

Introduction to Law – Final Exam
2 Hours

PART I: Multiple Choice Questions (2 points each = 40 points total)

(1) “To stand by precedents” is expressed by the Latin phrase:

- (a) *Starum definitus*
- (b) *Ratium decididus*
- (c) *Stare decisis*
- (d) *Ratio decidendi*
- (e) None of the above

(2) Case precedent should be narrowly construed:

- (a) Always
- (b) Never
- (c) Only in a court of equity
- (d) When *dicta* in the prior case is ambiguous
- (e) None of the above

(3) Legislation usually operates:

- (a) Prospectively
- (b) Historically
- (c) Proportionally
- (d) Precedentially
- (e) Retroactively

(4) The term “case law” is generally synonymous with:

- (a) Equity
- (b) Communal law
- (c) Substantive law
- (d) Procedural law
- (e) Common law

(5) The Latin phrase *ratio decidendi* means:

- (a) The rational basis for *dicta* in the decision
- (b) The reason for the decision
- (c) The reason for the jury selection
- (d) Nonauthoritative statements in a judicial opinion
- (e) Rated argument for the decision

(6) A decision by the high court of a state is binding precedent on a later case in a lower court of the state unless the facts of the later case:

- (a) Were anticipated by the high court
- (b) Cannot be determined
- (c) Are not distinguishable from the earlier case
- (d) Are nearly identical to those in the earlier case
- (e) Are distinguishable from the earlier case

(7) Once a court has interpreted a statute, that interpretation becomes:

- (a) Binding on the legislature if both houses accept the decision by majority vote
- (b) Persuasive authority for other jurisdictions, but only if the decision was issued *per curiam*
- (c) Persuasive authority for future cases, unless a split of authority exists between jurisdictions
- (d) Binding precedent for future cases
- (e) Retroactive if the statute does not provide otherwise

(8) Substantive canons of statutory construction are:

- (a) Presumptions based on a narrow application of judicial policy
- (b) Presumptions that arise due to the doctrine of separation of powers
- (c) Presumptions that arise from the context of the enactment
- (d) Presumptions based on the legislative history
- (e) Presumptions that arise due to the subject matter of the statute

(9) “A = B and C = A; therefore, C = B” is an example of:

- (a) Synergy
- (b) Soliloquy
- (c) Syllabary
- (d) Synonyms
- (e) Syllogism

(10) The “literal rule” of statutory interpretation:

- (a) Ignores the statutory language unless a literal reading of that language cannot lead to absurd or mischievous results
- (b) Relies on the “plain meaning” of the statutory language
- (c) Applies only in civil law jurisdictions
- (d) Is an example of the “purposive approach”
- (e) Is also known as the “golden rule”

(11) A concern with the actual consequences and operative effects of legal doctrine is the central concern of:

- (a) Legal naturalism
- (b) Legal formalism
- (c) Legal realism
- (d) Legal rationalism
- (e) Legal relativism

(12) The Latin phrase *expression unius est exclusion alterius* means:

- (a) The exclusionary rule applies unless an alternative can be expressed
- (b) The expression of one thing excludes all things unless not specified therein
- (c) The particular thing expressly excludes alternatives encompassed within it
- (d) The expression of one thing is the exclusion of another
- (e) When particular words of description are used, followed by general words, the latter are to be limited in their meaning so as to embrace only a class of the things indicated by the particular words

(13) The term “federalism” refers to:

- (a) The allocation of power between the national government and the 50 states
- (b) The country’s conduct of foreign affairs
- (c) The supremacy of the U.S. Constitution over federal court jurisprudence
- (d) Vertical separation of powers between a state and its municipalities
- (e) The federal court system as controlling over statutory law

(14) Legislation is:

- (a) Persuasive authority to resolve general classes of lawsuits
- (b) More authoritative than judicial precedent
- (c) Less binding than decisions by the federal district courts
- (d) Less authoritative than out-of-state case law
- (e) Binding only on states that choose to adopt the same approach

(15) An exercise of governmental power in a concrete situation to accomplish a public purpose is known as:

- (a) An executive act
- (b) Legislative policy
- (c) Municipal law
- (d) Regulatory power
- (e) Common law

(16) Judicial opinions in civil cases are generally applied:

- (a) Under the doctrine of *res ipsa loquitur*
- (b) To all prior cases in the same jurisdiction
- (c) Prospectively
- (d) Proportionally
- (e) Retroactively

(17) Legislative history is an example of:

- (a) An extrinsic aid to ascertaining legislative intent
- (b) An extrinsic guide for applying legal principles to statutory law
- (c) An intrinsic method for interpreting cases construing a statute
- (d) An intrinsic aid to determining statutory precedent
- (e) An intrinsic component of formulating statutory rules

(18) An act of battery, assault, or false imprisonment against the plaintiff constituted the following form of action at common law:

- (a) General assumpsit
- (b) Trespass *de bonis asportatis*
- (c) Trover
- (d) Trespass to the person
- (e) None of the above

(19) The extension of a legal rule to a fact situation not covered by the rule's express words, but deemed to be within the purview of a policy principle underlying the rule, is known as:

- (a) Statutory reasoning
- (b) Reasoning by analogy
- (c) Deductive reasoning
- (d) Inductive reasoning
- (e) Dialectical reasoning

(20) Determining disputed facts in an equitable case is generally not a function of:

- (a) The jury
- (b) Balancing the harm with the nature of the remedy
- (c) Procedural rules of law
- (d) The legislature
- (e) The trial court

PART II: Essays (45 points total)

Write in your blue book.

Use only blue or black ink.

(1) Explain the three most commonly used linguistic canons of statutory construction.
(9 points)

(2) Explain the basic jurisdiction of federal courts.
(9 points)

(3) Explain the general relationship between statutory law and case law, including the effects of retroactive and prospective application.
(9 points)

(4) **Case 1:** A lends B a valuable antique for an indefinite period of time. B sells the antique to C. A causes B to be prosecuted for larceny. B is convicted and sent to prison. The pertinent criminal statute defines larceny as “unlawful appropriation of chattel belonging to another.”

Case 2: D takes E’s car without E’s permission, and drives it to the next town. D then abandons the car, and it is restored to E one week later. E has been seriously inconvenienced E causes D to be prosecuted for larceny. D is acquitted. The court reasons that (a) the drafters of the larceny statute intended it to apply to a permanent deprivation of chattel, and (b) a temporary deprivation, even if seriously inconvenient, is not within the purview of the statutory term “appropriation.”

Explain both (a) the type of legal reasoning, and (b) the basic approach to statutory interpretation, used by the court in Case 2.
(18 points)