Appropriate Dispute Resolution 1st edition Barry Test Bank

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Test Bank to Accompany

Appropriate Dispute Resolution

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Chapter One
Understanding Conflict

True/False (10)

Directions: In the space provided write the **word** TRUE if the statement is all true or FALSE if the statement is all false.

1. Cultural norms, values and conduct shape the way people approach disagreements. (True)
2. "Power over" people usually refers to the power of a person over another person or a group of people over another group of people. (True)
3. Values and beliefs are not a source of conflict. (False)
4. Power is situationally or context based. (True)
5. Conflict is never good. (False)
6. Accommodation, putting the other person's needs before their own, is one way people approach or avoid conflict. (True)
7. Communication can be a catalyst for conflict. (True)
8. Reward or exchange power is a form of coercive power. (False)
9. Sometimes powerlessness creates strength. (True)
10. Unmet or incompatible human needs are at the core of all conflicts. (True)

Multiple Choice (20)

Directions: Read each statement and in the space provided, write the letter of the best answer.

1. Which of the following is not a source of power?

    A. Personal power
    B. Cultural power*
    C. Resource power
    D. Information power

2. Conflict can have many useful purposes. Which of the following is not one of them?

    A. Presents opportunity for solution to a problem
    B. Fuels interest and curiosity
    C. Source of personal and social change
    D. Promotes stagnation*

3. People approach and avoid conflict in different ways. A person whose only objective is winning approaches conflict in this way.

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A. Accommodate
B. Compete*
C. Collaborate
D. Compromise

4. A nutritionist who encourages people to make healthy eating choices is using _____ power.

A. ecological
B. referent
C. normative
D. expert*

5. All of the following are factors affecting conflict except

A. values
B. attitudes
C. hierarchy*
D. relationships

6. Which approach to resolving a conflict has the best potential for a win/win outcome?

A. Collaborate*
B. Cooperate
C. Compete
D. Compromise

7. A pop singer urging young people to stay in school is using _____ power.

A. reward
B. referent*
C. normative
D. expert

8. Maslow's Hierarchy of needs are

A. psychological, safety, social, esteem, self-actualization
B. attitudinal, positional, freedom, open space, realization
C. physiological, purposeful, relational, social, understanding
D. physiological, safety, social, esteem, self-actualization*

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9. Two ranchers depend on the same water source for their cattle. The rancher who lives upstream recently purchased more cattle and now needs additional water. So, he altered the flow of the stream to allow more water to enter his land. As a result, the downstream rancher's water supply has diminished affecting the survival of his cattle. What is the source of the ranchers' conflict?

    A. Values
    B. Nuisance
    C. Resources*
    D. Communication

10. Valley Supermarket is the largest purchaser of produce from Russell's Natural Farm. Valley has been experiencing phenomenal growth and anticipates doubling its purchases. However, Valley Supermarket will not do this unless Russell's agrees not to sell its produce to anyone else or it will stop doing any business with the farm. Valley Supermarket is applying which kind of power in this conflict?

    A. Reward or exchange power
    B. Coercive power*
    C. Ecological power
    D. Referent power

11. Some disputes can lead to invention, creativity, and change. How conflict is managed is the key to its effectiveness. Which of the following will not encourage information sharing and collaboration?

    A. Being critical of people.*
    B. Identifying differences and similarities.
    C. Being critical of ideas.
    D. Understanding both sides of the issue.

12. Conflict

    A. should to be avoided.
    B. should be encouraged.
    C. is an incompatibility of needs and interests.*
    D. is dependant on culture.

13. Flipping a coin to see who wins is an example of

    A. collaboration.
    B. avoidance.
    C. competition.*
    D. accommodation.

14. Promising someone more money in exchange for commitment is an example of the use of _____ power.

    A. coercive
    B. normative
    C. referent
    D. reward*

15. Emily and her coworker Sarah are having a disagreement. Emily has decided not to approach Sarah about this until they complete their project. Emily is exhibiting

    A. avoidance*
    B. competition.
    C. accommodation.
    D. compromising.

16. If your goal is to create a lasting commitment and support a long-term relationship you should use this approach.

    A. Compromising
    B. Accommodation
    C. Avoidance
    D. Collaboration*

17. Jennifer and Brandon are building a house in a residential neighborhood. The neighbors on both side of their property are upset because of the noise created by the workmen who begin at 6:00 a.m. everyday, including weekends. The neighbors talked with Jennifer and Brandon but the noise has continued. The neighbors are now considering filing a lawsuit. The source of this conflict is

    A. resources.
    B. nuisance.*
    C. values.
    D. communication.

18. When we try to get something we want we are

    A. communicating indifference.
    B. exercising free choice.
    C. using influence.
    D. exercising power.*

19. The partnership that developed between environmentalists and timber companies in the State of Washington discussed in the textbook, is an example of _____

    A. "power over people."
    B. "power with people."*
    C. "powerlessness."
    D. "empowered."

20. A supervisor has power over those she supervises in the workplace but not outside this environment. This is an example of _____

    A. power and context."*
    B. power and coercion.
    C. exchange power.
    D. accommodating power.

Short Answers

1. When confronted with conflict, people frequently respond is one of five ways. List and explain each one.

    Answer

    A. Avoidance. The person may feel anxious or fearful when confronted with a dispute and may choose to avoid it. Or the person may decide that the disagreement is too insignificant to devote any resources to reaching a resolution.

    B. Accommodation. This technique involves putting the other person's needs before their own. He may do this to avoid the conflict or because he is not concerned with the outcome.

