

PEER ASSISTED STUDY SESSIONS

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PASS Mock Exam for LAWS 1000 CV

Please print and complete this mock exam

Bring completed mock exam to the take up session

Take up session to be held Wednesday April 4th (ME 3235, 6:30pm-8:30pm)

Come prepared to participate

1. Brooks talks about the judge and the adversary system, and he outlines 3 big ideas to take from his article. Which is not one of his big ideas?
 - a. The adversary system decreases the acceptability of adjudication
 - b. The adversary system increases the accuracy of fact finding
 - c. The adversary system counters bias in decision making (unlike the inquisitorial system)
 - d. None of the above (all ARE big ideas as outlined by Brooks)

2. The right that parties have to decide what to do with their dispute (i.e. go to court, settle, do nothing) is referred to as:
 - a. Adjudication
 - b. Adversary system
 - c. Party autonomy
 - d. Party prosecution

3. The right that parties have to decide how their case will be structured and progress through the court system is referred to as:
 - a. Adjudication
 - b. Adversary system
 - c. Party autonomy
 - d. Party prosecution

4. According to Eckhoff, mediators can take which of the following approaches when mediating a dispute?
 - a. Highlight the downfalls of going to court if the dispute isn't resolved
 - b. Try to merge individual preferred outcomes into a mutually beneficial collective outcome
 - c. Suggest an alternative outcome from a third party perspective
 - d. Hear both sides of the dispute, then make an impartial decision as to the outcome
 - e. All of the above
 - f. B and C
 - g. A, B, and C

5. Which of the following is a common reason why people comply with judicial decisions?
 - a. They just want the conflict resolved, and the content of the resolution is secondary
 - b. If the judgement follows norms, even an undesired outcome will be accepted
 - c. The judge is viewed as impartial

- d. The authority of “the law” is accepted, wherein the party recognizes the binding qualities of precedent
 - e. All of the above
 - f. 2 of the above
6. Which of the following statements is true when comparing judges and mediators?
- a. Judges focus on what parties are legally entitled to, as opposed to what they need
 - b. Mediators are retrospective when dealing with conflicts and proposing solutions
 - c. Both judges and mediators encourage the conflicting parties to reach a compromise
 - d. Mediators must have formal legal training
 - e. All of the above
7. Fiss outlines reasons why settlement is a bad thing. Which of the following is not one of his reasons?
- a. Parties may be unequal in wealth, power, and expertise
 - b. Difficult to ensure judicial enforcement of a settlement
 - c. Parties might settle while leaving justice undone
 - d. Settlement undermines the authoritative interpretation of the law
 - e. All of the above are reasons given by Fiss to be against settlement
8. T.H. Marshall would strongly _____ Fiss’s views of settlement.
- a. Agree with
 - b. Disagree with
 - c. T.H. Marshall talked about citizenship
 - d. T.H. Marshall talked about legal moralism
9. Which of the following does Sargeant claim in his article “Understanding Critiques of Mediation”?
- a. Mediation is adamant about following proper legal process when working towards an outcome
 - b. Mediation is inadequate when dealing with situations of victimization
 - c. Mediation adequately considers broader social context in resolving a dispute between parties
 - d. Mediation is sufficient at addressing systemic power imbalances within the family context
10. Ramsay talks about Small Claims Court. Which of the following is false in regards to these courts?
- a. They were intended to serve as a form of Alternative Dispute Resolution, but are becoming more and more formalized with lawyers
 - b. They are typically used by large companies to deal with contract violations
 - c. They are province specific rather than federal
 - d. The defendants in small claims courts are often upper class
11. In Small Claims Court in Ontario, which of the following situations is not allowed?
- a. Appearing in court with the aid of a lawyer
 - b. Appearing in court with the aid of a non-lawyer representative
 - c. Appearing in court alone
 - d. Appearing in court with the aid of your mom
 - e. All of the above are acceptable
12. Gathercole talked about legal aid delivery. _____ can be summarized as a “Store Front Clinic” model, whereas _____ can be summarized as a “Fee for Service” model.
- a. Legal Aid, Judicare
 - b. Judicare, Legal Aid
 - c. Legal Services, Judicare
 - d. Judicare, Legal Services

