

Chapter 2:

1. Describe the role of the judiciary in the United States.
 - a. The judicial branch settles disagreements over federal legislation and determines whether or not it is constitutional.
2. What role does the state judiciary system serve?
 - a. State laws and constitutions are ultimately decided by state courts.
3. Johnson, who lives in West Virginia, is suing Richards, a citizen of New York State, for severe injuries (loss of a limb and immobility for several months) received in an automobile accident in West Virginia. Richard's carelessness caused the accident. Johnson's injuries amounted to over \$2,000,000. Could this case be brought in a federal court?
 - a. Yes, depending on the details of the case, a federal court might hear it. Jurisdictional considerations must be taken into account while deciding whether a case can be heard in federal court.
4. What are some strong reasons for taking your case to a small claims court?
 - a. Small claims courts are intended to be less formal and more open to people without legal counsel. People can handle the process more easily and without the assistance of a lawyer because the procedures tend to be simplified.
5. Where in the U.S. Constitution will you find the due process clause?
 - a. The federal government is mandated under the Fifth Amendment to ensure that no individual is "deprived of life, liberty, or property without due process of law."
6. You are a resident of New Jersey. While at a mall, you were assaulted by a gang. You were severely injured and blinded in one eye. May you sue the gang for monetary damages even though the gang was arrested and convicted for the assault upon you?
 - a. Yes, even if the gang members have been detained and found guilty of the assault, you are still able to sue them for monetary damages. A civil case enables you to seek damages for the harm you endured due to the violence, whereas criminal charges are filed by the government to punish persons for breaking the law.
7. Vira, who lived in Virginia, was owed \$80,000 by Caldwell, who also lived in Virginia. Vira sued in a state court to collect the amount due and won. Caldwell was unhappy with the decision and appealed to the highest state court, where she also lost the case. Caldwell then thought about appealing to a federal court, hoping for better treatment. Does a federal court have jurisdiction to hear her case?

- a. It is unlikely that a federal court would have jurisdiction to hear the issue because both Vira and Caldwell are Virginia citizens and the disagreement concerns a debt that Caldwell owes to Vira. Caldwell is unlikely to have a good reason to file an appeal of the state court ruling to a federal court in light of these circumstances. In matters of state law, decisions made by state courts are typically final.
8. Candidates running for the office of city clerk petitioned the city manager to hang political posters on city stop signs, lamp posts, and utility poles to promote their election but discovered that a city ordinance prohibited the positing of signs on public property. The city manager stated that posting signs on public property was not allowed because they detracted from the main purpose of the ordinance, which was to improve the appearance of the entire city. The manager suggested other ways to promote their candidacy that did not violate the city ordinance. The candidates claimed, however, that this city ordinance was unconstitutional because it violated their rights to free speech. How would you decide this case?
 - a. The result of the case would likely be determined by weighing the candidates' First Amendment rights to free speech against the city's interest in maintaining the safety and beauty of public spaces through its legal system. Courts are aware of how important it is to preserve public spaces' aesthetic appeal and unique identity. If the city can demonstrate that it truly cares about maintaining the aesthetic appeal of its public areas, it could be able to mount a stronger case for the ordinance's constitutionality.

Chapter 3:

1. Milmur, at age 17, wrote a computer program creating a worm that took over thousands of computers. A computer security analyst called it “the most advanced worm yet.” It disrupted commerce and people’s lives. Milmur agreed to plead guilty to a federal charge of unauthorized access to a computer to further a fraud since he used the program to steal credit card information and defraud people nationwide. Friends and family urged the judge to be lenient in his sentencing, claiming Milmur was a brilliant computer programmer who had the skills to help the country defend itself against the growing threat of cyberterrorism. If you were the judge would you exercise leniency in your sentencing?
 - a. It is possible to consider Milmur's age of 17 at the time of the incident. Furthermore, Milmur's sentence could be reduced if he demonstrates genuine remorse, a willingness to repent, and a commitment to using his skills for a positive purpose. In addition to the seriousness of the offense, the judge would also have to take into account Milmur's prospects for rehab and his potential future contribution to society
2. Rines was a married man with three young children. Carter, an acquaintance of Rines, had seen Kim, a young college professor, and Rines together on several occasions at various social functions. One evening, Carter followed them to a hotel and discovered that they had checked into the same room. Under the pretext of being a bellhop with a message, Carter went to the room and photographed the couple, partially dressed. Carter then sent the photo to Rines at his place of business with a note threatening to also send a picture to Rines’s wife unless he was paid \$10,000 in cash. Rines was to place the money in an envelope and leave the envelope in Carter’s post office box at the main post office within one week. Rines notified the police and then followed Carter’s instructions. Carter picked up the money at the post office and was immediately arrested. With what crime will Carter be charged?
 - a. Carter might be charged with blackmail. comprises a threat that private, hurtful, or damning information will be made public if money is not received. Carter was engaging in blackmail when he demanded \$10,000 before disclosing the image.
3. You are kidnapped by a “U Occupy” group in Washington, D.C., and held hostage because you did not agree with their activities. You are then forced to participate with the U Occupy group in a number of illegal activities in which no one was killed. During your kidnapped period you had no reasonable opportunity to escape. The U Occupy group, including you, are captured by police a short time later, arrested, charged with certain crimes, and held for trial. What defense might you use to avoid being convicted?
 - a. In this case, if I was kidnapped by the "U Occupy" group and forced to participate in illegal activities under threat of harm or death, I behaved under duress and shouldn't be charged for my acts.

