

Actual Questions from Past Exams

1. When a plaintiff seeks an injunction, he/she is asking the court for money damages
 - A. True
 - B. False

2. A judge will grant a _____ when there are no questions of fact remaining in dispute.
 - A. Motion for summary judgment
 - B. Motion to dismiss
 - C. Motion for directed verdict
 - D. Motion for a new trial

3. ABC, Inc., an Illinois corporation, has decided to sell their widgets in New York. A New York customer wants to sue ABC over injury caused by the widget. The customer's best argument for establishing jurisdiction in a New York court is:
 - A. Causation
 - B. Concurrent jurisdiction
 - C. Minimum contacts
 - D. Venue

4. Natural law jurisprudence rejects the influence of ethics or morality of legal rules.
 - A. True
 - B. False

5. Parties to a prior ADR agreement may often get the agreement overturned on review.
 - A. True
 - B. False

6. Criminal law is rarely based on statutes
 - A. True
 - B. False

7. The rule prohibiting a person from bringing suit for an injury which occurred after a specified number of years is:
 - A. Stare Decisis
 - B. Federal Rules of Civil Procedure
 - C. Statute of Limitations
 - D. Res judicata

8. Stuart Bigg believes that law should evolve from choices made in a free market. Stuart's belief's fall within the _____ school of jurisprudence.
 - A. Sociological
 - B. Critical legal studies
 - C. Law and economics
 - D. Independent law

9. Jeremy shouted at Daniel that he was going to hit him in the face, and then he did hit him in

the face. Jeremy's actions would probably constitute.

- A. Battery
- B. An Assault
- C. Both A&B
- D. None of the above.

10. A criminal defendant's guilt must be proven beyond a reasonable doubt.

- A. True
- B. False

11. Additional damages awarded to a plaintiff which were foreseeable as a result of defendant's conduct are called:

- A. Punitive damages
- B. Compensatory
- C. Consequential
- D. Nominal

12. In the World Discount Case,

- A. World Discount sued in Michigan
- B. Sanjay/Pinnacle Publishing sued in Minnesota
- C. The Minnesota action never started for failure of service
- D. All of the above
- E. None of the above

26. Curtis filed a lawsuit against Ulhoff for failure to repay \$1,000 according to the terms of a promissory note. The trial ended before it began with the trial judge granting a motion for summary judgment in favor of Curtis. Ulhoff has appealed, and the Supreme Court of Iowa has remanded the case. This means:

- a. Curtis automatically wins because he won in the lower court.
- b. Ulhoff automatically wins because he lost in the lower court.
- c. Neither party wins because the case is being thrown out.
- d. We don't know who wins yet because the case is being returned to the trial court for a new trial.

34. T/F An appeals court can rule that a trial court's ultimate ruling was correct, even if the trial court made some minor errors during the trial.

26. Tony fell and injured himself in a Mega Toy Store. Mega Toy Store is incorporated in Delaware. Tony is a resident of Nevada but was injured in a Mega Toy Store located in Arizona. Mega Toy does not do business in Nevada. Tony's damages are approximately \$100,000. If Tony decides to sue Mega Toy Store:

- a. he may file the lawsuit in an Arizona state court.
- b. he may file the lawsuit in a federal district court.
- c. he may file the lawsuit in a federal appellate court in Nevada.

d. Either a. or b.

44. When an appellate court hears a case, it may:

- a. affirm the decision.
- b. reverse the decision.
- c. modify the decision.
- d. All the above are correct.

50. An inmate in a state prison claims his rights under the United States Constitution prohibiting cruel and unusual punishment are being violated by the state correctional facility. The court with jurisdiction in this case is:

- a. a federal court, based on federal question jurisdiction.
- b. a federal court, based on diversity jurisdiction.
- c. only a state court, based on location of the correctional facility.
- d. nonexistent, as prisoners lose the right to sue.

60. T/F Jason was the Director of Internal Communications at NPC, Inc. Jason learned that Ruth, an office employee of NPC, had tested positive for HIV. Subsequently, Jason published an article in the NPC's company newsletter disclosing Ruth's positive HIV-test results. NPC may be held liable for disclosure of embarrassing private facts since a reasonable person would consider the disclosure very embarrassing and the information is not of legitimate concern to the public.

69. A national magazine published an article about a famous television star. The television personality is upset because the information contained in the story is not correct. If the actor sues the magazine:

- a. she will need to show that the magazine has a history of being "reckless" with facts on a regular basis.
- b. she will need to show that the magazine either knew the story was false or acted with reckless disregard of the facts.
- c. she will need to show that the magazine failed to attempt to verify the story by trying to contact her or her agent before the story was printed.
- d. she will need to show that the magazine could have discovered that the story was false but failed to do so.

54. Arturo drove through an intersection without looking and hit Vincent's car, which Vincent had driven into the intersection without obeying a stop sign. Arturo sued Vincent. The jury found that Arturo's fault contributed 20 percent to the collision and determined that his total loss was \$100,000. Under comparative negligence, the jury should award Arturo:

- a. \$20,000.
- b. \$80,000.

- c. \$100,000.
- d. nothing.

75. Punitive damages are intended to:
- a. compensate the plaintiff for medical expenses.
 - b. compensate the plaintiff for lost earnings.
 - c. pay the plaintiff for pain and suffering.
 - d. punish the defendant.

78. Tommie, a six-year-old child, was seriously injured when he stuck a fork into an electrical outlet. His parents sued the restaurant where the incident occurred, claiming it should have had child-protective guards on the outlets. Whether the restaurant is liable will be dependent upon whether:
- a. the incident was foreseeable.
 - b. the parents had medical insurance.
 - c. this is negligence per se.
 - d. this is an ultrahazardous activity.

83. Angela sued Tom for battery. Angela was awarded \$30,000 for future medical expenses. Five years after the award, Angela realizes that her medical expenses will far exceed \$30,000. Under the single recovery principle:
- a. Angela will be able to submit the additional medical bills to the court for payment.
 - b. Tom will have to pay the additional medical bills.
 - c. Tom will have a qualified privilege and only have to pay a portion of the additional medical expenses.
 - d. Angela will have no recourse against Tom or the court for the additional medical expenses.

88. In awarding punitive damages, a court must consider:
- a. the reprehensibility of the defendant's conduct.
 - b. the ratio between the harm suffered and the award.
 - c. the difference between the punitive award and any civil penalties used in similar cases.
 - d. All of the above.

105. For tortious interference to occur,
- A. An existing business or contractual relationship must exist
 - B. The interference must be wrongful
 - C. Defamation must occur
 - D. A&D