***The Legal Environment of Business, 7e* (Kubasek)**

**Chapter 1 Critical Thinking and Legal Reasoning**

1) Critical thinking \_\_\_\_\_\_\_\_.

A) is the ability to understand the structure of an argument and apply a set of evaluative criteria to assess its merits

B) is the goal toward which reasoning pushes an individual

C) refers to the standards of conduct that an individual considers virtuous

D) is the comparison based on the assumption that if two things are alike in some respect, they must be alike in other respects

Answer: A

Diff: 1

Topic: The Importance of Critical Thinking

2) Which of the following statements best illustrates the use of critical thinking skills by a lawyer?

A) A lawyer raises a courtroom objection when her opponent engages in critical commentary about an opponent without prior permission of the judge.

B) A lawyer develops a closing argument using visual aids that is likely to impress a jury comprised of ordinary citizens.

C) A lawyer approaches a difficult problem by gathering all relevant facts, determining the real issue in dispute, and applying reason to reach a conclusion.

D) A lawyer scientifically analyzes the handwriting of a defense witness to determine the potential for bias.

Answer: C

Diff: 2

Topic: The Importance of Critical Thinking

3) The stimulus that initiates legal reasoning is known as the \_\_\_\_\_\_\_\_.

A) conclusion

B) reason

C) norm

D) issue

Answer: D

Diff: 2

Topic: The Importance of Critical Thinking

4) Martin, an entrepreneur, has been facing an employee union strike at his factory for the past four weeks. Last week, the laborers from his factory entered his home without his consent to list out their demands to him while insisting on better working conditions for the employees. Martin consulted his lawyer who was of the opinion that the committed offense was criminal in nature. Which among the following statements best describes the issue in this scenario?

A) the employee union striking at Martin's factory

B) What is the reason for the employee union strike?

C) the employees asking for better working conditions

D) Are union organizers permitted to enter an employer's property?

Answer: D

Diff: 3

Topic: The Importance of Critical Thinking

5) Issues are stated as questions because they \_\_\_\_\_\_\_\_.

A) reduce the complexity of the situation

B) are a call for action

C) are clearly defined and not open to interpretations

D) speed up the legal process

Answer: B

Diff: 1

Topic: The Importance of Critical Thinking

6) \_\_\_\_\_\_\_\_ refers to a position or stance on an issue.

A) Reason

B) Conclusion

C) Analogy

D) Logic

Answer: B

Diff: 1

Topic: The Importance of Critical Thinking

7) Mike's organization manages the logistics for a petroleum company. Last month, one of its tankers spilled about one hundred tons of oil in the ocean while transporting it. Mike meets with a lawyer to understand his organization's liability in the accident, and he is relieved to hear that all the damages have to be paid by the petroleum company. Which of the following statements best describes the conclusion in this scenario?

A) Mike's firm is liable for the damages and must pay the company.

B) Mike's firm is partially responsible for the damages.

C) Mike's firm is not responsible for the damages.

D) Mike's firm is solely responsible for the damages.

Answer: C

Diff: 3

Topic: The Importance of Critical Thinking

8) Which of the following statements best illustrates a conclusion?

A) the opening argument delivered by the defendant's lawyer to the jury

B) the most important evidence offered by an eyewitness

C) the action of a lawyer in objecting to unconvincing testimony

D) the judge's written decision in favor of the plaintiff or defendant at the end of a trial

Answer: D

Diff: 2

Topic: The Importance of Critical Thinking

9) The one characteristic shared by many forms of critical thinking is the focus on the quality of an individual's \_\_\_\_\_\_\_\_.

A) reasoning

B) past conclusions

C) stand on the issue

D) ethical values

Answer: A

Diff: 1

Topic: The Importance of Critical Thinking

10) Which of the following is the first step to legal reasoning in the critical thinking model?

A) stating the relevant rules of law

B) looking for evidence of relevant missing information

C) analyzing the legal analogies

D) stating the facts of the case

Answer: D

Diff: 1

Topic: A Critical Thinking Model

11) Which of the following is typically the step after identifying the issue in legal reasoning?

