**CHAPTER 1. THE AMERICAN LEGAL SYSTEM**

1. A U.S. Supreme Court decision *interpreting the meaning of an act of Congress* (e.g., the Copyright Act) may be overruled by: a) a ruling by a federal regulatory agency; b) a subsequent act of Congress; c) a treaty with a foreign nation; d) a presidential executive order; e) all of these.

2. How could a U.S. Supreme Court decision *interpreting the meaning of the Constitution* be overturned? a) by a Constitutional amendment; b) by an act of Congress; c) by a later Supreme Court decision; d) by a presidential proclamation; e) both choices A and C.

3. The common law is derived from: a) acts of Congress; b) acts of state legislatures; c) court decisions; d) rulings by federal agencies; e) rulings by arbitrators.

4. Here’s a legal citation: 419 U.S. 245 (1974). What does “U.S.” tell you about the case? a) absolutely nothing; b) that it is a U.S. Supreme Court decision; c) that it is a U.S. District Court case; d) that it is a criminal case, not a civil case; e) that the U.S. government lost the case in 1974.

5. The rules and regulations adopted by the Federal Trade Commission are examples of: a) statutory law; b) common law; c) constitutional law; d) administrative law; e) none of these.

6. In legal terminology, a *code* is: a) an indexed collection of court decisions; b) an organized body of statutory law; c) a list of constitutional amendments; d) a collection of executive orders; e) a secret message from one judge to others.

7. Products liability, medical malpractice, battery, invasion of privacy, trespass, wrongful death, and libel—all fall within a field of civil law known as: a) torts; b) contracts; c) *stare decisis*; d) negligence; e) certiorari.

8. The U.S. Supreme Court in 2003 declared that very large punitive damage awards (i.e., those exceeding 10 times the provable monetary losses) are usually improper. The case: a) *Plessy v. Ferguson*; b) *New York Times v. Sullivan*; c) *State Farm v. Campbell*; d) *Virginia v. Black*; e) *Young v. New Haven Advocate*.

9. In a court of equity, an aggrieved party may secure: a) only monetary compensation for his or her injuries; b) monetary compensation for injuries plus additional money for “pain and suffering;” c) nonmonetary remedies such as injunctions, restraining orders, and orders of specific performance; d) none of these.

10. Decisions of a U.S. District Court are normally appealed to the: a) Court of Claims; b) District Court of Appeal; c) Court of Regulatory Appeals; d) U.S. Circuit Court of Appeals; e) U.S. Supreme Court.

11. Which of these courts hear appeals of decisions by federal regulatory agencies such as the Federal Communications Commission? a) Court of Claims; b) District Court; c) Court of Regulatory Appeals; d) Circuit Court of Appeals; e) Supreme Court.

12. Some lawsuits are tried in federal rather than state courts for two main reasons. Some cases involve *federal questions* (legal issues governed by federal law). Others go to federal court primarily because of: a) a criminal defendant’s claim that no state court would provide a fair trial; b) the cost or complexity of a particular lawsuit; c) diversity of citizenship; d) a civil litigant’s claim that no state court could be fair; e) none of these.

13. *Legal precedents* are normally established by decisions of all of these except: a) a state’s highest court; b) the U.S. Supreme Court; c) U.S. Circuit Courts of Appeals; d) jury verdicts in trial courts; e) a state’s intermediate appellate courts.

14. LexisNexis is: a) a brand of car; b) a law library in Washington, D.C.; c) an index of legal terms; d) a computer data base containing legal materials and news articles; e) all of these.

15. The term *stare decisis* refers to: a) miscellaneous civil wrongs; b) decisions of the infamous English court of the star chamber; c) extraordinary relief granted by a court of equity; d) rulings of early common law courts that were later reversed; e) the principle that courts normally follow judicial precedents.

16. During most lawsuits, each side is allowed to ask questions of the opposing side before trial. This process is called: a) discovery; b) inquiry; c) inquisition; d) rejoinder; e) remittitur.

17. When an appellate court *remands* a case, that means: a) the verdict is affirmed; b) the verdict is reversed and the case is terminated; c) the verdict is affirmed in part and reversed in part; d) a lower court is directed to reconsider the case in light of the appellate court’s opinion; e) the verdict is set aside and the case is automatically sent to the next-higher court for a further appeal.

18. When an appellate court *distinguishes* a previous decision, that means: a) the court ranks it as very important and agrees with it; b) the court follows it as a precedent; c) the court declines to follow it as a precedent, citing differences between its facts and those of the current case; d) none of these.

19. In the 2009 case of *Caperton v. Massey Coal*, the Supreme Court addressed the issue of: a) damages; b) judicial recusal; c) actual malice; d) jury verdicts; e) discovery.

20. The Supreme Court will hear cases where one state sues another as part of its: a) original

jurisdiction; b) appellate jurisdiction; c) rule of four; d) *stare decisis*; e) *voir dire.*

21. The largest circuit in the country is the \_\_\_\_\_\_\_. a) First; b) Third; c) Eighth; d) Ninth; e) Federal.

22. How is the federal appeals system structured? a) Each state decides for itself how to handle federal appeals; b) Each state has one federal appeals court; c) Each Supreme Court justice is responsible for one state; d) There is one federal appeals court in the whole United States; e) The country is divided into circuits.

23. True or False: Courts can strike down a statute passed by the legislature if it violates a provision of the Constitution.

24. Courts can nullify the actions of an administrative agency if: a) the agency does something that violates the Constitution; b) the agency exceeded its statutory powers; c) the agency acted arbitrarily; d) all of the above; e) none of the above; decisions by administrative agencies are not reviewable by the courts.

25. If the U.S. Supreme Court grants certiorari, that means a) precedent is about to be overruled; b) a lower court decision is about to be reviewed; c) the same thing as summary judgment; d) it will hear an appeal.

**SCORING KEY, CH. 1**

1. B

2. E

3. C

4. B

5. D

6. B

7. A

8. C

9. C

10. D

11. D

12. C

13. D

14. D

15. E

16. A

17. D

18. C

19. B

20. A

21. D

22. E

23. True

24. D

25. D