



10. If a party obtains a domestic judgment against a foreign defendant in a fraud case, the party will be able to enforce that judgment in any jurisdiction where the defendant resides.
- A. True  
 B. False
11. A domestic judgment against a foreign defendant is usually helpful for recovering the defendant's assets located in the domestic country, but might be worthless for obtaining the defendant's assets in a foreign country.
- A. True  B. False
12. In inquisitorial judicial processes, criminal defendants are generally required to provide testimony, if so directed by the court.
- A. True  
 B. False
13. Suppose that a court is deciding a case involving a transaction between parties and assets located in different countries. Which of the following statements concerning how courts choose which jurisdiction's laws to apply is most accurate?
- A. Most courts always apply the substantive laws of foreign jurisdictions  
 B. Most courts always apply the procedural laws of foreign jurisdictions.  
 C. Most courts always apply the procedural laws of their own jurisdictions ✓  
 D. Most courts apply both their own procedural and substantive laws to all cases.
14. Which of the following statements concerning unitary systems of government is most accurate?
- A. Unitary systems are those in which all laws are derived from a codified set of principles or statutes, as opposed to judge-made law  
 B. Unitary systems are those that do not have state, provincial or local governments.  
 C. Both semi-autonomous states/ provinces and a central government have governing authority in unitary systems.  
 D. Most substantive laws relating to fraud are directly legislated by the central government in unitary systems.
15. Allan and Michael live in two different countries. Allan believes that he has been financially harmed by Michael and wants to bring a lawsuit against him. Which of the following courts would be the most likely to have jurisdiction to hear the case?
- A. Any court that hears cases involving the type of financial harm caused.  
 B. Whichever court in which Michael, the defendant, prefers the case to be brought  
 C. Whichever court in which Allan, the plaintiff, prefers the case to be brought  
 D. A court in the country where the harm was done
16. A statute that prohibits fraud involving the use of a jurisdiction's mail or telecommunication systems is most properly characterised as what type of law?
- A. Substantive  
 B. Procedural  
 C. Common law  
 D. None of the above
17. In adversarial judicial processes, which of the following parties typically gathers evidence for the case and conducts the questioning of witnesses at trial?

A. The judge or magistrate

~~B.~~ The jury

C. The court clerk

~~D.~~ The parties or their legal counsel

18. Mediation is the process whereby an impartial third person assists the parties in reaching a resolution to the dispute. The mediator does not decide who should win, but instead works with the parties to reach a mutually agreeable settlement

~~A.~~ True

B. False

19. Arbitration is the process whereby a dispute is submitted to an impartial third person (known as an arbitrator, who then decides the outcome of the case (i.e., which party should win). The arbitrator acts as a judge or jury by deciding the case on its merits.

~~A.~~ TRUE

B. False

20. Some common law jurisdictions do not allow pretrial oral examinations, but pretrial written examinations are still available.

~~A.~~ True

B. False

21. In civil law systems, the standard of proof in civil trials and criminal trials is generally the same.

~~A.~~ True

~~B.~~ False

22. The standard of proof in civil law systems requires stronger evidence than the common law preponderance of evidence standard

~~A.~~ True

~~B.~~ False

23. Fidelity insurance (sometimes called fidelity bonds or employee dishonesty insurance) is an often-overlooked method of recovery for losses due to internal fraud.

~~A.~~ True

B. False

24. Which of the following best describes the civil trial process in a civil law jurisdiction?

~~A.~~ It is a continual series of meetings and written correspondences, rather than a single event.

B. The judge generally rules on the admissibility of the evidence at the beginning of the trial

C. It is generally divided into the pretrial stage and the trial stage

D. The judge is responsible for the trial record, which is a word-for-word transcript of the proceedings

25. In civil law, evidence collected throughout the series is introduced and evaluated by the court, and motions are submitted and decided on by the judge. The division between pretrial and trial stages found in common law civil trials, therefore, does not apply in the typical civil law setting.

~~A.~~ True

~~B.~~ False

26. The party filing the affidavit must allow the other party to inspect or copy any such documents. If any of the documents are privileged, the privilege should be asserted in the affidavit of documents. If requested, the judge will examine the documents to determine if the privilege applies.

