. In a criminal case, if the defendant is indigent and cannot afford a lawyer, one will be provided without cost to the defendant. Should parents in child custody cases who cannot afford a lawyer also be provided a lawyer without cost? Explain your position.

Explain

Answer: Student answers will vary.

Objective: Compare and contrast procedures in a criminal case with procedures in a civil case

Page number: 8

Level: Difficult