

Objective Portion—40 Questions * 5 (200 Points) _____

Interrogatory (100 Points) _____

Telephone Messages—2 Messages * 18 (36 Points) _____

TOTAL POINTS _____ **(336 pts.)**

Graders:

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

Please double-check and verify all scores!

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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.
3. Make certain this test booklet contains Jobs 1-2.
4. Correct all spelling errors. Copy is graded on production standards.
5. 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 and job number as a footer in the lower left-hand corner of all work submitted.**
Example: 99-9999-9999
Job 1
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.

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 plaintiff's name always appears first in a case name.
2. Common law is a body of cases decided by legislatures.
3. Ethics is the study of how people should act.
4. Briefs are part of the pleadings in a civil case.
5. The doctrine of *stare decisis*, though vital to the creation of the common law when this country was settled, is not important to our modern, complex society.
6. A tort is a violation of a duty imposed by the civil law.
7. A corporation may, without permission, use a person's picture or voice in its advertising as long as the person is not portrayed in a negative or uncomplimentary manner.
8. Negligence is an intentional tort.
9. Contracts entered into as a result of duress or undue influences are always void.
10. An executed contract is one that has been performed by both parties.

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

11. Jurisdiction is:
 - a. the study of law.
 - b. the power of a court to decide a particular type of case.
 - c. a federal court concept.
 - d. applicable only to appeals courts.
12. The most accurate statement regarding appellate courts is:
 - a. appellate courts often hear new evidence and testimony.
 - b. appellate courts generally accept the factual findings of the trial court.
 - c. only the federal court system has appellate courts.
 - d. appellate courts hear only criminal cases.
13. Which of the following statements about torts is correct?
 - a. A tortious act is always a criminal act.
 - b. A criminal act is always a tortious act.
 - c. A tortious act may also be a criminal act.
 - d. Tort law is narrow.
14. Which of the following categories of privacy invasion of an ordinary citizen would *not* justify an award of damages?
 - a. unreasonable publicity about one's private life
 - b. appropriation of another person's name for use in advertisements without permission
 - c. taking photographs with a zoom lens of a nude sunbather in his or her backyard
 - d. snapping a person's picture while sitting at a coffee shop

15. Punitive damages are
 - a. generally not available in tort cases.
 - b. only available in negligence actions.
 - c. available damages for the tort of intentional infliction of mental distress.
 - d. no longer available without specific legislative approval.

16. Compensatory damages
 - a. are based on statutory standards of expected losses.
 - b. are designed to be a civil punishment.
 - c. attempt to compensate the plaintiff for his or her loss.
 - d. are only available for intentional torts.

17. Victims of negligence may be able to recover each of the following kinds of damages, if appropriate, *except*
 - a. punitive damages.
 - b. compensatory damages.
 - c. special damages.
 - d. damages for loss of consortium.

18. Which of the following is a correct statement?
 - a. Every crime is also a tort.
 - b. Every tort is also a crime.
 - c. Most crimes are also torts.
 - d. Most torts are also crimes.

19. Negligence concerns harm that:
 - a. is unforeseeable.
 - b. arises intentionally.
 - c. arises by accident.
 - d. is always substantial.

20. The Uniform Commercial Code governs contracts for the sale of:
 - a. goods.
 - b. real estate.
 - c. stock certificates.
 - d. All of the above.

21. The creation of marriage is governed by
 - a. federal statutory law.
 - b. state statutory law.
 - c. common law.
 - d. family court rules.

22. Which of the following is *not* a requirement for a valid marriage license in most states?
 - a. Both applicants must be of legal age.
 - b. Both applicants must be sane.
 - c. Both applicants must have a crime free background.
 - d. Applicants must be of the opposite gender.

23. Which of the following statements is a correct statement about parental rights and liabilities?
- Parents must exercise reasonable care, supervision, protection, and control over their minor children.
 - A pregnant women cannot be liable for abusing her fetus.
 - Parents are absolutely liable for the negligence of their minor children.
 - After emancipation, a parent must legally pay a child's college expenses.
24. Which of the following statements is *false*?
- Children can sue their parent(s) for causes of action based on negligence.
 - Children can sue their parent(s) for injuries caused by intentional torts.
 - Children can sue their parent(s) for refusal to provide them with adequate funds for their college education.
 - Children can sue their parent(s) for breach of contract.
25. Unwilling mothers/fathers can defeat court orders to pay child support by
- moving out of state.
 - refusing to work and going on welfare.
 - refusing to pay.
 - none of the above
26. Barb has been a children's day-care provider for several years in the small town of Sallton. She has decided to give it all up and move to the big city for excitement and adventure. She sells her business to Ken, agreeing not to open a competing business within two miles of Sallton for a period of six months. After four months of the big city life, Barb is broke and moves back to Sallton. She opens a new day-care business. Ken sues on the noncompete clause. What is the most likely result?
- Ken wins. The agreement is enforceable.
 - Barb wins. The agreement is denying her the right to do the only thing she knows how to do.
 - Barb wins. The agreement is not enforceable because it is not ancillary to a legitimate bargain.
 - Barb wins. The agreement is not reasonable as to time.
27. A contract most likely will be declared unconscionable if:
- it is unfair to one party.
 - it contains a cancellation clause.
 - it is oppressive and the weaker party did not fully understand the consequences of the agreement.
 - it is signed by a minor.

