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Chapter 1 Legal Concepts and the Judicial Process

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

1) A nurse would like to advocate for a modification of the state's nursing practice act and believes the best strategy is to contact the persons with authority to write and change this statutory law. Whom should the nurse contact? 1) _____
   A) State nursing association
   B) State board of nursing
   C) State governor
   D) State legislature

2) A group of nurses are reviewing the decision of legal action in which a patient brought suit against a hospital for injuries sustained in a fall. The case went to trial and the jury found for the hospital. Which legal precedent would the nurses select if the patient were to take this same suit and evidence to another trial court in hopes of a different decision? 2) _____
   A) *Stare decisis*
   B) *Res judicata*
   C) Doctrine of precedent
   D) None needed as this is an example of a landmark decision.

3) The circumstances of a lawsuit cause it to be under the jurisdiction of more than one court. In this case, the nurse expects that which court will have the greatest personal jurisdiction? 3) _____
   A) State trial court
   B) Federal Supreme Court
   C) State Supreme Court
   D) Federal district court

4) Several state nursing associations are working together in an attempt to change a constitutional law. These nursing associations should ask for which action on this law? 4) _____
   A) Amendment B) Redefinition C) Repeal D) Expansion

5) An emergency department patient was injured while attacking his neighbor with a knife. After treatment the patient was arrested and charged with battery and assault. The nurse in reviewing this information would identify which classification or type of law to be applied in the case against this defendant? 5) _____
   A) Constitutional law
   B) Criminal law
   C) Private law
   D) Civil law

6) A nurse is reviewing legal law concepts. A person who was injured in a motor vehicle accident sued the driver to recover hospital costs. Which type of law would the nurse identify as being enforced in this situation? 6) _____
   A) Tort law
   B) Constitutional law
   C) Public law
   D) Procedural law

7) An emergency department nurse has agreed to testify as an expert witness in a lawsuit involving a child. The opposing attorney questions the nurse's qualifications as a pediatric nurse. Which type of law does this scenario reflect? 7) _____
   A) Procedural law
   B) Due process of law
   C) Substantive law
   D) Private law

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8) A nurse is scheduled to appear before the state board of nursing in regard to action against the nurse's license. Which occurrences would violate the nurse's due process of law? 8) _____
Note: Credit will be given only if all correct choices and no incorrect choices are selected.
Select all that apply.
A) The nurse was suspended by her private employer pending outcome of this action.
B) A snow storm forced postponement of the board meeting until next month.
C) The time of the hearing was changed without adequate notice to the nurse.
D) The nurse was told the meeting was in regard to a complaint about the agency where the nurse was employed.
E) Other nurses involved in the situation leading to the action were not similarly summoned before the board.

9) A group of nurses are part of an interdisciplinary team at a local county hospital. This county- supported hospital elects to limit surgical procedures for morbid obesity to male patients. Female patients receive pharmacologic therapy, counseling, and instruction for diet and exercise, but are excluded from operative procedures. Which legal concept would the nurses identify as being illegal based on the hospital's action? 9) _____
A) *Stare decisis*
B) Due process of law
C) *Res judicata*
D) Equal protection under the law

10) Nurses are discussing the role of the judge in judicial proceedings. In which situation would the nurses identify a judge to serve both as a fact- finder and determiner of questions of law? 10) _____
A) The jury asks the judge to address both types of questions.
B) The attorneys for the plaintiff agree to such a condition.
C) The case is so complex that the jury is unable to decide the question.
D) Trial by jury is waived by both sides.

11) During a jury trial, the presence of a nurse- patient relationship is questioned. What kind of question is this and who would determine it? 11) _____
A) Law to be determined by the jury
B) Fact to be determined by the jury
C) Fact to be determined by the judge
D) Law to be determined by the judge

12) A patient says, "I was told my back pain is the result of care that I received when I was in the hospital a year ago. How long do I have to file a lawsuit?" Which statements made by the nurse are appropriate? 12) _____
Note: Credit will be given only if all correct choices and no incorrect choices are selected.
Select all that apply.
A) "A general rule is 2 years from the time you knew what caused your injury."
B) "In some cases it depends if the injury was due to trauma or disease."
C) "State laws differ on the statute of limitation for personal injury."
D) "You should move to Washington because their statute of limitation is longer."
E) "It is too late if you knew you had back pain right after the fall."

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13) An employee asks for time off to be a juror in a case before the state appellate court. The unit is very busy and this employee's absence would affect patient care. How should the nurse manager respond to this request? 13) _____
Note: Credit will be given only if all correct choices and no incorrect choices are selected.
Select all that apply.
A) Ask the employee more questions about the request.
B) Tell the employee that service as a juror for this case is not required.
C) Give the employee the time off because jury service is required upon subpoena.
D) Insist that the employee contact the county clerk to request release from jury duty.
E) Refuse the request and refer the employee to the personnel department for review of the employee manual.

14) A nurse has been called to testify in a case that will be tried in family court. Which situations does the nurse anticipate will be involved as related to this case? 14) _____
Note: Credit will be given only if all correct choices and no incorrect choices are selected.
Select all that apply.
A) Divorce
B) Child custody
C) Adoption
D) Estate division
E) Child abuse

15) A nurse reads that a case involving the care provided in a hospital will be reviewed by the United States Supreme Court. Which situations does the nurse suspect to have occurred? 15) _____
Note: Credit will be given only if all correct choices and no incorrect choices are selected.
Select all that apply.
A) The case involves a constitutional issue.
B) The care in question included the suspicion of premeditated homicide.
C) The patient involved in the case was an undocumented alien.
D) The hospital involved is a military hospital.
E) Two lower federal courts have reached different conclusions in the case.

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1) D
2) B
3) B
4) A
5) B
6) A
7) A
8) C, D
9) D
10) D
11) B
12) A, B, C
13) A, B
14) A, B, C
15) A, D, E

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