

# c1

Student: \_\_\_\_\_

1. The common law is
  - A. a deductive system of law where the rules are expounded first and then the court decides the legal situation under the existing rules.
  - B. an inductive system of law in which a legal rule is arrived at after consideration of a great many specific instances or cases.
  - C. an administrative system of law in which a government official uses a panel of common citizens to develop the rule of law.
  - D. a legislative system of law that operates on the state and local levels.
  
2. In the legal citation 539 U.S. 558 (2003), the number 558 refers to
  - A. the docket number of the case.
  - B. the volume of the reporter which contains the case.
  - C. the first page number of the case.
  - D. the federal judicial number of the case.
  
3. The concept of "statutory construction" best refers to which one of the following?
  - A. The process of legislative bodies creating and drafting the common law.
  - B. The process of legislative bodies creating and drafting statutes.
  - C. The process of courts and judges interpreting the meaning of the common law.
  - D. The process of courts and judges interpreting the meaning of statutes.
  
4. The U.S. Supreme Court's 2003 ruling in *Lawrence v. Texas* was an example of the Supreme Court
  - A. following the doctrine of stare decisis
  - B. not following the doctrine of stare decisis
  - C. applying the void for vagueness doctrine
  - D. applying both the void for vagueness doctrine and the overbreadth doctrine
  
5. Government agencies like the Federal Communications Commission (FCC) create rules that make up the bulk of what we know as
  - A. common law.
  - B. statutory law.
  - C. administrative law.
  - D. corporate law.

6. The Congress has the authority to abolish every federal court in the land, except for the U.S. Supreme Court, because
- A. the Congress is the supreme government institution because it represents the people.
  - B. the Congress controls the federal budget, including the budget for the courts.
  - C. the Constitution specifically calls for only one court, the Supreme Court.
  - D. federal judges are appointed by the Congress.
7. What is the Supreme Court doing when it issues a writ of certiorari?
- A. It is ordering a lower court to rehear a case.
  - B. It is overturning a previous Supreme Court ruling.
  - C. It is agreeing to hear the appeal of a lower court ruling.
  - D. It is rejecting an appeal to rehear a case, noting that it is certain its first ruling was correct.
8. A per curiam opinion is
- A. an unsigned opinion from an appellate court.
  - B. an opinion issued by an attorney general.
  - C. an opinion by a judge or justice who disagrees with the majority opinion.
  - D. a written legal argument prepared by an attorney.
9. When it comes to granting a petition for a writ of certiorari, the U.S. Supreme Court applies the
- A. Rule of Three.
  - B. Rule of Four.
  - C. Rule of Five.
  - D. Rule of Six.
10. Which statement about U.S. Courts of Appeals is correct?
- A. Each state has its own U.S. Court of Appeals.
  - B. There are four U.S. Courts of Appeals—one for the Eastern, Western, Southern, and Northern United States.
  - C. There are 13 U.S. Courts of Appeals.
  - D. There are nine U.S. Courts of Appeals, one for each justice on the Supreme Court.
11. The U.S. Supreme Court today typically agrees to hear
- A. fewer than 100 cases each year.
  - B. between 100 to 150 cases each year.
  - C. between 150 to 250 cases each year.
  - D. more than 250 cases each year.

12. A trial held before a judge and *without* a jury is known as

- A. a habeas corpus trial.
- B. a bar trial.
- C. an en banc trial.
- D. a bench trial.

13. The U.S. Supreme Court often will appoint a "special master" when it is exercising what type of jurisdiction?

- A. Derivative
- B. Certiorari
- C. Original
- D. Habeas Corpus

14. State constitutions can give more rights to people than those that are provided by the U.S. Constitution.

True False

15. The Supreme Court has original jurisdiction in disputes between between two or more states.

True False

16. Juries sit in appellate court proceedings.

True False

17. A justice who writes a \_\_\_\_\_ opinion may agree with the outcome and result reached by the majority opinion but may do so for different reasons or may write separately to emphasize a specific point not addressed in the majority opinion.

\_\_\_\_\_

18. Common law sometimes is known as \_\_\_\_\_-made law.

\_\_\_\_\_

19. The party that commences and files a civil lawsuit against someone else is known as the \_\_\_\_\_.

\_\_\_\_\_

20. Explain what the concept of "narrowing construction" means and the circumstances under which courts might use it.
21. List the four different options that courts have when offered a case as precedent by an attorney for one of the parties in a lawsuit.
22. List three typical forms of judicial decrees in equity law.
23. In addition to naming the parties in a case, identify three things that a complaint filed in a civil law case will include.
24. What is the legal test or rule for determining when a statute will be declared void for vagueness?

25. A court will generally overrule precedent only when there are changes in what three things?

## c1 Key

1. The common law is

A. a deductive system of law where the rules are expounded first and then the court decides the legal situation under the existing rules.

**B.** an inductive system of law in which a legal rule is arrived at after consideration of a great many specific instances or cases.