4. Police officer Ron Schmurtz pulled a car over to the side of the road for making an illegal U-turn. When he approached the car, he discovered five teenage boys. The officer looked the vehicle over but had no reason to be suspicious about any criminal activity taking place in or around the vehicle. However, because the driver and his passengers were teenagers, he felt that they used drugs. Consequently, he ordered them all out of the car, searched the car's interior, and discovered some illegal drugs. Schmurtz then placed all the teenagers under arrest. Was the search that Schmurtz conducted legal?
 - a. *If Officer Schmurtz can show that there was reasonable suspicion or probable cause for the search, then prove whether the search was legal. In this instance, Officer Schmurtz stopped the car for making an illegal U-turn, which is a legitimate reason for a traffic stop.*
5. How can a police officer determine whether a driver is "under the influence"?
 - a. *When operating the vehicle, the officer might see the driver do things like swerve between lanes, drive wildly, drive too slowly or too fast, ignore traffic signs or signals, or display other signs of drunk driving.*
6. Furman was driving her truck down Main Street in her hometown without wearing a seatbelt. A police officer observed the seatbelt violation, pulled Furman over, placed her in his squad car, and drove her to the local police station, where she was made to remove her shoes and jewelry and empty her pockets. Officers took her mug shot and placed her alone in a jail cell for about an hour, after which she was taken before a judge and released on bond. She was charged with violating the seatbelt law, a misdemeanor. She pleaded no contest to the seatbelt misdemeanor and paid a \$100 fine. Furman then filed suit, alleging that the actions of the town, the judge, and the police violated her Fourth Amendment right to be free from unreasonable seizure. She contended that rules forbade police officers to make warrantless misdemeanor arrests except in cases of breach of the peace tending toward violence. Is Furman correct?
 - a. *Depending on the particular laws and rules in the area where the incident happened, Furman's claims that the town, the court, and the police violated her Fourth Amendment right to be free from excessive seizure.*
7. Walkman, a student at Banes College, stole several new football helmets from the college sports locker room. He sold the helmets for a very low price to Favor, the owner of a local sporting goods store. After reading an article in the newspaper about the theft, the owner of the store was quite sure the helmets he purchased from Walkman were the ones that had been stolen. Nevertheless, he did not notify either the police or the appropriate college personnel that he had bought the helmets. Instead, he marked them for sale at a special price and placed them on a shelf with other football gear. Although he paid Walkman for the football helmets, is Favor liable for the commission of any crime? Is Walkman? Explain.

