**TRUE/FALSE - Write 'T' if the statement is true and 'F' if the statement is false.
1)** Jurisprudence is roughly defined as the science and philosophy of law.

⊚ true ⊚ false

**2)** Law today is crucial to business by creating some degree of reliability to be used in business planning, commercial transactions, and promoting good faith dealing among merchants and consumers.

⊚ true ⊚ false

**3)** It is less common for States to amend their constitutions than it is for Congress to amend the U.S. Constitution.

⊚ true ⊚ false

**4)** A presidential veto may be overridden by a two-thirds majority vote of the Senate.

⊚ true ⊚ false

**5)** Most schools of jurisprudential thought center on the government’s role in creating the law.

⊚ true ⊚ false

**6)** Courts routinely question and overturn administrative-agency decisions involving how and when an agency enforces a regulation.

⊚ true ⊚ false

**7)** The power of courts to establish law in matters not specifically addressed by statutes is very limited in common law countries.

⊚ true ⊚ false

**8)** Equitable remedies are available to compensate injured parties in both civil and criminal lawsuits.

⊚ true ⊚ false

**9)** Most states have combined courts of law and equity.

⊚ true ⊚ false

**10)** A statute of limitations determines the maximum and minimum amounts of monetary relief that may be granted in different types of civil lawsuits.

⊚ true ⊚ false

**11)** The purpose of secondary sources of law is to increase uniformity and fairness across courts in the 50 states.

⊚ true ⊚ false

**12)** A single wrongful act may violate civil law or criminal law but cannot violate both simultaneously.

⊚ true ⊚ false

**13)** A zoning law that regulates what a landowner may or may not do with his or her privately owned property is an example of a public law.

⊚ true ⊚ false

**14)** Laws requiring that the police show reasonable cause and obtain a search warrant before entering a place of business to search for evidence are examples of substantive laws.

⊚ true ⊚ false

**15)** Criminal law allows a party to be compensated for money lost as a result of another's unlawful conduct.

⊚ true ⊚ false

**16)** Statutes and ordinances are examples of private laws that provide for the rights of parties involved in private or business transactions, such as contracts for services.

⊚ true ⊚ false

**17)** Criminal law can be characterized as public law but can never be considered private law.

⊚ true ⊚ false

**18)** Freedom of speech, as defined in the Constitution, is an example of substantive law.

⊚ true ⊚ false

**19)** *Restatements of the Law* are written and revised by Congress and state legislatures as needed.

⊚ true ⊚ false

**20)** All statutes have both a statutory scheme and a legislative history.

⊚ true ⊚ false

**21)** The common law is the law that all states follow to avoid confusion and to promote consistency from state to state.

⊚ true ⊚ false

**22)** Civil law systems reject and prohibit the use of precedent, relying solely on strict interpretations of statutes.

⊚ true ⊚ false

**23)** When a Pennsylvania appellate court makes a decision, stare decisis requires that Delaware trial courts follow the case precedent when a case with a similar fact situation arises.

⊚ true ⊚ false

**24)** Aggressive litigation generally results in a high monetary cost for a corporation.

⊚ true ⊚ false

**25)** Although arbitration and mediation are legitimate dispute resolution methods, they may not always result in a satisfactory outcome for both sides of the dispute.

⊚ true ⊚ false

**26)** Ordinances will preempt state-level statutes.

⊚ true ⊚ false

**27)** Most companies employ in-house counsel for their legal needs.

⊚ true ⊚ false

**28)** Laws relating to contracts for the sale of goods are primarily found in the common law.

⊚ true ⊚ false

**29)** The U.S. system of common law is deep-seated in the French common law established by the Norman kings around 1066.

⊚ true ⊚ false

**30)** Enumerated powers are specific powers granted to the federal government by the Constitution.

⊚ true ⊚ false

**MULTIPLE CHOICE - Choose the one alternative that best completes the statement or answers the question.
31)** Marlene is a law school professor speaking about the philosophy of law under the British system. Which of the following legal categories is she addressing?

 A) Statutory construction
 B) Historical jurisdiction
 C) Jurisprudence
 D) Ordinances

**32)** Which of the following is correct about the law in the United States?

 A) To be defined as law, something must have been codified by a legislature.
 B) Law creates duties and obligations, but not rights, as these are exclusively created by constitutions.
 C) Law is prescribed by controlling authority.
 D) All of the answer choices are correct.

