

**Chapter 01 Welcome to the Law Office**  
**Foundations for Litigation**

1. The partners who have been with the firm the longest and often have the greatest ownership share are the
- a. senior associates.
  - b. associates.
  - c. senior partners.
  - d. counselors.

ANSWER: c

2. A lawyer who works for a firm and is salaried, but is not yet a partner in the firm is a(n)
- a. associate.
  - b. paralegal.
  - c. law clerk.
  - d. legal aide.

ANSWER: a

3. The process whereby one person sues another person in a court of law to enforce a right or to seek a remedy such as financial compensation is
- a. malpractice coverage.
  - b. civil litigation.
  - c. criminal litigation.
  - d. tort law.

ANSWER: b

4. An intellectual property case is likely to deal with issues related to
- a. negligence
  - b. civil rights
  - c. products liability
  - d. copyright

ANSWER: d

5. An incident of a seatbelt not restraining a passenger during a car crash because of faulty parts might lead to a
- a. contract case.
  - b. civil rights case.
  - c. corporation case.
  - d. product liability case.

ANSWER: d

6. A paralegal is valuable to a law firm because a
- a. paralegal will make a good partner.
  - b. paralegal's time is billed at the same rate as an attorney's.
  - c. paralegal is not bound by ethical standards.
  - d. paralegal can help the law firm efficiently deliver legal services to more people.

ANSWER: d

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7. Keeping track of how you spend your time in the law office
- a. is called docket control.
  - b. is called disbursement entry.
  - c. may be done online.
  - d. is the responsibility of your supervising attorney.

ANSWER: c

8. Under task-based billing, clients are charged
- a. for the number of hours required by a task.
  - b. a set fee for a particular task.
  - c. only if the case is won.
  - d. for the attorney's work, but not the paralegal's work.

ANSWER: b

9. A fee paid upfront to secure legal services is called
- a. a contingency fee.
  - b. value billing.
  - c. flat-fee billing.
  - d. a retainer fee.

ANSWER: d

10. Electronic billing
- a. provides instant client access to billing information.
  - b. is the cost of a firm's Internet access.
  - c. helps the firm cut costs.
  - d. only involves attaching a bill to e-mail.

ANSWER: a

11. The limitation of legal representation to one step in a multiple-step process is
- a. multijurisdictional practice.
  - b. always unethical.
  - c. unbundling legal services.
  - d. task-based billing.

ANSWER: c

12. The benefit of a client portal is that
- a. it is subject to discovery in the course of litigation.
  - b. it enables lawyer and client to securely exchange information online.
  - c. it has become the standard way to store legal files remotely on servers that are accessed through the Internet.
  - d. it allows the public to easily access information about the firm's cases.

ANSWER: b

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13. A litigation system binder is *least* helpful to the paralegal in
- a. saving time.
  - b. assisting with unique and irregular tasks.
  - c. preparing for the job.
  - d. saving effort.

ANSWER: b

14. Paralegals may
- a. give legal advice to a friend.
  - b. accept cases for the firm.
  - c. represent clients at federal administrative hearings.
  - d. split fees with an attorney.

ANSWER: c

15. Ethical responsibility in a law firm rests with
- a. attorneys only.
  - b. the senior partner only.
  - c. paralegals only.
  - d. all employees.

ANSWER: d

16. To avoid the unauthorized practice of law, the paralegal's work
- a. must be delegated by an attorney.
  - b. must not include drafting documents.
  - c. must not involve the client.
  - d. must be kept separate from the attorney's work.

ANSWER: a

17. A conflict of interest occurs when a paralegal assists
- a. on a case for a bank where the paralegal has an account.
  - b. an attorney representing his or her family.
  - c. on a case against a store in which the paralegal occasionally shops.
  - d. on a case against a good friend.

ANSWER: d

18. Conflicts of interest are unethical because they
- a. diminish the professional's allegiance to the client.
  - b. cause clients to put too much trust in professionals.
  - c. are the main cause of double billing.
  - d. pit stronger corporate clients against weaker private ones.

ANSWER: a

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19. Confidentiality would be at risk in the
- a. office reception area with the paralegal, client, and the client’s mother-in-law present.
  - b. paralegal’s office with the paralegal and the client alone.
  - c. paralegal’s office with the paralegal, client, and supervising attorney present.
  - d. client’s home with the client and paralegal alone.

ANSWER: a

20. Disclosure of confidential information is always unethical when the
- a. client consents in writing.
  - b. disclosure is necessary to prevent death.
  - c. disclosure is to an attorney not involved in the case.
  - d. disclosure is necessary to prevent financial injury by fraud.

