
PRINT NAME to be eligible to earn a quiz grade above zero.

Name left blank and names in script earn a quiz grade of zero.

ON THE ANSWER SHEET PRINT YOUR ANSWERS.

Turn in both your question sheets and your answer sheet.

Only one word is required for each answer, unless answer sheet notes otherwise.

Present your student ID when turning in your exam materials.

Quiz Chap. 2 & 3 Aug 29

- A. The plaintiff's complaint has three parts: cause of action; court's jurisdiction (both ____ [1] ____ jurisdiction and subject matter jurisdiction); and ____ [2] ____.
- B. If the parties to a dispute are seeking a private resolution of that dispute with the aid of a neutral third party, then they might be engaged in arbitration or they might be engaged in ____ [3] ____ but, they are not likely to be engaged in ____ [4] ____.
- C. A trial court focuses upon questions of ____ [5] ____ and applying the law. In contrast, an appellate court focuses upon questions of interpreting law and finding errors by the trial court. The appellate court reviews the trial court's decision for any one of three types of error: clear error of fact; ____ [6] ____ error of procedure; or ____ [7] ____ error of law.
- D. At a minimum, ____ [8] ____ involves the use of interrogatories (i.e., ____ [9] ____ questions), or depositions (i.e., ____ [10] ____ questions), or both.

Quiz Chap. 4 Sep 5

- E. Due process of law comes in two forms: substantive due process, and procedural due process of law. Substantive due process is provided to ____ [11] ____ constitutional rights. However, ordinarily, all that government need provide is procedural due process. Procedural due process requires the government to provide ____ [12] ____ and ____ [13] ____, both proportional to the interests involved.
- F. The individual USA State's power to regulate the local actions of business is the Police Power (i.e., the power of a USA State to regulate for the People's ____ [14] ____, ____ [15] ____, morals, and general welfare). To regulate the interstate aspects of business the federal government uses the Article I, section 8, clause 3, Commerce Clause power.

- G. Sometimes, but far from always, the federal government has the power to preempt the laws of the State governments by way of the federal power granted in Article VI, section 2 of the USA *Constitution*, which is known as the ____ [16] ____ Clause.
- H. The USA *Constitution*; is a constitution of granted powers. That is, the federal government only has those powers granted to it. Whereas, each USA State government has all governmental powers except those [i] granted to the federal government by the USA States in the USA *Constitution* (thus, implicitly reducing the remaining powers of each State; or [ii] denied the States by the States in the USA *Constitution*, but not granted to the federal government; or [iii] taken away from the States by their People in that State's *Constitution*. There are several examples of the federal government having ____ [17] ____ powers because the States have both granted that power to the federal government and have denied that power to the States. An example of an [17] federal power is ____ [18] ____ . Major example of the States taking a power away from the States can be found in Amendment XIV, both in its Due Process Clause and in its Equal Protection Clause.

Quiz September 10: Chapter 52

- I. A treaty is an agreement or contract between two or more nations that must be authorized and ratified by the supreme power of each nation. In the USA, the President negotiates a treaty and then must obtain the 2/3rds approval of the ____ [19] ____ for the treaty. Once ratified by the [19], a treaty is the ____ [20] ____ law of the land.
- J. The USA *Constitution's* Article IV, section 1's Full Faith and Credit clause is the domestic version of international tradition of ____ [21] ____ between two USA States as each USA State agrees to defer and to give effect to the laws and judicial decrees of all sister USA States (e.g., if married in Iowa, then married in Nebraska).
- K. The Act of State Doctrine is a ____ [22] ____ created doctrine that provides that the judicial branch of one country will not examine the validity of public acts committed by a recognized foreign government within that foreign government's own territory.
- L. The USA *Constitution's* Amendment XI grant of sovereign immunity to each USA State means that each USA State typically is ____ [23] ____ from suit within courts of the USA federal government.

- M. The USA legal system (other than in the USA State Louisiana) is a common law system wherein the judiciary develops ___[24]___ via cases of first impression as well as applies equity using equitable ___[25]___ rather than [24]. Many other countries use a code law system (also known as a civil law system) wherein the legislature enacts into law an ordered grouping of legal principles.