A) looking for evidence of relevant missing information

B) analyzing the legal analogies

C) stating the reasons and conclusion of the issue

D) stating the relevant rules of law

Answer: C

Diff: 1

Topic: A Critical Thinking Model

12) Which of the following is the last step to legal reasoning in the critical thinking model?

A) stating the relevant rules of law

B) looking for evidence of relevant missing information

C) stating the reasons and conclusion of the issue

D) evaluating the facts of the case

Answer: B

Diff: 1

Topic: A Critical Thinking Model

13) Janet, a lawyer, has been assigned to work on a money laundering case. She has collected the facts and understood the issue. According to the eight steps to legal reasoning, which of the following will be her next step?

A) verifying if the legal argument contains significant ambiguity

B) looking for evidence of relevant missing information

C) stating the reasons and conclusion of the issue

D) analyzing the ethical norms fundamental to the court's reasoning

Answer: C

Diff: 3

Topic: A Critical Thinking Model

14) Which of the following is true of the eight steps to legal reasoning?

A) All the eight steps are foundational steps.

B) The first four steps are the critical thinking steps and the final four steps are the foundational steps.

C) The first four steps are the foundational steps and the final four steps are the critical thinking steps.

D) All the eight steps are critical thinking steps.

Answer: C

Diff: 2

Topic: A Critical Thinking Model

15) Which of the following statements best summarizes the first four steps to legal reasoning?

A) understanding the client, preparing the legal paperwork, appearing in court, and arguing the case

B) drafting the summons, drafting the complaint, preparing the answer, and filing documents in court

C) finding the facts, determining the issue, reasoning to a conclusion, and applying the relevant rules of law

D) raising an objection, explaining the reasons for the objection, waiting for the judge's ruling, and proceeding with the testimony

Answer: C

Diff: 1

Topic: A Critical Thinking Model

16) Which among the following is a foundational step to legal reasoning?

A) looking for evidence of relevant missing information

B) determining the reasons and conclusion to an issue

C) analyzing the legal analogies

D) verifying if the legal argument contains significant ambiguity

Answer: B

Diff: 1

Topic: A Critical Thinking Model

17) Which of the following questions is a critical thinking step to legal reasoning?

A) analyzing the legal analogies

B) stating the facts of the case

C) determining the issue

D) stating the relevant rules of law

Answer: A

Diff: 1

Topic: A Critical Thinking Model

18) Which of the following statements best describes facts in legal reasoning?

A) Facts are the most basic building blocks in a legal decision or argument.

B) Facts are words used to describe the reasons for reaching conclusions in a complex legal dispute.

C) Facts are the issues in a dispute, which is the bone of contention between two opposing litigants.

D) Facts are the position or stance on an issue.

Answer: A

Diff: 1

Topic: The Critical Thinking Steps

19) Which of the following best describes a legal issue?

A) A legal issue is the ultimate reasoning behind a judge's final decision.

B) A legal issue is the set of facts by which the lawyers and their clients assist the judge in reaching a final decision.

C) A legal issue is the question that caused the lawyers and their clients to enter the legal system.

D) A legal issue is an ethical norm fundamental to the court's decision.

Answer: C

Diff: 1

Topic: The Critical Thinking Steps

20) Which of the following statements best defines "conclusion"?

A) It is the answer to a legal issue.

B) It is the most basic component of a legal decision.

C) It is the stimulus that initiates legal reasoning.

D) It is the main issue presented in a legal argument.

Answer: A

Diff: 1

Topic: The Critical Thinking Steps

21) A(n) \_\_\_\_\_\_\_\_ is an explanation or justification provided as support for conclusion.

A) issue

B) fact

C) analogy

D) reason

Answer: D

Diff: 1

Topic: The Critical Thinking Steps

22) Which of the following statements is true about rules of law?

A) Legal reasoning is complex because statutes and findings are never crystal clear.

B) Judges and businesspeople do not have room for interpretive flexibility in their reasoning.

C) Judges can offer any reasoning they please.

D) They tend to cloud a judge's reasoning, and should be avoided when reaching a decision.

Answer: A

Diff: 2

Topic: The Critical Thinking Steps

23) A judge wants to encourage people to act without restriction from rules imposed by others. Which of the following ethical norms is the judge emphasizing?

