



Introduction to U.S. Business Law

29.06.2021

12:00-14:00

General notes:

- Please check at receipt of the exam the number of questions. The examination contains 20 questions.
- Write your answers directly into the document "Answer_Module_XXXXXXXXXX" and save it locally on your computer with your Student ID number.
- Write your Student ID number and your Examination serial number in the header on page 2.
- For submission/upload, save the document with your Student ID number as a PDF file according to the example and upload it. Example: Answer_criminology_17301002.pdf
- You are responsible for uploading the exam in time. You will not be made aware of this.

Notes on marking

When marking the exam each question is weighted separately. Points are distributed to the individual questions as follows:

Question 1	4 points	5.71 % of total points
Question 2	4 points	5.71 % of total points
Question 3	4 points	5.71 % of total points
Question 4	2 points	2.87 % of total points
Question 5	2 points	2.87 % of total points
Question 6	2 points	2.87 % of total points
Question 7	4 points	5.71 % of total points
Question 8	4 points	5.71 % of total points
Question 9	2 points	2.87 % of total points
Question 10	4 points	5.71 % of total points
Question 11	4 points	5.71 % of total points
Question 12	4 points	5.71 % of total points
Question 13	4 points	5.71 % of total points
Question 14	4 points	5.71 % of total points
Question 15	4 points	5.71 % of total points
Question 16	4 points	5.71 % of total points
Question 17	4 points	5.71 % of total points
Question 18	2 points	2.87 % of total points
Question 19	4 points	5.71 % of total points
Question 20	4 points	5.71 % of total points

Total	70 points	100%
--------------	------------------	-------------

We wish you a lot of success!

Question 1 – Punitive damage (4 points)

1. What is “punitive damage”?

.....
.....
.....
.....

2. Who gets the additional money?

.....
.....
.....
.....

3. Based on what can courts grant triple damage?

.....
.....
.....
.....

4. Give one area of law where triple damage is granted from time to time.

.....
.....
.....
.....

Question 2 – Checks and balances (4 points)

The US Constitution is based on the so-called „checks and balances“-system. Please write down:

- 1. Which are the branches of US Federal Governments in between that system works.

.....

.....

.....

.....

- 2. Does this system today really work (give reasons)?

.....

.....

.....

.....

- 3. Are in your opinion all involved branches of the Federal Government equally powerful (give reasons)?

.....

.....

.....

.....

- 4. Which is the decision by which the Supreme Court introduced Constitutional review?

.....

.....

.....

.....

Question 3 – US Constitution (4 points)

1. Does the US Constitution know fundamental rights and if so, where?

.....
.....
.....
.....

2. What does it take to “change” the US Constitution?

.....
.....
.....
.....

3. According to the US Constitution, which are the most important powers of the US President?

.....
.....
.....
.....

4. What is the “interstate commerce clause”?

.....
.....
.....
.....

Question 4 – Jurisdiction (2 points)

Please write down the two main areas of jurisdiction of US Federal Courts

.....

.....

.....

.....

Question 5 – Civil procedure (2 points)

Please write down the four stages of a civil procedure in US Federal Courts:

- 1.
- 2.
- 3.
- 4.

Question 6 – Discovery (2 points)

Please explain what in a US civil procedure „discovery“ is all about.

.....

.....

.....

.....

Question 7 – Delaware (4 points)

1. What is the so-called “Delaware effect”?

.....
.....
.....
.....

2. Why are so many companies registered in Delaware?

.....
.....
.....
.....

3. Which courts are the best qualified for company law cases?

.....
.....
.....
.....

4. What is the “internal affairs doctrine”?

.....
.....
.....
.....

Question 8 – Business Judgement Rule (4 points)

1. Please explain the so-called „Business Judgement Rule“.

.....
.....
.....
.....

2. Is this a US specialty or also (more or less) used in other countries like for example Switzerland?

.....
.....
.....
.....

3. Give one example

.....
.....
.....
.....