**33)** The origins of recorded law are cited by the textbook as being:

 A) The writings of the British royals who recorded court decisions and then wrote them in a codified system of law.
 B) A collection of rules of tribal chieftains to perpetuate their power.
 C) The common law rules adopted by the Founding Fathers of the United States.
 D) The Justinian Code which standardized the civil law system among the Romans.

**34)** According to the text, which of the following does the system of law in the United States provide for?

 A) Good faith dealings between merchants and consumers
 B) Equality
 C) Consistency
 D) All of the answer choices are correct.

**35)** According to the textbook, which of the following statements about corporate strategy with legal counsel is/are true?

 A) It is considered a sound strategy for a corporation to rely exclusively on attorneys to drive the legal decision-making process because they are the experts in the law and will generally understand the business side of things better than many corporate managers.
 B) Research indicates that management working cooperatively with attorneys will add value to the business.
 C) If one can understand the fundamentals of legal theory and how they impact a business, this is all that is needed to be able to understand how legal decisions should be made in a business context.
 D) All of the answer choices are correct.

**36)** According to the textbook, which of the following statements about lawyers is/are true?

 A) Corporate lawyers typically spend a large percentage of their time in court.
 B) The general counsel is a phrase for one who works in an outside law firm and handles cases on general business law issues.
 C) In larger organizations, corporate counsel are often part of the management or executive team.
 D) All of the answer choices are correct.

**37)** Donovan works for a corporation as general legal counsel. Which of the following would be typical of the duties that a person in his position would perform in the U.S. legal system?

 A) Managing one or more associate attorneys
 B) Selecting and supervising lawyers from outside law firms
 C) Being a corporate officer of the company, called a secretary
 D) All of the answer choices are correct.

**38)** According to the textbook, which of the following statements are true about the typical relationships between corporations and attorneys in the United States?

 A) Working closely with a business attorney results in opportunities and reduced business costs.
 B) The majority of companies rely upon in house counsel for their legal needs.
 C) It is almost unheard of for more than one attorney’s advice to be needed on a legal matter, as consulting more than one attorney leads to confusion and conflicting counsel.
 D) All of the answer choices are correct.

**39)** Dalvosta, Georgia has passed a law banning the building of apartment complexes higher than 100 feet. This law would be defined as:

 A) an ordinance.
 B) a regulation.
 C) a statute.
 D) a common law.

**40)** Congress is drafting a piece of legislation that legalizes marijuana. It has not yet passed both Houses of Congress by a majority vote or been signed by the president. This is known as a:

 A) Statute
 B) Law
 C) Draft
 D) Bill

**41)** Constitutional law and administrative law are known in the United States as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ sources of law.

 A) Common
 B) Primary
 C) Secondary
 D) Procedural

**42)** The State of California has passed a law banning the use of poultry meat in restaurants if the chickens were raised in what the legislators defined as "inhumane industrial operations." The law set a fine of $5,000 for restaurants that were in violation and set up an administrative court that would hear appeals from restaurant owners. This law making the use of certain types of poultry illegal is a type of law known as a/an \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the rules that set out the fine and the administrative court are a type of law known as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_?

 A) Ordinance, procedural law
 B) Ordinance, substantive law
 C) Statute, procedural law
 D) Statute, substantive law

**43)** Walker, a federal court judge, cited several prior cases in reaching her decision in a case, deciding her case in a manner similar to the cases she cited. This is known in the law as the process of:

 A) Creating secondary sources of law
 B) Res ipsa loquitur
 C) Stare decisis
 D) Ad hominem reasoning

**44)** Which of the following is a secondary source of law?

 A) A regulation passed by a federal agency
 B) A model law passed as a guide to states in crafting their statutes on healthcare
 C) A constitutional interpretation of a statute by a federal court of appeals
 D) All of the answer choices are secondary sources of law.

**45)** Which of the following is an accurate statement of the concept of stare decisis and precedent under the U.S. legal system?

 A) Janet, an attorney, told her client that once precedent is established, it may not be changed except by an amendment to the Constitution or a new law passed by Congress.
 B) Randall, a judge, told the attorneys in a case that stare decisis is an "iron mold" that cannot be deviated from unless the United States Supreme Court authorizes it.
 C) Trace, a law student, told a classmate that stare decisis is a secondary source of law.
 D) Hani, a law professor, told her class that precedent established in New York will have no bearing on cases in neighboring New Jersey.

