

Mid-Term Exam

Intro to Paralegal Studies

Spring 2016

1. Arbitration is:
 - a. The process in which an impartial panel or single individual hears arguments, conducts hearings, and issues a decision on a dispute.
 - b. The process in which the parties agree early in the process to submit their facts in brief form to an impartial person who will evaluate the matter and provide an opinion regarding the likely outcome, but who does not render a decision.
 - c. A voluntary process in which a neutral expert trained in dispute resolution discusses the dispute with the parties and works with them to reach a mutually acceptable settlement.
 - d. A voluntary nonbinding jury determination in which the parties present a summary of their evidence and arguments to a jury.

2. Mediation is:
 - a. The process in which an impartial panel or single individual hears arguments, conducts hearings, and issues a decision on a dispute.
 - b. The process in which the parties agree early in the process to submit their facts in brief form to an impartial person who will evaluate the matter and provide an opinion regarding the likely outcome, but who does not render a decision.
 - c. A voluntary process in which a neutral expert trained in dispute resolution discusses the dispute with the parties and works with them to reach a mutually acceptable settlement.
 - d. A voluntary nonbinding jury determination in which the parties present a summary of their evidence and arguments to a jury.

3. Subject Matter Jurisdiction is defined as:
 - a. The power of the court to decide a given type of case.
 - b. The power of the court to bind the defendant to a judgment it renders.
 - c. The power of the court to extradite a litigant for purposes of service of process
 - d. None of the above.

4. Personal Jurisdiction is defined as:
 - a. The power of the court to decide a given type of case.
 - b. The power of the court to bind the defendant to a judgment it renders.
 - c. The power of the court to extradite a litigant for purposes of service of process.
 - d. None of the above.

5. Venue refers to the proper judicial district in which to bring an action.

- a. True
 - b. False
6. The pleading used to initiate a case in court is a motion for discovery.
- a. True
 - b. False
7. In Evidence, the term "Privilege" refers to:
- a. The ability of an attorney to sign a document for his/her client
 - b. A waiver of filing fees for an indigent litigant
 - c. The party's right to refuse to testify, prevent another from testifying, or otherwise disclose information.
 - d. The ability of a judge to dismiss a case for failure to state a claim in pleadings.
8. The case of *International Shoe v. Washington*, 326 U.S. 310 (1945), primarily dealt with:
- a. The ability of a court to compel discovery
 - b. The ability of a court to sanction a litigant for failure to testify in a criminal proceeding
 - c. The ability of a court to assert personal jurisdiction over litigants.
 - d. All of the above
9. There are no exceptions to the hearsay rule.
- a. True
 - b. False
10. In litigation, the formal "Discovery" process generally begins before the filing of a complaint in court.
- a. True
 - b. False
11. An attorney may always lead on direct examination:
- a. True
 - b. False
12. The term "Direct Examination" refers to:
- a. The process of adducing evidence in a court of law from a witness that the examining party did call.
 - b. The process of adducing evidence in a court of law from a witness that the examining party did not call.
 - c. The process of visiting and investigating real property in a civil dispute.
 - d. None of the above.
13. A paralegal may cross examine witnesses in a court of law on behalf of a client.
- a. True

- b. False
14. In the United States, the majority of lawsuits are resolved without or before trial.
- a. True
 - b. False
15. The state trial court of California is called:
- a. Superior Court of California
 - b. Supreme Court of the United States
 - c. U.S. Court of Appeals
 - d. California Court of Appeals
16. If an individual has systematic and continuous contacts with a state, would an assertion of personal jurisdiction over that individual by said state be consistent with International Shoe v. Washington?
- a. Yes
 - b. No
17. Subject Matter Jurisdiction may be waived by the parties.
- a. True
 - b. False
18. Personal Jurisdiction may be waived by the parties.
- a. True
 - b. False
19. _____ scrutiny applies to an equal protection analysis based upon race.
- a. Strict
 - b. Intermediate
 - c. Rational Basis
 - d. None of the above
20. _____ scrutiny applies to an equal protection analysis based upon gender.
- a. Strict
 - b. Intermediate
 - c. Rational Basis
 - d. None of the above

ESSAY QUESTIONS

- a. Explain, in detail, the difference between burglary and robbery.
- b. Explain, in detail, the difference between robbery and larceny.
- c. (EXTRA CREDIT): Give an example of the following types of trademarks, and explain why you classified said mark as such.
 - 1. Arbitrary Mark
 - 2. Fanciful Mark
 - 3. Descriptive Mark