- a. Walkman and Favor might be prosecuted for their roles in the football helmet theft and selling. Favor accepted the stolen items, and the Walkman was responsible for the actual theft.
8. Furenya was employed as the manager of a state-controlled betting parlor, the Off Track Betting Corporation. One of her responsibilities was to deposit the daily receipts of money in a local bank. Because she was heavily in debt, Furenya devised a way to take \$300 from each deposit to pay her personal creditors. She continued this practice for over a year until the state auditors made a surprise check of the betting parlor's accounting records. When a shortage was discovered and traced to Furenya, she was arrested. With what crime could she be charged?
 - a. Due to her activities, Furenya may face charges of theft.
9. For each situation described below, identify the crime or crimes committed by the person underlined.
 - a. The driver of the fuel truck is guilty of theft. It is theft of government property that was intended for government entities skimmed from fuel deliveries and sold at a discount.
 - b. The rock band member faced charges of violence, assault, and assault with the intent to inflict significant harm, depending on the jurisdiction. Hitting someone over the head with a microphone stand and causing permanent brain damage is a serious bodily assault.
 - c. Higgins was accused of theft and breaking. If the value of the stolen goods exceeds \$5,000, additional charges or fines can apply.
 - d. Armed robbery with a firearm was the offense committed by the escaped prisoner.
 - e. Driscoll's crime was fraud. Filling out and signing time sheets for nonexistent workers and then cashing the paychecks for personal gain is a fraud of company funds.
10. A police officer on routine patrol in her police car at about 3 a.m. received a call over the police radio describing a burglary in progress at a pizza parlor in her patrol zone. When she arrived at the pizza parlor, a short distance from where she received the call, she spotted a person who was getting into a car parked next to the pizza parlor. If the police officer wished to make an arrest in the belief that this person had committed the robbery, what would be the basis for the arrest?
 - a. An arrest may be possible if the police officer has sufficient evidence to believe that the individual getting into the car had anything to do with the break-in.

Cases for Review:

1. Grant's claim that the warrantless search violated his Fourth Amendment rights and he should be able to suppress the evidence obtained in the car depends on whether the search was legal as an incident to an arrest. Grant's reasoning fits in with the fundamental rules

established by the Supreme Court for searches conducted after an arrest. a good reason to believe that the place being searched might hold information related to the arrest crime. The police may argue that they had a good basis to believe the bag of cocaine they found inside the car held evidence related to the crime of possessing drugs with the intent to sell.

2. During his detention, Cates was not questioned. She was not being physically restrained or put under arrest; she was free to leave or end the interview at any time. Because of this, the appeals court may uphold Cates' conviction because his interview remarks may be deemed credible even in the absence of Miranda warnings.
3. The Ninth Circuit Court's decision to deny Arnold's request is consistent with the generally recognized legal theory about border searches, including the Fourth Amendment's exemption to the warrant requirement. This exception allows government officers at the border or its functional equivalent to conduct searches without a warrant or particular suspicion.
4. Whether Russello's insurance proceeds from his involvement in an arson ring could be forfeited under the criminal RICO statute is the point at hand. Russello's insurance gains from his involvement in an arson ring were deemed forfeitable under the criminal RICO Act due to their direct or indirect ties to racketeering.
5. Johnson's request to have the evidence suppressed would probably be rejected because the police had the right to pull over and search his car because of the broken taillight infraction, which resulted in the drugs being found there.
6. Evidence was presented in court to demonstrate that Bower was already involved in the cocaine-selling business and that the undercover agent did not force Bower into making the sale. Bower saw the transaction as merely another chance to carry out his illegal activities.
7. Printing off private information that was taken without authorization from another person's computer may be regarded as computer theft or a related infraction, depending on the specific laws and conditions of the jurisdiction.
8. Dixon and Hinton have participated in an unlawful profit-making plan by accepting bribes from suppliers and contractors in exchange for contract awards. This is considered bribery.
9. The scenario's circumstances don't seem to offer a compelling reason for the warrantless entry into Mrs. Huff's residence. Mrs. Huff might have a strong argument that the police violated her Fourth Amendment rights.

Chapter 4:

1. Langley, a state beauty contest winner, was sunning herself by the pool at the hotel where she was staying. Without her permission, King took a photo of her and sold the photo to Dansig for use in an advertising campaign. Langley has sued Dansig for damages for unauthorized use of her picture. Can Langley recover damages?
 - a. **Dansig may be required to pay Langley for the unauthorized use of her photo. Apart from making up for any monetary losses caused by the unauthorized usage, these damages can also take care of Langley's emotional pain and damage to her reputation.**
2. Courtney, a 22-year-old call girl, became involved with a married politician who paid her several thousand dollars for an ongoing relationship. Once Courtney's identity became known and her relationship with this politician discovered, newspapers and Web sites splashed photos of Courtney in suggestive poses along with write-ups on the front and inside pages. The photos distributed to the media actually came from MySpace pages. Her attorney lashed out at the media for thrusting the 22-year-old woman into the public light without her consent. The attorney, further contending that she was not a public figure, indicated that he was taking steps to bring a lawsuit for defamation against the various media outlets that published her image and wrote about her. A spokesperson for the media lashed back and stated that the photos that appeared on MySpace were found to be noteworthy since the politician was in a high-ranking position. The spokesperson also made the point that the photos distributed were relevant to the story about Courtney's relationship with the politician. Do you think that Courtney's attorney has a case?
 - a. **If Courtney is not well-known and the material that has been published about her is false or deceptive, her attorney may be able to bring a defamation lawsuit against the media outlets that used her picture and wrote about her without obtaining her consent. The outcome of Courtney's case would rely on a variety of factors, including the specific laws and precedents in the nation where the complaint is filed, and the kind of comments made public.**
3. Daniels, age 70, who was experiencing severe chest pains, was immediately admitted to South View Memorial Hospital. Dr. Rose, an internist and Daniels's personal physician for many years, did a thorough examination, including an angiogram, and concluded that there was a blockage in two arteries leading to the heart. Her diagnosis was that Daniels was having a heart attack. With Daniels's consent, surgery was immediately performed, but the severe chest pains did not subside. Consequently, Daniels's wife requested that Dr. Andrews, another well-known internist, take over the case. Dr. Andrews, upon examination, determined that the severe chest pains were actually the result of a kidney stone attack. He told Daniels's wife that such an attack often produced severe chest pains similar to the pains experienced by a person having a heart attack. Daniels, within a few weeks and with his consent, then underwent a procedure for dissolving the several kidney