28. Marge Henderson was very unhappy when she took her six-month-old "Puma" automobile back to Maximum Deal Auto, the dealership where she purchased the auto. It was the sixth time she had returned the car to get the seller to fix a stalling condition that plagued the vehicle. This time the engine stalled while she was driving on a freeway and she nearly had an accident. Which of the following is true?
- If the state where she purchased the car has a "lemon law," and she complies with its requirements, she may be able to receive a full refund of the price she paid for the car.
 - As this will be the sixth time the dealership has repaired the car for the same continuing problem, her written auto warranty no longer covers the repairs and she will be required to pay for the labor and any parts replaced.
 - If the stalling of the automobile engine is caused by a defective part from a supplier vendor, neither the Puma manufacturer nor Maximum Deal Auto is legally responsible.
 - all of the above
29. When a car is sold on credit, what legal status does the creditor generally have with reference to the automobile?
- The creditor retains legal title and thus holds a security interest in the vehicle, until it is paid for in full.
 - The creditor is secondarily responsible to third parties injured by the driver of the vehicle.
 - The creditor is obliged to carry collision and comprehensive automobile insurance on the vehicle to protect the security interest.
 - all of the above
30. Robert hired James, a CPA, to prepare his tax returns. James was too busy and delegated the work to Sara, also a CPA. This delegation is:
- enforceable, as Sara is also a CPA.
 - enforceable, as there was no expectation James would do the work.
 - not enforceable, as Robert hired James to perform personal services.
 - not enforceable, as this violates public policy.
31. Which of the following is a primary goal of bankruptcy?
- To preserve as much of the debtor's property as possible.
 - To divide the debtor's assets fairly between the debtor and the creditors.
 - To divide the debtor's assets fairly among the creditors.
 - All of the above.
32. Which of the following persons is an agent?
- Diane, a shoe salesperson for a retail store.
 - Tim, a real estate broker for a large real estate company.
 - Craig, a telephone marketing employee.
 - All the above.

33. The Family and Medical Leave Act applies to:
- companies with 15 or more full-time workers.
 - companies with 50 or more employees.
 - companies with 100 or more employees.
 - any company engaged in interstate commerce.
34. Megan was employed by a large company. Her supervisor told her to falsify government reports. She refused and was fired. She sued for wrongful discharge. Her employer claimed that, since Megan was an at-will employee, she had no legal right to claim the company was liable for damages. Is the employer right?
- Yes. An at-will employee does not have a legal right to claim wrongful discharge of employment.
 - Yes. As an employee, Megan owes a duty of loyalty to her employer. If the company was found to have acted illegally by falsifying the reports, it (not Megan) would be liable.
 - No. Even though Megan was an at-will employee, such employees may not be fired without just cause.
 - No. Though at-will employees do not have extensive rights relative to job security, they may not be legally fired for refusing to perform an illegal act.
35. Which of the following may be legitimate nondiscriminatory criteria for selection of an employee:
- age.
 - race.
 - color
 - educational level
36. Which of the following is an unfair labor practice for an employer?
- Interfering with union organizing efforts.
 - Treating union members fairly.
 - Bargaining collectively with a union.
 - All of the above are unfair labor practices for an employer.
37. In order to provide stability to a legal system, courts use prior cases as a guide for deciding similar new cases. These prior cases are known as
- precedents
 - equity.
 - jurisdiction.
 - statutes.
38. At what level are laws created in the United States?
- federal government
 - state government
 - local government
 - all of these
39. Meryle Ann's mother recently died and, unfortunately, did not leave any type of will for her estate. In order to properly divide her mother's estate among her and her brothers, Meryle Ann will hire a lawyer to handle this case. In which specialty area should she seek to find a lawyer?
- criminal law
 - statutory law
 - civil law
 - case law

40. The panel of citizens chosen to help interpret a region's customs for a court is referred to today as a(n)
- jury.
 - agency.
 - factual panel.
 - court.

