

**Test Bank for Legal Environment Today Business In Its  
Ethical Regulatory E-Commerce and Global Setting 7th  
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CHAPTER 1—ONLINE DEVELOPMENTS:  
HOW THE INTERNET IS EXPANDING PRECEDENT

1. In a brief filed in Lea's suit against Mica in a state court, Neil, Lea's attorney, cites, *Ole! Cafe v. Pan Foods Corp.*, an unpublished opinion. With respect to the persuasiveness of unpublished opinions, most states
  - a. allow their courts to consider such opinions.
  - b. do not allow their courts to consider such opinions.
  - c. impose certain hierarchical rankings.
  - d. require their courts to consider such opinions.

ANSWER: B                      PAGE: 9                      TYPE: =  
NAT: AACSB Reflective                      AICPA Legal

2. In a brief filed in Gene's suit against Hoyt in a federal court, Ilsa, Gene's attorney, cites, *Jon v. Klint*, an unpublished opinion. According to a ruling of the United States Supreme Court, the judge in Gene's suit
  - a. may consider the unpublished opinion persuasive.
  - b. must apply the unpublished opinion as binding.
  - c. must ignore the unpublished opinion.

d. must issue a judgment in Hoyt's favor.

ANSWER: A PAGE: 9 TYPE: =  
NAT: AACSB Reflective AICPA Legal



6. Arno is judge in a country that follows a civil law system. In Arno's court, the primary source of law consists of
- a. administrative decisions.
  - b. a statutory code.
  - c. case precedents.
  - d. the laws of other nations.

ANSWER: B PAGE: 14 TYPE: =  
NAT: AACSB Reflective AICPA Critical Thinking

CHAPTER 2—ONLINE DEVELOPMENTS:  
CORPORATE REPUTATIONS UNDER ATTACK

7. Global Enterprises Corporation (GEC) engages in what some unhappy ex-employees and disgruntled consumers consider to be bad corporate behavior. These individuals post "horror stories" about GEC on rogue Web sites. By providing a forum for complaints, the potential for damage to the reputation of any corporation via the Internet has
- a. decreased.
  - b. increased.
  - c. neither decreased nor increased.
  - d. both decreased and increased.

ANSWER: B PAGE: 46 TYPE: N  
NAT: AACSB Ethics AICPA Critical Thinking

8. World Investment & Trading, Inc. (WIT), encourages its employees to build trust with its customers and other companies. Unfounded complaints and exaggerated charges leveled against WIT online would most likely be regarded by a court as
- a. an expression of fact.
  - b. a form of speech protected by the First Amendment.
  - c. an inappropriate online disclosure.
  - d. libelous.

ANSWER: B PAGE: 46 TYPE: N  
NAT: AACSB Ethics AICPA Critical Thinking

CHAPTER 3—LANDMARK IN THE LEGAL ENVIRONMENT:  
 MARBURY v. MADISON (1803)

9. In terms of the power of the United States Supreme Court, John Marshall's decision in *Marbury v. Madison*
- delegated the power.
  - enlarged the power.
  - made no changes.
  - reduced the power.

ANSWER: B PAGE: 55 TYPE: =  
 NAT: AACSB Communication AICPA Critical Thinking

10. According to *Marbury v. Madison*, the United States Supreme Court did not have the power, as part of its original jurisdiction, to issue writs of
- attachment.
  - certiorari.
  - execution.
  - mandamus.

ANSWER: D PAGE: 55 TYPE: =  
 NAT: AACSB Communication AICPA Legal

CHAPTER 3—BEYOND OUR BORDERS:  
 ISLAMIC LAW COURTS ABROAD AND AT HOME

11. Khalil and Jasmin sign a prenuptial agreement that provides for any dispute to be arbitrated according to Islamic law. When a dispute arises over the parties' marital property in Iowa, Jasmin files a suit in an Iowa state court to contest the arbitration provision. According to rulings in other states' courts in similar cases, the provision will most likely be
- enforced.
  - rewritten to remove the Islamic law clause.
  - struck down as outside the common legal framework of our society.
  - suspended while the court considers an equitable result.

ANSWER: A PAGE: 65 TYPE: N  
 NAT: AACSB Reflective AICPA Legal





CHAPTER 4—BEYOND OUR BORDERS:  
THE IMPACT OF FOREIGN LAW ON THE UNITED STATES SUPREME COURT

15. Paoli asserts against River City a claim based on allegedly conflicting rights and protections stemming from the U.S. Constitution. In this case, the role of the United States Supreme Court is to
- a. decline to review the claim due to the conflict.
  - b. defuse the conflict by eliminating rights or protections.
  - c. designate a lower court to make a decision.
  - d. determine the appropriate balance.

