

## How to Find a Case: Test Your Skills

1. You have a citation to 326 U.S. 310.
  - a. Where would you find this in the *Supreme Court Reporter* (give the citation).
  - b. Where would you find it in the *Supreme Court Reports, Lawyer's Edition*?
  
2. Find the ***Loving vs. Virginia*** Case from the 1960s.
  - a. What is the general issue it deals with?
  - b. Identify a West topic and key number on this issue.
  - c. Identify a Texas case (not necessarily recent) on the same topic.
  
3. There was a flag-burning case in Texas a few years ago that went all the way to the U.S. Supreme Court.
  - a. Give the name and citation
  - b. What year did the alleged crime take place?
  
4. Identify two things the following three cases have in common:  
  
952 F.2d 1450  
988 F.2d 133  
888 F. 2d 878
  
5. Recently the U.S. Supreme Court ruled that executing a person who committed a crime while still a juvenile (i.e., under 18) is unconstitutional.
  - a. Give the name of the case and citation to the *Supreme Court Reporter*.
  - b. When was the case decided?
  - c. Were there any concurring or dissenting opinions?

6. The City of Denton has been involved in a number of lawsuits over the years.
- Cite a recent (within the past 10 years) published case in which the City of Denton was a defendant.
  - Did the City of Denton win that case?

7. The Coca-Cola Company once sued in federal court the publisher of a poster containing the following parodistic image, asking for an injunction:



- Who was the offending company?
  - On what grounds did Coca-Cola request the injunction?
  - Was it granted?
8. Mrs. X suffers from a medical condition that has made all her hair fall out. As a result, she wears an expensive, custom-made wig (or "full cranial prosthesis," as she prefers to phrase it). She has an insurance policy that covers the cost of "artificial limbs, larynx, and eyes."
- Does a wig fit the definition of an "artificial limb," according to the courts?
  - Cite a court case that defines the term "artificial limb" with regard to wigs.
9. The 5<sup>th</sup> Amendment of the U.S. Constitution guarantees a citizen's right not to testify against himself in a criminal case. Use the annotated Constitution to answer the following questions:
- Does a corporation or other organization have the right to withhold records on the grounds that they would be self-incriminating to the corporation?
  - Cite a court case to support your answer.
  - Can an official of a corporation refuse to relinquish corporate documents on the grounds that they would incriminate him?
  - Cite a court case to support your answer.
10. Spoliation is a term sometimes used with regard to evidence in a court case.
- Give a definition of *spoliation* as used with regard to evidence in a court case.
  - Cite a Texas case where this term was defined.

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1.
  - a. 66 S.Ct. 154
  - b. 90 L.Ed. 95
  
2.
  - a. Validity of Virginia miscegenation statutes
  - b. among them are Marriage, key 2; Miscegenation, Key 1
  - c. Charles Frasher v. The State 3 Tex. Ct. App. 263, for example, deals with validity of Texas miscegenation law
  
3.
  - a. Texas v. Johnson, 491 U.S. 397
  - b. 1984 (at Republican National Convention in Dallas)
  
4. They all took place in the U.S. District Court for the D.C. Circuit, and Ruth Ginsburg wrote the main opinion for each.
  
5.
  - a. Roper v. Simmons, 125 S. Ct. 1183
  - b. March 1, 2005
  - c. Yes. Stevens filed a concurring opinion, in which Ginsburg joined. O'Connor filed a dissenting opinion. Scalia filed a separate dissenting opinion, in which Rehnquist and Thomas joined.
  
6.
  - a. City of Denton v. Mun. Admin. Servs. Inc., 59 S.W.3d 764
  - b. Yes. The city appealed a verdict and the decision was reversed.
  
7.
  - a. Gemini Rising, Inc
  - b. 1) Defendant's poster unfairly disparages plaintiff's product by falsely associating it with cocaine; 2) Defendant's imitation of plaintiff's registered mark is likely to cause confusion or mistake as to the source or sponsorship of the poster and constitutes trademark infringement under the Lanham Act, 15 U.S.C. § 1114; 3) the poster creates a strong likelihood of injury to plaintiff's business reputation within the meaning of New York's General Business Law, McKinney's Consol. Laws, c. 20, § 368-d; and 4) is per se a libel in its implicit representation that plaintiff is marketing a product containing a dangerous drug.
  - c. Yes.
  
8.
  - a. Not according to the U.S. Court of Appeals for the 5<sup>th</sup> Circuit, which overturned the decision of the U.S. District Court for the Northern District of Texas, which had ruled that a wig is an artificial limb.
  - b. Irion v. Prudential Ins. Co., 964 F.2d 463
  
9.
  - a. No. The right to avoid self-incrimination applies only to individuals, not to corporations.
  - b. Wilson v. United States, 964 F.2d 463, 384-385.
  - c. No, although the government cannot use the production of such documents as evidence against the official himself.
  - d. Braswell v. United States, 487 U.S. 99.
  
10.
  - a. "Spoliation" is intentional destruction of evidence relevant to a case.
  - b. American Maintenance & Rentals, Inc. v. Estrada, 896 S.W.2d 212