EDWARD R. MURROW H.S. SOCIAL STUDIES DEPT.

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**CONCEPTS IN LAW~**

**MARKING PERIOD 1 EXAM**

**A. MULTIPLE CHOICE (20 Questions~50 pts.)**

1. In order for society to be truly ruled by law,

A. laws must cover every aspect of life

B. the courts must be controlled by the government

C. the government does not have to follow the rules

D. everyone, the people and government, must follow the laws

2. Which of the following is not true of common law?

A. based on the decision of judges.

B. based on custom and precedents.

C. a legacy of British law.

D. so common that everybody knows it.

3. According to Locke, what is necessary in order to have a perfect state of nature?

A. people must agree to disagree

B. people must have a common established law

C. people must have good looks

D. people must agree to see the good in others

4. What is not a valid explanation of why societies have laws?

A. Without laws, there would be confusion and disorder.

B. All laws are fair.

C. Laws help prevent people from taking advantage of one another.

D. Societies recognize the need to regulate people’s conduct.

5. Which statement best explains the relationship between law and values?

1. Law expresses the morality of the majority of the citizens.
2. Everything that is illegal is also immoral.
3. Society's laws are influenced by traditional ideas of right and wrong.
4. If an act is legal, it is also moral.

6. A statute passed by which legislative body affects everyone in the United States?

A. County council. C. City council.

B. State legislature. D. Congress

7. Which of the following is good advice when actually drafting laws?

A. Write the law in general language so that there can be many interpretations.

B. Give a range of dates when the law becomes effective.

C. Make sure the law is enforceable and states who has the authority to enforce it.

D. Make sure that judges can establish whatever penalty they think is appropriate.

8. Thang grabs 18-year-old Dylan after school and beats him up. If a criminal charge is brought against Thang, who would bring it?

A. the government C. Dylan’s parents on behalf of Dylan

B. Dylan D. American Civil Liberties Union

9. Thang grabs 18-year-old Dylan after school and beats him up. If a civil case is brought against Thang, who would bring it?

A. the government C. Dylan’s parents on behalf of Dylan

B. Dylan D. American Civil Liberties Union

10. What is a disadvantage of going to court to solve a conflict?

A. Jury involvement ensures that the community has a role in justice.

B. Decisions by courts can be enforced through government power.

C. Attorneys will ensure that their wishes are clearly presented.

D. The court process can take a long time and be very expensive.

11. Workers and management could not agree on how much employees would pay for medical care. Their labor agreement stated that this issue would go to a person who would hold a hearing and then have the authority to decide it. This is an example of

A. mediation C. negotiation

B. arbitration D. court action

12. Which of the following describes mediation?

A. The person listening to both sides decides how to solve the conflict.

B. Both sides reach an agreement without any outside help.

C. A neutral person sets rules and both sides list concerns to reach a resolution.

D. Both sides have a representative to help solve the conflict.

13. Jaime, who is blind and uses a seeing eye dog, gets an eviction notice from her landlord, stating that she has violated the no pet rule. Jaime gets legal services to contact the landlord to help her work out a solution. This is an example of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

A. Mediation C. Negotiation

B. Arbitration D. Court Action

14. Why do tort cases go to trial?

A. The plaintiff and defendant cannot agree on compensation or responsibility.

B. The case will be decided more quickly at trial.

C. The costs and fees will be lower if the case goes to trial.

D. Trials are much more common than settlements.

15. A person who commits a civil wring against another is

A. guilty of a crime C. liable for a crime

B. guilty of a tort D. liable for a tort

16. Which is a characteristic of civil tort trials?

A. The state represents the plaintiff.

B. The burden of proof is beyond a reasonable doubt.

C. The penalties for the defendant are more severe than criminal penalties.

D. The standard of proof is preponderance of the evidence.

17. What is an example of a tort remedy?

A. imprisonment C. restitution

B. monetary damages D. probation

18. Which of the following is a major category of torts?

A. negligence C. infractions of ordinances

B. constitutional violations D. criminal torts

19. What is the underlying reason for awarding damages in tort cases?

A. to deter people from acting negligently

B. to restore plaintiffs to their preinjury condition

C. to penalize the defendant for acting negligently

D. to console the plaintiff by giving him or her money

20. Marian gets a cavity filled at the dentist's office. Marian didn't realize it but the dentist was drunk when he filled her tooth. However, he filled the cavity properly. Did the dentist commit a tort?

