

LAWS 1000V Mock Midterm Exam - Answers

1. An example of informal social control would be:
 - a) Detention
 - b) Restitution
 - c) Gossip**
 - d) Rehabilitation

2. The case of *R v. Ascov* is an example of:
 - a) A violation of a publication ban
 - b) The right to trial within a reasonable period of time**
 - c) Unconstitutional search and seizure
 - d) An abuse of power

3. All the elements of actus reus must ALWAYS be present in a crime
 - a) True
 - b) False**

4. Raising one's fist is the _____, while punching someone is the _____ .
 - a) Defamation, Battery
 - b) Assault, Battery**
 - c) Assault, Defamation
 - d) Battery, Assault

5. Which of the following is NOT a characteristic of judicial independence?
 - a) Judges are elected to represent societal interests**
 - b) Judges must be free to make decisions without influences from the executive branch
 - c) The principle is preserved in the *Charter*
 - d) The principle reduces the power of Parliamentary Supremacy

6. Stare decisis is
 - a) A German phrase meaning to "stand by what has been decided"
 - b) Rooted in the civil law tradition
 - c) Requires building on precedents established by past decisions**
 - d) A Latin phrase meaning "codes should state the laws"

7. The goal of specific deterrence is...
 - a) To deter members of the public from committing offences by "making an example"
 - b) To deter the specific offender from committing further crimes**
 - c) To keep the offender in prison for more than 7 years
 - d) To provide monetary compensation for the victims of the crime

8. The "notwithstanding clause" does not apply to which rights?
 - a) Fundamental freedoms
 - b) Language rights**
 - c) Equality rights

d) Legal rights

9. Which of the following is NOT a characteristic of the Supreme Court?

a) Consists of 9 judges

b) Has always been the highest court of appeal in Canada

c) It must represent the whole breadth of Canadian society

d) Will hear questions of Reference brought forth by the government

10. *R v. Tolson* is an example of:

a) Duress

b) Necessity

c) Absence of actus reus

d) The accused is mistaken about a material fact

11. "Audi alteram partem" ensures which of the following is present?

a) The people involved are notified that there will be a hearing

b) All parties are given disclosure and evidence against them

c) Parties have the opportunity to cross-examine

d) Parties have the opportunity to present their own evidence and witnesses

e) All of the above

12. Donald Black provides a focus on:

a) Procedural and Substantive Law

b) Heterogeneous and Homogeneous Societies

c) Informal and Formal social control

d) a and b

e) b and c

13. Which of the following is NOT a characteristic of the BNA Act, 1867?

a) Brought together provinces with a centralized federal government

b) Gave control over education and health to the provinces

c) Did not establish any real or significant departure from the British Parliament

d) Imposed a common system of law on all the provinces

14. The case of *Roncerelli v Duplessis* is an example of what?

a) Responsible Government

b) The Rule of Law

c) Parliamentary Supremacy

d) Judicial Independence

15. Administrative adjudication is a process

a) In which an administrative agency issues an order

b) In which a legislative agency passes an important statute

c) Is a process which applies to a wide range of matters with a large number of parties

d) That does not have retroactive effects, similarly to judicial adjudication

16. An example of a section 553 indictable crime would be:

- a) Treason
- b) Murder
- c) Piracy
- d) **Driving while disqualified**

17. Cases of trademarks and patents are heard at which level of government?

- a) Small Claims Court
- b) Superior Court
- c) Provincial Court of Appeal
- d) **Federal Court**

18. The case that concluded that mens rea and actus reus must only coincide at some point in the commission of the crimes, although both do not have to exist throughout the entirety is:

- a) *R v. Oaks*
- b) *R v. Ledoo*
- c) ***Fagan v. Commissioner of British Police***
- d) *R v. Bernard*

19. Administrative bodies are restricted in what way?

- a) They can't act beyond delegated authority
- b) They can't act contrary to the Charter
- c) They can't put the government into disrepute
- d) **All of the above**

20. The relationship that exists between an employer and employee is an example of what?

- a) Strict Liability
- b) **Vicarious Liability**
- c) Defamation
- d) Stare Decisis

21. Formal law and social control are characterized by which of the following:

- a) Planned use of sanctions
- b) Designated Officials
- c) Explicit Rules of Conduct
- d) a and b
- e) **All of the above**