stones. As a result of this procedure, the chest pains subsided. Does Daniels have a case against Dr. Rose?

- a. It depends on the doctor with a reasonable. If Dr. Rose failed to do a thorough examination, misinterpreted test results, or otherwise deviated from the standard of care expected of a physician in diagnosing Daniels's ailment, Daniels may be able to sue the doctor for medical negligence.
4. Lacey Myers, 76 years of age, claims that she has suffered severe emotional distress over a situation concerning her dead husband who was buried by mistake in a section of the cemetery that isn't really a cemetery. Cemetery officials concede that the mistake was theirs and insist that the body will need to be moved to an appropriate part of the cemetery at no charge to Myers. She has been given an ultimatum to reach an agreement within a certain period of time, such as one day, or her husband's remains will automatically be moved. The struggle between Myers and cemetery officials has been going on for months through their attorneys. In her own words, Myers claims "that where a person is buried, that's where they should stay. It's a sacred trust." Where her husband is buried there is plenty of open space, and she claims that her husband loved open space. A cemetery official noted, however, that where her husband is buried will never become part of the cemetery. Under these circumstances, would Myers have an action in tort for severe emotional distress?
 - a. By burying Myers' spouse in a portion of the cemetery that is not intended for burials, cemetery administrators violated their duty of care. It is possible to classify this duty violation as negligent behavior. Myers argues that transferring her husband's remains would cause her substantial mental pain, and a court might find sympathy for her claim.
 5. When his wife died of Alzheimer's disease in an Ohio hospital, Gomez instructed the attending physician to have her brain preserved for research purposes to help determine causes of the disease. The brain was placed in chemicals and sent to the National Research Lab for study. The package containing the brain, however, was lost when it arrived at the lab; it was never found. The husband, who said he would "never be able to totally bury" his wife because of the loss, suffered severe mental shock and was treated for several years by a well-known psychiatrist. For which tort or torts, if any, can the husband sue the National Research Lab?
 - a. Gomez may be able to sue the National Research Lab for carelessness. The brain cargo was misplaced, and the National Research Lab failed to fulfill its duty of care. If they misplace a package that was given to them for study, that could be considered waste.
 6. Dr. Springer tried unsuccessfully for over a year to collect a \$1,000 debt from Byrd, a prominent citizen of the community, for services rendered. One evening at a dinner party, Springer casually mentioned to several of his business friends, including the president of the local bank, that he had not been able to collect the overdue debt from Byrd. As a

result, Byrd was denied a personal loan that he had applied for at the bank. Byrd claims that Springer's remark was slanderous and that Springer owes him damages. Is Byrd correct?

