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**CONCEPTS IN LAW ~**

**MARKING PERIOD 2 EXAM**

**Part I. MULTIPLE CHOICE (25 Questions~50 pts.)**

*Directions*: Read each question carefully. Choose the best answer for each question and/or statement.

1. A person who commits a civil wrong against another is \_\_\_\_\_\_\_\_\_\_\_\_\_.

 a. guilty of a crime

 b. guilty of tort

 c. liable for a crime

 d. liable for a tort

2. 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 cists and fees will be lower if the case foes to trial.

 d. Trials are much more common than settlements.

3. Which of these characteristics does not describe the adversarial legal system?

 a. The trial is a contest between opposing sides.

 b. The judge makes rulings on the law.

 c. The judge presents and comments on the evidence.

 d. The judge manages the trial.

4. Which of these characteristics does not describe the inquisitorial legal system?

 a. The judge questions the witness.

 b. The judge orders witnesses to appear.

 c. The judge conducts searches.

 d. The judge or jury determines the truth from facts presented by the opposing sides.

5. Which is not an element of negligence?

 a. The defendant owed a duty of care to the plaintiff.

 b. The defendant’s attitude violated a duty of care.

 c. The defendant’s conduct caused the plaintiff harm.

 d. The plaintiff suffered actual injuries or losses.

6. In situations in which plaintiffs are contributorily negligent, the plaintiffs will \_\_\_\_\_\_\_\_\_\_\_.

 a. only win a portion of the costs to restore them to a preinjury condition.

 b. not win any damages.

 c. win damages for all their economic injuries.

 d. win damages for all their economic injuries and non-economic losses.

7. In a state using comparative negligence, a jury decides that plaintiff Jenica suffered $100,000 in damages from a car crash with Noah in which plaintiff Jenica is 20 percent at fault and defendant Noah is 80 percent at fault. What is the outcome?

 a. Jenica will not recover any money from Noah. c. Jenica will recover $80,000 from Noah.

 b. Jenica will recover $20,000 from Noah. d. Jenica will recover $100,000 from Noah.8. Assumption of the risk is a defense to negligence that is used when the \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 a. plaintiff assumed the defendant would act reasonably.

 b. plaintiff knew of a risk of danger but decided to accept the risk.

 c. defendant assumed that plaintiffs would be careful.

 d. defendant knew of a risk but acted unreasonably.

9. To which activity does strict liability not apply?

 a. driving a car

 b. blowing up a building

 c. using toxic chemicals and hazardous materials

 d. owning a wild animal

10. Strict liability for defective products results in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 a. lower prices for consumers

 b. greater incentives for companies to design sale products

 c. less testing of products before they are sold

 d. fewer warnings on products

11. What is not true about intentional torts?

 a. Intentional torts include acts that harm other persons.

 b. The required intent for intentional torts is the desire to cause harm.

 c. the required intent for intentional torts is to do the forbidden act.

 d. Intentional torts include acts that harm property.

12. Jamie cuts in line in front of Tim at a fast food restaurant, and Tim throws some of his latte on Jamie. What tort has Tim committed?

 a. Tim has not committed a tort because Jamie was wrong to cut in line.

 b. Tim has not committed a tort because Tim did not inflict harmful or offensive contact.

 c. Tim has committed battery.

 d. Tim has committed assault.

13. A practical joker shuts and locks a fellow employee in the copier room for 10 minutes. The practical joker \_\_\_\_\_\_\_\_\_\_\_\_.

 a. has not committed a tort.

 b. has committed the tort of battery.

 c. has committed the tort of assault.

 d. has committed the tort of false imprisonment.

14. To prove strict liability, one must prove \_\_\_\_\_\_\_\_\_\_\_\_\_.

 a. duty, breach, causation and damages.

 b. duty, breach and causation.

 c. duty and damages.

 d. causation and damages

15. Under no circumstances may a judge stop a trial once it has begun.

A. True B. False

16. When a trial is over, a written decision called a \_\_\_\_\_\_ is rendered.

A. Sentence C. Verdict

B. Motion D. Pleading

17. The civil system:

A. Is absolutely free to all parties.

B. Attempts to rectify offenses that damage a person.

C. Does not vary from state to state.

D. Focuses on punishment and incarceration.

18. Voir dire:
 A. is the method for implementing the right to an impartial jury;

 B. is a guaranteed right, under the Sixth Amendment of the federal Constitution;

 C. is limited when one is challenging a juror for cause;

 D. is unlimited when one is exercising peremptory challenges.

19. Through a process called \_\_\_\_\_\_\_\_, defense attorneys try to reduce the credibility of the witness.

A. impeachment C. demeanor

B. direct examination D. cross examination

20. The right to jury is determined by:
 A. the U.S. Supreme Court for both state and federal courts;
 B. the Seventh Amendment, as it applies to state proceedings;

 C. a state judge, who may decide the entire case when equitable/legal issues overlap;

 D. the parties prior to a case being filed.

**Part II. Steps in a Trial (10 pts.)**

Directions: List the steps in a judge and jury trial after the early proceedings and the call to order. In addition, identify the person/party responsible for that step. (Example: *Call to order* by *bailiff*) Write all answers on the answer sheet provided.

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

7. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

9. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

10. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Part III. Opening Statement**

Hansel and Gretel:

**The Factual Overview**

Once upon a time… a father, who was a down on his luck wood cutter, was unable to provide for his children and wife. The step-mother had a creative solution to the family’s financial problems: Leave the Children in the Woods.

“The children must go, we will take them farther into the wood, so that they will not find their way out again; there is no other means of saving ourselves!”

The Step-Mother, [Hansel & Gretel](http://www.mordent.com/folktales/grimms/hng/hng.html)

In their quest to be parents of the year, the father gave in to his wife’s demands and left his children in the forest to die, not once, but twice.

The abandoned children’s situation went from bad to worse with the discovery of a gingerbread house occupied by a witch. After being captured, Hansel was kept in a stable to be fattened up for slaughter, while Gretel was fed only crab-shells and exploited for child labor to help murder her own brother.

Gretel killed the Witch, who was planning to bake Gretel, by trapping the Witch in a very large oven, burning the Witch alive.

The siblings escaped with the Witch’s pearls and precious stones, ultimately finding not only their way home to their father. As an added bonus, Hansel and Gretel’s step-mother had died in their absence.

Directions:

* Write an opening statement to represent your client in the civil case. You can choose to represent the plaintiff(s) or the defendant(s).
* In your opening statement, be sure to clearly identify the parties involved, the type of tort committed, the liability issue, how you will prove/disprove liability, and damages to be /not to be awarded to the plaintiff.
* Your opening statement must include a theory of the case.
* Clearly tell the judge/jury how you want them to decide.