22. In Canada there are two systems of law

- a) One system for Eastern Canada and another for Western Canada
- b) The civil law for British Columbia and the common law for Quebec and Ontario
- c) **The civil law for Quebec and the common law for the rest of Canada**
- d) A combination of the American system and the Canadian system
- e) A combination of the British system and the Canadian system

23. What are procedural laws?

- a) Laws that preserve important cultural elements
- b) Rights, duties and prohibitions
- c) Laws that allocate authority between levels of government
- d) Rules that define what will happen to you if you break a substantive law**

24. The concept of King's Peace originates from what?

a) Norman Invasions of 1066

- b) Justinian Code
- c) Twelve Tables
- d) Trial by Ordeal

25. An example of King's Peace is:

- a) *Roncerelli v. Duplessis*
- b) *R v. Oakes***
- c) *Reference re Succession of Quebec*
- d) None of the above

26. The primary role of legislative bodies is to

- a) To rule on cases
- b) To call elections
- c) To impose rules on the plebeians
- d) Make laws**

27. Which of the following is considered the lesser serious offence?

a) Summary offences

- b) Indictable Offences
- c) Hybrid Offences
- d) Residual Offences

28. Which of the following is NOT an intention of criminal law?

- a) Apprehend and punish people who knowingly and willingly commit offences that are prohibited by society
- b) Define acts deemed to be threats to the established order of things
- c) To further enforce social divides in a community**
- d) Set clear rules for society

29. "Nemo sibi iudex vel suis jus dicere debet" and "audi alteram partem" are elements of what?

- a) Mens rea
- b) Natural Justice**
- c) Actus Reus
- d) Bias

30. When a victim is awarded damages on the basis of pain, they are receiving what kind of damages?

- a) Punitive damages
- b) Special damages
- c) Exemplary damages
- d) General damages**

31. Which of the following is an issue Fuller suggests is a problem with our adversarial system?

- a) Judges cannot detach their personal life from the cases over which they are deciding
- b) The affected party is not always aware of the outcomes of a case brought against their offender
- c) Parties are not necessarily equal because of unequal access to lawyers**
- d) Parties are motivated by self-interest

32. Customs that everyone in society agrees with, and have done so for a long period of time are:

- a) Specific Customs
- b) Books of authority
- c) General Customs**
- d) All of the above

33. Critical race theory

- a) Is based in feminist legal theory
- b) Attempts to rectify the wrongs of racism**
- c) Fails to acknowledge that racism is an inherent part of modern society
- d) Has roots in the positivism tradition

34. All judges in provinces appointed by the province in which they judge

- a) True
- b) False**

35. Section 469 offences, section 553 offences and residual offences are all examples of:

- a) Crimes considered mala en se
- b) Crimes against property
- c) Indictable offences**
- d) Summary Offences

36. The “thin skull rules” states that

- a) The defendant is only liable for the physical injuries following an assault and not the psychological injuries
- b) The defendant is not liable for any injuries due to intentional acts
- c) as long as it has been demonstrated that injury to the plaintiff was due to a negligent act, the defendant is held liable for all consequences following an**

injury, irrespective of the physical or psychological characteristics of the injured party

d) The defendant is only liable for the injuries that result directly from the act and not any other injuries which the plaintiff has before the assault

e) The defendant is not responsible for any consequences following an injury, irrespective of the physical or psychological characteristics of the injured party

37. Civil and tort cases must be decided on what level?

a) Balance of Probabilities

b) By a majority

c) Beyond a Reasonable Doubt

d) Based on which side has more evidence

38. The style of policing characterized by high arrest rates, harassment, and discrimination is...

a) Watchman style

b) Legalistic style

c) Service style

d) Authoritative style

39. Forcing an administrative body to make a decision is known as:

a) Prohibition

b) Mandamus

c) Habeus Corpus

d) Certiorari

40. Who takes the view that the most important component of your relationship with another person is based on the ability to predict what they will do?

a) Donald Black

b) Hoebel and Llewellyn

c) Neils Christie

d) Emile Durkheim

41. Which theorist discussed the difference between mechanical solidarity and organic solidarity?

a) Karl Marx

b) Max Weber

c) Emile Durkheim

d) Donald Black

42. A non-binding statement given by a judge in passing is known as:

a) Stare Decisis

b) Ratio Decidendi

c) Precedent

d) Obiter Dicta

43. Open access is not permitted in each of the following circumstances EXCEPT:

- a) Cases held in camera
- b) Cases brought against a youth
- c) Cases involving sexual assault**
- d) Cases under publication ban

44. *R v. Bernard* and *R v. Daviault* are examples of an attempt to use which defence?