4. What do board of companies have to make sure under the “Business Judgement Rule” when taking decisions?

.....
.....
.....
.....

Question 9 – Civil procedure (2 points)

Give four specialties of the US civil procedure?

- 1.
- 2.
- 3.
- 4.

Question 10 – Class action (4 points)

1. What are class actions?

.....

.....

.....

.....

2. What is the problem with class actions in the USA?

.....

.....

.....

.....

3. Should Europe/Switzerland also introduce class actions (give reasons)?

.....

.....

.....

.....

4. What are class action attorneys often accused for in the US?

.....
.....
.....
.....

Question 11 – Bar exam (4 points)

1. Who regulates bar exams in the USA?

.....
.....
.....
.....

2. Can an attorney admitted in NY also practice in Florida?

.....
.....
.....
.....

3. How long does the minimum internship last a future attorney in NY has to spend in a law firm in order to take the bar exam?

.....
.....
.....
.....

4. How do most candidates prepare for the bar exam?

.....
.....
.....
.....

Question 12 – Consideration (4 points)

1. What is consideration?

.....
.....
.....
.....

2. In which contracts is consideration most important?

.....
.....
.....
.....

3. Under civil law do we have something equivalent to consideration?

.....
.....
.....
.....

4. Does consideration have to be of equivalent value?

.....
.....
.....
.....

Question 13 – Judges (4 points)

1. Please give the most important reason why many people say the US federal judges are the most independent judges maybe in the world.

.....
.....
.....
.....

2. What is needed to appoint a federal judge?

.....
.....
.....
.....

3. What is the most important risk most of the state court judges do face when they are up for reelection?

.....
.....
.....
.....

4. What is the procedural difference in becoming a first instance federal judge and a US Supreme Court justice?

.....
.....
.....
.....

Question 14 – Tort law (4 points)

1. What is tort?

.....
.....
.....
.....

2. Which three elements have to be established in a tort case?

.....
.....
.....
.....

3. Give an example for intentional tort?

.....
.....
.....
.....

4. Give an example for strict liability?

.....
.....
.....
.....

Question 15 – Antitrust (4 points)

1. What is the goal of US antitrust law?

.....
.....
.....
.....

2. What does Sherman Act Section 1 regulate?

.....
.....
.....
.....

3. What does Sherman Act Section 2 regulate?

.....
.....
.....
.....

4. What is the most important provision of the Clayton Act?

.....
.....
.....
.....

Question 16 – Antitrust (4 points)

1. Why did the US Supreme Court establish the so-called „rule of reason“?

.....
.....
.....
.....

2. What does it mean?

.....
.....
.....
.....

3. Which are the three most important elements of US antitrust law?

.....
.....
.....
.....

4. Who does enforce US antitrust laws?

.....
.....
.....
.....

Question 17 – Impeachment (4 points)

1. For what kind of offences can a US President be impeached?

.....
.....
.....
.....

2. What is the procedure?

.....
.....
.....
.....

3. What were the reasons President Trump got impeached the first time?

.....
.....
.....
.....

4. What were the reasons President Trump got impeached the second time?

.....
.....
.....
.....

Question 18 – Delaware (2 points)

Provide the four steps which are necessary to create (register) a corporation in Delaware.

- 1.
- 2.
- 3.
- 4.

Question 19 – UCC (4 points)

1. What is UCC?

.....
.....
.....
.....

2. Can one sue somebody else directly based on UCC?

.....
.....
.....
.....

3. Why was the UCC enacted?

.....
.....
.....
.....

4. Who did enact the UCC?

.....
.....
.....
.....

Question 20 – Switzerland – USA (4 points)

1. Do Switzerland and the USA have a free trade agreement?

.....
.....
.....
.....

2. Give one branch of business in which Swiss firms are important investors in the USA.

.....
.....
.....
.....

3. How important are US firms in investing in Switzerland?

.....
.....
.....
.....

4. What is the most important trade area where the US wants free access to Swiss markets?

.....
.....
.....
.....