- a. The person owns his money, so it's not slanderous. Byrd may be able to sue Dr. Springer for slander if he can show that the doctor's statement was false, offensive, revealed to a third party, and caused him harm. Byrd may then seek damages for the damage done to his wealth and reputation.
7. Marvelle had just mopped and waxed an area of the floor of his restaurant. He placed signs around the waxed area warning customers of the danger. Despite the warnings, Davis walked onto the waxed area. He slipped, fell, and broke an arm and a leg. Davis now claims that Marvelle is liable for the injuries he sustained. Is Davis correct?
 - a. Davis wasn't correct because there was a warning sign, which he didn't see. As a business owner, Marvelle owes it to his clients to maintain sufficiently safe premises. The specifics of the case, including how suitable the warning indications were, how reasonable Davis's actions were, and any other relevant facts, will determine whether Marvelle is held accountable for Davis's injuries. Davis might not be able to hold Marvelle entirely responsible if it turns out that he was negligent or that he ignored the warnings, taking the risk of getting wounded.
 8. Dr. Huggins, a dentist, was staying at the Ritz Hotel in Nashville, Tennessee, where he had a suite. When he went into the bathroom to shave, he flipped the light switch on the wall. When he did, he received a tremendous jolt that threw him into the door frame, causing permanent injury to his right shoulder. He sued the hotel for negligence for failure to maintain electrical fixtures in a reasonably safe condition. The essence of his claim was that he could no longer work at his profession. Can Dr. Huggins legally recover damages from the hotel?
 - a. Yes, he might be eligible for payment from the Ritz Hotel for his injuries. This could pay for his medical expenses, lost income due to his inability to work, pain and suffering, and any other losses directly brought on by the hotel's negligence.
 9. Coleman, a salesperson for a security company, wanted to get even with Cloos, the superintendent of the West Ridge School District, for not purchasing burglar alarms for the school district from Coleman's company. Coleman wrote a letter to the board of education falsely accusing Cloos of having been arrested in a neighboring community for possession of drugs. She also wrote that Cloos paid the local politicians to keep the incident off the police records. On what grounds could Cloos sue Coleman?
 - a. Libel or ruin her reputation. Coleman's false allegation that Cloos was arrested for drug possession and that bribes were employed to cover it up is defamatory. Coleman's letter to the education board would be detrimental to both the school system and Cloos's reputation in the community.
 10. Marks was meeting her sister and a friend for dinner at a swanky restaurant. It was a warm summer evening, and because she was early, Marks decided to wait outside. She

stood in front of the restaurant until her sister and friend arrived. Within a few minutes, a police car drove up and a police officer got out and forced Marks into the car, accusing her of being a prostitute. She was taken to the police precinct station, where she was questioned and released without being charged. She had no previous convictions and was employed as a full-time account executive at a local securities investment firm. Can Marks sue the police department for false arrest?

- a. Yes, she was just going out with her friends. Marks might have a strong case against the police department for making a bogus arrest. She could contend that her imprisonment was illegal and unwarranted, and that the police officer lacked probable cause to hold her.

11. Popovici, an untenured college English teacher, was being considered for a permanent appointment. When the president of the college discovered that she was separated from her husband and seeking a divorce, he brought this information to a board of trustees meeting and recommended that she not be rehired at the end of the term. The board of trustees agreed, and Popovici was not granted tenure. She was then requested to leave her teaching position as soon as the current school year ended. The president's request to the board that Popovici not be rehired was based strictly on his fear that her divorce would harm the college's "image." Popovici was otherwise considered an "excellent teacher" and had been recommended for tenure by her department chairperson. Did the president's recommendation to deny Popovici's tenure appointment, based on her marital situation, constitute a wrongful intrusion into her private life?

- a. Popovici's privacy has been violated, and it may be criminal discrimination if the president's suggestion to reject her tenure nomination on the grounds of her marital status is accepted.

Cases for Review:

1. The owner could file a defamation lawsuit. Given the lack of crucial information and the ensuing harm to the owner's reputation, the business has a strong case for defamation against the television station. To choose the best course of action and evaluate the case's merits, the store owner should consult with an expert attorney.
2. Yes, Pachowitz may be able to sue LeDoux for breach of privacy. LeDoux disclosed private information about Pachowitz's drug overdose to Slocomb without her consent.
3. Yes, Burdett's statements might be considered slander. Cinquanta's moral conduct as a businessman was called into question when Burdett publicly called him a "crook" and a "deadbeat," implying that he had neglected to pay for the repairs to the neon sign.
4. The plaintiff suffered actual damages or losses as a result of the defendant's breach of duty. If Fischer can demonstrate that the malfunctioning wiring in the vending machine was the direct source of the electrical shock that rendered him impotent, he may be able to establish causality.