ANSWER: c

21. An intermediate appellate court
- a. is the court of final review.
  - b. has original jurisdiction.
  - c. stands between the trial court and the court of final review.
  - d. does not have subject matter jurisdiction.

ANSWER: c

22. Most court cases are resolved in the
- a. trial court.
  - b. intermediate appellate court.
  - c. highest appellate court.
  - d. U.S. Supreme Court.

ANSWER: a

23. A court of general jurisdiction
- a. hears military cases only.
  - b. usually has appellate jurisdiction only.
  - c. is common to the federal court system.
  - d. is common to the state court system.

ANSWER: d

24. When a judge or jury attempts to answer the question “what happened?” it is trying to answer a question of
- a. law.
  - b. fact.
  - c. venue.
  - d. jurisdiction.

ANSWER: b

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25. A U.S. district court can have \_\_\_\_\_ jurisdiction.
- a. general
  - b. diversity
  - c. appellate
  - d. unlimited subject matter

ANSWER: b

26. A court has personal jurisdiction
- a. when a summons and complaint are served.
  - b. when a warrant is served.
  - c. over everyone in its district.
  - d. over everyone named in an action brought in its district.

ANSWER: a

27. The jurisdictional amount
- a. can determine in which court a case can be tried.
  - b. is the attorney's fee.
  - c. is the same in all courts.
  - d. can be waived for indigents.

ANSWER: a

28. Sovereign immunity
- a. protects foreign leaders from prosecution when they visit the United States.
  - b. protects government employees from being sued for exercising their constitutional duties.
  - c. is an out-of-date concept that American courts have abandoned.
  - d. is the power of one state to protect property from lawsuits arising in another state.

ANSWER: b

29. Legislative courts do *not* include the U.S.
- a. Claims Court.
  - b. District Court.
  - c. Tax Court.
  - d. Court of Veterans Appeals.

ANSWER: b

30. The jurisdictional amount in federal diversity cases
- a. is the combined claim for multiple plaintiffs.
  - b. is the value of all claims made by one plaintiff against one defendant.
  - c. can never include attorney's fees.
  - d. does not apply to class-action suits.

ANSWER: b

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31. The U.S. Supreme Court
- a. is the highest authority on the federal law.
  - b. is an intermediate appellate court.
  - c. has seven associate justices.
  - d. has no original jurisdiction.

ANSWER: a

32. Venue includes
- a. each county where multiple plaintiffs reside.
  - b. the same area as jurisdiction.
  - c. the county most convenient for all parties.
  - d. the county where the incident occurred.

ANSWER: d

33. It is unethical for law firms to market services on Web pages and blogs.
- a. True
  - b. False

ANSWER: False

34. Sexual harassment is likely to lead to a contract suit.
- a. True
  - b. False

ANSWER: False

35. Pro bono cases deal with corporation law.
- a. True
  - b. False

ANSWER: False

36. Paralegals are responsible for clerical and word-processing services for the law firm.
- a. True
  - b. False

ANSWER: False

37. A law firm may bill clients for the time spent by paralegals on their cases.
- a. True
  - b. False

ANSWER: True

38. Timekeeping is important for analyzing productivity.
- a. True
  - b. False

ANSWER: True

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39. A tickler system is a calendaring process.

- a. True
- b. False

ANSWER: True

40. Computer software can automatically calculate and calendar deadlines.

- a. True
- b. False

ANSWER: True

41. Disbursements are expenses incurred on behalf of the client.

- a. True
- b. False

ANSWER: True

42. Office work on a laptop or home computer is adequately secured by a password.

- a. True
- b. False

ANSWER: False

43. When speaking to a witness on the phone, it is best not to identify your firm.

- a. True
- b. False

ANSWER: False

44. One of the most common problems in using the telephone is failing to record phone numbers and addresses accurately.

- a. True
- b. False

ANSWER: True

45. Use your clients' first names to help them feel comfortable.

- a. True
- b. False

ANSWER: False

46. Paralegals may represent clients in court if the amount in controversy is less than five thousand dollars.

- a. True
- b. False

ANSWER: False

47. Generally, paralegals may have business cards with the name of the firm on them.

- a. True

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b. False

ANSWER: True

48. Calendaring and deadline control errors may lead to malpractice claims.

a. True  
b. False

ANSWER: True

49. Professional development requires that you join the ABA.

a. True  
b. False

ANSWER: False

50. Ethical standards are set in each jurisdiction by the local judge.

a. True  
b. False

ANSWER: False

51. There would be a conflict of interest if you assisted in representing a client in a suit against your cousin.

a. True  
b. False

ANSWER: True

52. Only attorneys need concern themselves with professional ethics.

a. True  
b. False

ANSWER: False

53. Paralegals must be licensed in thirteen states.

a. True  
b. False

ANSWER: False

54. Venue is determined in the same way as jurisdiction.

a. True  
b. False

ANSWER: False

55. The Supreme Court has original jurisdiction over controversies between two states.

a. True  
b. False

ANSWER: True

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56. A court can have personal jurisdiction based on Internet contacts.