ANSWER: D PAGE: 95 TYPE: =  
NAT: AACSB Analytic AICPA Critical Thinking

16. Clark appeals a decision in his suit against Dona, grounded on rights provided in the U.S. Constitution, to the United States Supreme Court. The task of the Court to interpret and give meaning to those rights is made more difficult because
- a. foreign laws affect the legal environment unpredictably.
  - b. government's role alters with each new election.
  - c. parties' expectations vary with each step in the judicial process.
  - d. society's perceptions and needs change over time.

ANSWER: D PAGE: 95 TYPE: =  
NAT: AACSB Reflective AICPA Critical Thinking

CHAPTER 4—ONLINE DEVELOPMENTS:  
THE SUPREME COURT UPHOLDS A LAW THAT PROHIBITS PANDERING VIRTUAL CHILD PORNOGRAPHY?

17. Congress intends to enact a law to criminalize the distribution of illegal child pornography on the Internet. Most likely to be held constitutional is a statute that prohibits
- a. offers to provide, and requests to obtain, child pornography.
  - b. the possession of virtual child pornography.
  - c. the possession of real and virtual child pornography.
  - d. a substantial amount of protected speech—especially pornography.

ANSWER: A PAGE: 99 TYPE: N



NAT:AACSB Reflective

AICPA Legal

18. Arnie posts online a note that “I have good pix of child & me” with a link to several pictures of minors engaged in sex. Arnie is charged with violating a statute that makes it a crime to distribute material intended to make others believe it is child pornography. He argues that the statute is unconstitutional. The court is most likely to hold that the statute is
- unconstitutional because it criminalizes speech.
  - unconstitutional because it is overbroad.
  - unconstitutional because it is impermissibly vague.
  - valid because it does not prohibit a substantial amount of protected speech.

ANSWER: D                      PAGE: 99                      TYPE: N  
 NAT:AACSB Reflective                      AICPA Legal

CHAPTER 5—INSIGHT INTO ETHICS:  
 SOME CONSEQUENCES OF CAPS ON MEDICAL MALPRACTICE AWARDS

19. California caps noneconomic damages in medical malpractice cases at \$250,000. California and other states hope that such limits will reduce health-care expenditures by reducing
- the frequency and severity of medical malpractice claims.
  - the frequency and severity of occurrences of medical negligence.
  - the number of legal and financial personnel, including attorneys.
  - the size of medical staffs, including “nonessential” personnel.

ANSWER: A                      PAGE: 116                      TYPE: N  
 NAT: AACSB Reflective                      AICPA Legal

20. Michigan and many other states have set limits on the amount of general noneconomic damages that can be awarded in tort cases. Noneconomic damages include damages for
- disfigurement.
  - lost income.
  - medical expenses.
  - property damage.

ANSWER: A PAGE: 116 TYPE: N  
NAT: AACSB Reflective AICPA Legal

CHAPTER 5—BEYOND OUR BORDERS:  
“LIBEL TOURISM”

21. In the United States, the freedoms of speech and press are strongly protected. To have a complaint heard by a sympathetic court and effect a greater chance of winning, a plaintiff might file a defamation lawsuit in
- England or Wales.
  - New York.
  - Saudi Arabia.
  - the United States.

ANSWER: A PAGE: 119 TYPE: N  
NAT: AACSB Reflective AICPA Critical Thinking

22. Libel tourism is
- enforcing a foreign libel judgment against a writer in the United States.
  - financing terrorist groups with damages awarded in foreign libel cases.
  - forum shopping on an international scale.
  - restricting the free speech of international tourists.

ANSWER: C PAGE: 119 TYPE: N  
NAT: AACSB Analytic AICPA Legal

CHAPTER 5—LANDMARK IN THE LEGAL ENVIRONMENT:  
PALSGRAF v. LONG ISLAND RAILROAD CO. (1928)

23. Jack initiates a sequence of events that results in an injury to Kay. According to the New York Court of Appeals in *Palsgraf v. Long Island Railroad Co.*, the question of whether Jack was negligent with respect to Kay depends on whether Kay’s injury was reasonably foreseeable to
- a bystander.
  - an insurance company.