~~A.~~ True

B. False

27. In common law jurisdictions, the burden of proof for the civil plaintiff is lower than for the criminal prosecutor.

~~A.~~ True

B. False

C. Injunctions

D. Indictment

37. Which of the following actions may a civil appellate court perform in most civil law jurisdictions?

A. Obtain new expert opinions

B. Gather new documentary evidence

C. Obtain new witness testimony

D. All of the above

38. In civil law jurisdictions, which of the following best describes a major role of the parties' attorneys or advocates during civil litigation?

A. To request and obtain documentary evidence from each other prior to the trial

B. To examine and cross-examine witnesses

C. To ensure that the judge accurately creates the trial record

D. All of the above

39. The parties' attorneys/advocates in civil law jurisdictions are still involved in the evidence-gathering process, but they play a more advisory role compared to attorneys in common law systems.

A. True

B. False

40. Generally, after a civil trial, only the losing side may appeal from an adverse verdict.

A. True

B. False

41. In common law jurisdictions, civil juries must be composed of the same number of members as in the jurisdiction's criminal trials.

A. True

B. False

42. When juries are used for civil trials in common law jurisdictions, the requirements are typically less stringent than in criminal trials. For instance, it is common for the minimum number of jurors to be lower for civil cases. Additionally, in many jurisdictions, civil trials are less likely to require a unanimous jury verdict than criminal trials.

A. True

B. False

43. In most civil law jurisdictions, oral testimony is favoured over written evidence in civil litigation.

A. True.  B. False

44. In the inquisitorial process commonly found in civil law jurisdictions, the evidence is gathered and entered into the trial record contemporaneously with the trial, as opposed to the common

- law method of having the parties gather evidence over time and enter it into the record all at once during the trial stage
- A. True  B. False
45. In civil cases in some common law jurisdictions, the jury verdict does not need to be unanimous.
- A. True  B. False
46. For some cases, usually minor criminal offences, a jury trial may not be available. In serious cases, however, jury trials are typically available. Additionally, many common law jurisdictions allow the defendant to waive the right to trial by jury
- A. True  B. False
47. The more common defences include: alibi, consent, triviality of the offence, duress, entrapment, ignorance mistake, insanity, necessity, protection of property, self-defence, public duty, legal impossibility, protection of others, statute of limitations (common law systems) or period of prescriptions (civil law systems), and the court's lack of jurisdiction.
- A. True  B. False
48. Ignorance of the law, advanced age, sickness, or illiteracy, such assertions are not generally considered proper legal defences, but they might persuade the judge or jury to be lenient in sentencing.
- A. True  B. False
49. Once all evidence has been presented, the normal procedure is for the judge to allow the defence to summarise what the evidence has shown and to argue for the judge or jury to acquit. The prosecutor then makes his own final points, trying to convince the judge or jury to convict.
- A. True  B. False
50. Similar to plea bargaining, deferred prosecution agreements are controversial, and many countries do not provide for such resolutions of criminal cases. However, the complexity and public cost of trying massive fraud cases has led to more jurisdictions adopting such strategies.
- A. True  B. False
51. In a plea bargaining agreement, the defendant pleads guilty to a violation in exchange for some sort of leniency; deferred prosecution agreements can result in no conviction if the agreement is fulfilled.
- A. True  B. False
52. In sentencing agreements, the defendant submits a confession or pleads guilty in exchange for a reduced sentence or other lenient treatment.
- A. True  B. False
53. In adversarial jurisdictions, the parties involved in litigation primarily drive the discovery process, while the judge ensures that discovery procedures are followed correctly.
- A. True  B. False
54. The prosecution, working with law enforcement, gathers all evidence on behalf of the government. Some evidence, however, will not be available to a party until it is introduced as evidence during the trial by an opposing party.
- A. True  B. False