A) security

B) freedom

C) justice

D) efficiency

Answer: B

Diff: 2

Topic: The Critical Thinking Steps

24) With reference to ethical norms, to provide the order in business relationships that permits predictable plans to be effective is a form of \_\_\_\_\_\_\_\_.

A) security

B) justice

C) freedom

D) efficiency

Answer: A

Diff: 2

Topic: The Critical Thinking Steps

25) With reference to ethical norms, to receive the product of your labor is a form of \_\_\_\_\_\_\_\_.

A) freedom

B) efficiency

C) security

D) justice

Answer: D

Diff: 1

Topic: The Critical Thinking Steps

26) A court ruled that a town government can condemn private homes so that the homes can be torn down and the land can be used by local developers to build offices, restaurants and stores, which will increase the tax revenues of the town. Which of the following ethical norms is illustrated in this scenario?

A) freedom

B) security

C) justice

D) efficiency

Answer: D

Diff: 3

Topic: The Critical Thinking Steps

27) With reference to ethical norms, to minimize costs is a form of \_\_\_\_\_\_\_\_.

A) freedom

B) efficiency

C) security

D) justice

Answer: B

Diff: 1

Topic: The Critical Thinking Steps

28) With reference to ethical norms, to get the most from a particular input is a form of \_\_\_\_\_\_\_\_.

A) freedom

B) security

C) efficiency

D) justice

Answer: C

Diff: 1

Topic: The Critical Thinking Steps

29) Lawyers and judges typically use analogies \_\_\_\_\_\_\_\_.

A) to maximize costs for trials

B) for critical legal reasoning

C) as substitutes for the facts of the case

D) to compare the facts of legal precedents to the facts of the case at hand

Answer: D

Diff: 1

Topic: The Critical Thinking Steps

30) Johnson, a lawyer, is representing a male homosexual worker who was sexually harassed by a male heterosexual worker at his workplace. Which of the following statements is the best example of an appropriate legal analogy?

A) a case precedent that finds the law protects heterosexuals from gender discrimination in the workplace

B) a case precedent that finds the law protects heterosexual males from being harassed by heterosexual males in the workplace

C) a case precedent that finds the law protects homosexuals of either gender from being harassed by heterosexual supervisors of either gender

D) a case precedent that finds the law does not protect homosexuals from harassment during off duty hours

Answer: C

Diff: 3

Topic: The Critical Thinking Steps

31) Which of the following is important in order to be comfortable with a particular analogy?

A) The independent evidence in the current case should be different from the independent evidence in the precedent.

B) The independent evidences of different cases should not be compared.

C) The independent evidence in the current case should be similar to the independent evidence in the precedent.

D) The independent evidence in the precedent should be discarded.

Answer: C

Diff: 2

Topic: The Critical Thinking Steps

32) Which of the following statements best explains why it is important to search for relevant missing information?

A) All information is relevant, even if the information is not discussed in the judge's final decision.

B) Missing information generally proves that one of the parties is trying to hide something.

C) If relevant information is missing, the subsequent reasoning may be faulty because it will not rest squarely on all relevant facts.

D) Ethical norms are generally based on relevant missing information.

Answer: C

Diff: 2

Topic: The Critical Thinking Steps

33) An attorney hires a private investigator to question all eyewitnesses to a traffic accident. She decides not to engage in legal research until she sees the private investigator's report. Based on this scenario, the attorney is \_\_\_\_\_\_\_\_.

A) gathering facts

B) researching the relevant rules of law

C) crafting a legal analogy

D) reasoning to the final conclusion

Answer: A

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

34) Which of the following statements is true of a legal issue?

A) The legal issue is determined by the judge based on the conclusion the judge hopes to reach.

B) Forming an issue in a very broad or an extremely narrow manner has implications for the scope of the effect stemming from the eventual decision.

C) Forming the legal issue is a minor feature of critical legal reasoning and takes its place of importance behind the formation of ethical norms and rules of law.

D) The legal issue should be based on relevant missing information.

Answer: B

Diff: 2

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

35) Which of the following statements is true about finding a legal conclusion?

A) Legal conclusions should generally be found before relevant information is determined.

