
TESTBANK

CHAPTER 1

Correct answers are highlighted in **Bold**.

1. Evidence is anything that tends to prove or disprove a fact at issue in a legal action.
 - a. **True**
 - b. False
2. Evidence law is a body of rules that helps to govern conduct and determines what will be admissible in certain legal proceedings and trials.
 - a. **True**
 - b. False
3. Evidence law developed from statutory law and can be found today in statutes, case law, and the Constitution.
 - a. True
 - b. **False**
4. The study of evidence law can teach you what can and cannot be admitted at trial and why.
 - a. **True**
 - b. False
5. Evidence law developed in response to the common law evolution of the adversary system and the emergence of the jury.
 - a. **True**
 - b. False
6. Evidence rules were created to ensure efficiency and fairness in the adversary process and not to protect the jury from prejudicial, unreliable, confusing or irrelevant evidence.
 - a. True
 - b. **False**
7. Rules of evidence promote the search for truth in a trial by determining what is relevant and admissible.
 - a. **True**
 - b. False
8. Rules of evidence, like much of our law, stem from the English Common Law.
 - a. **True**
 - b. False
9. In a *wager of law*, a witness or one submitting proof of a matter takes an oath pledging that they will be impartial.
 - a. True
 - b. **False**
10. Under the legal doctrine of *stare decisis*, when a court has decided a case by applying a legal principle to a set of facts, all courts are bound by that rule and must apply it to all later cases with similar facts.
 - a. True
 - b. **False**

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11. Evidence, even when relevant, might be excluded in order to “promote broader public interests in the observance of law and administration of justice.” Some examples of this include the exclusion of relevant evidence when it is found to be:
- hearsay
 - prejudicial
 - privileged communication
 - all of the above**
12. This system of law traces its roots to the Roman Empire and bases its system on written legal codes—looking to statutory or codified laws for legal proceedings and relying on a judge or magistrate to determine what evidence is admissible.
- Civil Law**
 - Common Law
 - Islamic Law
 - World Law
13. This system of law limits evidence to three types that are considered to possess a high degree of reliability: religious oaths, eyewitness testimony, and confessions.
- Civil Law
 - Common Law
 - Islamic Law**
 - World Law
14. Supreme Court Justice Sutherland pointed out that “The fundamental basis upon which all rules of evidence must rest—if they are to rest upon reason—is their adaptation to the successful development of” which of the following?
- truth**
 - testimony in the case
 - proving the case
 - cross-examination
15. One of the earliest known rules of formal law was established around 1750 BC by the prince of Babylonia. This was called the
- Hammurabi Code**
 - Mosaic Code
 - Justinian Code
 - Draconian Code
16. This was one of the earliest known forms of trial, where a defendant was cast into the “holy river,” tied down by rocks. Sinking usually meant guilt.
- Trial by Battle
 - Trial by Ordeal**
 - Trial by Expurgation
 - Trial by Precedent
17. Under this system, followed in the United States, parties to a legal dispute face off against each other and contest all issues before a court of law, under the legal maxim that *out of controlled battle would the truth emerge*.
- Disputation

- b. Presumption of Innocence
 - c. **Adversary**
 - d. Distributed Justice
18. Evidence law today is primarily found in state and federal
- a. Administrative law decisions
 - b. Constitutional provisions
 - c. Common law
 - d. **Statutory rules**
19. Although states are not bound by these rules, most states use the following as a model for their own codes:
- a. Model Code of Evidence
 - b. **Federal Rules of Evidence**
 - c. Wigmore Evidence Rule
 - d. Civil Evidence Code
20. The following all contributed to the development of statutory rules of evidence in the states, except:
- a. Uniform Rules of Evidence
 - b. Federal Rules of Evidence
 - c. Model Code of Evidence
 - d. **Civil Evidence Code**

CHAPTER 2

1. The U.S. Supreme Court held that the "law requires that a defendant receive a perfect trial, and a fair one."
- a. true
 - b. **false**
2. The trial judge serves as a referee and a "filter," interpreting the evidence rules and deciding what evidence will be admissible and what evidence must be excluded.
- a. **true**
 - b. false
3. To protect the jury from hearing potentially prejudicial or unreliable evidence, rules do not yet exist to allow a judge to determine certain preliminary questions before the jury hears them.
- a. true
 - b. **false**
4. A presumption generally requires that the trier of fact accept the presumed fact unless evidence is offered by the opposing party to rebut the presumed fact
- a. **true**
 - b. false