**Honors Practical Law**

**“Final Exam Spring 2019”**

**Mr. Fernandez**

Select the letter of the best answer for the following (1 point each):

1. The power of the Supreme Court to determine a law unconstitutional, or null and void, is clearly created in Article III of the Constitution.
   1. Correct
   2. Incorrect
2. The Latin term for “a criminal, or guilty, mind,” which is legally the standard for First Degree Murder, is \_\_\_\_\_\_\_\_.
   1. Mens rea
   2. Habeas corpus
   3. Stare decisis
   4. Voir dire
3. Which Supreme Court Justice is known as the “Father of Originalism,” focusing on text analysis, the letter of the law, and the intentions of the Founding Fathers?
   1. Antonin Scalia
   2. Thurgood Marshall
   3. Stephen Breyer
   4. John Marshall
4. Article I, Sections 2 and 3, list the formal qualifications to serve in the House and Senate.
   1. Correct
   2. Incorrect
5. Which of the following best describes the “Rule of Four?”
   1. It is the rule for a jury to follow in criminal cases.
   2. It is the process by which the Supreme Court decides to hear, or try, a case.
   3. It is the vote by which the Supreme Court justices render a final verdict.
   4. It is the process by which a court determines whether or not a defendant is competent to stand trial.
6. American legal principles and history date back to which country primarily?
   1. England
   2. Spain
   3. France
   4. Portugal
7. The U.S. Constitution simply protects the “natural rights” with which we are born.
   1. True
   2. False
8. The term “voir dire” is literally translated…?
   1. To tell a lie.
   2. To pick a jury
   3. To speak the truth
   4. To speak with your mouth full
9. The process of selecting a jury for a civil or criminal trial is known as the \_\_\_\_\_\_\_\_.
   1. Ex post facto process
   2. Stare decisis process
   3. Voir dire process
   4. None of the above
10. Which of the following is the “burden of proof” required in a criminal trial?
    1. Is it more likely than not that the defendant is guilty?
    2. Is the defendant guilty beyond any doubt?
    3. Is the defendant probably guilty?
    4. Is the defendant guilty beyond a reasonable doubt?
11. The power of an attorney to dismiss a potential juror in the jury selection process is called a “peremptory challenge.”
    1. True
    2. False
12. To remove, or to isolate, a jury from outside influences is to \_\_\_\_\_\_\_\_ the jury.
    1. Sequester
    2. Voir dire
    3. Violate
    4. Prosecute
13. The right of a defendant to remain silent during a trial is protected by the \_\_\_\_\_ amendment.
    1. 1st
    2. 3rd
    3. 4th
    4. 5th
14. Which Article of the Constitution created the Supreme Court and contains few details?
    1. Article I
    2. Article II
    3. Article III
    4. Article IV
15. Evidence that requires the jury to draw an inference is called \_\_\_\_\_\_\_\_ .
    1. Circumstantial
    2. Direct
    3. Inculpatory
    4. Exculpatory
16. Who currently serves as Chief Justice of the U.S. Supreme Court?
    1. John Adams
    2. John Roberts
    3. John Jay
    4. John Marshall
17. The ability of the Supreme Court to determine that a law is unconstitutional is the legal principle of \_\_\_\_\_\_\_\_ Review.
    1. Democratic
    2. Executive
    3. Judicial
    4. None of the above
18. The Constitution says that the \_\_\_\_\_\_\_\_ has the power to appoint justices to the Supreme Court with approval from Congress.
    1. President
    2. Senate
    3. Chief Justice
    4. First lady
19. Which of the following is the best example of the “Rule of Law,” or the idea that no one is above the law, in American society?
    1. Senate has to approve Supreme Court appointments
    2. All revenue bills have to originate in the House
    3. The President of the United States can be impeached.
    4. We have traffic laws and cops on the streets.
20. Which of the following jurors from “Twelve Angry Men” should have been removed by the defense attorney during the jury selection process?
    1. The architect - Davis
    2. The Slum Guy - who said, “Maybe you can still smell the trash on me!”
    3. Piglet - who had no understanding of the presumption of innocence!!!
    4. The watchmaker - an immigrant who appreciated the deliberation process.
21. Which of the following jurors from “Twelve Angry Men” should have been removed by the prosecution in the voir dire?
    1. The painter
    2. The Baseball Guy who was in a hurry to get to the game
    3. The “Slum Guy” - who taught them how to work the knife
    4. Piglet
22. A “hung jury” means that the jury cannot reach a unanimous decision, as required by law in a 1st-degree murder trial, and that the defendant will possibly be released or perhaps receive a new trial.