13. Do the 2 models of legal aid delivery discussed by Gathercole have any similarities?
- Yes
 - No
14. When we speak of lawyers working “on contingency”, this is referring to lawyers who work as in-house general counsel for a company.
- True
 - False
15. Generally, women leave the legal profession in greater numbers than men.
- True
 - False
16. In his article, Smith discusses the relative whiteness of the legal profession when compared with similar professional careers like medicine and academia. White lawyers at the peaks of their professional careers make, on average, _____ more per year than a similarly-experienced lawyer who is a visible minority.
- \$5,000
 - \$10,000
 - \$35,000
 - \$70,000
17. In his article comparing small-firm and large-firm lawyers, Schur talks about how large-firm lawyers suffer from “Status Dilemma”.
- True
 - False
18. In a judge and jury trial, judges are triers of _____, while juries are triers of _____.
- Fact, Law
 - Truth, Procedure
 - Procedure, Law
 - Law, Fact
19. Who of the following would be prohibited from serving on a jury in Canada? (circle all that apply)
- Law students
 - Veterinarians
 - Politicians
 - Priests
20. Miller commits a crime that has a 5-year minimum sentence and a maximum sentence of life. The Crown has proven its case beyond a reasonable doubt, demonstrating both mens rea and actus reus. Must the jury find Miller guilty?
- Yes
 - No
21. Which of the following is not a challenge that can be issued during jury selection?
- Challenge for motive
 - Peremptory challenge
 - Selection error
 - Challenge for cause

22. The case of *R. v. Williams* is an example of:
- Challenge for motive
 - Peremptory challenge
 - Selection error
 - Challenge for cause
23. A potential jury member could be rejected from the jury pool if it can be proven that they were subject to significant pre-trial media exposure. This is an example of:
- Interest prejudice
 - Specific prejudice
 - Generic prejudice
 - Conformity prejudice
24. Studies show that if capital punishment is a possible sentence for a crime, juries in said trials are:
- More likely to convict the accused
 - Less likely to convict the accused
 - Unlikely to be swayed by this possibility
 - Sufficient study has not been done on this topic
25. Canadian judges are _____, and American judges are _____.
- Elected, appointed
 - Appointed, elected
 - Appointed, both elected and appointed
 - Both elected and appointed, appointed
26. According to *R. v. S. (R. D.)*, is judicial objectivity possible?
- Yes
 - No
27. The conduct investigation into Judge Cosgrove established a 2-part test for judicial removal on the grounds of a breach of good behaviour. The first part requires determining if there was sufficient wrongdoing to render the judge incapable of performing his or her job. The second part requires deciding whether or not the wrongdoing warrants removal.
- True
 - False
28. In determining whether the second part of the above stated test is satisfied, there are certain criteria that need to be considered. Which of the following is not considered?
- Effect of the judge's apology
 - Any views expressed by counsel regarding removal
 - Consideration of the judge's entire career and characteristics
 - All of the above ARE considered
29. The cases of *Christie v. York*, *Delgamuukw v. BC*, and *Nixon v. Rape Relief* best demonstrate which of the following?
- The importance of police accountability to the public
 - The role of the Supreme Court as guardian of the Charter
 - The importance of acts of resistance to counter inequality in the legal system
 - The concept that legal justice doesn't always equate to social justice

30. In Butler's article, he argues that steps should be taken to counter the overrepresentation of African-Americans in US prison populations. What does he suggest?
- Amending the Charter to provide further protections for visible minorities
 - Introducing a sentencing provision in criminal legislation (similar to that in the Criminal Code regarding the sentencing of Aboriginal offenders) whereby the race of African-American defendants MUST be considered in sentencing
 - Jury members should engage in jury nullification and acquit African-American defendants charged with non-violent offences
 - Immediate removal from the bench for any judge who shows racial bias when sentencing
31. What is the original name of the police force that was the precursor to the RCMP, and when was it established?
- Royal Northwest Mounted Police, est. 1920
 - Royal Northwest Mounted Police, est. 1873
 - Northwest Mounted Police, est. 1904
 - Northwest Mounted Police, est. 1873
32. Which of the following statements best reflects the relationship between law and society?
- Law effects society
 - Society effects law
 - Law and society reciprocally effect each other
 - Law and society are mutually exclusive and have no effect on each other
33. Which of the following statements is true regarding the Charter?
- Section 1 contains our Fundamental Freedoms
 - Section 7 contains our Equality Rights
 - Section 15 contains our Right to life, liberty, and security of the person
 - Section 33 contains the Notwithstanding Clause
34. What is a Sunset Clause?
- States that all Canadian laws must adhere to the Charter no matter what
 - Outlines procedure for issuing a Charter challenge
 - Appoints the Supreme Court (not the state) as the guardian of the Charter
 - States that any law operating under the Notwithstanding Clause must reapply every 5 years for renewal
35. Knopf and Morton believe that the Charter is an effective tool for perpetuating social change.
- True
 - False
36. Justice Abella sees the ability of judges to interpret and guard the Charter as a good thing, mainly because this power lets judges protect minority rights.
- True
 - False
37. What strategy does Wray point out that is often used by the media to normalize same-sex marriage?
- History of legislation evolution
 - Paralleling strategy
 - Charter-based arguments
 - Public opinion data

38. Which of the following do Arbour and Lafontaine recognize as current stumbling blocks to the progression of human rights discourse in Canada?
- a. Unequal access to justice
 - b. Judges can only work with challenges presented to them
 - c. “Second-Tier” rights aren’t protected by the Charter
 - d. All of the above
 - e. 2 of the above

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