B) Legal conclusions should be based on analogies and ethical norms rather than statutes, whenever possible.

C) The issue can be used as a helper in order to find a legal conclusion.

D) One should begin with an analogy to justice and freedom in order to find a legal conclusion.

Answer: C

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

36) Which of the following is the best example of a conclusion in an employment discrimination case?

A) The employee was terminated.

B) The employee worked for the company for 2 years.

C) The employee did an interview for a local newspaper supporting a political candidate.

D) The employee is entitled to $50,000 for damages.

Answer: D

Diff: 2

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

37) The relevant rules of law are obtained from \_\_\_\_\_\_\_\_.

A) legal dictionaries

B) case manifests

C) legal precedents

D) the values of the judge

Answer: C

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

38) Which of the following statements best describes the risk associated with ambiguity in legal reasoning?

A) Ambiguity adds flexibility to the court's decisions.

B) Ambiguity frustrates those who have to read the reasoning.

C) The precedent is ignored because nobody wants to deal with the ambiguity.

D) The meaning of the precedent can change depending on the interpretation given to the court's decision by other courts and attorneys.

Answer: D

Diff: 2

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

39) Which of the following statements best explains why legal arguments often contain significant ambiguity?

A) Legal arguments are expressed in words, and words rarely have the clarity one presumes.

B) Lawyers purposely distort the facts of each case in order to assist their clients in appearing favorable before a jury.

C) Ambiguity is an important goal of critical thinking.

D) Judges choose ambiguous statutes and precedents in order to reach proper and flexible rules of law.

Answer: A

Diff: 2

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

40) Which of the following illustrates Emerson's observation that "to be understood is a rare luxury"?

A) The phrase "public safety" is clearly understood, because everyone knows the meaning of both words.

B) The phrase "public safety" is rarely used, because the concept of security is an ethical norm.

C) The phrase "public safety" represents an ethical norm that is a rare luxury, because the public rarely feels safe.

D) The phrase "public safety" seems clear at first glance, but on pondering its various interpretations, one realizes that it is not so clear.

Answer: D

Diff: 2

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

41) A standard of conduct is called a(n) \_\_\_\_\_\_\_\_.

A) issue

B) conclusion

C) reason

D) norm

Answer: D

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

42) Standards of conduct that are considered good or virtuous are called \_\_\_\_\_\_\_\_.

A) issues

B) conclusions

C) analogies

D) ethical norms

Answer: D

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

43) A labor union negotiator insists that all union members be paid according to a standard schedule to ensure fairness. However, the management negotiator argues that a standard schedule would tie the hands of management and reduce operating profits. Which of the following best characterizes this dispute?

A) The two negotiators disagree about the validity of the relevant facts.

B) The two negotiators do not understand the issue of the case.

C) The two negotiators disagree about the relative priority of ethical norms.

D) The two negotiators are attempting to determine the relevant rules of law.

Answer: C

Diff: 3

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

44) Which of the following is a primary ethical norm?

A) complexity

B) stability

C) flexibility

D) animosity

Answer: B

Diff: 2

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

45) Which of the following is a true statement about the current legal system?

A) It is based on certain unchanging laws, which have been handed down from Great Britain and carefully guarded.

B) It is based solely on the primary ethical norm of freedom, which cannot be subordinated to other norms.

C) It is based on statutes, which must be interpreted by legal scholars, who then impart their wisdom to judges and lawyers.

D) It has evolved over the centuries through previous case decisions.

Answer: D

Diff: 2

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

46) A(n) \_\_\_\_\_\_\_\_ is a verbal device for transferring meaning from something that can be understood quite well to something that has just been discovered and has, as yet, not been understood satisfactorily.

A) analogy

B) conclusion

C) norm

D) reason

Answer: A

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

47) Which of the following statements best describes the relationship between an analogy and the use of a legal precedent by a lawyer?

A) The lawyer uses an analogy to persuade the court that the facts in a case are similar to the facts given in a favorable precedent.

B) The lawyer attempts to convince the court that justice is a more important ethical norm than the analogous ethical norm of freedom.

C) The lawyer is attempting to convince the court to establish a legal precedent in a case by rephrasing the legal issue.