    1. True
    2. False
23. Voting verbally, or openly, generally ensures more honesty than voting by secret ballot.
    1. True
    2. False
24. All the following are examples of how far our legal system goes to protect the *presumption of innocence* except…
    1. Sequestering the jury
    2. Allowing the jury to hear outside information about the defendant
    3. Having the defendant dress in civilian clothes, even if they have prior offenses
    4. Having the defendant wear a shock belt under their clothes
25. Which of the following best summarizes “The Rule of Four?”
    1. It is the rule for a jury to follow in criminal cases in voting to convict
    2. It is the process by which the Supreme Court decides to hear or to try, a case
    3. It is the vote by which the Supreme Court justices reach their final decision or verdict in a trial
    4. It is the process by which a court determines whether or not a defendant is competent to stand trial.
26. Prior decisions made in court are referred to as \_\_\_\_\_\_\_\_ in our system.
    1. Habeas corpus
    2. Precedents
    3. Laws
    4. Amendments
27. “The Rule of Law is better than the Rule of \_\_\_\_\_\_\_\_.” Chief Justice John Roberts
    1. judiciary
    2. king
    3. man
    4. fools
28. How many justices are currently on the Supreme Court?
    1. Six
    2. Seven
    3. Eight
    4. Nine
29. True (A) or False (B): Brett Kavanaugh was appointed to the U.S. Supreme Court by President Trump, but did not get confirmed by the U.S. Senate.
30. True (A) or False (B): President Trump would most likely fail this exam.
31. Why are there so few details in Article III of the Constitution concerning the Supreme Court of the United States?
    1. The Founding Fathers clearly understood the role of the courts in the English common law system.
    2. The Founding Fathers were generally confused about the role of the courts under the Constitution.
    3. The Founding Fathers really didn’t feel the court system to be all that important.
    4. They thought all judicial issues could be settled at the state level.
32. Which of the following amendments to the U.S. Constitution protects the *presumption of innocence* in the courtroom, placing the burden of proof entirely upon the prosecution?
    1. 4th
    2. 5th
    3. 6th
    4. 7th
33. The study of law and legal philosophy is known as \_\_\_\_\_\_\_\_.
    1. Voir dire
    2. Government
    3. Jurisprudence
    4. None of the above
34. Which of the following is not a goal of the American legal system?
    1. Helping resolve conflicts
    2. Promoting fairness
    3. Promoting order and stability
    4. Protecting the rights of the majority
35. Which of the following is not a goal of the American legal system?
    1. Helping resolve conflicts
    2. Promoting order and stability
    3. Violating the rights of minorities
    4. Promoting the will of the majority
36. Any information, or evidence, that is presented during a trial which supports other information is referred to as \_\_\_\_\_\_\_\_ evidence.
    1. Corroborating
    2. Direct
    3. Indirect
    4. Circumstantial
37. Each of the following is an example of *circumstantial evidence* from the Paul Dennis Reid trial except…
    1. Fibers found in his back seat that matched the girls’ clothing
    2. Credit card receipt at the local gas station
    3. Blood, or DNA, from the girls that was found on his shoes
    4. Testimony of a woman who saw a red car outside of Baskin Robbins the night of the murders.
38. To convict a defendant of first-degree murder the jury must be unanimous.
    1. True
    2. False
39. During the *voir dire* process, attorneys are trying to determine the bias of the potential jurors to decide whether or not to put them on the trial jury.
    1. True
    2. False
40. A \_\_\_\_\_ is a criminal offense that is less serious than a felony, and punishable by less than one year in jail.
    1. Felony
    2. Misdemeanor
    3. Civil suit
    4. Complaint
41. A \_\_\_\_\_ case is brought by the \_\_\_\_\_ - the person or company harmed - against the defendant.
    1. Criminal; defendant
    2. Civil; plaintiff
    3. Criminal; plaintiff
    4. Civil; defendant
42. Which of the following is the best example of the Constitutional principle of “Checks and Balances” at work?
    1. The fact that each branch of government has separate powers for the purpose of not putting too much power in one place.
    2. The President of the United States vetoing a bill passed by Congress, but then Congress overrides the veto with a ⅔ vote in both houses.
