

INTRODUCTION TO LAW—FINAL EXAMINATION

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ANSWER OUTLINE

INTRODUCTION TO LAW FINAL

(TWO HOURS)

1. For each legal term give a complete definition AND use the term properly in a sentence. (4 pts each = total 48 points).

Retroactive Law p.105-110 Private Law p.11-12 Legal Fictions p.28-29

Supersedes p. 67-69 Golden Rule p. 170 Injunction p. 48-51, 56,57

Ab Initio p.108 Substantive Canons of Statutory Construction p. 204

Debt p. 38 Syllogism p. 141-43 Trover p. 40

Circuit Courts p. 29-30

2. Answer each of the following questions with True or False. (1 point each = total 8 points). Please write your answer in your Blue Book.

A. The linguistic canon of “noscitur a sociis” directs a judge to determine the meaning of a word by looking at the other words which surround it in a statutory text. **True, p. 181**

B. The earliest recognition in the American colonies of the common law as a legal system was in Maryland in 1524. **False p. 53**

- C. There are approximately 100 federal district courts in total in the 50 states and territories (such as Puerto Rico and Guam) . **True p. 68**
- D. Because all lawsuits arise on unique facts, virtually every precedent can arguably be “distinguished” from a subsequent case. **True p. 80**
- E. The civil law system grew out of ancient Roman law and is in effect today in Scotland and Australia. **False P. 9-10**
- F. In common law jurisdictions, courts are often the first lawmakers to develop a rule of law as opposed to the legislature. **True p. 86**
- G. One of the modes of trial used in the early period of English law was the wager of law where the defendant could swear he was innocent of the charge and win the case by having twelve compurgators confirm the truthfulness of his oath. **True p. 39**
- H. The theory of “legal positivism” is a contemporary view of jurisprudence that holds that a judge does, to some extent, unavoidably exercise creative choices and has a responsibility to exercise them in an intelligent manner. **False p. 146-147**

FOR QUESTIONS 3-8, SEE ATTACHED MODEL ANSWERS

3. How does Civil Law differ from Common Law? (6 pts)
4. Explain the meaning and importance of the following quote,
“It is important to appreciate why...we should not cherish, even as an ideal, the conception of a rule of interpretation so detailed that the question of whether it applied or not to a particular case was always settled in advance...”
(10 pts)
5. Identify and explain in detail two positive factors which support the principle of stare decisis. (8 pts.)

6. Identify and define the forms of action at common law of “Trover” and “Covenant” and explain any differences between them. (8 pts)

7. Explain why if there is no legislative law dispositive of a dispute in question, or that the available legislative law is ambiguous, then a court must articulate and apply a legal principle which will decide the dispute between the parties. (8 pts.)

8. What is the purpose of dicta or obiter dicta in a legal case decision? (4 pts.)