**46)** Stare decisis is a Latin phrase that means \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 A) One must not sit upon their rights in a court of equity, you must vigilantly pursue your rights to receive an equitable remedy from a court.
 B) There can be no law higher than human-made law, there exist no absolutes of right and wrong.
 C) Similar cases with similar facts and issues should have similar judicial outcomes.
 D) All of the answer choices are correct.

**47)** The Immigration and Naturalization Service, a federal agency involved in immigration security, has applied a rule stating that prior to deportation, an individual must be allowed a due process hearing at which they can make a case against their deportation. This would be which of the following types of laws?

 A) administrative laws
 B) securities laws
 C) statutory laws
 D) ordinances

**48)** Which of the following statement(s) is/are true?

 A) If Heinrich is driving recklessly and smashes his car into Shanna, Heinrich could be both prosecuted and sued for his actions.
 B) Procedural law sets out the steps that the state of Iowa must take if it wishes to have its agents break into the office of Benjamin and search his computer for evidence of embezzlement.
 C) In the United States, breach of contract is classified as civil law, and the laws that give a party the right to sue for breach of contract are known as substantive laws.
 D) All of the answer choices are correct.

**49)** Luke hit a golf ball from his front yard into a parking lot. The ball smashed the window of Abigail’s car. The type of law that gives Abigail the right to be compensated monetarily for Luke’s conduct is which of the following?

 A) It is civil and substantive
 B) It is civil and administrative
 C) It is criminal and substantive
 D) It is administrative and procedural

**50)** The State of Colorado has a law stating that you may not be in possession of more than four ounces of certain controlled drugs. This is an example of which of the following types of law?

 A) Substantive law
 B) Procedural law
 C) Interrogative law
 D) Interpretive functional law

**51)** A surgeon accidently severed a nerve in Miranda's back during surgery so she now has numbness in her left leg. Miranda sued to get compensation for her pain and suffering and additional medical expenses as a result of alleged malpractice. The malpractice statute in her state gave her two years from the time she "knew or should have known of the injury" to file a lawsuit. What type of law is the malpractice statute that gives her the right to sue and what type of law is the statute that determines that she has two years to file her claim?

 A) Private law, Public law
 B) Substantive law, Procedural law
 C) Procedural law, Substantive law
 D) Compensatory law, Punitive law

**52)** LaQuisha paid Francis for an original Jean-Michel Basquiat painting, but while he accepted her money, he has not given her the painting. Which of the following equitable remedies would be appropriate for LaQuisha to use in her legal proceeding against Francis to compel him to turn over the painting?

 A) Specific performance
 B) Injunction
 C) Rescission
 D) All of the equitable remedies listed would be appropriate.

**53)** Aunt Betsey is sick and tired of neighbors who walk their dogs across her front yards. She is considering going to district court to stop the trespassers. What type of remedy should she pursue?

 A) Specific performance
 B) Laches
 C) Rescission
 D) Injunction

**54)** The City of Draconia has informed Miko that they are going to evict her from her land and auction it off for nonpayment of $100 in taxes. Miko is contesting the tax bill and wants to stop them from evicting her and auctioning off the land. Which of the following would best enable Miko to accomplish this?

 A) Specific performance
 B) Injunction
 C) Rescission
 D) A legal remedy

**55)** Garbo purchased a riding lawnmower from Thrifty mowers for $5,000. It was their standard, top-selling model. Garbo paid in cash and scheduled a delivery for the next day to her house. If Thrifty does not deliver the mower, then refuses to pay back her money, what is the best remedy for Garbo to seek?

 A) An equitable remedy of an injunction
 B) An equitable remedy of rescission
 C) An equitable remedy of specific performance
 D) A legal remedy for the $5,000.

**56)** The equitable maxim "substance over form" would best be described by which of the following examples?

 A) Raul filed his lawsuit seeking an injunction in district court, but it was dismissed because he filed too late.
 B) Dugan worked for ABC Corp, which treated him exactly like an employee but called him an outside contractor and did not pay him benefits. The court ruled that Dugan was entitled to benefits and ordered ABC to classify Dugan as an employee.
 C) Stanley made a motion to the court to deny the equitable remedy that Roger was seeking against him, because Roger had intentionally misrepresented several things in their dealings with one another.
 D) Gracie sought specific performance against XYZ Corp to have provide her with the company car which was promised to her, but then XYZ entered evidence that Gracie had embezzled from them and the court denied her request.