    3. The division of powers in the Constitution between the national and state governments.
    4. None of the above
43. In civil law, the \_\_ wins by convincing a jury by a(n) \_\_ that the complaint is true.
    1. Prosecution; shadow of a doubt
    2. Plaintiff; the preponderance of evidence
    3. Prosecution; reasonable doubt
    4. Plaintiff; the preponderance of evidence
44. In a criminal case, the \_\_\_\_\_ wins by convincing a jury \_\_\_\_\_\_\_\_ that the indictment, or charge, is true.
    1. Plaintiff; beyond a shadow of a doubt
    2. Prosecution; beyond a reasonable doubt
    3. Prosecution; on a preponderance of evidence
    4. None of the above
45. \_\_\_\_\_\_\_\_ enables a court to declare unconstitutional any law passed by Congress which is challenged by a citizen under the U.S. Constitution.
    1. Judicial Review
    2. Separation of Powers
    3. Federalism
    4. Checks and Balances
46. \_\_\_\_\_\_\_\_ is the complex division of powers between the state governments and the national government.
    1. Checks and Balances
    2. Judicial Review
    3. Federalism
    4. Separation of Powers
47. The Bill of Rights contains the first \_\_\_\_\_ (#) amendments to the U.S. Constitution, including such protections as freedom of speech, religion, and security.
    1. 5
    2. 10
    3. 17
    4. 27
48. True (A) or False (B): The U.S. Constitution contains eight articles and 28 amendments.
49. Which of the following is not one of the formal requirements to serve as President of the United States?
    1. Must be thirty-five years old
    2. U.S. resident for fourteen years
    3. Natural born citizen
    4. Must have a degree in law, or pass Mr. Fernandez’s law class

**State which principle of government is most closely associated with each of the following (53-57):**

1. The president vetoes a bill, but then Congress overrides his veto.
   1. Limited government
   2. Federalism
   3. Checks and Balances
   4. Judicial Review
2. People in TN pay sales tax to the state and income taxes to the national government.
   1. Limited Government
   2. Federalism
   3. Checks and Balances
   4. Judicial Review
3. The Supreme Court reviewed “Obamacare,” or national healthcare, and determined it to be constitutional.
   1. Federalism
   2. Judicial Review
   3. Separation of Powers
   4. Limited Government
4. Legislature makes the law; the executive branch enforces the law; the Supreme Court interprets the law.
   1. Federalism
   2. Judicial Review
   3. Separation of Powers
   4. Limited Government
5. Article I, Section 9 of the Constitution tells what the government cannot do under any circumstances.
   1. Federalism
   2. Judicial Review
   3. Separation of Powers
   4. Limited Government
6. The state or federal government’s attorney in criminal cases is known as the \_\_\_\_\_.
   1. Plaintiff
   2. Defendant
   3. Prosecutor
   4. None of the above
7. In a criminal trial, the prosecution must prove that the defendant is guilty beyond a \_\_\_\_\_\_\_\_ .
   1. Shadow of a doubt
   2. Reasonable doubt
   3. Preponderance of evidence
   4. None of the above
8. A \_\_\_\_\_\_\_\_ is a pre-trial agreement in a criminal case between prosecutor, defendant, and defendant’s attorney, exchanging confession for a lesser sentence.
   1. Plea bargain
   2. Precedent
   3. Motion
   4. Voir dire
9. \_\_\_\_\_\_\_\_ comes from the French phrase meaning, “To speak the truth,” and is the process of selecting a jury for a specific trial.
   1. Voir dire
   2. Removal for cause
   3. Plea bargain
   4. Motion
10. The judicial system in the United States is \_\_\_\_\_\_\_\_, in which a contest between competing sides takes place in the courtroom.
    1. Adversarial
    2. Inquisitional
    3. Controversial
    4. None of the above
11. When an appeals court renders a verdict, establishing a \_\_\_\_\_\_\_\_, which is binding on all future court decisions.
    1. Decision
    2. Precedent
    3. Practice
    4. Custom
12. In which of the following cases did the Supreme Court establish a precedent that everyone has a right to an attorney in criminal trials?
    1. Marbury v. Madison (1803)
    2. Brown v. Board (1954)
    3. Gideon v. Wainwright (1963)
    4. Roe v. Wade (1973)
13. \_\_\_\_\_\_\_\_ is the idea embodied in the 5th and 14th Amendments to the Constitution of the United States that every person involved in a legal dispute is entitled to a fair hearing or trial.
    1. Due Process
    2. Voir Dire
    3. Petition of Certiorari
    4. Stare Decisis
14. \_\_\_\_\_\_\_\_ is a Latin term that literally means, “to stand by that which had already been decided,” meaning that courts generally follow precedent, making our legal system more predictable and stable.
