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

2. ​ Laws are always based on moral concepts.

a. True

b. False

3. Law and justice represent separate and distinct concepts.

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

b. False

13. Without law, there can be no justice.

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

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

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

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

a. True

b. False

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

a. True

b. False

29. Business law is primarily public law.

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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

a. True

b. False

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.

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

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.

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.

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.

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

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

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

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.

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

a. Restatement of law

b. executive order

c. constitution

d. code

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

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.

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. s*tare decisis*

d. rescission

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

a. criminal law.

b. administrative law.

c. constitutional law.

d. substantive law.

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.

49. The person who files or commences a civil lawsuit is known as the:

a. plaintiff.

b. prosecuting attorney.

c. defendant.

d. attorney general.

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

c. procedural

d. equity

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.

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.

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

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

a. State administrative regulations

b. Executive orders

c. Resolutions passed by the United Nations

d. Federal legislation

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

a. Compensation

b. Rehabilitation

c. Deterrence

d. Punishment

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

a. It relies heavily on the inquisitorial method for settling disputes.

b. It depends heavily on comprehensive legislative enactments called Codes.

c. It applies the principle of *stare decisis*.

d. It is based on Roman law.

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.

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

a. Specific performance

b. Injunction

c. Reformation

d. Money damages

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.

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.

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.

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*.

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.

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.

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

66. The party who files an appeal is the:

a. appellant.

b. appellee.

c. defendant.

d. plaintiff.

67. What is the relationship between rights and duties under the law?

68. What is *stare decisis*? Discuss its place in the American legal system.

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.

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?

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?

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

Answers:

1. b.

2. b.

3. a.

4. b.

5. a.

6. b.

7. b.

8. a.

9. b.

10. b.

11. b.

13. a.

14. a.

15. b.

16. b.

17. a.

18. b.

19. b.

20. b.

21. b.

22. b.

23. a.

24. a.

25. b.

26. b.

27. a.

28. b.

29. b.

30. a.

31. b.

32. a.

33. a.

34. b.

35. d.

36. c.

37. b.

38. c.

39. d.

40. d.

41. a.

42. a.

43. c.

44. c.

45. b.

46. b.

47. b.

48. d.

49. a.

50. b.

51. a.

52. c.

53. d.

54. c.

55. c.

56. c.

57. d.

58. d.

59. c.

60. c.

61. b.

62. a.

63. a.

64. c.

65. d.

66. a.

67.

68.

69.

70.

71.

72.