- c. Jack.
- d. Kay.

ANSWER: C                                      PAGE: 133                                      TYPE: =  
 NAT: AACSB Communication                                      AICPA Legal

24. Lora initiates a sequence of events involving Mike that results in an injury to Nell. According to the New York Court of Appeals in *Palsgraf v. Long Island Railroad Co.*, if Lora was negligent with respect to Mike, Lora
- a. is solely liable for Nell’s injury.
  - b. is not liable for Nell’s injury.
  - c. may be liable for Nell’s injury—this is a separate issue.
  - d. shares liability with Mike for Nell’s injury.

ANSWER: C                                      PAGE: 133                                      TYPE: =  
 NAT: AACSB Communication                                      AICPA Legal

CHAPTER 6—BEYOND OUR BORDERS:  
 AN ABSENCE OF CODIFIED CRIMINAL LAW: THE PUSHTUN WAY

25. In the mountainous area spanning the border between Afghanistan and Pakistan, for millenia the Pushtuns have relied on Pushtunwali to regulate social behavior. Pushtunwali is
- a. written, codified criminal law.
  - b. a tribal code of ethics.
  - c. a council of elders.
  - d. a congregation of imams.

ANSWER: B                                      PAGE: 145                                      TYPE: N  
 NAT: AACSB Reflective                                      AICPA Critical Thinking

26. Under the rules of Pushtunwali, the members of the jirga make decisions based on
- a. history, custom, and their own experience.
  - b. foreign government pressure and “modern” values.
  - c. prayer, Koranic verses, and religious interpretations.
  - d. the need to take revenge for a loss of family nang, or honor.

138      UNIT ONE: THE FOUNDATIONS

ANSWER:    A                                      PAGE:    145                                      TYPE:    N  
             NAT: AACSB Analytic                                      AICPA Legal



NAT: AACSB Reflective

AICPA Legal

30. One night, Kyle discovers Lee, an intruder, in Kyle's home. Kyle shoots and kills Lee. With respect to criminal prosecution for this use of deadly force, under a duty-to-retreat law Kyle
- is presumed innocent or may be exempt from prosecution.
  - must prove that he first told Lee to "Get out!" or to "Retreat!"
  - must prove that he first tried to retreat or that his life was in danger.
  - must prove that Lee did not try to retreat or acted without regard for his own life.

ANSWER: C

PAGE: 160

TYPE: N

NAT: AACSB Reflective

AICPA Legal

CHAPTER 6—LANDMARK IN THE LEGAL ENVIRONMENT:  
MIRANDA v. ARIZONA (1966)

31. According to the United States Supreme Court in *Miranda v. Arizona*, an individual must be apprised of certain of his or her rights whenever the individual is
- arraigned in a court.
  - imprisoned in a jail.
  - sentenced for a crime.
  - taken into custody.

ANSWER: D

PAGE: 165

TYPE: =

NAT: AACSB Communication

AICPA Legal

32. According to the United States Supreme Court in *Miranda v. Arizona*, an individual must be apprised of certain of his or her rights
- after any questioning.
  - at any time during questioning.
  - only in the absence of questioning.
  - prior to any questioning.

ANSWER: D

PAGE: 165

TYPE: =

NAT: AACSB Communication

AICPA Legal







CHAPTER 7—BEYOND OUR BORDERS:  
ARBITRATION VERSUS LITIGATION

35. Lyman, Inc., a U.S. firm, and Montcalm, Ltd., a Canadian firm, include an arbitration clause in their contract, under which the two parties arbitrate a dispute that results in an award. This award will most likely be
- as difficult or as easy to enforce as a court judgment.
  - easier to enforce than a court judgment.
  - more difficult to enforce than a court judgment.
  - unenforceable.

ANSWER: B                      PAGE: 194                      TYPE: =  
NAT: AACSB Communication                      AICPA Legal

36. Einz, A.G., a German firm, and Fuego, S.A., a Honduran firm, litigate a dispute under their contract, which results in a court judgment. The enforcement of a judgment in a foreign court normally depends
- bilateral agreements and the principle of comity.
  - choice-of-law and forum selection clauses in the parties' contract.
  - the act of state doctrine and the doctrine of sovereign immunity.
  - arbitration and litigation clauses in the parties' contract.

ANSWER: A                      PAGE: 194                      TYPE: =  
NAT: AACSB Communication                      AICPA Legal

