

# Bus 340 quiz 1

Law, Common Law



Question 1 | | 1 / 1 point | Law is a body of enforceable rules governing relationships among individuals and between individuals and their society. | True | | False | View Feedback | | Correct. | Question 2 | | 1 / 1 point | The doctrine of stare decisis obligates judges to follow precedents established within their jurisdictions. | True | | False | View Feedback | | Correct. | Question 3 | | 1 / 1 point | Common law develops from rules of law announced in court decisions. | True | | False | View Feedback | | Correct. | Question 4 | | 0 / 1 point | A federal statute takes precedence over the U. S. Constitution. | True | | False | View Feedback | | Incorrect. The Constitution takes precedence over any conflicting federal or state statute, local ordinance, administrative rule, or court decision. | Question 5 | | 1 / 1 point | In most states, the same courts can grant legal or equitable remedies. | True | | False | View Feedback | | Correct. | Question 6 | | 1 / 1 point | Congress can regulate any activity that substantially affects commerce. | True | | False | View Feedback | | Correct. | Question 7 | | 0 / 1 point | A state law that substantially impinges on interstate commerce is unconstitutional. | True | | False | View Feedback | | Incorrect. | Question 8 | | 0 / 1 point | The Bill of Rights protects individuals against some interference by the federal government only. | True | | False | View Feedback | | Incorrect. The protections in the Bill of Rights limit the power of the federal government, but most of these protections also apply to the states through the due process clause of the Fourteenth Amendment. | Question 9 | | 1 / 1 point | Any restriction on commercial speech is unconstitutional. | True | | False | View Feedback | | Correct. Commercial speech (advertising) can be restricted as long as the restriction (1) seeks to implement a substantial government

interest, (2) directly advances that interest, and (3) goes no further than necessary to accomplish its objective. | Question 10 | | 0 / 1 point | A right to privacy is not specifically guaranteed in the U. S. Constitution. | True | | False | View Feedback | | Incorrect. | Question 11 | | 0 / 1 point | In a suit between Best Products, Inc., and Central Sales Corporation, the court applies the doctrine of stare decisis . This means that the court follows rules of law established by | courts of higher rank only. | | all courts. | | no courts. | | courts of lower rank only. | View Feedback | | Incorrect. The use of precedent--the doctrine of stare decisis --permits a predictable, relatively quick, and fair resolution of cases. Under this doctrine, a court must adhere to principles of law established by higher courts. | Question 12 | | 0 / 1 point | In a suit between Delta Data Company and Eagle Information, Inc., the court applies the doctrine of stare decisis . This requires the court to find cases that, compared to the case before it, has | entirely different facts. | | no facts, only conclusions of law. | | precisely identical facts. | | similar facts. | View Feedback | | Incorrect. The doctrine of stare decisis attempts to harmonize the results in cases with similar facts. When the facts are sufficiently similar, the same rule is applied. Cases with identical facts could serve as binding authority, but it is more practical to expect to find cases with facts that are not identical but similar--as similar as possible. | Question 13 | | 1 / 1 point | In a suit between Fine Manufacturing Company and Great Goods, Inc., the court orders a rescission. This is | an action to cancel a contract and return the parties to the positions they held before the contract's formation. | | an award of damages. | | an order to do or refrain from doing a particular act. | | an order to perform what was promised. | View Feedback | | Correct. An

order to do or refrain from a certain act is an injunction. An order to perform as promised is a decree for specific performance. These remedies, as well as rescission, are equitable remedies. An award of damages is a remedy at law.

| Question 14 | | 0 / 1 point | In a given case, most courts may grant | equitable remedies, legal remedies, or both. | | legal remedies only. | | equitable or legal remedies, but not both. | | equitable remedies only. | View Feedback | | Incorrect. Equity and law provide different remedies, and at one time, most courts could grant only one type. Today, most states do not maintain separate courts of law and equity, and a judge may grant either or both forms of relief. Equitable relief is generally granted, however, only if damages (the legal remedy) is inadequate. | Question 15 | | 1 / 1 point |

Eagle Shipping Company challenges a Georgia state statute, claiming that it unlawfully interferes with interstate commerce. A court will likely | uphold the statute. | | balance the burden on Georgia against the merit and purpose of interstate commerce. | | balance Georgia's interest in regulating the matter against the burden on interstate commerce. | | strike the statute. | View Feedback | | Correct. State statutes that impinge on interstate commerce are not always struck down, nor are they always upheld. A court will balance a state's interest in regulating a certain matter against the burden that the statute places on interstate commerce. If the statute does not substantially interfere, it will not be held in violation of the commerce clause. | Question 16 | | 0 / 1 point | An Illinois state statute bans certain advertising to prevent consumers from being misled. A court would likely hold this statute to be | justified by the need to protect individuals' rights. | | an unconstitutional restriction of speech. | | necessary to protect state

interests. | | constitutional under the First Amendment. | View Feedback | |  
Incorrect. Commercial speech does not have as much protection under the  
First Amendment as noncommercial speech. Commercial speech that is  
misleading may be restricted, however, if the restriction (1) seeks to  
advance a substantial government interest, (2) directly advances that  
interest, and (3) goes no further than necessary. | Question 17 | | 1 / 1 point |

Procedures used in South Dakota and other states in making decisions to  
take life, liberty, or property are the focus of constitutional provisions  
covering | procedural due process. | | equal protection. | | the right to  
privacy. | | substantive due process. | View Feedback | | Correct. Aspects of  
the Fifth and Fourteenth Amendments that cover procedural due process  
concern the procedures used to make any government decision to take life,  
liberty, or property. These procedures must be fair, which generally mean  
that they give an opportunity to object. | Question 18 | | 0 / 1 point | A

Connecticut statute that limits the liberty of all persons to engage in a certain  
activity may violate constitutional provisions covering | the right to privacy. |  
| procedural due process. | | substantive due process. | | equal protection. |  
View Feedback | | Incorrect. Substantive due process focuses on the content  
(substance) of a law under the Fifth and Fourteenth Amendments.

Depending on which rights a law regulates, it must either promote a  
compelling or overriding government interest or be rationally related to a  
legitimate governmental end. | Question 19 | | 0 / 1 point | A River City  
ordinance that restricts most vendors from doing business in a heavily  
trafficked area might be upheld under constitutional provisions covering |  
substantive due process. | | equal protection. | | procedural due process. | |

the right to privacy. | View Feedback | | Incorrect. Equal protection means that the government must treat similarly situated individuals in a similar manner. The equal protection clause of the Fourteenth Amendment applies to state and local governments, and the due process clause of the Fifth Amendment guarantees equal protection by the federal government. Generally, a law regulating an economic matter is considered valid if there is a "rational basis" on which the law relates to a legitimate government interest. | Question 20 | | 1 / 1 point | If Montana enacts a statute that directly conflicts with a federal law | Montana's statute takes precedence. | | both laws are invalid. | | both laws govern concurrently. | | the federal law takes precedence. | View Feedback |