

# Lae and legal reasoning 1: vocabulary quiz 2

Law



Law and legal reasoning: Vocabulary test Steve wants to bring his case in court. In general terms, he would start at the lowest level court, also known as the magistrate court. As the party bringing the case, Steve would be known as the plaintiff, and Steve's opponent would be known as the defendant.

2. If either Steve or his opponent is unhappy with the result of the case, he or his opponent may choose to appeal the case to a higher court.

3. Sally wants to bring her case in federal court. In general terms, she would start at the lowest level court, also known as the district court. If either she or her opponent is unhappy with the result of the case, she or her opponent may take the case to an intermediate appellate court, also known as the US appeal court (specifically in the federal court system). If Sally and her opponent are from different states and there is more than \$75, 000 in controversy, then Sally could bring her case in federal court based on subject matter jurisdiction.

4. If either Sally or Steve remains unhappy with the results of their respective case, they might try to take their cases to the highest federal court in the United States, also known as the United States supreme Court. If a litigant asks the Court to hear his or her case, what is the special term/phrase for this type of request? an affidavit. How many justices sit in this Court? Six judges who are one chief justice and five justices. Who is the Chief Justice of the United States? John G. Robert.

5. A trial that involves only a judge with no jury is called a bench trial.

6. If a party asks a court for monetary relief, that party is asking for a remedy at law that is also known as damages. What is one example of a remedy in equity? An example of a remedy in equity is when you lose your

wedding ring and the court decides that if you are awarded monetary compensation you will not be whole in the eyes of the law. The court decides that you should have your specific ring instead of the monetary compensation.

7. After the initial conflict occurs, a lawsuit begins when the plaintiff (which party?) files a complaint (which type of pleading?) with a court.

8. Although similar, there is one major distinction between the motion to dismiss and the motion for summary judgment regarding the amount of evidence available to the parties when the motion is made. Is there more evidence available to the parties when a motion to dismiss is made, or when a motion for summary judgment is made? No. This is because a motion for summary judgment is made once the movant has no sufficient evidence against the other party.

9. In order to bring a legal claim for which a court can award relief, a party must have standing. In very basic terms, what does it mean to have standing? (One sentence is sufficient here) \_\_

Having a standing means having the ability to bring a suit in court based on the stake of the outcome.

10. If a court respects the rule of stare decisis, it will “let the decision stand” and follow relevant cases that already have been decided. These cases are also known as precedents.

11. The majority in Lawrence relied on due process analysis to conclude that the Texas statute at issue was unconstitutional. Which Supreme Court justice concluded that equal protection analysis actually was the proper basis on which to resolve Lawrence? Justice Anthony M. Kennedy. What type of opinion did that justice author? He used the Due Process Clause. Which

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dissenting justice revealed that he would vote against the “ silly” Texas statute if he were a legislator, but he felt that his hands were tied in his role as a judge? Justice Day OConnor.