- a) Entrapment
- b) Provocation
- c) Intoxication**
- d) Defence of Property

45. Remoteness of damage refers to

- a) The financial amount of the damage resulting from an intentional tort
- b) The financial amount of the damage resulting from a negligent act
- c) Whether the plaintiff is liable for the damages or not
- d) The extent to which the negligent act can reasonably be linked to the damages claimed**
- e) How far the plaintiff was from the scene of the crime

46. Which is not one of the three principle functions of law?

- a) Social Control
- b) Dispute Resolution
- c) Deterrence**
- d) Social Change

47. When a body is found to be acting ultra vires...

- a) The decision stands
- b) The government is told to change the law automatically
- c) The ruling judicial body makes a new decision
- d) The decision is automatically rendered void**

48. *Ryland v. Fletcher* is an example of what?

- a) Strict Liability**
- b) Vicarious Liability
- c) Intentional torts
- d) A mistake

49. Which of the following is NOT a defence of mens rea?

- a) Self-defence**
- b) The accused was unaware of the consequences of his or her actions
- c) The accused is a child
- d) Insanity

50. The loose doctrine of precedent is characterized by:

- a) **Focusing on the language of a previous decision without an investigation into the facts of that case**
- b) Focuses solely on the facts of the present case without any consideration of previous decisions
- c) Combines an equal consideration of previous decisions and fact of the current case
- d) Focuses on what is different between facts of a former case and the present to allow deviation from precedent

51. Which of the following is NOT a category of crime?

- a) Crime considered mala en se
- b) Crimes against property
- c) Crimes against the person
- d) **None of the above**

52. Lower level courts are restricted in what way?

- a) By monetary value of the case
- b) By jurisdiction
- c) **Both A and B**
- d) Lower level courts are never restricted

53. The *R v. Collins* case established what judicial rule?

- a) Proportionality test
- b) **Test for determining if allowing evidence collected in a way that violated someone's rights would bring the administration of justice into disrepute**
- c) Test to determine when hearsay evidence can be included in court trials
- d) Test for determining what is constituted as "beyond a reasonable doubt"

54. Hybrid Offences can be tried...

- a) Only as summary offences
- b) Only as indictable offence
- c) Only in small claims courts
- d) **As either a summary or indictable offence**

55. The name of the *British North American Act* (BNA Act) was changed to what?

- a) *Canada Act*
- b) *The Canadian Charter of Rights and Freedoms*
- c) *Official Languages Act*
- d) ***Constitution Act***

56. Which theories argued that there are 2 typologies creating 4 legal systems- rational/irrational and substantive/ formal?

- a) Karl Marx
- b) **Max Weber**
- c) Emile Durkheim
- d) Donald Black

57. Intentional torts are

- a) Torts that involve the loss of a substantial amount of money
- b) Negligent conduct causing harm to a person or property
- c) Torts that result from failure to abide by the law
- d) Deliberate acts that cause harm to a person or property**

58. "By establishing a social policy of a particular time and place in constitutional and statutory precepts, or by making the precedents of that past binding, the law exhibits a tendency toward _____"

- a) Justice
- b) Conservatism**
- c) Liberalism
- d) The Green Party

59. A legal system premised on a consistent application of legal rules, with no consideration of the individual describes:

- a) Substantive Irrationality
- b) Formal Irrationality
- c) Substantive Rationality
- d) Formal Rationality**

60. Empirical justice is

- a) Based on religious precepts and is seen as almost completely arbitrary
- b) The deciding of cases by referring to analogies and interpreting precedents**
- c) The most complete type of rational reasoning
- d) Based on certain fundamental and semi-logical postulates

61. Which of the following level of government is allowed to make laws?

- a) Municipal
- b) Provincial
- c) Federal
- d) A and B
- e) B and C**

62. Which of the following is not an element of actus reus?

- a) There must be a voluntary act or omission
- b) There must be intention to harm the person**
- c) Surrounding and material circumstances
- d) There must be consequences of the voluntary conduct