Job 1—Preparation of Interrogatory

You are employed at the law firm of Attorney Nancy Schiller, State of Minnesota, County of Hennepin, Fourth Judicial Circuit. You have been instructed to type up the interrogatory for David Ehler's case against Kari Kunz which is Case Number 19-F4-09-01194 . Using the correct format prepare this document for Nancy's signature.

The following information is needed:

- Please state your full name, address, date of birth, social security number, and marital status.
- Please state your current occupation and any occupations you have had within the last ten (10) years.
- Please state the make, model and year of the vehicle you were driving on the date of the accident, which is the subject matter of this litigation.
- Please state the total dollar amount of damage done to your vehicle as a result of the accident herein.
- Please state the names and addresses of any passengers in your vehicle at the time of the accident herein.

Job 2— Telephone Messages

You work for Nancy Schiller. Record the following phone messages properly on the forms provided. Use today's date. Use your contestant number in place of your initials.

Message 1: Judge Mike Bain of Branch 3 Circuit Court, phone (612) 555-1111, calls at 9 a.m. to let your employer know the time for hearing the Ehlert motion has been moved up from 11 a.m. to 10 a.m. tomorrow. The judge has requested your employer call ASAP to confirm this change in scheduling

Message 2: Shelly O'Driscoll, phone (952) 555-1212, calls at 9:45 a.m. concerning her will which your employer is preparing for her signature. She wants to know if there is still time to change one of the clauses. She will try to reach you again later this morning.

TELEPHONE MESSAGE	
To: _____	Date: _____
From: _____	Time: _____
Of: _____	
Phone #: _____	
URGENT: <input type="checkbox"/> Time Deadline: _____	
<input type="checkbox"/> Telephoned	<input type="checkbox"/> Please Call
<input type="checkbox"/> Returned Call	<input type="checkbox"/> Will Call Again
<input type="checkbox"/> Was In	<input type="checkbox"/> Will Return
Message _____	

Received by _____	

TELEPHONE MESSAGE	
To: _____	Date: _____
From: _____	Time: _____
Of: _____	
Phone #: _____	
URGENT: <input type="checkbox"/> Time Deadline: _____	
<input type="checkbox"/> Telephoned	<input type="checkbox"/> Please Call
<input type="checkbox"/> Returned Call	<input type="checkbox"/> Will Call Again
<input type="checkbox"/> Was In	<input type="checkbox"/> Will Return
Message _____	

Received by _____	



LEGAL OFFICE PROCEDURES (27)



Regional—2011

TOTAL POINTS

_____ (336 pts.)

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*Note to Grader(s):
Please follow Production
Standards when grading. Top
margin and side margins are 1".*



SCANTRON

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

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Job 1—Interrogatories

**IN THE CIRCUIT COURT OF THE
4TH JUDICIAL CIRCUIT IN AND (Bold)
FOR HENNEPIN COUNTY, MINNESOTA**

DAVID EHLERT,

Plaintiff,

v.

KARI KUNZ,

CASE NO. 19-F4-09-01194

Defendant.

_____ / (2" line)

INTERROGATORIES (Bold)

1. Please state your full name, address, date of birth, social security number, and marital status.
2. Please state your current occupation and any occupations you have had within the last ten (10) years.
3. Please state the make, model and year of the vehicle you were driving on the date of the accident, which is the subject matter of this litigation.
4. Please state the total dollar amount of damage done to your vehicle as a result of the accident herein.
5. Please state the names and addresses of any passengers in your vehicle at the time of the accident herein.

(2" Line) _____
Nancy Schiller



Job 2— Telephone Messages—36 Points

Graders: Please allow one point for each possible entry on each message with three points awarded for the message they provide.

(18 Points)

TELEPHONE MESSAGE

To: Nancy Schiller ^① Date: Current ^①

From: Judge Mike Bain ^① Time: 9 a.m. ^①

Of Circuit Court Branch 3 ^①

Phone #: 612-555-1111 ^①

URGENT: Time Deadline: ASAP ^①

^① Telephoned ^① Please Call

^① Returned Call ^① Will Call Again

^① Was In ^① Will Return

Message ^③ Would like to hear Ehlert motion at 10 a.m. tomorrow instead of 11 a.m. Please call to confirm.

Received by Contestant # ^①

(18 Points)

TELEPHONE MESSAGE

To: Nancy Schiller ^① Date: Current ^①

From: Shelly O'Driscoll ^① Time: 9:45 a.m. ^①

Of --- ^①

Phone #: 612-555-1212 ^①

URGENT: Time Deadline: _____ ^①

^① Telephoned ^① Please Call

^① Returned Call ^① Will Call Again

^① Was In ^① Will Return

Message ^③ Would like to change one of the clauses in her will. Is it too late?

Received by Contestant # ^①