

### INTRODUCTION TO LAW FINAL (Two Hours)

1. For each legal term give a complete definition AND use the term properly in a complete sentence. (3 points each = total 30 points)

Municipal Law

Common Law

Stare Decisis

Writ

Distinguishing a case

Res

Ex post facto

Natural Law Doctrine

Supersedes

Legal Positivism

2. Identify five different “extraneous materials” that a lawyer might use if he/she were using the “Purposive Approach” to interpret a statute. (5 points)
3. A court may grant a party equitable relief in several forms, identify three (3) of them. (3 points)
4. Answer each of the following questions with True or False. (2 point each = 20 total). Write your answer in your Blue Book.
- A. The main role of the court in criminal law is to define a crime and to ordain its punishment.
  - B. The Civil law system grew out of ancient Roman law.
  - C. The starting point of legal reasoning in Common law countries is always a statute or code provision.
  - D. In order to recover the value of a chattel under the Common law form of action of replevin, the chattel itself must be recovered.
  - E. For a defense attorney, dicta in a legal case has more value than the ratio decidendi.
  - F. The Supreme Court of the United States has twelve Justices.
  - G. Precedent is defined by the decisions in which judges have resolved previous lawsuits.

- H. It is common that a legislative act determines the rights of individuals generally and in the abstract.
- I. Public law involves relations between private citizens or organizations and the government.
- J. Some states have “mandated” by statute the use of a particular approach to statutory interpretation.
5. The legislature, the judiciary, and the executive branch through administrative agencies, are the three branches of the American government that create primary authority. Name a primary authority created or enacted by each branch. (6 points)
6. Explain the meaning and importance of Civil Code Section 22.2, which states:  
  
“The common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or laws of this state, is the rule of decision in all the court of this state.” (10 points)
7. Name two (2) reasons for the Rule of Lenity. (4 points)
8. In May 1937 Hans Frank was instrumental in passing a Civil Service law in Germany wherein any judge could be dismissed for “political unreliability”. First, explain why Frank was supportive of that law; secondly, explain why, or why not, that would be a positive idea for American jurisprudence. (9 points)
9. Identify and define the forms of action at common law of “Debt” and “Trespass quare clausum fregit”. (4 points)
10. Write a complete syllogism where you agree with the major premise. (2 points)
11. Explain the meaning of this sentence:  
  
“Because legislation usually operates prospectively, the impact of the legislation usually will be to overrule the judge-made rule of law prospectively.” (4 points)
12. Name the three layers in the Federal court hierarchy. (3 points)