

LEGAL OFFICE PROCEDURES (27)

Regional– 2008

Authored by Mark Hinshaw

TOTAL POINTS _____ **(375)**

Failure to adhere to any of the following rules will result in disqualification:

- 1. Contestant must hand in this test booklet and all printouts. Failure to do so will result in disqualification.***
- 2. No equipment, supplies, or materials other than those specified for this event are allowed in the testing area. No previous BPA tests and/or sample tests or facsimile (handwritten, photocopied, or keyed) are allowed in the testing area.***
- 3. Electronic devices will be monitored according to ACT standards.***

No more than ten (10) minutes orientation
No more than 60 minutes actual testing time
No more than ten (10) minutes wrap-up

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Workplace Skills Assessment Program competition.

GENERAL INSTRUCTIONS

1. Answer the objective questions using a No. 2 pencil on the Scantron scoring sheet unless instructed otherwise.
2. Fill in each answer space completely and erase any stray marks.
2. Make certain this test booklet contains Jobs 1 and 2.
3. For any problems where you would normally use your reference initials, use your contestant number. Your name or initials should NOT appear on any work you submit. Key your contestant number as a footer in the lower left-hand corner of each job.
4. You may use reference materials, but you may not share references with other contestants. Assume these jobs are waiting for you upon arrival in the morning. You may complete the jobs in any order you choose.
5. Once you have finished, proofread your work carefully.
6. If you finish before the end of the testing time, notify the proctor. Time may be a factor in determining the winner in the event of a tie.
7. When turning in your contest, place your Scoring Sheet on top of your jobs. The jobs should be arranged in numeric order. The Scantron scoring sheet should be the first thing in your packet when you turn it in. Use your time wisely. You have 60 minutes to complete the test.
8. Good luck!

PART I – OBJECTIVE

True/False Directions: Using the Scantron scoring sheet provided, mark Column A if the statement is true; mark Column B if the statement is false.

1. The legal relationship of marriage is based on federal law.
2. Corporal punishment is the use of physical force to punish a child.
3. An unconscionable contract is one that is completely fair to both parties.
4. A jury is a group of people chosen to decide questions of fact in legal actions.
5. The Unified Commerce Code takes all common business practices and puts them into one set of rules.
6. The US Constitution is the supreme law of the land.
7. The Bill of Rights contains the first 20 amendments.
8. A stipulation is an order to produce a person or a thing such as a document.
9. An amendment to a will is known as a codicil.
10. Truancy is the willful and unjustified failure of someone to attend school.

Multiple-Choice Directions: Mark on your Scantron scoring sheet the letter of the answer that best completes/describes the statement.

11. A distinctive mark, motto, device, or implement that a manufacturer stamps or prints on its goods is called:
 - a. copyright
 - b. patent
 - c. trademark
 - d. trade name
12. Which state does not have a common law legal system?
 - a. Louisiana
 - b. Rhode Island
 - c. North Carolina
 - d. Nevada
13. Which of the following is NOT a duty of an employee to an employer?
 - a. obedience to reasonable directions
 - b. loyalty and honesty
 - c. reasonable performance and skill
 - d. contributions to charitable organizations

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14. Which term refers to following a precedent set by the court?
- habeus corpus
 - res judicata
 - inter vivos
 - stare decisis
15. Which of the following terms is a collection remedy that allows the creditor to attach the debtor's money or property held by a third person
- mechanics lien
 - garnishment
 - foreclosure
 - subrogation
16. When an employee does not have a contract, they are employed
- day to day
 - at will
 - temporarily
 - permanently
17. Of these, the most important consideration is determining custody of children following a divorce is:
- Desire of the Mother
 - Wages of the Parents
 - Wishes of the Children
 - Best Interest of the Children
18. _____ established procedures for workers injured on the job.
- Occupational Safety and Health
 - Federal Insurance Contributions Act
 - Social Security
 - Worker's Compensation
19. Directors and officers of a corporation owe a duty of _____ to the corporation and its shareholders.
- loyalty
 - care
 - honesty
 - all of the above
20. The bankruptcy law that is available only to individuals who have regular income.
- Chapter 13
 - Chapter 11
 - Chapter 12
 - Chapter 7

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Usage Directions: If the first word given is the correct word to use in this sentence, mark Column A; if the second word is the correct word mark Column B.

21. The attorney filed a motion to (accede, exceed) fees.
22. John didn't (accept, except) service of the subpoena.
23. Dave was charged with four counts of (alluding, eluding) the police.
24. The local jurisdiction must (adapt, adopt) the federal rules of conduct.
25. The defendant was out on (bail, bale).
26. The witness (collaborated, corroborated) the story of the defendant.
27. The wife was the (benefactor, beneficiary) of the life insurance policy.
28. The defendant was accused of (defamation, deformation) of character.

Spelling Directions: One of the four words in each group below is misspelled. Indicate the letter of the misspelled word on your Scantron.

