

Name: _____ DUE: September 22, 2016

True or False

1. _____ The law consists of rules that regulate the conduct of individuals, businesses and other organizations in society.
2. _____ A law passed by both houses of Congress will be enforceable, even if it conflicts with the U.S. Constitution.
3. _____ The doctrine of *Stare Decisis* means the lower Courts must follow case precedent established by higher Courts.
4. _____ Equitable remedies may include Specific Performance and Injunction
5. _____ Federal Court Judges are elected by a vote of the U.S. House of Representatives.
6. _____ Both Mediation and Arbitration make use of a neutral third party, who renders a binding decision, which resolves the dispute.
7. _____ In the State Court system, a Trial Court (Circuit Court) is the Court in which initial trials are heard, and evidence and testimony are taken.
8. _____ Administrative Agencies, created by the Legislative or Executive branches of the government, have the authority to adopt, and enforce rules and regulations.
9. _____ A Federal District Court has subject matter jurisdiction to hear every kind of case.
10. _____ Alternative dispute resolution refers to various methods by which disputes are settled outside the Court system.
11. _____ A "long arm" statute is a state law that permits courts to exercise jurisdiction over nonresident defendants.
12. _____ After a decision has been rendered in a civil case by the Trial Court, only the Defendant may file an Appeal.

13. _____ Under the U S Constitution, the power to make (enact) Statutory laws rests in the Judicial Branch of the government.
14. _____ Under the Supremacy Clause, when there is a direct conflict between a Federal law and a State law, the State law is rendered invalid.
15. _____ The First Amendment, Freedom of Religion, requires employers to make reasonable efforts to accommodate the religious practices of their employees.

Multiple Choice

16. _____ The city council of Springfield adopted an ordinance making it unlawful "to be in a public place while dressed in clothing inappropriate for your Gender ". This law would most likely be held unconstitutional, because it violates:
- a. Equal Protection
 - b. Substantive Due Process
 - c. Commerce Clause
 - d. Double Jeopardy
17. _____ The state legislature of Kansas enacted a state transportation regulation that clearly affects interstate commerce. This type of regulation will:
- a. always be struck down
 - b. always be upheld
 - c. violate the doctrine of sovereignty
 - d. be balanced in terms of the state's interest in protecting it's citizens, against the burden on interstate commerce
18. _____ The city council of River City passed a law banning the distribution of all printed materials in public places. A court would likely hold the law is:
- a. unconstitutional under the First Amendment
 - b. not governed by the U. S. Constitution
 - c. constitutional
 - d. unconstitutional under the Supremacy Clause
19. _____ A restriction on commercial speech will be considered valid, provided said restriction:
- a. seeks to implement a substantial governmental interest
 - b. directly advances a substantial governmental interest
 - c. goes no further than necessary to accomplish it's objective.
 - d. all of the above

20. _____ Procedural Due Process focuses on:
- a. the content of the law
 - b. procedures used in making decisions to take life, liberty or property
 - c. the similar treatment of similar individuals
 - d. none of the above
21. _____ In a civil jury trial, which party bears the burden of proof to persuade the jury of the merits of his/her case.
- a. Defendant
 - b. Plaintiff
 - c. Judge
 - d. Jury foreman
22. _____ In a civil jury trial:
- a. The jury decides questions of fact
 - b. The Judge decides questions of law
 - c. Neither a nor b is true
 - d. Both a and b are true
23. _____ A "Statute of Limitation" is a law which:
- a. Limits the number of Defendants in any single case
 - b. Limits the amount of money a Plaintiff can recover
 - c. Limits the time within which the Plaintiff must file his/her suit
 - d. None of the above
24. _____ After being served with Summons and a copy of the Complaint, a Defendant would generally file a pleading called:
- a. Reply
 - b. Answer
 - c. Rejoinder
 - d. Injunction
25. _____ Oral testimony given by a party or a witness, under oath, prior to trial, is called:
- a. Deposition
 - b. Notice to Produce
 - c. Interrogatory
 - d. Voir Dire

