
print name

QUESTIONS:

3. T F The outer bound of a natural person's bounded rationality, at that moment in time, is the actual knowledge of that natural person.
8. T F The law reacts to changes in society because the law seeks to honor a reasonable person's reasonable expectations. If there is **unequal** bargaining power, history of abuse, **and** disparate impact, then the legislature will react.
9. T F The civil burden of proof (*i.e., preponderance of the evidence*) requires less proof than the criminal burden of proof (*i.e., beyond a reasonable doubt*) because the government is setting transaction costs, partially, to reflect predictably asymmetric power.
13. T F The USA structure of government reflects three separations of powers. The Individual is more important than the government. The federal government is superior to State government. Within government, the legislature makes law, the executive enforces law, **and** the judiciary interprets law; **and** the legislature has the most power **and** the judiciary the least power.
14. T F The power of Judicial Review is an implied power in the USA *Constitution*. Judicial Review is the power of the judiciary to declare constitutional an act of the legislature **or** act of the executive.
20. T F Because the USA structure of government relies on federalism, if the federal government has power, then concurrent federal **and** State powers are presumed. Accordingly, preemption is **not** favored, **but** may be allowed, if: there is express intent of Congress **and** national interests outweigh State interests, **or** there is clear intent of Congress **and** a need for uniformity.
29. T F The reasonable expectations of a reasonable person are based on a natural person's objective knowledge.
31. T F Good faith comes in three forms: consumer, merchant, **and** fiduciary. Each uses the same subjective element: commercial reasonableness.
32. T F The defendant commits fraud when the defendant knowingly **and** intentionally **misrepresents** a fact **and** thus induces the plaintiff's justifiable reliance **and** causes the plaintiff's injury.
35. T F Proximate cause exists if the defendant could have reasonably foreseen the plaintiff's injury at the time of the defendant's breach of the duty.