Wednesday, July 03, 2013

**To**: Legal Environment of Business Students

**From:** Jeffrey Pittman

**Re**: Test #1, Tuesday, July 9



Please consider the following materials a helpful guide for preparing for our first exam. No dictionaries or electronic aids are allowed in the exam. See me if you need translation assistance during the exam.

The following behavior is prohibited during the exam:

1. You are not allowed to use a smart telephone or any electronic device for any purpose during the exam. This prohibition includes using any electronic device to check the time remaining.
2. Sharing test answers with other students in any fashion during the exam, including indicating correct answers on test booklets and holding these answers for others to see. Both the party sharing test answers and the party receiving the answers are equally guilty of cheating.
3. Talking or whispering to classmates during the exam.
4. Bringing in notes written on pieces of paper, written of your hands or arms, or written anywhere else.
5. Any other method of improperly working with others to perform on the exam.

**Multiple Choice Question – 80 points possible**

I will ask you to answer 36 of the following 37 multiple choice questions. You will be allowed to skip one question. Each question will be worth 2.22 points (80/36).

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| 1. | Enforcement of judicial decisions |
| 2. | Articles I, II, and III of the U.S. Constitution |
| 3. | Judicial review |
| 4. | Congressional control of the judiciary |
| 5. | Petitions filed by indigent litigants such as Shon Hopwood (see my website) |
| 6. | Legal regulation, the U. S. credit crisis and the article, "New homes to be fitted with automatic fire sprinklers" (from my website) |
| 7. | Common law rules |
| 8. | Priority of laws |
| 9. | Natural law school, legal realism, historical school, and legal positivism |
| 10. | The U.S. Constitution and the structure of the federal government |
| 11. | A “check and balance” that exists between the government's branches |
| 12. | Primary sources of law |
| 13. | Natural law school, legal realism, historical school, and legal positivism |
| 14. | Private law versus public law |
| 15. | *Stare decisis* |
| 16. | How many Justices must agree in order for a writ of certiorari to be granted? |
| 17. | The role of Congress concerning the judiciary |
| 18. | Strict constructionists |
| 19. | The New Deal and the courts |
| 20. | The chief justice and associate justices of the Supreme Court |
| 21. | Marbury v. Madison |
| 22. | Illustrate the difference between judicial conservatives and judicial liberals |
| 23. | Federal versus state courts |
| 24. | Diversity jurisdiction. |
| 25. | The Supreme Court and a grant of certiorari |
| 26. | Jury selection |
| 27. | Dismissing a juror |
| 28. | Standing |
| 29. | The criminal burden of proof |
| 30. | Members of the bar and discipline |
| 31. | Interrogatory |
| 32. | Default judgment against defendant |
| 33. | Depositions |
| 34. | A petit jury |
| 35. | Long-arm statutes |
| 36. | Legal privileges, such as attorney-client |
| 37. | Ripe cases |

**Essay Questions – 20 points possible**

I will ask two essay questions from the following list. Each question will be worth a maximum of 10 points.

* How does a court establish personal jurisdiction over a company that does business on the Internet?
* Why is the attorney-client privilege so important?
* What is judicial review?
* What were the facts giving rise to *Marbury v. Madison*?
* Describe how the Congress can serve as a check on the judiciary.
* Discuss how the case of Elizabeth Eckford and the "Little Rock Nine" illustrates the concept of judicial review. In your analysis, include a discussion of the legal history leading to the Little Rock Nine case.
* Discuss the meaning of precedents and their importance to our legal system. In your answer, include a discussion of Arkansas cases *Shannon v. Wilson* or *Jackson v. Cadillac Club*.