    C. Compromise. When disputants use this method they willingly give up something to get something in return. Sometimes the parties just "split the difference."

    D. Cooperative/Collaborative. People using this technique work together to reach a settlement that will satisfy each side's interests and needs. They view the relationship as important and willingly make concessions.

    E. Competitive. In this approach, winning is everything. A person's only objective is satisfying her needs. There is no concern about the relationship with the other party.

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2. List in order, and explain each of Maslow's Hierarchy of Needs.

Answer

a. physiological - air, water, food, shelter;
b. safety and security – freedom from fear;
c. love and belongingness – friendship, family, affection;
d. self-esteem - self-respect, respect from others, achievement;
e. self-actualization – self-fulfillment, personal growth.

3. The chapter discussed four themes on power that help in understanding how people exercise and perceive power. List and explain each.

Answer

a. Power Over

"Power over" usually refers to the power of a person over another person or a group of people over another group of people. "Power over" is usually accomplished by the use of coercion that is discussed more fully below. For example, a store manager has been told by the regional manager to reorganize the layout of the merchandise. (The regional manager has power over the store manager). The manager then tells her subordinate the head sales clerk (the manager has power over the head sales clerk), who in turn tells the sales staff (the head sales clerk has power over the sales staff). Other examples of "power over" include propagandists, cultists, and religious zealots.

b. Power With

This power is the result of individuals or groups combining the knowledge or experience of each to resolve a dispute. The textbook provided the example of environmentalists and timber companies in the State of Washington working together to preserve forests and increase logging.

c. Powerless

Powerlessness is when a person believes that his actions will not have any affect on his desired outcome. An example is a victim of domestic violence. The victims have a sense of helplessness, feel alienated and can become angry and resentful.

Surprisingly, sometimes powerlessness creates strength. For example, take the situation where the powerless conclude that because they have nothing to lose, they will challenge the powerful, which could make it costly for the stronger party. Or, the position of the powerless may engender feelings of compassion and kindness in the more powerful.

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d. Empowered

The opposite of powerlessness is powerful, which gives rise to a feeling of independence. Scholars refer to this as having "power to" or "power from," meaning that an individual has sufficient power to attain her objective, free from interference from other people or other things. Corporations and organizations that delegate authority or promote employee participation find that employees are less dependent on others and have enhanced sense of worth and self-assurance.

4. Power comes from four sources. List and explain each.

Answers

a. Personal power. Personal power derives from the intrinsic traits of an individual. These include such things as intelligence, determination, physical strength, confidence, wealth, appearance, affability, courage, respect, and communication skills.

b. Resource power. Resource power comes from the ability to control or access such things as money, property, oil, gas and other natural resources, people, and weapons.

c. Information power means knowledge about facts and data. The more information a person has, the more power she can exert. For example, a person shopping for a car is more likely to get a better deal when she knows the dealer's costs and markup. Similarly, people use the Internet to compare prices before making a purchase.

d. Moral power. Moral power comes from values, beliefs and ethics. Acting with what a person believes to be a moral purpose helps her to be resolute and vigorous in her advocacy. Also, appealing to fairness or morality can overcome other sources of power such as wealth or physical strength. Knowing where power comes from is important but we also need to be aware of the setting in which power is exercised.

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Chapter 2
Litigation

True/False

Directions: In the space provided write the **word** TRUE if the statement is all true or FALSE if the statement is all false.

1. Litigation is no more costly than any other dispute resolution method. (False)

2. While the jury verdict is the end of the trial, it is not the end of the litigation. (True)

3. Litigation is a very flexible mechanism for resolving disputes. (False)

4. With few exceptions, courts are limited to deciding disputes involving rights and liabilities that are recognized under existing law. (True)

5. A defendant in a lawsuit can sue the plaintiff by way of a counterclaim. (True)

6. Litigation is an adjudicative process in which a judge or jury determines the outcome. (True)

7. Litigation does not ensure a resolution of the dispute. (False)

8. Interim relief is when a court makes a ruling on a temporary basis until a decision on the case is made. (True)

9. The pre-trial process in which the parties investigate the case is called discovery. (True)

10. Litigation is the traditional method of dispute resolution in America. (True)

Multiple Choice

Directions: Read each statement and in the space provided, write the letter of the best answer.

1. In civil litigation there are two types of remedies. They are _____.

   a. cease and desist
   b. reformation and default
   c. money damages and equitable relief*
   d. enforcement and relief

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2. When a legal issue is novel or in situations where the law is unsettled, litigation is desirable because the outcome will likely guide future similar disputes. This is referred to as the system of _____.

a. precedent*
b. due process
c. discovery
d. enforcement

3. Kate files for divorce and is seeking full custody of the children. She plans to move out of the state with the children within a week. Brad, her husbands can file a request for _____ seeking to have the children remain in the state until the custody issue is resolved by the court.

a. enforcement
b. interim relief*
c. sua sponte
d. declaratory judgment

4. All of the following except _____ can be consequences of protracted litigation:

a. increase in costs
b. unavailability of witnesses
c. lost evidence
d. lost settlement opportunity*

5. The following factors influence whether or not to settle a case except:

a. cost of settlement for the defendant is equal to or less than the cost of trial
b. the parties relationship is important
c. one party is unhappy with her attorney*
d. cost of the trial for the plaintiff is more than what they can win

6. A summons _____

a. tells the defendant to hire an attorney.
b. notifies the defendant that a lawsuit has begun.*
c. warns the defendant to preserve all evidence.
d. encourages the defendant to settle the lawsuit.

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