26. _____ The American legal system is largely based on:
- a. socialist principals popularized in Eastern Europe
 - b. the Roman civil law
 - c. the common law tradition, which originated in medieval England
 - d. legal principals enacted by a group of continental European nations
27. _____ Peter and Diane have signed a contract for the sale of Diane's house. When Diane refuses to close, what remedy can Peter seek to obtain a Deed from her?
- a. Recision
 - b. Summary Judgement
 - c. Stare Decisis
 - d. Specific Performance
28. _____ Consumer Goods Corp. sells products that are poorly made. Tina, who has never bought or used a Consumer Goods product, files a suit against the company alleging their products are defective. The company can move for dismissal of the suit on the basis that Tina lacks:
- a. Standing
 - b. Jurisdiction
 - c. Sufficient minimum contacts
 - d. Venue
29. _____ A Florida State Court has the authority to hear a mortgage foreclosure case, where the property is located in Florida, even if the property owner is not a resident of Florida, because of the legal concept of:
- a. Appeal
 - b. Certiorari
 - c. In Rem jurisdiction
 - d. Diversity of citizenship
30. _____ The pre-trial discovery process allows each party to
- a. send written interrogatories to the apposing party
 - b. question the opposing party's witnesses by deposition
 - c. view the opposing party's documents
 - d. all of the above

31. _____ *In Personam* Jurisdiction is
- the power of a court over the parties to a case
 - a Federal Court procedure, only
 - the study of the law
 - quasi critical analysis
32. _____ Laws enacted by legislative bodies of the federal or state governments are:
- uniform laws
 - stare decisis
 - statutory laws
 - administrative regulations

33 & 34 Peter, a resident of Quahog, Rhode Island, was driving with his family on I-80, through the State of Illinois. He was distracted by the constant insults of his son, Stewie, and as a result swerved into the next lane, striking Quagmire's car. After the police investigated, Quagmire was taken to the hospital, vowing to sue Peter for his injuries. Peter went on his way, laughing to himself that he would never return to Illinois. Quagmire lives in Palos Hills.

33. _____ Quagmire can file his suit in the Federal District Court located in Illinois, only if
- This isn't Peter's first accident in Illinois
 - The amount of Quagmire's damages exceed \$75,000
 - Peter purchased his car in Illinois
 - Can Lois actually hear what Stewie is saying?
34. _____ Assuming Quagmire files his suit in the Circuit Court of Cook County, and Peter can not be found in the State of Illinois, Peter can be served with Summons in Massachusetts, under the Illinois Long Arm Statute because
- Peter was conducting business in Illinois
 - Quagmire was conducting business in Illinois
 - Peter committed a tort within the State of Illinois
 - Quagmire committed a tort within the State of Illinois
- 35 _____ Kay filed a suit against Jack. The pleading document which sets out the grounds of the Court's jurisdiction, the facts alleging the basis of Kay's case, and the damages that Kay is seeking, is called the:
- Complaint
 - Answer
 - Summons
 - Service of process

Please transfer your answers to questions 1-35 to Scantron; and turn them in, along with your answers to the following Essay Questions 36-38.

Essay Questions 36 - 38 (Total 30 points)

Please prepare your answers of approximately 1 page for each question; either typed double space or written neatly & legibly.

36.) 10 Pts Please refer to the facts of *Paula v David* (Copies distributed in class and on BlackBoard) and as discussed in class: If Paula decides to file a Negligence lawsuit to recover for her injuries, please discuss the following:

Who are the possible Defendants ?

In which Court(s) can Paula file her lawsuit, and how would the court(s) have Subject Matter Jurisdiction ?

How would the Court have In Personam Jurisdiction over David and/or Fedex ? And how would the Court exercise that Jurisdiction?

Where can Paula file her suit (Venue)?

37.) 10 Pts Please explain the rationale employed by the Court in deciding *Bad Frog Brewery v NY State Liquor Control*; and discuss why you think the Court reached a different conclusion in *Mainstream Marketing v FTC & FCC*. Both cases are posted on BlackBoard under Content.

38.) 10 Pts Please discuss your understanding of the doctrine of *Stare Decisis*, and the application of case precedent. Why is it important in our judicial system?