

LEGAL OFFICE PROCEDURES (27)

Regional—2005

Objective Questions (40 @ 5 pts. each) _____ (200 pts.)

Production

Job 1 Power of Attorney _____ (100 pts.)

Job 2 Affidavit _____ (100 pts.)

TOTAL POINTS _____ (**400**)

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.***

Maximum test time is 60 minutes

(A five-minute warning will be given to ensure all printing is complete.)

NOTE: The administrator should allow time for orientation, instructions, warm-up, checking equipment, etc., before starting test time.

Do **NOT** open test booklet until instructed to do so.

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GENERAL INSTRUCTIONS

1. Answer the 40 objective questions using the Scantron scoring sheet provided.
2. Make certain this test booklet contains Jobs 1 & 2.
3. For any problem 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 Jobs 1 & 2.**
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. 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.
6. When turning in your contest, place your Scoring Sheet on top of your jobs. The jobs should be arranged in numeric order. (Your test administrator will decide how he/she wants to have the Scantron scoring sheet turned in.) Use your time wisely.
7. Good luck!

MULTIPLE CHOICE: Please choose the best answer to the following questions and mark it on the Scantron form provided.

1. The body of law that creates and defines our rights and duties is called _____.
 - a. procedural law
 - b. private law
 - c. substantive law
 - d. public law

2. Jurisprudence is _____.
 - a. the philosophy or science of law
 - b. an encyclopedia of laws commonly used by lawyers as a reference
 - c. a dictionary of legal terms
 - d. system of written law for a given areas

3. A jurist is _____.
 - a. juror
 - b. one with thorough knowledge of law and written on legal subjects
 - c. the judge
 - d. esquire

4. A suit is _____.
 - a. any action in court of law
 - b. any action whereby one seeks relief or recovery from another caused by injury to the rights of that person
 - c. method to be followed in any action in a court of law
 - d. any legal proceeding in court of law whereby one wants relief from another for injury

5. A party to an action, a suit, or litigation is called _____.
 - a. justice
 - b. due process
 - c. litigant
 - d. plaintiff

6. The definition of versus is _____.
 - a. against
 - b. and another
 - c. et alius
 - d. lex

7. The first pleading filed by the plaintiff in a civil action is _____.
 - a. complaint
 - b. declaration
 - c. plea
 - d. petition

8. Writ is _____.
- dispute plaintiff claims in a court of law
 - written application to the court for action on a legal matter
 - written command issued by the court requiring some specified action
 - paperwork on an illegal procedure
9. Feasance is _____.
- performance of an illegal act
 - misconduct
 - proper performance of a legal act
 - in itself or by itself
10. A disaster that occurs as a result of natural causes not aided by any human action is a/an _____.
- statute of limitations
 - act of God
 - double jeopardy
 - malfeasance
11. A Latin term meaning in itself or by itself is _____.
- alias
 - sui juris
 - per se
 - et alius
12. SS. in a legal document stands for _____.
- single space
 - to wit
 - of its own kind
 - unique
13. “In Witness Whereof” is a clause called _____.
- acknowledgement clause
 - endorsement clause
 - testimonium clause
 - ancillary clause
14. The good Samaritan act _____.
- allow patients to sue physician
 - sets a time limit for initiating a law suit
 - protects qualified people from liability as a result of providing emergency care
 - allow physicians to testify in a court of law

15. Legal back is _____.
 - a. information written on the back of a legal document
 - b. a cover for legal documents on which the endorsement is usually printed
 - c. always notarized
 - d. always has a seal on it

16. The use of force to get someone to do something unwillingly is called _____.
 - a. duress
 - b. fraud
 - c. malice
 - d. turpitude

17. The title page of a court document which includes case title, jurisdiction, venue, court/docket number and document title is called _____.
 - a. ad damnum title
 - b. caption
 - c. legal front
 - d. title page

18. The answer in a pleading by the defendant against the plaintiff's claims is also called _____.
 - a. responsive pleading
 - b. bill of particulars
 - c. service
 - d. summons to appear

