

Due Process 101 Test

How well do you know and understand your due process rights?
Take this test and find out!

(The best answers are shown at the end . . .)

- 1** In a legal proceeding, which of the following are considered to be "law"?
- a. court rules b. statutes c. case law d. all of the above
- 2** Due process rights are those rights that protect your "life, liberty, and property" by:
- a. guaranteeing you the right to be heard b. guaranteeing you the right to a fair legal proceeding c. both a and b above d. none of the above
- 3** The "due process clause" appears in which two Amendments to the United States Constitution?
- a. the 1st and 5th b. the 1st and 2nd c. the 5th and 14th d. the 5th and 16th
- 4** Who has the primary responsibility to assert and protect your due process rights?
- a. you b. the court c. the plaintiff d. the defendant
- 5** Which of the following are misconceptions about due process in a court proceeding?
- a. the court will protect your due process rights b. the truth will prevail c. judges are impartial d. all of the above
- 6** Arbitrary rule is the opposite of:
- a. the rule of law b. public opinion c. a judge's decision d. none of the above
- 7** Miranda warnings include which of the following?
- a. "You have the right to remain silent" b. "Anything you say, if you choose not to remain silent, can be used against you in a court of law" c. "You have the right to an attorney" d. all of the above
- 8** At an arraignment, a defendant can plead:
- a. guilty b. no contest c. not guilty d. any of the above

9 A Summons is:

- a. an explanation of how you violated a law
- b. a notice that you have defaulted on a legal obligation
- c. a notice given to you because you are involved in a legal proceeding and you have to appear in court
- d. all of the above

10 Which of the following are forms of "discovery" in a legal proceeding?

- a. interrogatories
- b. admissions
- c. depositions
- d. all of the above

11 In a criminal trial, a jury must find a defendant guilty:

- a. by a preponderance of the evidence
- b. beyond a reasonable doubt
- c. by both of the above
- d. by none of the above

12 The essence of a court case, criminal or civil, is for the court to determine the answer to which of the following questions?

- a. What are the real facts based on admissible evidence?
- b. When applicable law is applied to the court's "findings of fact", which party to the action should prevail?
- c. What penalty or fine (in a criminal case) or damages or equitable relief (in a civil case) should be ordered or awarded by the court?
- d. all of the above

13 You can lose some of your due process rights by:

- a. violating a court order
- b. failing to appear at a scheduled court hearing with notice
- c. waiving your due process rights
- d. all of the above

14 The right to due process does not include which of the following?

- a. the right to be represented by a court-appointed attorney in a civil case if you can't afford to hire your own attorney
- b. the right to be represented by a court-appointed attorney in a criminal case if you can't afford to hire your own attorney
- c. both a and b
- d. neither a nor b

15 Which of the following is NOT entitled to any due process protection in the United States?

- a. an undocumented immigrant residing in the United States
- b. a convicted murderer
- c. both a and b
- d. neither a nor b

16 Who presents their case first in a civil trial?

- a. the plaintiff
- b. the defendant
- c. a party in interest
- d. none of the above

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Which of the following statements about due process is true?

- a. "Due process prevents the arbitrary denial of 'life, liberty, or property' by the government outside the sanction of law."
b. "Due process makes it illegal for a private company to sue you personally without telling you first."
c. "Due process allows you to sue your neighbor for putting up a fence on your property."
d. all of the above

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If a court clerk intentionally failed to mail you a notice of a court hearing for which you were entitled at law to receive, the clerk's action in doing so would be:

- a. illegal
b. a fraud
c. a due process violation
d. all of the above

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You can inadvertently waive, or lose, some of your due process rights by:

- a. not reading a contract you sign
b. not asserting your due process rights in a legal proceeding
c. not knowing what your due process rights are
d. all of the above

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Being afforded "due process of law" means:

- a. that you should be given proper legal notice of any legal proceedings where you are named a party
b. that you should be afforded the opportunity to present your defenses at any legal proceedings
c. that your legal proceedings conducted by any government agency or court should be fair
d. all of the above

Answers: 1-d | 2-c | 3-c | 4-a | 5-d | 6-a | 7-d | 8-d | 9-c | 10-d | 11-b | 12-d | 13-d | 14-a | 15-d | 16-a | 17-a | 18-d | 19-d | 20-d