**57)** Enrique advertised his custom-made airplane for sale. Wallace offered him $100,000 by email. Enrique told Wallace that he accepted his offer, but that he would have to bring a cashier’s check to his house for $100,000 the next day. Wallace said he’d arrive with the check the next day after work. Wallace arrived at 6 p.m. and when he did, Enrique told him he’d just gotten an offer for $110,000 and that Wallace would have to pay that amount to get the plane. If Wallace sues Enrique, what course of action will best provide him the results he desies?

 A) Sue for breach of contract and seek a legal remedy.
 B) Sue for an injunction.
 C) Bring a suit in equity and seek monetary damages.
 D) Sue for breach of contract and seek a decree of specific performance.

**58)** Bart was angry at his neighbor Homer, who had been playing loud hip hop music after midnight every night. In retaliation, Bart had been throwing eggs at Homer's house. Bart has pursued the equitable remedy of an injunction against Homer. What is Homer's best defense to Bart's equitable action under these circumstances?

 A) Laches
 B) Substance over form
 C) Equity aids the vigilant
 D) Clean hands

**59)** Emily went to court to get the court to stop Laura, her neighbor, from driving her car across Emily's property. Laura had been driving across the property for 10 years, and Emily had finally had enough. What defense might Laura have against Emily's claim?

 A) Laura has no defense because she has done the offending activity for such a long period of time.
 B) Clean hands
 C) Substance over form
 D) Laches

**60)** Jennifer’s complaining about a patently unfair employment contract she signed. She wants to be released from the terms of the contract, which states in the fine print that she must "Allow the company President to adopt her first-born child". Which of the following would describe the best course of action to get her out of the contract?

 A) A legal remedy for monetary damages
 B) Substance over form
 C) Specific performance
 D) Rescission

**FILL IN THE BLANK. Write the word or phrase that best completes each statement or answers the question.
61)** Much of the origins of the law dealt with issues related to \_\_\_\_\_\_\_.

**62)** When the United States Supreme Court formally recognized its role in achieving equality for all Americans during the civil rights movement, it was following a \_\_\_\_\_\_\_\_ philosophy.

**63)** Attorneys who work for a company and are part of the executive or midlevel management team are specifically referred to as \_\_\_\_\_\_\_\_ counsel.

**64)** Attorneys, particularly in a business context, are also referred to as \_\_\_\_\_\_\_.

**65)** Measures of judicial action intended to compensate an injured party in a civil lawsuit are known as \_\_\_\_\_\_\_.

**66)** Equitable rules intended to be broad statements of rules that are based on notions of fairness and justice are referred to as equitable \_\_\_\_\_\_\_.

**67)** A judicial opinion is also referred to as the \_\_\_\_\_\_\_\_ of the case.

**68)** A collection of uniform legal principles focused on a particular area of traditional state law is called *The \_\_\_\_\_\_\_\_ of the Law*.

**69)** Trial lawyers from outside firms, often selected by general counsel when a particular field of expertise is needed, are referred to as \_\_\_\_\_\_\_.

**70)** \_\_\_\_\_\_\_\_ are recognized as binding between two parties even though no specific statute or regulation provides for the rights of the parties.

**ESSAY. Write your answer in the space provided or on a separate sheet of paper.
71)** A case of first impression comes before a state court in Illinois. While the issue has not been heard in Illinois courts, appellate courts in the states of Wisconsin, Iowa, and Indiana have definitively ruled on the issue, although the outcomes of the various cases were slightly different in each case. Further, the case heard by the Indiana court was definitively ruled upon by the U.S. Supreme Court. Explain whether the court in Illinois is bound by the decision of any of the other courts, and why.

**72)** Mike is a high school dropout employed as a counter worker at Bob’s Roasted Chicken (BRC), a local fast food franchise in Georgia. Mike is voted Employee of the Month and awarded a trip to visit the home office of BRC in Knoxville, Tennessee. While on a tour of the offices at BRC’s headquarters, Mike notices an open wall safe, and when he looks inside, he discovers the original, handwritten copy of the secret family chicken recipe. He quickly makes a copy and returns the original to the safe. Once he arrives home, he contacts a number of local fried-chicken restaurants and offers to sell them the recipe. When BRC’s president, Bob, discovers what Mike is doing, BRC immediately sues Mike. However, it quickly discovers that there are no applicable trade secret statutes. What effect does the lack of an applicable statute have on BRC’s claim, and what, if anything, can BRC rely upon to maintain its claim? What relief should BRC seek against Mike?