19. When the names of one or more defendants in a suit are not known, they are identified in the case title as a _____.
 - a. venue
 - b. service
 - c. prayer of relief
 - d. Doe clause

20. A writ notifying a defendant that a lawsuit has been filed and an appearance must be made before the court at a specified time to answer the charges is a/an _____.
 - a. demurrer to complaint
 - b. summons
 - c. bill of particulars
 - d. complaint

21. The delivery of a summons to the person named therein is called _____.
 - a. service
 - b. filing
 - c. venue
 - d. answer

22. An affidavit is _____.
- the person making a voluntary written statement
 - a voluntary written statement made under oath before a notary public
 - a motion to dismiss
 - affiant
23. When keying a Table of Authorities for an appellate brief, usually _____.
- it is keyed on the same page as the Table of Contents
 - the main heading appears at the left margin
 - each new Authority referred to in the brief appears in the center of the page
 - the Authorities are grouped together according to categories
24. A notice to inform persons that there is a litigation pending in regard to a certain property is a/an _____.
- attachment
 - surety bond
 - notice of lis pendens
 - bond
25. Where does a case number in a pleading come from?
- It is a combination of the year the case was filed and the bailiff's ID number
 - It is a combination of the year the case was filed and a court docket number
 - It is a random number assigned by the computer
 - It is a number assigned by the tickler filing system
26. 88 F P D 2d-263 is an example of what legal digest?
- West's Federal Publishers Digest
 - West's Federal Printing Documentation Digest
 - West's Federal Practice Digest
 - West's Federated Practice Digest
27. In the National Reporter System there are _____ regional reporters.
- twelve
 - fifteen
 - ten
 - seven
28. An informal meeting between the judge and counsel to discuss a case before it is tried in court in order to try and clarify and expedite its disposition before a trial is called a/an _____.
- examination before trial
 - meeting before trial with judge
 - pretrial conference
 - meeting in the chambers

29. A block letter always has the following conditions _____.
- date, inside address, salutation, body of document indented, complimentary close flush left
 - date and complimentary close centered, inside address, salutation, body flush left
 - date, inside address, salutation, body, complimentary close, reference initials flush left
 - date, inside address, salutation, body, complimentary close, reference initials flush left with open punctuation
30. Accuracy, brevity, and clarity are _____.
- qualities of a firm's professionalism
 - are best left to the judges and court system
 - can be mandated by the state for all correspondence
 - are never a good idea for a legal assistant to take on by oneself
31. Which of the following is true when keying legal documents?
- measurements are never written the same as amounts of money
 - amounts of money are first spelled out and then written in figures in parentheses
 - always capitalize names of documents but not names of firms
 - the body is always single spaced
32. Which of the following is NOT a duty of a notary public?
- attest to the authenticity of a signature
 - administer an oath
 - verify the contents of a document
 - attests that the signor swears in presence of notary that the statements in the document are true.
33. When working in a law office, there are usually several types of calendars kept. They are _____.
- office and docket calendars
 - docket and weekly calendars
 - office and court calendars
 - office and hearing calendars
34. When you want to have a method of reminding office staff of important dates and pending deadlines, you keep a _____.
- master calendar
 - tickler card file
 - multipart cards
 - calendar

35. Case files contain _____.
- correspondence, pleadings, exhibits relating to the case
 - correspondence, reminders, pleadings
 - correspondence, pleadings, exhibits relating to the case and retainer
 - memos, pleadings, reminders
36. If an attorney is not available, it is okay to tell the caller on the telephone _____.
- information regarding the case if the caller is related to the client
 - information that the attorney is down the hall talking to other attorneys
 - information regarding the case if given permission to do so
 - that the attorney is taking the day off for personal time.
37. Macros in word processing are used _____.
- make something larger
 - put together two documents
 - quote information
 - store keystrokes
38. The legal secretary is primarily concerned with _____.
- procedural law
 - administrative law
 - civil law
 - private law
39. What is the usual order for filing a complaint and summons?
- Summons, Complaint, attachments, exhibits
 - Summons, Civil Case Cover Sheet, Complaint, Summons, attachments and exhibits
 - Civil Case Cover Sheet, Summons, Complaint, attachments and exhibits
 - Summons, Complaint, Countercomplaint, attachments and exhibits
40. Spoken defamation is _____.
- libel
 - liable
 - slander
 - none of the above

Job 1: Power of Attorney

According to the Professional Business Associates *Style & Reference Manual*, draft a Durable Power of Attorney for Josephine Milhouser granting Alvero Alverez the ability to become her attorney-in-fact. The bank is Charleston First Bank of New Jersey. The witnesses are: Carolina Navid and Anthony Pazzari. The date is July 2, 2005.