D) The lawyer draws an analogy between an ethical norm and an ambiguous statement.

Answer: A

Diff: 2

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

48) The ethical norms that influence a judge's decision can be determined by \_\_\_\_\_\_\_\_.

A) stating the conclusion

B) inferring from the court's reasoning

C) stating the facts of the case

D) changing the analogy

Answer: B

Diff: 3

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

49) A lobbyist attempts to persuade a member of Congress that the federal minimum wage laws need to be amended. The member of Congress asks the Congressional Budget Office to estimate the impact of the amendment on the nation's economy. Which of the following best characterizes what the member of Congress does?

A) The member of Congress is gathering facts.

B) The member of Congress is determining the relevant rules of law.

C) The member of Congress is weighing two conflicting ethical norms.

D) The member of Congress is defining the issue.

Answer: A

Diff: 3

Topic: Applying the Critical Thinking Approach

50) John and Sandra signed a contract on the 1st of January. The contract required Sandra to deliver goods to John on the 20th of January. Sandra failed to deliver the goods. John sued Sandra and the judge held that she had breached the contract. As a result, John was entitled to damages. Which of the following is considered the conclusion of the case?

A) John and Sandra signed a contract on the 1st of January.

B) The contract required Sandra to deliver goods to John on the 20th of January.

C) Sandra failed to deliver the goods.

D) Sandra breached the contract and as a result John was entitled to damages.

Answer: D

Diff: 3

Topic: Applying the Critical Thinking Approach

51) When people engage in legal reasoning, the stimulus that gets them thinking is called the conclusion.

Answer: FALSE

Diff: 1

Topic: The Importance of Critical Thinking

52) The reason is a position or stance on an issue, the take-away that the person giving the advice wants the other person to believe.

Answer: FALSE

Diff: 1

Topic: The Importance of Critical Thinking

53) Critical thinking is inactive because it discourages people from forming judgments about the quality of the link between someone's reasons and conclusions.

Answer: FALSE

Diff: 1

Topic: The Importance of Critical Thinking

54) "What are the facts?" is typically the first step in the legal reasoning model.

Answer: TRUE

Diff: 1

Topic: A Critical Thinking Model

55) "What are the reasons and conclusion?" is typically the final step in the legal reasoning model.

Answer: FALSE

Diff: 1

Topic: A Critical Thinking Model

56) The first four steps in the legal reasoning model are referred to as the critical thinking components.

Answer: FALSE

Diff: 1

Topic: A Critical Thinking Model

57) The purpose of the last four steps in the legal reasoning model is to discover the vital elements in the case and the reasoning behind the decision.

Answer: FALSE

Diff: 1

Topic: A Critical Thinking Model

58) Facts provide the context in which the legal issue is to be resolved.

Answer: TRUE

Diff: 1

Topic: The Critical Thinking Steps

59) The fact is the question that caused the lawyers and the clients to enter the legal system.

Answer: FALSE

Diff: 1

Topic: The Critical Thinking Steps

60) Reasons are the explanations or justifications provided as support for a conclusion.

Answer: TRUE

Diff: 1

Topic: The Critical Thinking Steps

61) Judges can offer any reasoning they please.

Answer: FALSE

Diff: 1

Topic: The Critical Thinking Steps

62) An ambiguous word is one capable of having more than one meaning in the context of the facts.

Answer: TRUE

Diff: 1

Topic: The Critical Thinking Steps

63) Security norms aid in receiving the product of your labor.

Answer: FALSE

Diff: 1

Topic: The Critical Thinking Steps

64) Efficiency norms aid in maximizing the amount of wealth in our society.

Answer: TRUE

Diff: 1

Topic: The Critical Thinking Steps

65) Freedom norms provide the order in business relationships that permits predictable plans to be effective.

Answer: FALSE

Diff: 1

Topic: The Critical Thinking Steps

66) The typical response to an issue is a conclusion.

Answer: TRUE

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

67) An ethical norm is a standard or conduct that is considered good or virtuous.

Answer: TRUE

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

68) Freedom, stability, justice, and efficiency are the four primary ethical norms.