**73)** Name the three essential functions of the U.S. Constitution.

**74)** Define and explain the concepts of permanence and preemption as they apply regarding the U.S. Constitution.

**75)** Congratulations! You have just been named as a judge in your state's general trial court. Your first case involves a complicated environmental statute. What resources might you use to interpret and apply the statute to your case?

**76)** Describe the similarities and differences among statutes, ordinances, and regulations.

**77)** Discuss the differences between the common law and civil law with regard to precedent and the court's right to establish new law.

**78)** Tom has attacked Kathy in the parking lot of a bar. He knocked her to the ground and stole her wallet, breaking her arm in the process. Kathy works as a data input specialist at a bank and missed eight weeks of work due to her injury. Discuss how her case could be handled under both the criminal law and civil law systems, including possible remedies available under each system.

**79)** Identify and discuss the various types of secondary law. How does secondary law affect the American legal system?

**80)** In 2010, the state of Arizona passed an immigration law that allowed law enforcement officers to check the immigration status of individuals charged with a crime. Which legal philosophy best fits the theory of jurisprudence used by Arizona lawmakers to justify this law?

**Answer Key**Test name: Chapter 01 Test Bank

1) TRUE

Jurisprudence, roughly defined as the science and philosophy of law, defines several schools of thought used to describe the various approaches to the law.

2) TRUE

Law must always be considered when making business decisions and when planning.

3) FALSE

It is much more difficult to change the U.S. Constitution than individual state constitutions.

4) FALSE

A repeal of a presidential veto requires a two-thirds vote of Congress.

5) FALSE

Most schools of jurisprudential thought center on how legal rights are recognized.

6) FALSE

Courts are highly deferential to agency decisions.

7) FALSE

The power of courts to establish law is limited in civil law countries but not in common law countries.

8) FALSE

Equitable remedies are available only in civil cases.

9) TRUE

Most modern courts are combined courts of law and equity.

10) FALSE

A statute of limitations sets the time within which a lawsuit must be filed after an injury occurs.

11) TRUE

Secondary sources of law allow each state to refer to a singular explanation of various laws for increased consistency.

12) FALSE

The same act may result in both civil and criminal liability.

13) TRUE

Zoning laws are examples of public law that are based on statutes and ordinances.

14) FALSE

Search and seizure laws, such as those that require the police to show reasonable cause and obtain warrants prior to a search, are examples of procedural laws.

15) FALSE

Only civil law actions may result in monetary damages. Criminal laws result in fines or imprisonment.

16) FALSE

Statutes and ordinances are examples of public laws, which are enacted by some government legislative entity.

17) TRUE

Criminal law must be statutory and is therefore public law.

18) TRUE

Freedom of speech is an individual right protected by the Constitution, and is a form of substantive law.

19) FALSE

Restatements of the Law are secondary legal sources that interpret the laws, and they are written and revised by the American Law Institute.

20) TRUE

All statutes have a statutory scheme as well as a legislative history showing the sponsor, debates, and votes. When interpreting statutes, the court also look to the records kept by the legislature, including the debates, committee and conference reports, along with legislative findings of fact.

21) FALSE

The common law is made by state courts to “fill in the gaps” when a controversy arises. The common law varies from state to state.

22) FALSE

Civil law recognizes the general notion of precedent, but its use is severely limited.

23) FALSE

Stare decisis and case precedent apply only in courts in the state in which the appellate court making the decision sits.

24) TRUE

Aggressive litigation takes additional counsel time and assets, which increases the cost of litigation.

25) TRUE

While arbitration and mediation are legitimate and effective dispute resolution methods, they do not always result in a satisfactory outcome for both sides of the dispute.

26) FALSE

State-level laws preempt local-level laws known as ordinances.

27) FALSE

The majority of companies rely on attorneys employed by law firms.

28) FALSE

Laws relating to contracts for the sale of goods are statutory.

