

## Chapter 01: The US Legal System

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#### MULTIPLE CHOICE

1. All of the following are examples of the use of laws except
  - a. a woman takes her husband to court to obtain a divorce.
  - b. an individual sues his neighbor over a property line.
  - c. a man slashes his neighbor's tires over a dispute.
  - d. a child is taken from her neglectful mother and placed in foster care by the state.

ANS: C

Taking the law into one's own hands never fulfills the goal of law. The goal of law is to resolve disputes without violence and to protect individual citizens' health, safety, and welfare. Taking an individual to court or to the proper regulatory agency resolves matters peacefully.

DIF: Cognitive Level: Comprehension REF: p. 4

2. The foundation of the law of the land is
  - a. state constitutions.
  - b. municipal laws.
  - c. district court decisions.
  - d. the Constitution of the United States.

ANS: D

The US Constitution grants certain powers to the federal government. Unless a specific power is granted to the US government, that power is left to the jurisdiction of state government.

DIF: Cognitive Level: Knowledge REF: p. 3

3. All of the following are sources of law except
  - a. administrative law.
  - b. statutory law.
  - c. state judicial rulings.
  - d. Bill of Rights.

ANS: C

Sources of law are the Constitution and Bill of Rights, administrative law, statutory law, and common law.

DIF: Cognitive Level: Knowledge REF: p. 5

4. Which branch of government developed the source of law that implemented the Medicaid and Medicare amendments to the Social Security Act of 1965?
  - a. Legislative
  - b. Judicial
  - c. Executive

d. Municipal

ANS: A

The legislative branch of government develops statutory law. The executive branch can propose or veto laws, and the judicial branch develops and interprets statutory law.

DIF: Cognitive Level: Knowledge REF: p. 3

5. Which is not an agency that can enact rules that become administrative law?
- Occupational Safety and Health Administration
  - American Bar Association
  - Department of Health and Human Services
  - Environmental Protection Agency

ANS: B

The legislature enables certain agencies to develop rules and regulations, such as the Occupational Safety and Health Administration, the Department of Health and Human Services, and the Environmental Protection Agency. The American Bar Association is a private organization, not a governmental agency.

DIF: Cognitive Level: Comprehension REF: p. 3

6. Which statement about the checks and balances system is false?
- The legislature can develop statutes and veto the executive branch.
  - The executive branch has veto power and can propose legislation.
  - The judicial branch interprets laws.
  - The legislature proposes laws.

ANS: A

The legislature can propose laws and develop statutes, but it does not have veto power. The executive branch can veto and propose legislation, while the judicial branch interprets laws and their application to individual cases.

DIF: Cognitive Level: Comprehension REF: p. 4

7. A hospital worker steals a patient's medical chart. This case would be tried in which type of court?
- State trial court
  - State appellate court
  - Federal court
  - US Supreme Court

ANS: C

The theft of a patient's medical record is a federal offense and will be tried in federal court.

DIF: Cognitive Level: Comprehension REF: p. 8 | p. 9

8. All the cases below would be considered a civil case except
- divorce.
  - breach of contract.

- c. dispute over real estate sale.
- d. terrorist threats.

ANS: D

Civil law includes areas of the law such as contract issues, intentional torts, negligence, malpractice, and privacy issues. A terrorist threat would be considered a criminal offense.

DIF: Cognitive Level: Comprehension REF: p. 6 | p. 7

9. Which of the following would be considered a criminal case?
- a. A physician refuses to repay student loans.
  - b. A physician performs a pelvic exam without a glove.
  - c. An office assistant releases medical information without patient consent.
  - d. An office assistant accesses medical information by computer about a patient who is not under a physician's care at the time.

ANS: B

The physician has probably committed battery, a criminal offense, on the patient by not using a glove for the pelvic examination. Issues related to contracts, such as student loans, are civil matters. Privacy issues also fall under administrative law, which is part of the civil category.

DIF: Cognitive Level: Application REF: p. 6

10. An example of *in personam* jurisdiction is
- a. a dispute between neighbors over a fence line.
  - b. theft of a computer from a private home.
  - c. vandalism to a car parked in a school lot.
  - d. All of the options

ANS: D

*In personam* jurisdiction means that the court has jurisdiction over the person involved in the case. If the action giving rise to the case occurred in a certain geographical area, then the trial court in that area has jurisdiction over the case and the people involved in the case.

DIF: Cognitive Level: Application REF: p. 8

11. When a court has jurisdiction over property or a thing itself, rather than over the people involved, the type of jurisdiction is called
- a. *in rem* jurisdiction.
  - b. *in personam* jurisdiction.
  - c. *ad litem* jurisdiction.
  - d. appellate jurisdiction.

ANS: A

The court determines right to the property in an *in rem* jurisdiction case, which is usually binding against the whole world, not just the parties involved.

DIF: Cognitive Level: Knowledge REF: p. 8

12. Which cases could be sent from the district court to the appellate court?
- A woman suing for the right to have an abortion in her last trimester of pregnancy
  - A man suing a physician for negligence
  - A parent suing on behalf of a child injured in a car accident
  - All of the options

ANS: D

The right to terminate a pregnancy is determined by the state statute. An appellate case must be sent to the appellate court from the district court. All of these cases have the potential to be sent from the district court to the appellate court.

