

Instructor's Manual Test Bank

The test bank questions are provided in addition to the Comprehensive Exit Assessment—Appendix A in the text. These questions reinforce or expand on the principles tested in Appendix A. Instructors may choose to use these alternative questions alone or in conjunction with the questions in Appendix A. The correct answers are provided the answer key. These test bank questions in ExamView are also available on the Instructor Resources CD.

Chapter 1 The Paralegal Profession

True/False

1. True. Private law firms are the largest employers of paralegals in the United States.
2. True. Corporate counsel refers to an attorney who is employed by and represents only that corporation.
3. True. Paralegal duties are more likely to be varied in small law firms.
4. True. Paralegals working in a corporations are mostly working with corporate or in-house counsel.
5. False. Government paralegal positions are generally not posted on the Internet,
6. True. A job search should encompass exploration of all available opportunities that are of interest.
7. True. Resumes should be tailored to best present qualifications that relate to the position sought.
8. True. Prior employment should be listed in reverse chronological order.
9. False. A resume should never be accompanied by a cover letter or e-mail correspondence.
10. False. An applicant should not correspond with the interviewer after an interview.

Multiple Choice

1. C. Which of the following should not be sent initially when applying for a job?
 - a. Resume
 - b. Cover letter
 - c. Writing sample
 - d. All of the above should be sent.
2. C. Which would be the best writing sample to submit to a prospective employer?
 - a. A simple form that you completed that identifies your law firm and some client data.
 - b. A paper you submitted for a course that shows the instructor's comments for improvement and a grade of B or better.
 - c. A memo or brief that shows your ability to write clearly and concisely.

- d. A creative essay you wrote about the Olympics.
- 3. A. The professional association of paralegal educators that permits paralegals to join is the
 - a. American Association for Paralegal Education
 - b. National Association for Legal Assistants
 - c. American Bar Association
 - d. National Federation of Paralegal Associations
- 4. B. Which of the following organizations offers a certification exam for paralegals?
 - a. American Association for Paralegal Education
 - b. National Federation of Paralegal Associations
 - c. American Bar Association
 - d. All of the above.
- 5. D. Which of the following is generally not required for admission as an attorney in the U.S.?
 - a. Bachelor's degree
 - b. Juris Doctor
 - c. Passing grade on state bar exam
 - d. A medical examination.

CH 2 Legal Ethics

True/False

- 1. True. An attorney may be suspended from the practice of law for a breach of the Rules of Professional Responsibility by a paralegal under his or her supervision.
- 2. True. Practice of law involves the providing legal advice both in and outside of court.
- 3. True. The ABA proposes the Model Rules which are adopted by each state.
- 4. False. Unauthorized practice of law only applies to conduct of freelance or independent paralegals.
- 5. False. Only a client not an attorney can initiate a complaint based on unauthorized practice of law.
- 6. True. The attorney must establish the attorney-client relationship.
- 7. True. The ethical rule of confidentiality is much broader than the evidentiary rule about attorney-client privilege.
- 8. True. The attorney-client privilege applies to *pro bono publico* matters.
- 9. True. The attorney-client privilege is waived if made in circumstances where third parties not necessary to the legal representation are present.
- 10. False. Mental impressions (the attorney's strategies and theories) are protected from disclosure under the attorney-client privilege.

11. True. A court may fashion various remedies in situations involving inadvertent disclosures, but ethically an attorney's obligation is to notify opposing counsel of information received.
12. True. If a lawyer or a law firm represents a particular client, a conflict with the interests of that client exists if another lawyer in the firm currently represents or previously represented the opponent in a related matter.
13. True. Fees for services performed by paralegals may be collected in a statutory award of attorneys' fees at market rates.
14. True. Ethical rules may require copies of lawyer advertisements be retained for a period of time, contain an attorney's name, provide disclosure about testimonials, and other requirements.
15. True. The American Bar Association approves paralegal education programs, but does not certify paralegals.

Multiple Choice

16. D. Which of the following statements is true?
 - a. An attorney can allow a criminal defendant to take the stand and give perjured testimony.
 - b. An attorney may transfer assets in an attempt to hinder or delay creditors of the client.
 - c. A judge may sanction an attorney who refuses to follow the court's orders during a proceeding.
 - d. An attorney must reveal unfavorable precedent to the court, even if the opponent doesn't, and argue against its application
17. D. A paralegal may perform assignments delegated by a supervising attorney,
 - a. provided that the services do not require giving legal advice to a client
 - b. the attorney maintains a direct relationship with the client
 - c. the work product of the paralegal is considered to be a part of the lawyer's work product
 - d. all of the above
18. C. If a paralegal worked on the case for the opposing side at her prior employment,
 - a. she need not disclose this, because she owes the prior client the duty of confidentiality.
 - b. The firm will no longer be able to represent the client.
 - c. Screening a paralegal is usually allowed to avoid imputed disqualification.
 - d. The paralegal can waive the potential conflict of interest.