29. a. bankruptcy
 b. divestiture
 c. legasy
 d. sequestration
30. a. barrister
 b. duress
 c. legaleze
 d. seriatim
31. a. benefisiary
 b. egress
 c. libel
 d. solvency
32. a. bifurcation
 b. emmolument
 c. litigious
 d. domicile
33. a. burglary
 b. encroach
 c. loiter
 d. subragee

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34. a. calumny
 b. lien
 c. mandamus
 d. supersedeous
35. a. caprishous
 b. erroneus
 c. mercantile
 d. surety

Job 1— Memorandum

Please prepare this memo to Judge Black from Scott Walden about Discovery Issues using today's date. Please place your contestant number and the job number in the lower left hand corner. Also, use your contestant number instead of initials anywhere that typist's initials might normally appear.

The investigatory report ordered by the CEO of XYZ most likely will not be protected by the work product privilege. Pursuant to Iowa Rule of Civil Procedure 1.503(3) a document may be privileged if it is prepared in anticipation of litigation. It will not be privileged if it was prepared for business purposes and the party seeking the discovery has a substantial need for the materials and is unable to obtain the substantial equivalent of the materials through other means.

In the matter at hand, it is clear that they would not be able to obtain the substantial equivalent through other means, thus the pivotal issue is whether the report was produced in anticipation of litigation. When all issues are taken into consideration, I think you will agree with my findings.

Job 2—Pleading

Prepare the following final judgment in the case of Jane Smith, Plaintiff vs. Wallpapers Are Us, Defendant in the circuit court of the 12th Judicial Circuit in and for Clayton County, Arizona. The case number is DA-8888. Use the format provided in the Style & Reference Manual. Please place your contestant number and the job number in the lower left hand corner. Also, use your contestant number instead of initials anywhere that typist's initials might normally appear.

This cause having come on for trial on November 1, 2007, and in view of the foregoing, it is Ordered and Adjudged that Plaintiff Jane Smith shall recover from Defendant Wallpapers Are Us the total sum of 1387.00 for all of which let execution issue. This judgment shall bear interest at the rate of 4% per annum until paid in full. Done and ordered in Chambers at Wilsonville, Clayton County, Arizona, this _____ day of _____, 20__.



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KEY

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Objective Portion (35 @ 5 points each)	_____ (175 pts.)
Job 1 Memo	_____ (100 pts.)
Job 2 Answer	_____ (100 pts.)
TOTAL POINTS	_____ (375)

Judges/Graders:

Please double-check and verify all scores!

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Multiple Choice Questions- 5 points each

- | | | | |
|-----|---|-----|---|
| 1. | B | 19. | D |
| 2. | A | 20. | A |
| 3. | B | 21. | A |
| 4. | A | 22. | A |
| 5. | B | 23. | B |
| 6. | A | 24. | B |
| 7. | B | 25. | A |
| 8. | B | 26. | B |
| 9. | A | 27. | B |
| 10. | A | 28. | A |
| 11. | C | 29. | C |
| 12. | A | 30. | C |
| 13. | D | 31. | A |
| 14. | D | 32. | B |
| 15. | B | 33. | D |
| 16. | B | 34. | D |
| 17. | D | 35. | A |
| 18. | D | | |



Job 1- Memo

Memo headings are 12 pt. bold

MEMORANDUM (16 pt. bold font)

(DS)

TO: Judge Black

(DS)

FROM: Scott Walden

(DS)

DATE: *Today's date using the following format:* September 9, 20__

(DS)

SUBJECT: Discovery Issues

(DS)

The investigatory report ordered by the CEO of XYZ most likely will not be protected by the work product privilege. Pursuant to Iowa Rule of Civil Procedure 1.503(3) a document may be privileged if it is prepared in anticipation of litigation. It will not be privileged if it was prepared for business purposes and the party seeking the discovery has a substantial need for the materials and is unable to obtain the substantial equivalent of the materials through other means.

In the matter at hand, it is clear that they would not be able to obtain the substantial equivalent through other means, thus the pivotal issue is whether the report was produced in anticipation of litigation. When all issues are taken into consideration, I think you will agree with my findings.

(DS)

Contestant number

MEMORANDUM

Top Margin: 1"

Side Margins: 1"

Contestant number

Job 1



Top Margin: 1"
Side Margins: 1"

Job 2- Pleading

**IN THE CIRCUIT COURT OF THE
12TH JUDICIAL CIRCUIT IN AND
FOR CLAYTON COUNTY, ARIZONA**

(DS)

JANE SMITH,

(DS)

Plaintiff,

(DS)

v.

(DS)

WALLPAPERS ARE US,

CASE NO. DA-8888

(DS)

Defendant.

_____/ (2" line)

(DS)

FINAL JUDGMENT *(bold)*

(DS)

THIS CAUSE having come on for trial on November 1, 2007, and in view of the

foregoing, it is

(DS)

ORDERED AND ADJUDGED that Plaintiff JANE SMITH shall recover from

Defendant WALLPAPERS ARE US the total sum of One Thousand Three Hundred and Eighty-

Seven and 00/100 Dollars (\$1,387.00), for all of which let execution issue.

(DS)

This judgment shall bear interest at the rate of four percent (4%) per annum until paid in full.

(DS)

DONE AND ORDERED in Chambers at Wilsonville, Clayton County, Arizona, this

_____ day of _____ (*1 1/2" line*), 20__.

(QS)

COUNTY JUDGE

Copies furnished:

Contestant Number

Job 2