New questions

- N. ___[26]___ review is the power of the courts to declare unconstitutional acts of either the ___[27]___ branch of government or the ___[28]___ branch of government.
- O. In the USA, the law seeks to satisfy the People's ___[29]___ expectations. This is one reason the law focuses upon the ___[30]___ instead of the subjective. The [30] can be known either by ___[31]___ proof or by implied proof. Proof that is [31] is in ___[32]___: written or oral. Implied proof is shown by acts, [32], or ___[33]___.
- P. If a court is to have [1] jurisdiction, then the defendant must have ___[34]___ ___[35]___ contacts with that court's [1] jurisdiction. To measure whether the defendant has had [34] [35] contacts the court looks to whether the defendant has ___[36]___ availed the defendant of the [1] jurisdiction.
- Q. The plaintiff filing a complaint must state a cause of action and the plaintiff must have ___[37]___ to sue the defendant. The requirements for [37] to sue are that the plaintiff have suffered an injury in fact (i.e., an [30] injury) and the plaintiff be within the ___[38]___ of protected interests.
- R. Because of a shared culture reinforced by the USA States' mutual adoption of the treaty known as the USA *Constitution*, every legal person within the USA, when engaged in commerce, has four freedoms to choose how their contracts are handled within the courts of the USA federal government and each USA State. The four freedoms to choose allow the contracting parties their choice of ___[39]___, choice of forum, choice of venue, and choice of ___[40]___. In most other countries, none of these four freedoms to choose are allowed.

- S. A court has the power to grant a Motion to Dismiss or to grant a Motion for a Summary Judgment in part because with both of these motions are no remaining genuine issue of [5]. These two motions reach the position where the court only confronts a question of law in different ways. In a Motion to Dismiss there is no genuine issue of [5] because the moving party asks the court to ___[41]___ away all questions of [5] by granting for the sake of the motion all allegations of [5] by the other party as well as all [29] inferences. However, with a Motion for a Summary Judgment the parties ___[42]___ on all issues of [5], thus all that remains are questions of law.
- T. In a civil case the plaintiff bears the main burden to prove all [5] by a ___[43]___ of the evidence. In a criminal case the government always is the plaintiff, which raises questions of [11] constitutional rights, thus that burden of proof is increased so that the government must prove each element of the alleged crime ___[44]___ a [29] ___[45]___.
- U. The USA *Constitution's* first ten amendments are referred to as the Bill of Rights. In the ___[46]___ of powers the Bill of Rights focuses upon the ___[47]___ versus government [46] of power. For example, Amendment IV prohibits ___[48]___ searches and seizures except upon a ___[49]___ supported by probable cause. Amendment V bars a government in the USA from taking private property unless the government provides procedural due process, takes for a ___[50]___ use, and pays the property owner ___[51]___ compensation.
- V. Amendment I of the USA *Constitution* protects the people's freedom of religion, freedom of speech, freedom of the press, freedom to assemble peaceably, and freedom to petition government. Like nearly all laws, free speech exists along a continuum from most protected to least protected. The most protected speech is ___[52]___ free speech (i.e., no content regulation; only [29] time, place, and manner regulations). Some protection is provided to ___[53]___ free speech (i.e., some content regulation; but only if that content regulation serves a substantial governmental interest, directly furthers that interest, is proportional to that interest, and is the least restrictive regulation that achieves that interest). Some speech is unprotected (e.g., tort of defamation).
- W. An [47]'s right to privacy is not an [31] constitutional right of the people. Rather, it is implied from the USA *Constitution's* Amendment IX and Amendment X. Amendment IX provides "The enumeration in the *Constitution*, of certain rights, shall not be construed to deny or disparage others retained by the people.". Amendment X provides "The powers not delegated to the United States by the *Constitution*, nor prohibited by it to the States, are reserved to the States respectively, or to the people.". Accordingly, an ___[54]___ judge would find that an [47]'s right to privacy is not a [11] constitutional right.

PRINT NAME to be eligible to earn an exam grade above zero.

Name left blank and names in script earn an exam grade of zero.

UNIT EXAM ONE ANSWER SHEET:

ONLY PRINTED ANSWERS will earn full credit, *even if script is legible.*

- | | |
|---------------------------|-----------|
| 1. _____ | 28. _____ |
| 2. _____ | 29. _____ |
| 3. _____ | 30. _____ |
| 4. _____ | 31. _____ |
| 5. _____ | 32. _____ |
| 6. _____ | 33. _____ |
| 7. _____ | 34. _____ |
| 8. _____ | 35. _____ |
| 9. _____ | 36. _____ |
| 10. _____ | 37. _____ |
| 11. _____ | 38. _____ |
| 12. _____ | 39. _____ |
| 13. _____ | 40. _____ |
| 14. _____ | 41. _____ |
| 15. _____ | 42. _____ |
| 16. _____ | 43. _____ |
| 17. _____ | 44. _____ |
| 18. _____ | 45. _____ |
| (may use 1+ words in #18) | 46. _____ |
| 19. _____ | 47. _____ |
| 20. _____ | 48. _____ |
| 21. _____ | 49. _____ |
| 22. _____ | 50. _____ |
| 23. _____ | 51. _____ |
| 24. _____ | 52. _____ |
| 25. _____ | 53. _____ |
| 26. _____ | 54. _____ |
| 27. _____ | |