

Chapter 1 The Nature of Law and Critical Legal Thinking

Name: _____

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

- 1) The sources of the law in this country are the:
 - A) U.S. Constitution.
 - B) State constitutions.
 - C) Federal and state statutes, ordinances, administrative rules, executive orders, and judicial decisions.
 - D) All of the above.
- 2) Businesses organized in the U.S. are subject to:
 - A) U.S. laws.
 - B) Ethical duties in the conduct of its affairs.
 - C) Laws of countries where they operate.
 - D) All of the above.
- 3) Critical legal thinking involves:
 - A) Specifying the issue.
 - B) Identifying the key facts and applicable law.
 - C) Applying the law to the facts.
 - D) All of the above.
- 4) By providing a basis for compromise, U.S. law provides for settlement prior to trial in:
 - A) 40 percent of all lawsuits.
 - B) 77 percent of all lawsuits.
 - C) 90 percent of all lawsuits.
 - D) None of the above.
- 5) The law is:
 - A) Vague and variable.
 - B) A comprehensive, eternalized set of rules.
 - C) Permanent and inflexible in its application.
 - D) None of the above.
- 6) The following is an example of the natural law school of jurisprudence:
 - A) The Code of Hammurabi.
 - B) U.S. Constitution.
 - C) U.S. Code.
 - D) None of the above.
- 7) Some misuses and oversights of our legal system include
 - A) Abuses of discretion.
 - B) Mistakes by judges and juries.
 - C) Unequal application of the law.
 - D) All of the above.
- 8) Battered women's syndrome may prove self-defense in homicide cases where:
 - A) The defendant is especially grieved and remorseful.
 - B) The woman is accused of killing her husband or other male, and there is evidence is sustained violence against the women.
 - C) The victim was not well liked or respected in the community.
 - D) None of the above.

- 9) Precedent provides:
- A) Suggested rules for deciding cases.
 - B) The basis for deciding similar issues in latter cases.
 - C) That what is decided by upper courts is not relevant or applicable to lower courts.
 - D) All of the above.
- 10) Which of the following are examples of civil law codes?
- A) *Corpus Juris Civilis*.
 - B) French Civil Code.
 - C) German Civil Code.
 - D) All of the above.

TRUE/FALSE. Write 'T' if the statement is true and 'F' if the statement is false.

- 11) The law is based primarily on the French civil law system.
- 12) A function of the law is to facilitate orderly change.
- 13) Administrative agencies are established to enforce and interpret statutes enacted by Congress and state legislatures.
- 14) The U.S. Constitution and treaties are secondary to state laws and local ordinances.
- 15) The Defendant is the party that brought the law suit.
- 16) Judges apply legal reasoning in deciding cases.
- 17) Administrative agencies are created by the judicial branch.
- 18) The Spanish and French civil law systems influence U.S. law.
- 19) The natural law school of jurisprudence suggests that the law is based on what is "correct."
- 20) The analytical school of jurisprudence suggests that the law is based on social traditions and customs developed over centuries.

Chapter 2: The American Court System

Name: _____

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

- 1) Examples of state limited-jurisdiction trial courts include:
 - A) Traffic courts.
 - B) Juvenile courts.
 - C) Family-law courts.
 - D) All of the above
- 2) Federal judges are appointed by the President, with advice and consent of the Senate, for:
 - A) Life.
 - B) 14-year terms.
 - C) 8-year terms.
 - D) All of the above.
- 3) The 11 territorial and D.C. Circuit U.S. Courts of Appeals hear cases involving:
 - A) Federal claims.
 - B) International trade.
 - C) Patent and trademark.
 - D) None of the above.
- 4) Which Article and Section of the U.S. Constitution gives the President the power to appoint Supreme Court justices?
 - A) Article II, Section 2.
 - B) Article III, Section 1.
 - C) Article VI, Section 7.
 - D) None of the above.
- 5) A plurality decision means:
 - A) A majority cannot agree as to the outcome of the case.
 - B) A majority agree with the outcome, but not with the reasoning.
 - C) A tie vote is cast.
 - D) None of the above.
- 6) A Supreme Court justice who agrees with the outcome of a case, but not the reasoning, may issue a:
 - A) Minority opinion.
 - B) Dissenting opinion.
 - C) Concurring opinion.
 - D) Non-concurring opinion.
- 7) The Supreme Court usually decides to hear which kinds of major constitutional questions?
 - A) Freedom of Speech.
 - B) Freedom of Religion.
 - C) Equal protection.
 - D) All of the above.
- 8) Diversity of citizenship for jurisdictional purposes involves:
 - A) Citizens of different states.
 - B) A citizen of a state and a citizen or subject of a foreign country.
 - C) A citizen of a state and a foreign country where the foreign country is the plaintiff.
 - D) All of the above

- 9) For a court to have authority to hear a case:
 - A) The plaintiff must have standing to sue.
 - B) The court must have jurisdiction.
 - C) The case must be brought in the proper venue.
 - D) All of the above
- 10) State courts have exclusive jurisdiction for:
 - A) Bankruptcy.
 - B) Copyright.
 - C) Patents.
 - D) None of the above.

TRUE/FALSE. Write 'T' if the statement is true and 'F' if the statement is false.

- 11) There are three major court systems in the U.S.
- 12) Decisions of limited-jurisdiction trial courts can usually be appealed to a general-jurisdiction court or appellate court.
- 13) The highest state court hears no new evidence or testimony.
- 14) The Constitution authorizes Congress to establish inferior federal courts.
- 15) The U.S. Court of International Trade hears cases involving federal tax laws.
- 16) Statements of general opinion – puffery – are not actionable under the Lanham Act.
- 17) The Supreme Court of the U.S. cannot come to a tie decision.
- 18) Cases arising under the U.S. Constitution, treaties, and federal statutes and regulations are "federal questions" for jurisdictional purposes.
- 19) State courts may elect to hear cases involving federal crimes.
- 20) If a plaintiff brings a case involving concurrent jurisdiction in a state court, the defendant can remove the case to federal court.