29) FALSE

The U.S. system of common law is deep-seated in the English common law established by the Norman kings around 1066.

30) TRUE

Article I, Section 8 of the Constitution names 17 specific powers granted to the federal government, which are known as enumerated powers.

31) C

Jurisprudence is defined as the science and philosophy of law.

32) C

The only correct answer is that law is prescribed by controlling authority, as law need not have been codified or created by a legislature and law creates duties, obligations and rights.

33) B

The origins of recorded law were initially a collection of rules of powerful tribal chieftains intended to perpetuate their domination and the power of their authority.

34) D

The law in the United States provides for good faith dealings, equality and consistency.

35) B

It is not considered sound strategy to rely exclusively on attorneys for legal decision-making, as it may be expensive and attorneys may not understand the business well. Understanding the fundamentals of legal theory and how they impact a business is only the first step. However, studies have demonstrated that it is true that working cooperatively with legal counsel can lead to better strategic business decisions that add value to the business.

36) C

Corporate attorneys typically spend their time advising clients rather than appearing in court. General counsel is a phrase describing an in-house attorney, not an outside law firm attorney. Finally, in larger organizations, corporate counsel, or attorneys, are often in management.

37) D

All of the answer choices are typical of the roles of a general counsel for a corporation in the United States.

38) A

The text emphasizes that working closely with a business attorney can increase opportunities and reduce costs. On the other hand, the majority of companies use outside counsel and it is common and often advisable to seek the advise of more than one attorney.

39) A

When a law is passed at the city or county level, it is an ordinance.

40) D

When Congress is drafting a federal statute, but it has not yet had the executive branch’s concurrence or signature, it is known as a bill.

41) B

Constitutional law, administrative law, common law and statutory law are primary sources of law in the United States.

42) C

This type of law is a statute, which is generally the name for a law made at the state level, and the part of the law that calls for the fine and sets up the administrative court is a procedural law, which can be distinguished from the underlying substantive law itself.

43) C

Stare decisis is the principle that similar cases with similar facts and issues should have similar judicial outcomes.

44) B

Secondary sources of law include model laws for states to adopt and restatements of law, which are collections of uniform legal principles.

45) D

A state court facing an issue for the first time might look to precedent created in other states for insight; however, nothing requires its adherence to the other states’ decisions.

46) C

Stare decisis is a foundational concept in our system of common law, it means that cases with similar facts should have similar judicial outcomes and be followed by future courts as precedent.

47) A

Administrative law is the source of law that authorizes the exercise of authority by executive branch agencies and independent government agencies and is carried out by administrative agencies. The Immigration and Naturalization Service is an administrative agency, thus, this is an example of administrative laws.

48) D

All of the answer choices are correct because one may be both prosecuted and sued for many actions, including reckless driving. States must follow certain procedures before denying individuals certain substantive rights, such as against searches and seizures, and finally, breach of contract is a civil law, meaning it gives the damaged party the right to sue, and the underlying law that defines breach of contract is a substantive law.

49) A

The type of law that permits one party to be compensated for the actions of another is civil law. The category of law that involves the underlying law itself, such as a law providing for civil penalties for dangerous activities, is a substantive law.

50) A

Substantive law is the underlying law, such as a speed limit law or a drug possession law; it is to be distinguished from procedural law, which would involve the rules and procedures by which the substantive law is applied.

51) B

Substantive law is the underlying law. It is to be distinguished from procedural law, which would involve the rules and procedures by which the substantive law is applied. In this case, the basic malpractice law is the substantive law, while the procedures for applying it, the statute of limitations, is procedural law.

52) A

Specific performance is a remedy available when you are seeking to have the court order another party to do something.

53) D

An injunction is an equitable remedy that requests a court to stop a party from doing something. Aunt Betsey should seek an injunction to stop her neighbors from trespassing.

54) B

An injunction is an equitable remedy that requests a court to stop a party from doing something. Miko should seek an injunction to prevent the city from conducting the eviction and auction.

55) D

In this case, the court would be unlikely to grant an equitable remedy. The best available equitable remedy would be specific performance, but it is typically not available unless the item is rare or one of a kind. In this case, the available remedy is a legal remedy for $5,000, plus potentially other incidental legal damages.

56) B

Substance over form is a maxim where courts granting equitable remedies look to the actual substance of the matter rather than the form of it to apply concepts of fairness to a legal matter.