    1. Voir dire
    2. Stare Decisis
    3. De jure
    4. Semper fi
15. Some European countries use the \_\_\_\_\_\_\_\_ system of law, in which judges are more active in questioning witnesses and controlling the court process.
    1. Inquisitional
    2. Due Process
    3. Adversarial
    4. None of the above
16. \_\_\_\_\_\_\_\_ courts handle cases involving wills and claims against estates of persons who die with or without a will.
    1. Juvenile
    2. Probate
    3. Inquisitional
    4. Adversarial
17. A \_\_\_\_\_\_\_\_ is a request for a lower court to send its records from a case up to the Supreme Court for review.
    1. Writ of mandamus
    2. Petition of Certiorari
    3. Voir dire
    4. Mandate
18. Which of the following is incorrect concerning the nomination and confirmation of a Supreme Court justice?
    1. The president makes the nomination, but the Senate confirms it.
    2. The House of Representatives makes the nomination, but the Senate confirms it.
    3. The president makes the nomination, but it has to be confirmed by the other members of the Supreme Court.
    4. All the above are incorrect.
19. Supreme Court justices, once appointed and confirmed, serve for how long?
    1. 4 years
    2. 8 years
    3. 12 years
    4. For life, or until resigning or impeachment
20. The United States is divided into judicial districts. The state of TN is in District \_\_\_\_\_.
    1. 5
    2. 6
    3. 7
    4. 8
21. Judges who agree with the official opinion, or majority opinion, of the court write \_\_\_\_\_\_\_ opinions, explaining how they justify their legal decision.
    1. Dissenting
    2. Concurring
    3. Appealing
    4. None of the above
22. A \_\_\_\_\_\_\_\_ is part of the pre-trial jury selection, in which attorneys can dismiss a certain number of potential jurors without justification (with the exception of race).
    1. Peremptory challenge
    2. Plea bargain
    3. Probation hearing
    4. None of the above
23. In a(n) \_\_\_\_\_\_\_\_ court, one party in a lawsuit requests the court to review the decision of a lower court.
    1. Appeals
    2. Probate
    3. Constitutional
    4. Federal
24. Which of the following is incorrect concerning the nomination and confirmation of a Supreme Court justice?
    1. Candidates must be at least 45 years old to qualify, according to the Constitution.
    2. There are no formal requirements to serve on the Supreme Court.
    3. Justices are appointed and confirmed to the court for a lifetime appointment.
    4. Justices can resign, retire, or be impeached.
25. True (A) or False (B) White Station High School students have an expected right to privacy, protected by the 4th Amendment, in their lockers and their vehicles.
26. Which of the three branches of government had a rough beginning in our nation’s early years, only to develop into a co-equal branch in the early 19th century?
    1. Legislative
    2. Executive
    3. Judicial
    4. None of the above
27. Which of the following is known as the greatest Chief Justice of the SCOTUS?
    1. Roger B. Taney
    2. John Marshall
    3. Earl Warren
    4. John Roberts
28. Which of the following is incorrect concerning the movement of the Supreme Court’s home, or location, throughout our history?
    1. Started in the lobby of a New York hotel
    2. They met in a Senate committee room for a few years
    3. The Supreme Court had its own separate building from the beginning, suggesting power and permanence
    4. Congress only decided to start building the current building in 1929
29. What was the original size, or membership, of the Supreme Court? What is it today?
    1. 6; 9
    2. 5; 7
    3. 9; 15
    4. 7; 13
30. “The Framers knew they wanted a(n) \_\_\_\_\_\_\_\_\_\_ judiciary, free from the pressures of politics, but little else was determined.”
    1. Dependent
    2. Independent
    3. Royal
    4. Democratic
31. \_\_\_\_\_\_\_\_ was the process of taking the court to the people, instead of bringing the people to the court.
    1. Circuit riding
    2. Dissenting
    3. Travelling
    4. Court Delivering
32. Who won the presidency in the “Revolution of 1800?”
    1. John Adams
    2. Thomas Jefferson
    3. James Madison
    4. Aaron Burr
33. True (A) or False (B): “Lame Duck” President John Adams (Federalist) attempted to continue the legacy and power of the Federalist Party by packing the judiciary with the “Midnight Justices,” which led to the Supreme Court settling the issue in *Marbury* (1803).