5. Under Louisiana law, Wal-Mart may be exempt from punishment for false imprisonment if the court determines that Mrs. Neal had reasonable cause to suspect Kimberly of theft and that her actions were appropriate.
6. Given that Gonzalez knew Garcia was intoxicated, the court might have ordered him to take reasonable safety precautions for himself. This duty may mean turning down Garcia's invitation to travel or finding alternative transportation.
7. The jury's decision would have been determined by a thorough evaluation of the testimony and supporting documentation presented throughout the trial. They might have come to the conclusion that neither side had shown sufficient evidence to establish negligence, or they might have determined that one or both physicians had committed medical malpractice.
8. The Ferrell sisters most likely have a good case for false imprisonment against the eatery and its manager. Because there was no legal foundation for the sisters' imprisonment, neither reasonable suspicion nor probable, it constituted a significant breach of their liberty. The restaurant and its management can be held liable if the illegal detention results in damages.
9. Since firemen accept the risk of danger inherent in their hazardous duties, they should not be allowed to receive compensation for injuries. Although Lipson's carelessness in supplying false information might undermine their assumption of risk argument, the court must carefully consider all relevant circumstances before making a determination.
10. Alexander Tank and Equipment Co. might be held liable if Alexander's negligent actions were a direct cause of the accident that resulted in Hairston's death under the theory of vicarious liability, which holds employers accountable for their employees' actions while they are acting in the course of their employment.

Chapter 5:

1. A Native American tribe entered into a construction contract with C & L Enterprises (C & L) to install a roof on a tribe-owned commercial building in Oklahoma. The property lies outside the tribe's reservation. The contract contained three key positions: (1) all disputes arising from the contract would be settled by arbitration; (2) the award rendered by the arbitrator would be final; and (3) judgment must be entered in any federal or state court having jurisdiction. After the execution of the contract, but before C & L commenced performance, the tribe changed the roofing material in the contract and hired another company to install the roof. C & L, claiming breach of contract, requested arbitration. The tribe claimed sovereign immunity and declined to participate in any arbitration proceeding. The arbitrator received evidence and rendered an award in favor of C & L. The contractor then filed suit to enforce the award in the district court of Oklahoma County. Again, the tribe claimed immunity. The district court denied the motion and affirmed the award set by the arbitrator. Is the tribe liable for breach of contract? (*C & L Enterprises, Inc. v. Citizen Band Potawatomi Indian Tribe of Oklahoma*, 532 U.S. 411)
 - a. Yes, the tribe is liable for the breach of contract, and the court needs to uphold the arbitrator's decision.

2. Reynolds recently purchased the Strand Movie Theatre in Chicago. He sued the United Picture Corporation, contending that United and several Chicago movie theater owners illegally attempted to keep him from showing first-run movies in violation of federal antitrust law. Before the lawsuit was brought to trial, the attorneys for United provided Reynolds with a series of questions to which he was requested to respond under oath. The questions focused on matters related to the trial. Must Reynolds answer these questions?
 - a. Yes, In cases where an investigation appears overly broad, burdensome, or unrelated to the matter at hand, Reynolds may legitimately object.

3. Two competing companies that manufactured pool tables and swimming pools had a disagreement over whether one of them had engaged in false and deceptive advertising. They both agreed to bring the case to binding arbitration using only one arbitrator. Following the arbitration hearing, the losing party claimed that the award confirmed as a court judgment was not binding because there was no trial by jury. Is the losing party correct?
 - a. No, the losing party is not wrong. When engaging in binding arbitration, parties consent to having their disagreement heard by an arbitrator.

4. Schultz is a bus driver for the Total View Bus Company. While on her night run in a large city, she rear-ended a car. Two passengers on the bus who were injured sued Schultz and the Total View Bus Company, alleging negligence for allowing Schultz to drive with very impaired vision.

As part of the pretrial procedure, the attorney for the plaintiff (passengers) petitioned the court to require Schultz to undergo a complete eye examination by a specialist (ophthalmologist). The court complied with the request. Schultz objected to the examination. Can she be ordered to take the eye exam?

- a. Yes, the eye sight was an issue. May be required by the court to have a comprehensive eye examination performed by an ophthalmologist. This is because the case filed against Schultz and the Total View Bus Company directly affects her vision impairment.

5. Compare the petit jury with grand jury as mentioned in Chapter 3. How are they similar? How do they differ?

- a. If they decide to go to the grand jury or pull back the petit jury,.
- b. A petit jury's decision in a criminal trial must be unified in order to find someone guilty or not. A majority decision might suffice in civil cases. Rather than saying a suspect is guilty or innocent, grand juries determine whether there is probable cause to indict them. The grand jury typically needs to vote with a majority of votes in order to return an indictment.

