

Lesson 1

■ Achievement Exam

Select the single best answer for each question or statement, then go online to community.ashworthcollege.edu and enter your answers.

1. _____ is that which must be obeyed and followed by citizens subject to sanctions or legal consequences.

____ a. Morality

____ b. Philosophy

____ c. Law

____ d. Religion

2. Law is described as _____.

____ a. a body of rules of action or conduct prescribed by a controlling authority, and having binding legal force

____ b. a study of fundamental problems, such as those connected with existence, knowledge, and language

____ c. a system that builds and organizes knowledge in the form of testable explanations and predictions

____ d. a group of hypotheses employed to explain a phenomenon

3. Which of the following would be considered an example of "shaping moral standards," as seen as a function of the law?
- _____ a. laws granting freedom of speech and religion
 - _____ b. laws discouraging drug and alcohol abuse
 - _____ c. laws providing rights to peaceful protest
 - _____ d. laws preventing overthrow of the government
4. What function of the law is being served when passing laws that prohibit discrimination in workplaces?
- _____ a. keeping the peace
 - _____ b. providing a basis for compromise
 - _____ c. maintaining the status quo
 - _____ d. promoting social justice
5. What function of the law is being served when passing laws that protect the U.S. government from the risk of being forcefully overthrown?
- _____ a. maintaining the status quo
 - _____ b. shaping moral standards
 - _____ c. facilitating orderly change
 - _____ d. promoting social justice

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6. By allowing U.S. citizens to practice any religion of their choice, what essential function of the law does the U.S. Constitution serve?
- ☐ a. facilitating orderly change
 - ☐ b. maintaining the status quo
 - ☐ c. maximizing individual freedom
 - ☐ d. facilitating planning
7. The Supreme Court decision in the case of Brown v. Board of Education was important because it exhibited _____.
- ☐ a. the use of the affirmative action policy
 - ☐ b. the scope of flexibility of the law
 - ☐ c. the state's supremacy over federal rulings
 - ☐ d. the importance of following precedence
8. _____ is described as the theory or philosophy of law.
- ☐ a. Morality
 - ☐ b. Ethics
 - ☐ c. Natural law
 - ☐ d. Jurisprudence

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9. Proponents of the _____ School of jurisprudence emphasize a moral theory of law, where law is based on morality and ethics, and is discovered by human reasoning and making choices between good and evil.
- _____ a. Sociological
 - _____ b. Analytical
 - _____ c. Historical
 - _____ d. Natural Law
10. The Analytical School of jurisprudence maintains that the law should be _____.
- _____ a. shaped by logic
 - _____ b. based on social behavior
 - _____ c. set by the ruling class
 - _____ d. based on morality
11. What school of jurisprudential thought emphasizes using law as a tool for market efficiency while solving legal disputes?
- _____ a. the Critical Legal Studies School of jurisprudence
 - _____ b. the Command School of jurisprudence
 - _____ c. the Sociological School of jurisprudence
 - _____ d. the Law and Economics School of jurisprudence

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12. What was the key reason for the creation of law courts during the early development of the English common law?
- ☐ a. to administer law in a uniform manner
 - ☐ b. to help merchants form a standardized set of commercial laws
 - ☐ c. to increase the power of the king in law-making
 - ☐ d. to facilitate legal disputes for the wealthy and influential
13. _____ courts were allowed to give equitable remedies under the English common law.
- ☐ a. Merchant
 - ☐ b. Law
 - ☐ c. Chancery
 - ☐ d. Appellate
14. What is considered the supreme law of the land in the United States?
- ☐ a. judicial decisions issued by the state courts
 - ☐ b. the Constitution of the United States of America
 - ☐ c. the federal statutes passed by the United States Congress
 - ☐ d. executive orders passed by the President

15. The _____ branch of the federal government has the power to enact laws.

- _____ a. legislative
- _____ b. judicial
- _____ c. consulate
- _____ d. executive

16. What would be an example of codified law in the United States?

- _____ a. judicial rulings
- _____ b. federal statutes
- _____ c. treaties
- _____ d. executive orders

17. The _____ was a document that restricted the newly created U.S. federal government from levying and collecting taxes, regulating commerce with foreign countries, and regulating interstate commerce.

- _____ a. U.S. Constitution
- _____ b. Declaration of Independence
- _____ c. Bill of Rights
- _____ d. Articles of Confederation

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18. The legislative branch of the U.S. federal government is _____.
- _____ a. monocameral
 - _____ b. bicameral
 - _____ c. tricameral
 - _____ d. polycameral
19. The concept of federal law taking precedence over state or local law is commonly called the _____.
- _____ a. Preemption Doctrine
 - _____ b. Bill of Rights
 - _____ c. Due Process Clause
 - _____ d. Free Exercise Clause
20. Which of the following statements is true of the United States' Foreign Commerce Clause?
- _____ a. Regulation of foreign commerce by state governments is unconstitutional.
 - _____ b. A state can enact a law that forbids a foreign country from doing business in that state if the country engages in activities that are **not** condoned by the state.
 - _____ c. Direct regulation of foreign commerce by the federal government violates the Commerce Clause.
 - _____ d. A state government is only permitted to regulate foreign trade indirectly.

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1. Which of the following is an intentional tort?

