1. Officer Scott made a motion for **summary judgment** with the trial court, arguing that he was entitled to a **qualified immunity** in the lawsuit against him. When the motion was denied, he took an **interlocutory appeal** to the Court of Appeals. Define each of these three terms.

2. (a) Why did the Court of Appeals "take [Harris's] view of the facts as given"?

(b) In the opinion of the Supreme Court, should the Court of Appeals have done so?
3. If an issue arises at trial, what difference does it make whether it is classified as an issue of fact, or an issue of law?

4. (a) Name two instances where the question of reasonableness arose in the case of Scott v. Harris.

   (b) Is the question of reasonableness a question of fact, or a question of law?

5. What are the two principal theories of the purpose of the jury?
6. What practical difference does it make whether a court judgment is based on the interpretation of a congressional statute, or instead on the interpretation of the US Constitution?

7. (a) What is the ordinary standard of proof in a civil trial? What is the standard of proof in a criminal trial?

(b) In a civil trial, the jury is asked to determine what? In a criminal trial, the jury is asked to determine what? (You can answer each question with a single word.)

8. According to John Langbein, why did the practice of judicial torture arise in the Middle Ages?
9. Briefly sketch the analogy he draws between medieval torture and modern plea-bargaining. List five factors that in his view are responsible for the replacement of jury trial with plea-bargaining. Does the continental European approach mitigate any of these factors?

10. What are the principal differences between accusatory and inquisitorial trial procedures?

11. (400 words maximum, i.e. no more than about two pages). What are the principal differences between proof in mathematics and proof in law? What are the principal similarities? What difficulties arise in the one field that do not (or not to the same extent) in the other? Feel free to illustrate with examples from the class.