6. What are some of the problems that the losing party in a civil lawsuit can encounter if he or she decides to appeal the decision of the lower court?

- a. Time or lost, and he or she didn't follow the proper procedure. An appeal's resolution procedure may take months or even years. During this time, the appellant may encounter uncertainty and a delay in receiving a final case outcome.

7. What do you think are the main reasons for the backlog of cases in civil courts?

- a. The resources of civil courts, such as financing, facilities, staff, and judges, may be scarce. Delays in case processing, scheduling, and resolution may arise from a lack of resources. Backlog slows everything down.

8. Gruhn was fraudulently induced to make a large stock purchase from a broker who was a member of the New York Stock Exchange. The stock was actually of little value. Claiming damages of \$75,000, Gruhn agreed to arbitrate her case under the New York Stock Exchange rules. Without explanation, the arbitrator awarded her \$500. Can Gruhn appeal her case to a court of law?

- a. There are very few opportunities to challenge an arbitration ruling. No, it's struck her.

9. Compare the burden of proof required in a civil case mentioned in this chapter with the burden of proof required in a criminal case as mentioned in Chapter 3. Why do you think a higher burden of proof is required in a criminal case?

- a. The burden of proof in criminal trials is based on the fundamental principles of justice and the potential consequences of a conviction. The burden of proof is higher in criminal procedures, safeguarding the rights of persons facing criminal charges and preserving the principles of justice and equity within the legal system.

10. This chapter described a lawsuit involving Bill Allen, a 35-year-old advertising executive, and the Laiden Trucking Company. Allen sued Laiden for \$3 million. Based on the facts in this case, do you think a jury would consider this amount excessive? Why or why not?

- a. No, \$3 million is a lot, so the award will be given if they believe the damages are excessive or not supported by the facts.

11. In conducting the voir dire examination for the trial of *Bill Allen v. Laiden Trucking Company*, Allen's attorney, Jan Heisman, got the following response from a prospective juror: *Heisman*: "Have you been reading the newspaper accounts or listened to any news reports about the accident in question?" *Juror*: "Yes. After reading and listening to the reports, I felt that Allen should assume much of the responsibility for the accident." What step should Heisman take at this time to protect Allen from this prospective juror?

- a. Heisman is entitled to inquire about the potential juror's explanation of any bias or prejudice. Heisman can argue that because the jury has demonstrated a preference toward Allen, indicating potential bias, the juror may not be impartial and fair in assessing the case. If the court finds that a juror's bias may have impeded their ability to give a fair decision, the juror may be dismissed for cause.

12. Can Heisman, as attorney for Bill Allen, request that a juror be dismissed simply because Heisman has the feeling that this juror will be detrimental to Allen's case?

- a. No, Heisman is not permitted to ask for a juror to be removed only because he believes the juror could harm Allen's case.

Chapter 6:

1. Is it correct to say that a void contract and an unenforceable contract both refer to an agreement that has no legal existence?
 - a. No, it is not quite correct to say that a contract that doesn't exist legally is called void and unenforceable. Both invalid and unenforceable contracts have the ability to render an agreement unenforceable.

2. "All contracts are agreements, but not all agreements are contracts." What does this statement mean?
 - a. All contracts have to be agreements, but not all agreements are contracts because their's no condition on both sides.

3. Yates, a vice president of the Washington Irving Bank, met with Morrow. They reached an agreement whereby the bank promised to loan Morrow money at 7.5 percent interest per year for ten years if Morrow would bring all his personal and corporate banking business to Washington Irving Bank. The bank made loans to Morrow at this rate for five years until Yates resigned from the bank. Morrow was then notified by the bank that because of economic conditions, it would need to charge a higher rate of interest on any new loans that were made. Morrow sued the bank for breach of contract, claiming that the bank had to continue the 7.5 percent rate of interest because of the agreement. Should Morrow win this case?
 - a. Morrow might have a strong case for breach of contract if the bank and he had a written, legally binding agreement that stated the bank would lend money to Morrow for ten years at a fixed interest rate of 7.5 percent in exchange for Morrow moving all of his corporate and personal banking business to the bank. If the bank went against the initial terms of the agreement, its unilateral decision to alter the conditions by raising the interest rate after five years may have been a breach of contract.