____ a. breach of duty of care

____ b. defect in product manufacturing

____ c. disparagement

____ d. negligence

2. Harley was on his way home when an assailant forced him to stop his car and then threatened to physically harm him if he ever saw him drive on that street again. Harley can sue the assailant to recover damages for _____.

____ a. assault

____ b. battery

____ c. libel

____ d. disparagement

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3. Harvey was at his college reunion where he noticed Raymond, his former roommate. Harvey and Raymond did not get along well at the reunion. Offended by something Raymond mentioned, Harvey punched him in the face and broke his jaw. Harvey is liable for _____.
- _____ a. breach of duty of care
 - _____ b. disparagement
 - _____ c. battery
 - _____ d. assault
4. _____ refers to an attempt by another person to take over a living person's name or identity for commercial purposes.
- _____ a. Invasion of the right to privacy
 - _____ b. Tort of appropriation
 - _____ c. Defamation of character
 - _____ d. Disparagement
5. The tort of defamation of character requires a plaintiff to prove that the defendant _____.
- _____ a. publicized a private fact about the plaintiff
 - _____ b. insulted people closely related to the plaintiff, such as family or friends
 - _____ c. published an untrue statement of fact about the plaintiff to a third party
 - _____ d. made one or more financial deals with the plaintiff under a false identity

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6. Making false statements about a competitor's products, services, property, or business reputation could make a company liable for _____.
_____ a. intentional misrepresentation
_____ b. tort of appropriation
_____ c. disparagement
_____ d. misappropriation of the right to publicity
7. The obligation people owe each other not to cause any unreasonable harm or risk of harm is termed as _____.
_____ a. libel
_____ b. *res ipsa loquitur*
_____ c. Good Samaritan law
_____ d. duty of care
8. _____ is a point along a chain of events caused by a negligent party after which this party is no longer legally responsible for the consequences of his or her actions.
_____ a. Causation in fact
_____ b. Point of reason
_____ c. Point of appropriation
_____ d. Proximate cause

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9. In order to claim damages for negligence *per se*, the plaintiff has to prove that _____.
- _____ a. the defendant was in exclusive control of the situation
 - _____ b. the plaintiff was within a class of people meant to be protected by the violated statute
 - _____ c. the defendant made a false representation of material facts
 - _____ d. the plaintiff was affected by malicious character statements made by the defendant
10. Under the _____ doctrine, damages are apportioned according to fault.
- _____ a. contributory negligence
 - _____ b. comparative fault
 - _____ c. proximate cause
 - _____ d. assumption of risk
11. Which of the following would be considered a type of intellectual property?
- _____ a. a building
 - _____ b. a vehicle
 - _____ c. a business contract
 - _____ d. a patent

12. A _____ is a product formula, pattern, design, compilation of data, customer list, or other form of covert business information.
- _____ a. copyright
 - _____ b. patent
 - _____ c. trade secret
 - _____ d. trademark
13. If a competitor reverse engineers a trade secret, then the competitor is _____.
- _____ a. allowed to use the trade secret but not the original trademark
 - _____ b. rightfully allowed co-ownership of the trade secret and its original trademark
 - _____ c. not allowed to gain commercially from the trade secret
 - _____ d. obliged to inform the original owner of the trade secret
14. How do patent laws help an inventor?
- _____ a. by letting the inventor keep his patents indefinitely
 - _____ b. by helping the inventor meet potential buyers for his patented inventions
 - _____ c. by providing protection for patented inventions from infringement
 - _____ d. by helping the inventor guard his patented invention from the public

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15. When does a patent enter the public domain?
- ☐ a. when the patent has been challenged in court and found to be an infringement
 - ☐ b. when the patent term has expired
 - ☐ c. when the government deems that the invention cannot be controlled by one individual
 - ☐ d. when the invention is not a novel one
16. Which of the following statements is true of the patent term in the United States?
- ☐ a. It follows the first-to-file rule.
 - ☐ b. The patent term for an invention is 17 years.
 - ☐ c. The patent term begins to run from the date the patent application is filed.
 - ☐ d. The patent term begins to run from the date the patent is issued.
17. Which of the following is suitable for copyrighting?
- ☐ a. buildings
 - ☐ b. musical compositions
 - ☐ c. business methods
 - ☐ d. product logos

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18. Which of the following would constitute a copyright infringement?
- ☐ a. a brief quotation in a news report
 - ☐ b. use of copyrighted material in a spoof or satire
 - ☐ c. using several clips from a movie in a documentary
 - ☐ d. reproduction of a small part of a classic novel by a teacher to illustrate a lesson
19. How is a copyright different from a patent?
- ☐ a. Copyrights are applied for inventions, while a patent is applied for tangible writings.
 - ☐ b. Patents have a limited term period, while copyrights carry lifelong terms.
 - ☐ c. Patents fall under the federal law, while copyrights fall under state law.
 - ☐ d. Copyrights should be novel and useful, while patents need not be so.
20. In trademark terms, what is acquiring secondary meaning?
- ☐ a. when a mark that resembles a mark already registered with the federal PTO is used for a new product or service
 - ☐ b. when descriptive words are used that have no direct relevance to a product or service
 - ☐ c. when ordinary words establish new meaning due to their attachment to a product or service
 - ☐ d. when a distinctive mark or design is created for a new product or service