

Test Bank for Cengage Advantage Books: Law for Business 18th edition by John D. Ashcroft, Katherine M. Ashcroft, Martha A. Patterson

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CHAPTER 2--COURTS AND COURT PROCEDURE

Student: _____

1. Which of the following is true of statutes?
 - A. They are worded to apply to every situation that may arise.
 - B. They are unwritten ratifications of legislative authority.
 - C. They are less general than constitutions.
 - D. They are a source of law that is considered as secondary authority.

2. Which of the following is true of special federal courts?
 - A. They have unlimited authority and command.
 - B. They have jurisdiction limited by Congress.
 - C. They are the largest class of federal courts.
 - D. They are also known as courts of appeals.

3. Which of the following is true of appeals made to higher courts?
 - A. The attorneys for each party put forth verbal arguments instead of filing written briefs.
 - B. They make it mandatory for appellate courts to hear the testimony of witnesses.
 - C. The decision of the appellate court is binding on lower courts.
 - D. The complete transcript of trial court proceedings is offered by the defendant directly to the jury.

4. Which of the following statements is true of federal district courts?
 - A. They are also known as special federal courts.
 - B. They are the smallest class of federal courts.
 - C. They lack jurisdiction over civil suits that arise under treaties.
 - D. They hear all criminal cases that involve a violation of federal law.

5. Which of the following is true of the United States Supreme Court?
 - A. It has original control in cases that are based on a federal law or a treaty.
 - B. It has appellate jurisdiction in cases based on the U.S. Constitution.
 - C. It has the sole power to establish inferior courts.
 - D. It is mandatory for the Supreme Court to hear all appeals that come before it.

6. Which of the following is true of trial courts?
 - A. They lack jurisdiction over criminal offenses against the state.
 - B. They are the highest courts of authority in the United States.
 - C. They are also known as inferior courts.
 - D. They handle cases that are first instituted in them.

7. In the federal courts, the executive officer is called a_____.
- A. bailiff
 - B. magistrate
 - C. marshal
 - D. sheriff
8. _____ laws are those that state how parties are to go forward with filing civil actions and how these actions are to be tried.
- A. Long-arm
 - B. Substantive
 - C. Case
 - D. Procedural
9. The individual against whom a case is filed is called the_____.
- A. defendant
 - B. prosecutor
 - C. claimant
 - D. plaintiff
10. Which of the following is true of a jury trial procedure?
- A. The jury is selected before an opening statement is made by the attorney.
 - B. The defendant's opening statement is presented before the plaintiff's.
 - C. The jury has the sole power to determine the points of law.
 - D. The responsibility of the jury is to prove facts to support the petition's allegations.
11. The chief function of the court is to interpret and apply laws from any source to a given situation.
- True False
12. The location where a case is to be tried is known as a venue.
- True False
13. Appellate courts conduct the original trial of cases.
- True False
14. Appellate courts include courts of appeals and supreme courts.
- True False
15. Probate courts handle divorce and child custody cases.
- True False

16. A chief officer is known as a judge in a state court of record as well as in a federal court.

True False

17. The written request that begins a civil suit is called a summon.

True False

18. It is simpler to file a suit in a court of record than in an inferior court.

True False

19. In a small claims court, there is no jury and a judge tries the case.

True False

20. Describe the procedure for filing a suit in a small claims court.

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- FALSE**

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TRUE

17. The written request that begins a civil suit is called a summon.

FALSE

18. It is simpler to file a suit in a court of record than in an inferior court.

FALSE

19. In a small claims court, there is no jury and a judge tries the case.

TRUE

20. Describe the procedure for filing a suit in a small claims court.

Filing and trying a suit in an inferior court starts with obtaining a form for the complaint from the court and filling it out by the plaintiff without help from a lawyer. The defendant is then served with the complaint. When the case is tried, the procedure is much more informal than in a court of record. A judge tries the case because there is no jury present. Neither party has to be represented by an attorney, and in some courts may not be so represented. Thus, the judge asks the parties to state their positions.

Witnesses and evidence may be presented, but the questioning is more informal. The judge is likely to ask questions in order to assist in ascertaining the facts. The judge then renders the verdict and judgment of the court. Normally, either party may appeal the judgment to a court of record, in which case the matter is retried there.