34. Which amendment to the U.S. Constitution is known as the “Lame Duck” Amendment?
    1. 18th
    2. 19th
    3. 20th
    4. 21st
35. Whose fault was it that the commissions had not been delivered in the first place?
    1. President Adams’ Secretary of State John Marshall
    2. William Marbury
    3. President Jefferson’s Secretary of State James Madison
    4. President Adams
36. “The \_\_\_\_\_\_\_\_ have retired into the \_\_\_\_\_\_\_\_ as a stronghold.” Thomas Jefferson
    1. Anti-Federalists; legislature
    2. Federalists; judiciary
    3. Federalists; executive
    4. Democratic-Republicans; judiciary
37. What three issues tormented the Supreme Court in the early years of the republic?
    1. Slavery, state’s rights, and federalism
    2. Popular sovereignty, taxing, and federalism
    3. Industrialism, contracts, and the income tax
    4. Contracts, state’s rights, and the income tax
38. Which amendments were considered to be the “fruit of the Civil War?”
    1. 12th, 13th, and 14th
    2. 13th, 14th, and 15th
    3. 14th, 15th, and 16th
    4. 16th, 17th, and 18th
39. In the civil rights cases of the 1880s the Supreme Court determined that which amendment did not protect against private discrimination?
    1. 13th
    2. 14th
    3. 15th
    4. 16th
40. Which justice famously quipped, “I would rather be right than consistent,” referring to his opinion concerning the civil rights laws of the 1870s?
    1. John Marshall Harlan
    2. Louis Brandeis
    3. Rufus Peckham
    4. Oliver Wendell Holmes
41. Who is considered the Supreme Court’s “First Great Dissenter?”
    1. John Marshall Harlan
    2. Louis Brandeis
    3. Rufus Peckham
    4. Oliver Wendell Holmes
42. Which justice’s wife pulled a strange historical item from storage to help him get over writer’s block and encourage him to correct the wrongs of the Dred Scott decision?
    1. John Marshall Harlan
    2. Louis Brandeis
    3. Rufus Peckham
    4. Roger B. Taney
43. Which of the following justices could be considered the “grandfather of judicial restraint?”
    1. John Marshall Harlan
    2. Louis Brandeis
    3. Rufus Peckham
    4. Oliver Wendell Holmes
44. In \_\_\_\_\_\_\_\_, the Supreme Court claimed that the civil inferiority of women in American society was at a "vanishing point," citing the recent passage of the Nineteenth Amendment as an example of their newfound equality in American culture.
    1. *Plessy v. Ferguson* (1897)
    2. *Lochner v. New York* (1905)
    3. *Adkins v. Children’s* (1923)
    4. *West Coast v. Parrish* (1937)
45. In a 5-3 decision written by Justice George Sutherland, the Court struck down the minimum wage law from Washington D.C. as unconstitutional, arguing that it violated the Due Process Clause of the Constitution's Fifth Amendment in what case?
    1. *Plessy v. Ferguson* (1897)
    2. *Lochner v. New York* (1905)
    3. *Adkins v. Children’s* (1923)
    4. *West Coast v. Parrish* (1937)
46. True (A) or False (B): Justices John Marshall and Oliver Wendell Holmes have in common the fact that their wartime experiences, in the American Revolution and Civil War respectively, impacted their ideology and decisions on the Supreme Court.
47. Which former American president took over as Chief Justice of the Supreme Court in 1921... the same guy that Teddy Roosevelt warned not to let the press take his photo in his golfing outfit... oh, and he got stuck in the White House bathtub?
    1. Franklin D. Roosevelt
    2. William Howard Taft
    3. Silent Calvin Coolidge
    4. Woodrow Wilson
48. True (A) or False (B): The black church put on a wake out of respect and love for Justice John Marshall Harlan, the man who was on the right side of history, but the wrong side of the Supreme Court, at his death.
49. Which of the following cases marked a turning point in the Supreme Court’s adherence to the protection of contract theory espoused by Stephen J. Field?
    1. *Plessy v. Ferguson* (1897)
    2. *Lochner v. New York* (1905)
    3. *Adkins v. Children’s* (1923)
    4. *West Coast v. Parrish* (1937)
50. True (A) or False (B): Oliver Wendell Holmes, had he been alive, would have been pleased with the decision of the Supreme Court in *West Coast Hotel* (1937), because it was a demonstration of “judicial restraint,” for which he had argued his entire career.
51. True (A) or False (B): In *Lochner v. New York* (1905) the Supreme Court strike down a maximum work week (60 hours) law for bakers, justifying its decision with the protection of contract found in a creative reading of the 14th Amendment.