A. Yes, by being drunk the dentist violated the duty to act with reasonable care

B. No, the dentist did not cause any injuries or losses

C. Yes, the dentist had a duty to act with reasonable care which he failed to do

D. No, Marian did not realize the dentist was drunk

10. In order for society to be truly ruled by law:

(a) legislation must cover every aspect of life

(b) the courts must operate under the control of the government

(c) the government must not be subject to the law

(d) everyone should be equally subject to the law, including the sovereig

For each of the following scenarios, you must determine if a tort was committed. If so, you must identity what type of tort it was. Use the choices below for questions 21-23.

1. No tort committed. C. An intentional tort

B. Act of negligence D. A case of strict liability

21. Jose trips over his untied shoelace while running to catch the bus, breaking his ankle.

22. Mr. Slifko buys a strong painkiller at the drugstore and takes the capsules according to the directions on the package. He has an extremely bad reaction to the drug and has to be taken to the hospital

23. Chen drinks too much alcohol at the office Christmas party. His supervisor, Ruth, Advises him to take a taxi home, but he thinks he will be okay if he drives slowly. Not noticing a stop sign, he strikes and kills a pedestrian crossing the street.

24. Which of the following statements is true about the relationship of liability to morals?

A. Legal responsibility is the same as moral responsibility.

B. Some immoral acts do not result in tort liability.

C. Morality and torts have no relationship to each other.

D. If an action is immoral, there is a tort remedy.

25. A criminal action

A. may be filed by a private citizen to protect private rights

B. requires a lower standard of proof than a civil action

C. results in the awarding of damages to the injured person

D. punishes offenses that harm society and/or people

\*\*\*TURN OVER FOR PART II\*\*\*

PART II. SHORT ANSWER RESPONSES

1. **The Spilled Peanut Butter (10 pts.):**

Provide advice for Mrs. Hightower. If she were to court, what kind of court would she go to? Who would she be going against? How might going to court help her? Also, suggest to Mrs. Hightower one good option for resolving this situation outside of court. Tell her about that method and why that might be a better option than going to court.

Mr. Grant is in C-Town supermarket doing the weekly grocery shopping. His four-year old daughter Jenny is seated in the shopping cart. As they pass a large peanut butter display, Jenny reaches and pulls a jar off the shelf. The display collapses, and a dozen jars come tumbling down. Some of the jars break, spreading peanut butter and glass all over the floor. Mr. Grant scolds Jenny severely as he wheels her down the aisle.

Ten minutes later, Mrs. Hightower slips and falls on the peanut butter. She breaks her hip in the fall and suffers several deep cuts from the broken glass. Because she is elderly, the hip injury develops complications and may never heal properly.

2. **Civil v. Criminal Cases (20 pts.)**

You are the court reporter. Based on this situation, tell the judge about the civil case**s** that would come before him/her. Then, tell the judge about the criminal case**s** that will meet before the court. For each case, identify the parties involved, why civil/criminal, and discuss the possible solutions in those courts.

Israr and Angelina were waiting for their stretch limousine to take them to the Grammy Awards. Israr wanted to get flowers for Angelina but forgot to pick them up beforehand. He asked the limo driver to swing by the flower shop so he could make his purchase. He went in the store and saw no one at the counter. Since the show would be starting shortly, he grabbed a bouquet of flowers and corsage and ran out the door. On the way out, he bumped into a woman on her way in. The woman was pushed into a stand, knocked over numerous vases, and broke her ankle after slipping on the water from the buckets. Israr gets back into limo and orders the driver to hurry. Luckily, they were able to make it on time to the pre-show after the driver ran a red light since he could not stop in time at 75 miles per hour on local streets.

**3. Tort or Not? (30 pts.)**

For each of the following scenarios, you must determine (a) whether a tort has been committed and (b) What type of damages could be awarded?

1. As a joke, Annette removes the bullets from her father’s revolver; takes the gun outside, and points it at the head of her neighbor, Mrs. Joiner, who is just leaving her hose. Mrs. Joiner, who unknown to Annette suffers from serious heart disease has a stroke and dies instantly.

2. Kathleen, 17, is in a record store. As she passes a rack of compact discs, she quickly slips one under her jacket. Thinking that no one has noticed, she turns to leave the store. The store manager, however was watching her on a closed-circuit television. As soon as she passes the cash register, he stops her, before she leaves the store. The manager calls the police and keeps her in his office until they come.

3. Baxter purchased an automobile from Ford that they claimed was equipped with a windshield that was shatterproof. Baxter was later injured when the windshield shattered.

4. While playing in the yard, Wells’ son swung a golf club, left unattended, hitting and injuring Lubitz.