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*Pember - Chapter 01 #1*

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*Pember - Chapter 01 #2*

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C. The process of courts and judges interpreting the meaning of the common law.

**D.** The process of courts and judges interpreting the meaning of statutes.

*Pember - Chapter 01 #3*

4. The U.S. Supreme Court's 2003 ruling in *Lawrence v. Texas* was an example of the Supreme Court

A. following the doctrine of stare decisis

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C. applying the void for vagueness doctrine

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*Pember - Chapter 01 #4*

5. Government agencies like the Federal Communications Commission (FCC) create rules that make up the bulk of what we know as

- A. common law.
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- C.** administrative law.
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*Pember - Chapter 01 #5*

6. The Congress has the authority to abolish every federal court in the land, except for the U.S. Supreme Court, because

- A. the Congress is the supreme government institution because it represents the people.
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- C.** the Constitution specifically calls for only one court, the Supreme Court.
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*Pember - Chapter 01 #6*

7. What is the Supreme Court doing when it issues a writ of certiorari?

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*Pember - Chapter 01 #7*

8. A per curiam opinion is

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*Pember - Chapter 01 #8*

9. When it comes to granting a petition for a writ of certiorari, the U.S. Supreme Court applies the

- A. Rule of Three.
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*Pember - Chapter 01 #9*

10. Which statement about U.S. Courts of Appeals is correct?

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- C. There are 13 U.S. Courts of Appeals.**
- D. There are nine U.S. Courts of Appeals, one for each justice on the Supreme Court.

*Pember - Chapter 01 #10*

11. The U.S. Supreme Court today typically agrees to hear

- A. fewer than 100 cases each year.**
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- C. between 150 to 250 cases each year.
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*Pember - Chapter 01 #11*

12. A trial held before a judge and *without* a jury is known as

- A. a habeas corpus trial.
- B. a bar trial.
- C. an en banc trial.
- D. a bench trial.**

*Pember - Chapter 01 #12*

13. The U.S. Supreme Court often will appoint a "special master" when it is exercising what type of jurisdiction?

- A. Derivative
- B. Certiorari
- C. Original**
- D. Habeas Corpus

*Pember - Chapter 01 #13*

14. State constitutions can give more rights to people than those that are provided by the U.S. Constitution.

**TRUE**

*Pember - Chapter 01 #14*



15. The Supreme Court has original jurisdiction in disputes between two or more states.

**TRUE**

*Pember - Chapter 01 #15*

16. Juries sit in appellate court proceedings.

**FALSE**

*Pember - Chapter 01 #16*

17. A justice who writes a \_\_\_\_\_ opinion may agree with the outcome and result reached by the majority opinion but may do so for different reasons or may write separately to emphasize a specific point not addressed in the majority opinion.

**concurring**

*Pember - Chapter 01 #17*

18. Common law sometimes is known as \_\_\_\_\_-made law.

**judge (judge-made)**

*Pember - Chapter 01 #18*

19. The party that commences and files a civil lawsuit against someone else is known as the \_\_\_\_\_.

**plaintiff**

*Pember - Chapter 01 #19*

20. Explain what the concept of "narrowing construction" means and the circumstances under which courts might use it.

Narrowing construction is a type of statutory construction under which courts will apply a limiting or narrowing construction of statutory language if there is other specific language already within the statute that would lead to that result and, in turn, would further the legislative intent of the drafters of the statute. Courts may apply a narrowing construction when a statute appears to be overly broad in order to salvage the statute.

*Pember - Chapter 01 #20*

21. List the four different options that courts have when offered a case as precedent by an attorney for one of the parties in a lawsuit.

1) follow/accept it; 2) modify/update it; 3) distinguish it; and 4) overrule it.

*Pember - Chapter 01 #21*

22. List three typical forms of judicial decrees in equity law.

1) temporary restraining orders; 2) preliminary injunctions; and 3) permanent injunctions.

*Pember - Chapter 01 #22*

23. In addition to naming the parties in a case, identify three things that a complaint filed in a civil law case will include.

1) a statement of the relevant facts upon which the plaintiff is suing; 2) the legal theory or theories (causes of action) upon which the plaintiff is suing; and 3) A request for a remedy or relief (typically, the plaintiff requests monetary damages in a civil lawsuit, although equitable relief also can be sought in some instances).

*Pember - Chapter 01 #23*

24. What is the legal test or rule for determining when a statute will be declared void for vagueness?

A law will be declared void for vagueness if a person of reasonable and ordinary intelligence would not be able to tell, from looking at its terms, what speech is allowed and what speech is prohibited. Put differently, people of ordinary intelligence should not have to guess at a statute's meaning.

*Pember - Chapter 01 #24*

25. A court will generally overrule precedent only when there are changes in what three things?

When there are changes in: 1) factual knowledge and circumstances; 2) social mores and values; and 3) the judges/justices on the court.

*Pember - Chapter 01 #25*

## c1 Summary

| <u>Category</u>     | <u># of Questions</u> |
|---------------------|-----------------------|
| Pember - Chapter 01 | 25                    |