55. A criminal record is relevant and admissible in sentencing in common law jurisdictions, evidence of prior convictions are not typically admissible during the trial  
 A. True  B. False
56. If a defendant testifies on his own behalf in a criminal trial, he is typically subject to cross-examination just like any other witness, and the prosecution may impeach his credibility by showing prior convictions.  
 A. True  B. False
57. A criminal defendant in a common law jurisdiction was convicted at trial for fraud. The defendant wants to appeal the decision, arguing that the jury made a factual error. Will the defendant likely be successful in his appeal?  
A. Yes, as long as the defendant has evidence to support his claim  
B. Yes, because the defendant was denied a fair trial  
C. No, because only the government may appeal issues of fact in common law jurisdictions  
 D. No, because issues of fact are generally not applicable in common law jurisdictions
58. In most civil law jurisdictions, a defendant's guilt and punishment (if the defendant is found guilty) are each decided during separate proceedings.  
 A. True  
 B. False
59. Which of the following is True In common law jurisdictions, when a defendant is convicted of a crime.  
A. The court typically holds a sentencing hearing to determine the manner in which the defendant will serve his sentence.  
B. Before the sentencing hearing, a government worker will prepare a pre-sentence report that will review the defendant's character, background, associates, prior criminal record, and other factors relevant to setting an appropriate sentence.  
C. The report is designed to assist the sentencing judge in assessing punishment.  
 D. All the above
60. The United Nations' International Convention on Civil and Political Rights (ICCPR) guarantees which of the following rights?  
A. Right to privacy and protection from privacy violations  
B. Right to appeal a criminal conviction and sentence  
C. Right to a fair hearing  
 D. All the above
61. During the examining phase of a criminal proceeding in inquisitorial jurisdictions, a judge or magistrate reviews evidence from the investigation, collects further evidence, and creates the written evidentiary record to be used at trial.  
 A. True  
 B. False
62. In inquisitorial trial proceedings, the evidentiary record is already available at the outset of the trial, whereas the entirety of each party's evidence is produced and recorded at trial in adversarial jurisdictions.  
 A. True.  B. False

63. In an appeal, the appealing party petitions an appellate court to overturn or modify the lower court's decision.

A. True  B. False

64. Which of the following is NOT one of the three stages of a criminal proceeding in an inquisitorial jurisdiction?

- A. The trial phase
- B. The investigative phase
- C. The sentencing phase
- D. The examining phase

65. In jurisdictions that recognize corporate criminal liability, to find a corporation vicariously liable for the acts of one of its employees, it is typically necessary that someone in management was involved in the offence or knew about the offence and should have stopped it.

A. True  B. False

66. In some situations, mistake may be used as a defence.

A. True  B. False

67. Prosecutorial bargaining does occur in civil law systems.

A. True

B. False

68. Most civil law countries do not have pleas, per se (i.e., there is no option to enter a guilty plea), but there can still be bargaining agreements. A defendant can enter a confession, but the confession is submitted as evidence in an otherwise standard proceeding.

A. True  B. False

69. In most civil law countries that use juries, the parties may make peremptory challenges to eliminate the jurors.

A. True

B. False

70. Moore, a transportation officer for his government's defence department, is responsible for awarding contracts to private freight carriers for the defence department's freight shipments. Moore awarded Zantigo Freight a shipment contract to transport defence department equipment, and as a gesture of thanks, Zantigo gave Moore a new laptop computer. Based on these facts, the government would be more likely to bring charges against Moore, than bribery charges.

A. True

B. False

71. Fraud includes any intentional, accidental or deliberate act to deprive another of property or money by guile, deception, or other unfair means.

A. True  B. False

72. ~~Fraudulent misrepresentation of material facts~~ is most often thought of when the term fraud is used. The specific elements composing proof of misrepresentation vary somewhat according to the jurisdiction and whether the case is brought as a criminal or civil action.

~~A.~~ True B. False

73. To prove that a defendant committed criminal perjury, the government prosecutor must show that the defendant, while in a court of law, knowingly made a false statement under oath

A. True ~~B.~~ False

74. To establish the crime of embezzlement, the government must prove that there was a fiduciary relationship between the perpetrator and the victim resulting from the perpetrator's lawful possession of the property when it was stolen/misappropriated.

~~A.~~ True  B. False