- a. True
- b. False

ANSWER: True

57. The jurisdictional amount for federal diversity cases is \$25,000.

- a. True
- b. False

ANSWER: False

58. Federal question cases go directly to the Supreme Court.

- a. True
- b. False

ANSWER: False

59. Domicile is established for the purposes of appeal.

- a. True
- b. False

ANSWER: False

60. Trial courts decide questions of law and questions of fact.

- a. True
- b. False

ANSWER: True

61. The U.S. Court of Appeals for the Federal Circuit hears appeals from the U.S. Commissioner of Patents.

- a. True
- b. False

ANSWER: True

62. What is the role of the paralegal in the law firm?

ANSWER: Complete tasks assigned by attorneys: Gather and organize information; draft documents; research and investigate; assist at hearings and trials; file matters; inform clients on case status; generate income for the firm through billable hours; and benefit clients through lower rates and efficient work.

63. What is the role of the paralegal manager?

ANSWER: The paralegal manager administers paralegal hiring, training, and productivity.

64. Pricing for legal services to a corporation based on cost estimates and specific services is called what?

ANSWER: Value billing.

65. Define double billing.

ANSWER: It is charging each of several clients for the full amount of time spent on behalf of all of them. It is unfair and unethical.

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66. Define professional ethics as applied to attorneys and discuss its significance to the paralegal.

*ANSWER:* Professional ethics are the rules of conduct and guidelines to behavior that govern the practice of law. The actions of the attorney as well as of those persons supervised by the attorney must conform to the standards of professional ethics. Failure to comply with the standards can result in damage to the reputation of the firm, the disbarment of the attorney, loss of employment for the paralegal, and possible prosecution of the paralegal under the state statute for the unauthorized practice of law.

It is essential for the paralegal to be familiar with the ethical standards imposed on attorneys, and at what points in the litigation process one or more of those standards become particularly important in order for the paralegal to work within those standards. The significance of professional ethics pervades everything paralegals do, for honesty, integrity, and fairness are at the core of their work.

67. List three sources of guidelines for ethical paralegal conduct.

*ANSWER:* The ABA Model Guidelines, NALA, NFPA, your state association.

68. List three recommended ways to screen for conflict of interest when personnel are hired from an opposing firm.

*ANSWER:* The new employee must be warned not to reveal confidential information, and not to work on matters known about in former employment; the firm must implement safeguards against the new employee working on matters worked on in former employment, and inform the adverse party that the employee was hired and of screening methods.

69. How can a paralegal continue professional development?

*ANSWER:* Keep informed of what is going on in your field, attend continuing education seminars, participate in paralegal associations, and subscribe to paralegal literature.

70. List the courts in your state system and their primary jurisdictions.

*ANSWER:* This answer requires your state's information.

71. What is the domicile of a corporation? An insurance company?

*ANSWER:* Corporation: the state in which it is incorporated and its principal place of business; insurance company: the state in which it is incorporated and its principal place of business, plus the state of the insured person.

72. CAFA extends diversity jurisdiction in class actions when what two requirements are met?

*ANSWER:*

1. At least one plaintiff and one defendant are diverse.
2. Claims of all plaintiffs exceed \$5 million.

73. Explain the differences between venue and subject matter jurisdiction.

*ANSWER:* Subject matter jurisdiction defines what subject, including amount in dispute, a court is authorized to hear; venue permits a court to hear a case because that is the geographical location in which the defendant lives or in which the cause of action arose. The difference is a matter of what versus where.

74. How is *forum non conveniens* used?

*ANSWER:* It is used to transfer a case to another court having requisite jurisdiction and venue if the original court is inconvenient to the defendant.

75. One of the following steps in the flow of a case is out of chronological order. Which is it?

Name \_\_\_\_\_ Class \_\_\_\_\_ Date \_\_\_\_\_  
: \_\_\_\_\_ : \_\_\_\_\_ e: \_\_\_\_\_

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- a. accident or event
- b. informal investigation
- c. motion for summary judgment
- d. file complaint
- e. file answer
- f. discovery
- g. trial
- h. appeal

*ANSWER:*

c