4. Jane Ives lived in Linwood, New Jersey, with her three school-age children. All three students went to Cosgrove High School, which covered grades 9 through 12. By law, the school district had to furnish transportation for her children because they lived more than 2 miles from school. They were, however, wrongfully refused transportation by the district. Consequently, Jane drove the three children to school every day for a year. At the end of the school year, she asked the school district to reimburse her for the expense incurred in using her car to drive the children to school. The school district refused to pay her, and so she brought suit to recover the money. Does she have a case?
 - a. Yes, given that Jane Ives' children resided more than two miles from the school, the school district was legally required to provide transportation for them. The school system violated the law when it refused transportation. .

5. The Isaac Heating Company randomly sent out a letter to residents of the town where it did business. The letter read: "Special—We offer to clean your furnace for 50 percent off our regular price." Martell received the letter. Did a contract result between Isaac Heating Company and Martell when Martell received the letter?

a. No, there are no agreements involved.

6. Dante offered to pay Heckter \$5,000 to burn down Dante's restaurant so that he could collect money from the insurance company on a fire insurance policy he had acquired when he first opened the restaurant. Since opening the business, Dante had been losing money and now needed funds to pay long-standing obligations. Heckter burned down the restaurant as requested. Is Heckter entitled to the \$5,000?

a. No, Heckter is not eligible to receive Dante's \$5,000 payment. It is unlawful for Dante and Heckter to have made the deal to burn down Dante's restaurant.

7. Tankel started a lawn-cutting service business. He randomly selected names from the phone book and sent notices to these individuals stating that he agreed to cut their lawns based on lawn size plus a 15 percent profit. He sent such a letter to Gibbs. Has a contract been formed between Tankel and Gibbs?

a. No, it's only an offer.

8. Berger fainted at a shopping mall. A security guard arranged with police to have her taken to a hospital for emergency treatment. When she regained consciousness and was about to be discharged, the business office asked her to sign papers arranging for her insurance company to pay the bill. Berger refused to sign, claiming she had not made an agreement with the hospital for treatment. The hospital sued Burger. Would a court require Berger to pay the bill?

a. No, Berger can provide proof that she declined treatment outright or gave no consent at all, she could be able to refute the hospital's demand for payment. Berger might also have a better defense against being held accountable for the expense if there was no emergency or if the therapy wasn't medically required.

9. Mason, who has a degree in business administration, interviewed for two positions, one as a credit manager for a large bank and the other as a financial planner. He received a phone call offering him the credit manager's position, which he accepted. Two days later, he was offered the financial planner's job, his first choice. He also accepted this position and then called the bank to say he had changed his mind about taking the credit manager's position. Has Mason breached a contract with the bank?

- a. Mason had not yet accepted the job offer or signed a contract, therefore, his actions might not be viewed as a violation of contract if there were no explicit restrictions or conditions about withdrawal of acceptance.

10. Carver took his car to Dorschel Motors to have work done on the engine. He specifically told the head mechanic to repair, not replace, the engine. Instead of repairing the engine, the head mechanic instructed the mechanic who worked on the car to replace the engine with a rebuilt motor. Carver did not know of this work until he was handed the bill. When Carver asked why his instructions were not followed, the head mechanic stated that replacing the engine was the most economical thing to do. Was Carver liable for the bill, which included the cost of the engine and labor?

- a. Carver gave the head mechanic explicit instructions to fix the engine rather than replace it. But they didn't listen to him and did otherwise. So he is not responsible for the entire bill, including labor and engine costs.

Cases of Review:

1. If the joint custody agreement does not make it clear that Darrell must pay the children's college costs or does not lay out precise guidelines for making such payments, Darrell can claim that the terms of the agreement exempt him from paying. If there isn't clear proof of Darrell's responsibility in the contract, Lisa's insistence on it might not be enough to force payment.
2. Nursing Care Services might be able to get payment from Dobos by using the notion of implicit contract or quasi-contract, even though there isn't a written or verbal contract that specifies all that will be covered.
3. Sonnenburg and Hartnett's claim of unjust enrichment may not succeed in court.
4. There is no evidence to imply that there was an implicit agreement for payment for the manual itself. Landsberg's rights will depend on the particulars of the case and any proof of an unspoken understanding or agreement on payment for the manual between Landsberg and the Scrabble owners.
5. The length of the instructors' employment likely led to an expectation of continued employment for both the college and the teachers. If there is no written contract for the following year, it is not, however, guaranteed that the teachers will remain employed.
6. Rather than being a stand-alone contract offer, the state of California's lottery advertisement could be seen as an invitation to make an offer. Rather than accepting an existing offer, Brown's attempt to tender his own statistics could be interpreted as an attempt to negotiate terms.