

Apply the Law: Exam 1

Courts	Arbitration & Ethics	Constitutional Law	Administrative & International	Contracts
\$200	\$200	\$200	\$200	\$200
\$400	\$400	\$400	\$400	\$400
\$600	\$600	\$600	\$600	\$600
\$800	\$800	\$800	\$800	\$800
\$1000	\$1000	\$1000	\$1000	\$1000

Courts for \$200

◆ What is stare decisis?

- The doctrine of stare decisis is the process of applying precedent (prior cases) in the law



Courts for \$400

◆ What is Diversity Jurisdiction?

- Federal courts can exercise jurisdiction because
 - ♦ parties are from different states and
 - ♦ at least \$75,000 is involved



Courts for \$600

◆ What is the difference between civil and criminal law?

- Civil law
 - ♦ compensates
 - ♦ lower burden of proof
- Criminal law
 - ♦ punishes
 - ♦ higher burden of proof



Courts for \$800

◆ What paperwork (pleadings) is (are) filed in a lawsuit?

- Complaint, Answer, Counter-Complaint, Answer



Courts for \$1000

◆ What's difference between motion to dismiss and motion for directed verdict?

- Motion to dismiss
 - ♦ plaintiff's complaint fails to state a cause of action
- Motion for directed verdict
 - ♦ plaintiff failed to present evidence to support his claim



Arbitration & Ethics for \$200

◆ If an arbitrator discusses a case with one party to the case outside the presence of another, this is grounds for a court to . . . ?

- Set aside the award



Arbitration & Ethics for \$400

◆ In a business setting, if one applies the duty-based approach to ethics, one believes what?

- That each person has a duty to engage in inherently ethical behavior



Arbitration & Ethics for \$600

◆ In a business setting, if one applies the utilitarian theory of ethics, one should focus on?

- The consequences of the action(s)



Arbitration & Ethics for \$800

◆ What is the process in which a neutral third party tries to negotiate a settlement?

- Mediation



Arbitration & Ethics for \$1000

◆ If something is legal, is it necessarily ethical?

- No, ethics go beyond the law



Constitutional Law for \$200

◆ If a lawsuit is filed claiming that state law violates the interstate commerce clause, the court considers . . . ?

- Whether an undue substantial burden is placed on interstate commerce



Constitutional Law for \$400

◆What is the Supremacy Clause?

- If a state law directly conflicts with a federal law, the state law will be rendered invalid and unconstitutional



Constitutional Law for \$600

◆Can commercial speech be regulated?

- Yes, but regulation must
 - ◆ implement an important governmental purpose,
 - ◆ directly advance that interest, and
 - ◆ go no further than necessary to accomplish that



Constitutional Law for \$800

◆The state's power to regulate private activity in order to protect the public order, health, and welfare of its citizens is called . . . ?

- State police power



Constitutional Law for \$1000

◆The clause of the US Constitution that provides that rights in one state will be honored in another state is the . . . ?

- Full Faith and Credit Clause



Administrative & International for \$200

◆The functions of administrative agencies are . . . ?

- Adjudication
- Investigation
- Rule-making



Administrative & International for \$400

◆When a foreign government gives effect to the laws and court decisions of the United States, the foreign government is applying what principle?

- Principle of comity



Administrative & International for \$600

◆ When a foreign government takes property for an illegal purpose without providing adequate compensation, this is called . . . ?

- Confiscation



Administrative & International for \$800

◆ What is the Act of State Doctrine?

- The judicial branch of one country will not examine the validity of public acts committed by a recognized foreign government within its own territory



Administrative & International for \$1000

◆ What exempts foreign governments from the jurisdiction of US Courts?

- Doctrine of Sovereign Immunity



Contracts for \$200

◆ Do all contracts have to be in writing to be enforceable?

- No, only certain types under the Statute of Frauds



Contracts for \$400

◆ Which persons lack capacity to contract?

- Minors, drunks and mentally incompetent people



Contracts for \$600

◆ An equitable remedy asking the defendant to perform a contract is called . . . ?

- Specific Performance



Contracts for \$800

- ◆ What are the requirements for an enforceable contract?
 - Consideration
 - Offer and Acceptance (Mutual Assent)
 - Legal Subject Matter
 - Legal Capacity



Contracts for \$1000

- ◆ What is the difference between a bilateral and a unilateral contract?
 - Bilateral contract
 - ◆ a promise for a promise (i.e., two promises)
 - Unilateral contract
 - ◆ a promise for an act or an act for a promise