Job 2: Affidavit

In West Chester, Butler County, Ohio, Case Number 05-1532, on May 1, 2005, in the Judge Mavis Jewell's chambers, Plaintiff Omar Smarao was awarded a \$100,000 settlement. The Defendant in the case is Mirana Tegler. A 2.25% interest rate per annum will be applied until total sum is paid in full. This Final Judgment was ordered on May 15, 2005.

Please prepare a Final Judgment Pleading according to the Professional Business Associates Style and Reference Manual.



LEGAL OFFICE PROCEDURES (27)

KEY

Regional—2005

Objective Questions (*40 @ 5 pts. each*) _____ (200 pts.)

Production

Job 1 Power of Attorney _____ (100 pts.)

Job 2 Affidavit _____ (100 pts.)

TOTAL POINTS _____ (***400 pts.***)

Graders:

When grading computer-generated problems, refer to the *Style & Reference Manual* and Production Standards in the *Workplace Skills Assessment Program Guidelines* for further instructions.

Double-check and verify all scores!

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



Job 1:

Durable Power of Attorney

Know All Men By These Presents:

That JOSEPHINE MILHOUSER, Grantor, has made, constituted, and appointed,
and

by these presents does make, constitute, and appoint ALVERO ALVEREZ her true and
lawful attorney-in-fact for her and in her name, place and stead, for the sole and singular
purpose of:

executing any and all documents necessary or required to establish or create a joint
account between JOSEPHINE MILHOUSER and ALVERO ALVEREZ at the
Charleston First Bank of New Jersey or any other banking or savings and loan
institution, and further, ALVERO ALVEREZ is further empowered to make, do, and
transact any and every kind of business of whatsoever kind and whatsoever nature on
behalf of Grantor,

giving and granting unto ALVERO ALVEREZ, said attorney-in-fact, full power and
authority to do and perform all and every act and thing whatsoever requisite and
necessary...

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of
July, 2005.

Signed and sealed
In the presence of:

Carolinda Navid
Witness

Josephine Milhouser
JOSEPHINE MILHOUSER

Anthony Pazzri
Witness

Durable Power of Attorney
of Josephine Milhouser

Page 1 initials _____

Deductions for not doing the following:
Typographical errors -5 each
double space body -5
single space the execution statement &
indent both sides -10
create signature lines 3" inch length -5
bold title & first line -5
Footer stating Page 1 initials -5



Job 2:

IN THE COUNTY COURT IN AND
FOR BUTLER COUNTY, OHIO

OMAR SAMARAO,

Plaintiff,

vs.

CASE NO.05-1532

MIRANA TEGLER,

Defendant.

_____ /

FINAL JUDGEMENT

THIS CAUSE having come on for trial on May 1, 2005, and in view of the foregoing, it is

ORDERED AND ADJUDGED that Plaintiff OMAR SMARAO shall recover from defendant MIRANA TEGLER the total sum of One Hundred Thousand and 00/100 Dollars (\$100,000), for all of which let execution issue.

This judgment shall bear interest at the rate of one point seven five percent (2.25%) per annum until paid in full.

DONE AND ORDERED in Chambers at West Chester, Butler County, Ohio, this 15th day of May, 2005.

Judge Mavis Jewell
COUNTY JUDGE MAVIS JEWELL

Copies furnished:

Grading Errors

Follow style manual. Deductions for not doing the following:

double space body as shown -5

title underlined & all caps -10

Court title and caption all caps and placed correctly -10

Case title correctly keyed with commas -10

Three inch line for signature -5

Typographical errors -5 each

Signature not filled in -5