63. Administrative law focuses on...

- a) The relationship between the state and its citizens**
- b) The relationship between two individuals

- c) The relationship between only the state and criminals
- d) The relationship between states

64. Which of the following is NOT a characteristic of tort law?

- a) The primary purpose is compensation
- b) A tort is defined as a civil wrong involving a private action between a harmed individual and the person who did the wrong
- c) Being negligent is a defence**
- d) There are two categories of torts

65. Which level of court has binding authority on all other courts?

- a) Supreme Court of Canada**
- b) Federal Court
- c) Superior Court
- d) Provincial Court of Appeal

66. "The law in its majestic equality... forbids the rich as well as the poor from sleeping under bridges, begging in the streets, and stealing bread." This quote illustrates:

- a) Social norms of our society
- b) Justice in action
- c) Law is equal
- d) Certain types of discrimination are inherent in the law itself**

67. What is the starting premise on which Devlin's theory of legal liberalism rests?

- a) That all people should be treated equally
- b) The State's view of what is the right way to live should not be imposed
- c) People are rational, free choosing and autonomous beings**
- d) Each person cannot use their liberty to infringe the liberty of another person

68. In the case of *R v. Dudley and Stephens*, the court decided that:

- a) The defence of necessity successfully explained the murder
- b) The length in which Dudley and Stephens went without eating arose a finding of "not criminally responsible"
- c) Murder is such a serious crime that it can never be qualified by circumstance**
- d) None of the above

69. Prostitution and drug crimes are examples of:

- a) White collar crimes
- b) Indictable offences
- c) Societal norms
- d) Victim-less crimes**

70. The Conflict/ Marxist theory suggests that:

- a) Social behaviour is best understood in terms of tension and conflict between groups and individuals that play within a social arena**
- b) various aspects and attributes of the legal system fit within a structure

- c) There is nothing distinctively legal about legal reasoning
- d) The law is an example of patriarchy in society

71. Which of the following is not a way in which bias is prevented in Natural Justice?

- a) Reasons for a decision must be given
- b) Both parties have one opportunity to override the use of that judge**
- c) Decision makers who may be in a conflict of interest must remove themselves
- d) Decisions are to be made only by decision makers who have heard all the evidence

72. The standard of proof in a criminal trial is

- a) To the jury's satisfaction
- b) Determined by the judge
- c) Beyond a reasonable doubt**
- d) On a balance of probabilities
- e) Hard to determine without knowing the facts of the case

73. When the federal government gives some of its powers to provincial bodies, this is known as:

- a) Delegation
- b) Intra-delegation
- c) Inter-delegation**
- d) The federal government cannot give its powers to provincial bodies

74. The idea that law should be used to restrict behaviours that society collectively sees to be wrong, even if harm is not brought upon anyone else has been termed:

- a) Legal moralism**
- b) The Harm Principle
- c) Natural Law
- d) Rule of Law

75. Why are controls on victimless crimes sometimes seen as ineffective?

- a) Society does not agree that victimless crimes are evil
- b) The person accused of the crimes does not see what they are doing as a crime**
- c) The controls are not severe enough to deter further participation
- d) The crime has an addictive quality

76. In what kind of society is there unlikely to be agreement among members as to what is right and what is wrong?

- a) Traditional societies
- b) Heterogeneous societies**
- c) Religious societies
- d) Homogenous societies

77. Mens Rea has three characteristics. Which of the following is NOT one of such characteristics?

- a) A choice was made

b) The choice was made after being well thought-out

c) The person knew or could appreciate the wrongfulness of what he/she chose to do

d) The choice was freely made

78. Which theorist maintains that law is a tool used by the ruling class to control the lower class?

a) Karl Marx

b) Max Weber

c) Emile Durkheim

d) Donald Black

79. What crimes would be appropriately described under the term “*mala prohibita*”

a) Possession of cannabis

b) Murder

c) Sexual assault

d) Prostitution

e) Both A and D

f) Both B and C

80. What crimes would be appropriately described under the term “*mala in se*”

a) Possession of cannabis

b) Murder

c) Sexual assault

d) Prostitution

e) Both A and D

f) Both B and C

81. Fill in the following on levels of courts:

Outline of Canada's Court System