Answer: TRUE

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

69) An analogy is a verbal device for transferring meaning from something that is understood quite well to something that has just been discovered and has, as yet, not been understood satisfactorily.

Answer: TRUE

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

70) What a person already understands in the case of legal reasoning is the precedent; what the person hopes to understand better is the current legal dispute.

Answer: TRUE

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

71) List the eight steps in the critical thinking model.

Answer: The following are the eight steps in the critical thinking model:

1. What are the facts?

2. What is the issue?

3. What are the reasons and conclusion?

4. What are the relevant rules of law?

5. Does the legal argument contain significant ambiguity?

6. What ethical norms are fundamental to the court's reasoning?

7. How appropriate are the legal analogies?

8. Is there relevant missing information?

Diff: 1

Topic: A Critical Thinking Model

72) State reasonable perspectives concerning the correct way to word the issue in dispute.

Answer: The issue is the question that caused the lawyers and their clients to enter the legal system. Usually, there are several reasonable perspectives concerning the correct way to word the issue in dispute.

(1) In what instances may a court grant a new trial?

(2) Does perjury of a witness mean that defendants should have a new trial?

(3) Do the regulations in Rule 33 and relevant case law permit the defendants to have a new trial?

Diff: 2

Topic: The Critical Thinking Steps

73) Why is it important to identify any significantly ambiguous words when reading a legal case?

Answer: When a court relies on a significantly ambiguous word or phrase, it is relying on a term that is capable of having more than one meaning in the context of the facts. Depending on the various meanings the court adopts, the conclusion that a particular judge reaches may seem either consistent or inconsistent with that term (which is often tied to a reason in support of the proffered conclusion). Moreover, ambiguous words used as part of a legal rule can have a substantial impact on the conclusion that naturally flows from a particular set of facts.

Diff: 2

Topic: The Critical Thinking Steps

74) If judges are supposed to make decisions on an issue based solely on the facts and applicable law, what is the role of ethical norms in influencing a judge's decision?

Answer: A judge's claiming or implying allegiance to a particular ethical norm focuses our attention on a specific category of desired conduct. Courts do not often announce their preferred pattern of ethical norms. Therefore, it is up to us to infer their identity from the court's reasoning. As critical thinkers, we want to use the ethical norms, once we find them, as a basis for evaluating the reasoning. Since any given fact pattern may be susceptible to more than one interpretation of more than one rule of law, the judge's emphasis of one ethical norm over another often explains why the judge chose to emphasize one particular interpretation over all others. For example, if a particular court issues decisions that consistently emphasize efficiency over personal freedom, a lawyer can better predict the direction of a future interpretation of a similar law involving a different set of facts.

Diff: 3

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

75) Why is it especially important to be able to identify and evaluate analogies?

Answer: Almost all cases involve the use of analogies, which come from other cases. Each party tries to argue that he or she has the precedent that is most analogous to the case at issue. Then the judge must decide which analogy is better. Therefore, to evaluate the judge's reasoning, the person needs to have some ability to evaluate analogies.

Diff: 3

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

76) Why is it important to consider the missing information when evaluating a particular case?

Answer: No case occurs in a vacuum. When a case makes it into the court system for argument, there are people doing the arguing. Although those making the arguments are going to have to rely on a certain set of facts to make their argument, people run into the limits of their own experience and perceptions. In many instances, people will often see what they want to see, and will consequently select certain facts as relevant to a particular case. Because people are only likely to include a certain set of facts based on their experience, there are likely to be other facts out there that are relevant to a particular case. Therefore, it is important to consider relevant missing information.

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive

77) Describe primary ethical norms.

Answer: The legal environment of business receives ethical guidance from many norms. Certain norms, however, play a particularly large role in legal reasoning. The four primary ethical norms are freedom, stability, justice, and efficiency. The interplay among these four provides the major ethical direction for the laws governing business behavior. To discover the relevant ethical norm, it must be inferred from the court's reasoning. Courts often do not announce their preferred pattern of ethical norms, but the norms are there anyway, having their way with the legal reasoning. As critical thinkers, the ethical norms should be used as a basis for evaluating the reasoning.

Diff: 1

Topic: Using Critical Thinking to Make Legal Reasoning Come Alive