DIF: Cognitive Level: Application REF: p. 9

13. The individual who brings a case to court is the
- defendant.
  - prosecuting attorney.
  - plaintiff.
  - defending attorney.

ANS: C

The person bringing suit is the plaintiff, and the defendant is the person being sued. Attorneys are not named as the person bringing suit. The names in the case reveal who is suing whom.

DIF: Cognitive Level: Knowledge REF: p. 8

14. If a physician is being sued by a patient for the acts of a medical assistant, which of the following applies?
- Stare decisis*
  - Respondeat superior*
  - Res ipsa loquitur*
  - Quid pro quo*

ANS: B

*Respondeat superior* is a Latin term that means, “Let the master answer.” If the medical assistant is sued for actions that harmed a patient, her superior is also likely to be sued, because the supervisor—specifically the physician—should have had control over the medical assistant’s actions.

DIF: Cognitive Level: Comprehension REF: p. 59

15. A defendant is asked, “What did you see just before you stopped your car to help the victims of the car wreck?” This may be a case of which of the following:
- Sovereign immunity
  - Malpractice
  - Good Samaritan
  - Negligence

ANS: C

Good Samaritan laws protect healthcare providers or citizens who care for a person involved in an emergency or disaster without reimbursement.

DIF: Cognitive Level: Application REF: p. 63 | p. 64

16. When the US Supreme Court decides a case, it is binding to
- only the parties involved.
  - only the city involved and its residents.
  - only the state involved and its residents.
  - all state and federal courts.

ANS: D

Cases heard by the US Supreme Court are binding on all state and federal courts.

DIF: Cognitive Level: Knowledge REF: p. 9 | p. 10

17. If a man enters surgery to have his left leg amputated and leaves surgery with his right leg amputated, which Latin term of law applies?
- Respondeat superior*
  - Res ipsa loquitur*
  - Stare decisis*
  - Quid pro quo*

ANS: B

*Res ipsa loquitur* means, “the thing speaks for itself.” The presumption that the surgeon removed the wrong leg means that the plaintiff does not have to prove that negligence occurred to recover from the defendant.

DIF: Cognitive Level: Application REF: p. 8

18. If a judge decides a case on the basis of findings of a previous court in a similar case, which Latin term applies?
- Respondeat superior*
  - Res ipsa loquitur*
  - Stare decisis*
  - Quid pro quo*

ANS: C

*Stare decisis* means “to stand by things decided.” Courts often follow decisions made by courts of higher or equal jurisdiction.

DIF: Cognitive Level: Knowledge REF: p. 3

19. The Supreme Court hears cases from courts of which jurisdiction?
- Higher jurisdiction than the Supreme Court
  - Lower jurisdiction than the Supreme Court
  - Equal jurisdiction to the Supreme Court
  - No jurisdiction

ANS: B

The Supreme Court only hears cases from courts with lower jurisdiction. No court has higher jurisdiction than the US Supreme Court.

DIF: Cognitive Level: Knowledge REF: p. 9 | p. 10

20. Which is true about a malpractice case?
- There must be proof of a breach of duty.
  - No damages can be present.
  - The cause of the damages does not have to be specific.
  - The person who caused the damages does not have the duty to care for the patient.

ANS: A

Four elements are required in a negligence action: duty, breach of duty, causation, and damages.

DIF: Cognitive Level: Comprehension REF: p. 7

21. This branch of government proposes legislation and enforces laws.
- Legislative
  - Executive
  - Judicial
  - Municipal

ANS: B

The President or Governor proposes legislative action to be taken by individual legislators, either vetoes or approves laws agreed to by the legislature, and enforces the laws.

DIF: Cognitive Level: Knowledge REF: p. 3

22. This branch of government establishes agencies to enact administrative law.
- Legislative
  - Executive
  - Judicial
  - Municipal

ANS: B

The executive branch also proposes and establishes certain agencies to enact rules and regulations that become administrative law. Once the legislature creates a statute, it empowers the appropriate executive agency to implement and establish rules and regulations to meet the intent of the statute.

DIF: Cognitive Level: Knowledge REF: p. 3

23. This branch of government interprets statutory law.
- Legislative
  - Executive
  - Judicial
  - Municipal

ANS: C

The judicial branch is also the source of common law, or case law, which is the law that develops from the decisions made by courts. Previous decisions are considered precedent and binding on all lower courts.

DIF: Cognitive Level: Knowledge REF: p. 3

24. OSHA was created by which branch of government?
- Legislative
  - Executive
  - Judicial
  - Municipal

ANS: B

Once the legislature creates a statute, it empowers the appropriate executive agency to implement and establish rules and regulations to meet the intent of the statute. These rules and regulations codify the interactions between the citizens and the agencies, provide for certain police powers to the agencies to enforce the regulations, and govern the agencies themselves.

DIF: Cognitive Level: Comprehension REF: p. 3

25. Which of the following develops from decisions previously made by courts, or precedents, and is binding on all lower courts?
- Criminal law
  - Common law
  - Medical law
  - None of the options

ANS: B

In Latin this is called *stare decisis*, which means to stand by things decided or adhere to decided cases. Common law originated from England with the Pilgrims and original settlers of the land. Since that time, each state's courts have made decisions regarding civil and criminal cases.

DIF: Cognitive Level: Knowledge REF: p. 5 | p. 6