

Test Bank

Chapter 1 Legal Foundations

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

- 1) The earliest known example of a formal written legal code was the _____.
 - A) Declaration of Independence
 - B) Code of Hammurabi
 - C) Retributive Code of Romans
 - D) U.S. Constitution
- 2) This requires a party to be held liable regardless of culpability.
 - A) negligence standard
 - B) tort
 - C) strict liability standard
 - D) law of succession
- 3) Any action that violates a statute duly enacted by the proper public authority.
 - A) crime
 - B) precedent
 - C) civil action
 - D) forfeiture
- 4) This type of remedy requires one party to perform certain acts or refrain from certain actions.
 - A) monetary damages
 - B) judicial discretion
 - C) habeas corpus
 - D) injunctive relief
- 5) An agency or unit of the judicial branch of government, authorized or established by statute or constitution, and has the authority to decide upon cases, controversies in law and disputed matters of fact brought before it.
 - A) Congress
 - B) tribunal
 - C) court
 - D) Senate
- 6) Rules promulgated by government agencies that have been given their authority by the executive branch or legislative branch.
 - A) administrative regulation
 - B) social norms
 - C) precedent
 - D) stare decisis

- 7) Civil wrongs recognized by law to be grounds for a lawsuit.
 - A) inquisitorial system
 - B) tort
 - C) law of succession
 - D) injunctive relief
- 8) Generally refers to formal rules, principles, and guidelines enforced by political authority.
 - A) norm
 - B) precedent
 - C) more
 - D) law
- 9) The _____ spells out the rules and regulations adopted by federal agencies and departments.
 - A) The Twelve Tables
 - B) Code of Federal Regulations
 - C) cooperative federalism
 - D) dual court system
- 10) _____ due process is concerned with protecting people's life, liberty, and property rights.
 - A) Procedural
 - B) Preventative
 - C) Secondary
 - D) Substantive
- 11) Serious offenses generally punishable by more than one year of incarceration.
 - A) infraction
 - B) corpus delicti
 - C) felony
 - D) misdemeanor
- 12) Prior action that guides current action.
 - A) precedent
 - B) stare decisis
 - C) recidivism
 - D) legal code
- 13) A justice system that pits two parties against each other in pursuit of the truth.
 - A) adversarial
 - B) cooperative
 - C) provisional
 - D) mandatory
- 14) The process by which a court arrives at a decision regarding a case.
 - A) common law
 - B) precedent
 - C) adjudication
 - D) oversight
- 15) The degree of intent on the offender's part.
 - A) habeas corpus
 - B) mens rea
 - C) actus reus
 - D) corpus delicti

- 16) Consists of the first ten amendments.
A) Preamble
B) Bill of Rights
C) Code of Federal Regulations
D) Declaration of Independence
- 17) The terms used to describe law "in common."
A) common law
B) special law
C) more
D) legal code
- 18) In the United States we have a _____ that separates federal and state court systems.
A) double-ended system
B) dual court system
C) federalist state
D) pluralist court system
- 19) A defendant's argument that they were somewhere else at the time of the crime, making it impossible for him or her to commit it.
A) mens rea
B) alibi
C) justification defense
D) excuse defense
- 20) The formal practice of adhering to a precedent.
A) legal code
B) social control
C) stare decisis
D) federalism
- 21) This is not one of the three main functions of the court.
A) resolving disputes
B) creating public safety programs
C) protecting individuals
D) upholding the law
- 22) A fact assumed to be true under the law.
A) stare decisis
B) precedent
C) presumption
D) social norm
- 23) This doctrine requires that a crime must be committed in order to hold someone liable for it.
A) corpus delicti
B) actus reus
C) habeas corpus
D) mens rea
- 24) The rights of people to be free from unreasonable searches and seizures falls under the _____ Amendment.
A) Second
B) Fourth
C) Tenth
D) Eighth

- 25) This system blurs the lines between federal and state power.
- A) law of Succession
 - B) incorporation
 - C) tort law
 - D) cooperative federalism

TRUE/FALSE. Write 'T' if the statement is true and 'F' if the statement is false.

- 26) Prior judicial decisions are often overruled.
- 27) The dual court system is advantageous and desirable because it parallels federalism.
- 28) Higher courts can control the actions and decisions of lower courts, but not the other way around.
- 29) Constitutional rights ensure that people accused of criminal activity are not rushed to judgment and treated unfairly.
- 30) Courts do not have the power to make binding decisions.
- 31) A presumption is a fact assumed to be true under the law.
- 32) Mens rea is the formal practice of adhering to precedent.
- 33) The United States is believed to have a system of cooperative federalism.
- 34) The law of succession is concerned with how property is passed from one generation to the next.
- 35) Criminal courts generally resolve disputes between private parties.
- 36) Civil disputes are those between the government and an individual accused of violating the law.
- 37) The Code of Federal Prudence spells out the rules and regulations adopted by federal agencies and departments.
- 38) Constitutions define, in broad terms, government structure and organization.
- 39) The two main types of remedies are monetary damages and injunctive relief.
- 40) The Second Amendment prohibits cruel and unusual punishment.
- 41) The Declaration of Independence recognizes the "Creator" as a source of rights.
- 42) Social norms consist of informal and often unspoken rules concerning standards of behavior.
- 43) The reason we have government courts is to deal with conflict in a civilized manner.
- 44) The earliest known example of a formal written legal code was the Twelve Tables.
- 45) Precedent refers to some prior actions that guides current action.

- 46) Procedural due process is concerned with protecting people's life, liberty, and property interests.
- 47) Inquisitorial systems place decision-making in the hands of one or a very few individuals.
- 48) Common law refers to the laws of specific villages and localities that were often enforced by canonical courts.
- 49) The Sixth Amendment suggests that court proceedings should be closed to the public.
- 50) Property law is concerned with matters of marriage, divorce, child custody and children's rights.

SHORT ANSWER. Write the word or phrase that best completes each statement or answers the question.

- 51) Our system is _____ because it pits the prosecution and the defense against each other in the pursuit of justice.
- 52) _____ are less serious offenses and are generally punished with less than a year of incarceration.
- 53) The _____, _____, _____, consisting of the first ten amendments, also announces important limitations on government authority with respect to the investigation of crime.
- 54) With _____, defendants accept responsibility for the act they are charged with, but they argue that the act was right under the circumstances.
- 55) Courts help to reinforce _____, informal and often unspoken rules concerning standards of behavior.
- 56) The United States has a _____ system, consisting of state and federal courts.
- 57) _____ refers to laws of specific villages and localities that were in effect in Medieval England, and that were enforced by canonical courts.
- 58) In general, _____ cases involve charges against an individual brought by a government official.
- 59) _____ are civil wrongs recognized by law to be grounds for a lawsuit.
- 60) The doctrine of _____ requires that a crime must be committed in order to hold someone liable for it.
- 61) The _____ (450 B.C.) was the first secular written legal code.
- 62) State legal codes of interest to us are most often _____.
- 63) The _____ spells out the rules and regulations adopted by federal agencies and departments.

- 64) The notion of "deciding upon" cases, controversies in law, and disputed matters of fact is known as _____.
- 65) Before a person can be convicted of a crime, the prosecutor must prove _____, that the person actually committed a criminal act.
- 66) _____ are rules promulgated by government agencies that have been given their authority by the executive branch or legislative branch.
- 67) A _____ is any action that violates a statute duly enacted by the proper public authority.
- 68) The most well-known presumption in criminal justice is the presumption of _____.
- 69) _____ is a system of government where power is constitutionally divided between a central governing body, various constituent units.
- 70) _____ is the degree of intent on an offender's part.