57) D

Specific performance is an equitable remedy available only when monetary damages will not be a sufficient remedy.

58) D

One seeking an equitable remedy must come to the court with clean hands that are unstained by bad faith, and Bart’s retaliation was not in good faith.

59) D

Laches is a defense to an equitable remedy when the party seeking the remedy waited too long to pursue it, as the adage goes "Equity aids the vigilant."

60) D

Rescission is an equitable remedy which enables a party to get out of a patently unfair contract.

61) property ownership

62) legal realism

63) in-house

64) counsel

65) remedies

66) maxims

67) holding

68) Restatements

69) litigators

70) Private laws

71) The Illinois court would be bound by the ruling of the Supreme Court, but not the courts in Wisconsin, Iowa, or Indiana. Precedent established in one state’s court will have no bearing on the courts of other states, but when a state court is facing an issue for the first time, it may look to other states for guidance and insight. However, once an issue has been ruled upon by the Supreme Court, its holding is binding on all lower state courts.

72) When there are no applicable statutes, the court will look to the common law for case precedent. If a case with a similar fact situation has previously been decided, the doctrine of stare decisis will mandate that the court follow the established case precedent in most cases. Initially, BRC should ask for an equitable remedy in the form of an injunction to prevent the sale until binding decisions can be made. Equitable relief is necessary, as damages awarded at the end of the case may be insufficient to protect BRC from irreparable harm from the disclosure of the recipe.

73) The Constitution addresses three broad areas: (1) establishing a state and federal government structure with qualifications for certain offices and positions and rules for amending the Constitution; (2) granting specific powers to the three branches of the federal government; and (3) providing procedural protections for U.S. citizens from wrongful government actions.

74) *Permanence* refers to the concept that a constitution is thought to reflect the basic principles of a society and should be amended only in extraordinary cases and only when a majority of its constituents agree over a certain period of time. *Preemption*, in terms of the Constitution, stands for the concept that constitutional law is supreme over all other sources of law.

75) Two things that must be considered are the statute's statutory scheme and its legislative history. The statutory scheme is the format and wording used, which gives an indication of the legislature's intent regarding the statute's application. The statute's legislative history includes all records pertinent to the introduction, debate, and voting regarding the particular statute. The debate history, in particular, will show the thought processes used by the legislature when discussing, amending, and passing the law.

76) Statutes, ordinances, and regulations are similar in that each is a form of a written law or rule of public law. The differences have to do with where they originate. Statutes are written laws passed by Congress or a state legislature. Ordinances are written laws that are enacted by local government bodies below a state legislature level. Regulations are written laws and rules created by administrative agencies.

77) Under the common law, in the absence of statutory law, judges may make decisions creating law, which becomes case precedent in future cases unless subsequently preempted by statute. Civil law recognizes the general notion of precedent, but its role is substantially reduced. The power of courts to make new law in matters not specifically addressed by the country's civil code is very limited under civil law.

78) Criminal law protects society by making certain conduct unlawful. Knocking Kathy to the ground and stealing her wallet would certainly be criminal offenses. Penalties if Tom is convicted could include fines and/or imprisonment. Civil law is designed to compensate individuals for losses due to another person’s conduct. Reimbursement for lost wages and for Kathy’s medical bills would be available along with other possible monetary damages.

79) The two most important forms of secondary law are *Restatements of the Law* and model state statutes. *Restatements of the Law* are prepared, from time to time, by professors, judges, and lawyers who are members of the American Law Institute. These Restatements capture the state of the law at the time the restatement is written and provide a basis for interpretation, which allows for consistency and general conformity. Model state statutes, written by the National Conference of Commissioners on Uniform State Laws, were formed through the American Bar Association for the purpose of establishing uniform standards in areas of law where national interest would be achieved through the use of uniform laws. Both forms of secondary law feature commentary and examples but possess no independent authority and have no legally binding effect. They are advisory, and states are free to reject all, adopt all, or adopt part of proposed secondary laws.

80) Legal realism is based on the concept that law is a social institution and that law should be used to promote fairness by taking into account social and economic realities when arriving at a legal conclusion. Arguments made by Arizona lawmakers center on issues relating to crime, a social issue, and increased costs for essential services, which relate to economic issues. In terms of fairness, the argument that has been put forward is that citizens' lives are being negatively affected by uncontrolled illegal immigration.