

# LEGAL OFFICE PROCEDURES (27)

## Regional—2013

Objective Portion ( <i>40 @ 5 points each</i> )	_____ (200 pts.)
Job 1 - Letter to Client	_____ (100 pts.)
Job 2 - Pleading	_____ (100 pts.)
<b>TOTAL POINTS</b>	_____ ( <b>400 pts.</b> )

***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.***

No more than ten (10) minutes orientation  
 No more than 60 minutes actual testing time  
 No more than ten (10) minutes wrap-up

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### GENERAL INSTRUCTIONS

1. Answer the objective questions using the Scantron scoring sheet provided.
2. Make certain this test booklet contains Jobs 1 & 2.
3. For any job 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
4. If you finish before the end of the testing time, notify the administrator. Time may be a factor in determining the winner in the event of a tie.
5. When turning in your completed work, place your Scoring Sheet on top of all your jobs. The jobs should be arranged in numeric order. Turn in all partial jobs.

Production Standards	
0 errors	100 points
1 error	90 points
2 errors	70 points
3 errors	0 points

## PART I – OBJECTIVE

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

1. What term describes when the lawyer's judgment is affected by influences other than the client's best interests?
  - a. Writ of Habeas Corpus
  - b. Conflict of Interest
  - c. Conflict of Courts
  - d. Supreme Court Review
2. What term describes work for legal services done or performed free of charge?
  - a. Pro bono
  - b. Pro Legal
  - c. Free
  - d. Pre Legal
3. Your attorney, Mr. Johnson, handed you a client check and asked you to deposit it in the firm's operating account. You know that the client does not have a bill outstanding with your firm. You should-
  - a. Do as Mr. Johnson instructs as he is the lawyer.
  - b. Put the check into the client trust account even though Mr. Johnson instructed you differently.
  - c. Remind Mr. Johnson that the client does not yet have a bill outstanding and ask if he meant the client trust account.
  - d. Quit your job.
4. What is an affirmation?
  - a. A solemn and formal declaration that an affidavit is true. This is substituted for an oath in certain instances.
  - b. A court brief
  - c. A judgment from the judge
  - d. A formal sentence
5. Which of the following words is misspelled?
  - a. barrister
  - b. duress
  - c. legaleze
  - d. seriatim
6. What computer programs are used by a law office?
  - a. Automated Calendaring Systems
  - b. Database programs
  - c. Word Processing Programs
  - d. All of the above

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7. What are the 3 different styles of pleading paper?
  - a. Blank Format, California format (line numbering), and Left & Right Ruled Margins
  - b. Left & Right Ruled Margins, California format (line numbering), and Times Roman Style
  - c. Times Roman Style, Blank Format, and Left & Right Ruled Margins
  - d. None of the above.
8. What kind of errors will a spell check find?
  - a. Double occurrences of a word
  - b. Misspelled words
  - c. Irregular case
  - d. All of the above
9. What are the two most common computer assisted legal research tools?
  - a. Lexis and Westlaw
  - b. Westlaw and Westwing
  - c. Lexis and Courtlaw
  - d. Courtlaw and Westlaw
10. The Family and Medical Leave Act applies to:
  - a. Companies with 15 or more full-time workers.
  - b. Companies with 50 or more employees.
  - c. Companies with 100 or more employees.
  - d. Any company engaged in interstate commerce.
11. 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?
  - a. Yes. An at-will employee does not have a legal right to claim wrongful discharge of employment.
  - b. 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.
  - c. Even though Megan was an at-will employee, such employees may not be fired without just cause.
  - d. 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.
12. What is a decision by a higher court finding that a lower court decision was in error?
  - a. Overrule
  - b. Override
  - c. Restatement
  - d. Parallel citation
13. What is an action brought by one private party against another to resolve a controversy?
  - a. Civil action
  - b. Criminal Action
  - c. Martial Action
  - d. Appellate Action
14. What is the term for the power of a court to hear and try a case or the geographic area in which a court has power or the types of cases it has the power to hear?
  - a. Jurisdiction
  - b. Judgment
  - c. Citizenship
  - d. Pleading

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15. What term describes an order issued by the Supreme Court directing the lower court to transmit records for a case for which it will hear on appeal?
- a. Writ of Certiorari
  - b. Stare Decisis
  - c. Pro se
  - d. Ex parte
16. What term describes law that has evolved from earlier decision of courts?
- a. Venue
  - b. Default
  - c. Jurisdiction in rem
  - d. Common Law
17. Typically, what are the four parts of a complaint?
- a. Caption, opening paragraphs, allegations and claims, prayer and verification.
  - b. Caption, opening paragraphs, allegations and claims, Judgment.
  - c. Caption, opening paragraphs, allegations and claims, certiorari.
  - d. Caption, opening paragraphs, judgment, and sentence.
18. Which government agency licenses and regulates interstate and foreign communications?
- a. FCC
  - b. FTC
  - c. FDA
  - d. GPO
19. The reference of a dispute to an impartial (third) person chosen by the parties who agrees in advance to abide by the arbitrator's award issued after a hearing at which both parties have an opportunity to be heard is referred to as a/an
- a. Arbitration
  - b. Counterclaim
  - c. Cause of action
  - d. Appearance
20. Testimony, writings, or material objects offered as proof of an alleged fact or proposition is referred to as:
- a. Evidence
  - b. Cross-claim
  - c. Arbitration
  - d. Appellant
21. What term describes the documents filed with the court in a lawsuit, such as complaints, answers, motions, and other documents?
- a. Leave of court
  - b. Mediation
  - c. Pleadings
  - d. Rebuttal
22. Testimony of a witness or a party taken under oath outside the courtroom is a/an
- a. Deposition
  - b. Cross-claim
  - c. Counterclaim
  - d. Brief
23. A command to appear at a certain time and place to give testimony and to bring items specified therein is referred to as a
- a. Subpoena duces tecum
  - b. Summary judgment
  - c. Response
  - d. Transcript
24. What is the term for an intentional false communication published that injures another's reputation or good name?
- a. Conversion
  - b. Defamation
  - c. Slander
  - d. Injunction

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25. What is NOT a defense to an intentional tort?
- a. Consent
  - b. Self-defense
  - c. Defense of property
  - d. Risk
26. Which pleading does not start a criminal proceeding?
- a. Criminal complaint
  - b. Information
  - c. Indictment
  - d. Interrogatory
27. A person who is appointed by a court to represent a minor or incapacitated person in a legal proceeding is a/an
- a. Illegitimate
  - b. Guardian ad litem
  - c. Joint custody
  - d. Interlocutory order
28. What term describes a formal written contract effectuating the sale and conveyance of property by the seller to the buyer for a price?
- a. Closing statement
  - b. Abstract of title
  - c. Deed
  - d. Deed of Trust
29. An intrusion on the property of another is referred to as a/an
- a. Deed
  - b. Donation
  - c. Easement
  - d. Encroachment
30. What term describes such items as curbs, gutters, sidewalks, street lights, and sewer systems constructed to enhance development of real estate?
- a. Judgment
  - b. Lease
  - c. Improvement
  - d. Lien
31. A written instrument that grants an interest in real property to provide security for the repayment of a debt is referred to as a
- a. Mortgage
  - b. Probate deed
  - c. Quitclaim deed
  - d. Judgment
32. What term describes land and whatever is attached or affixed to it? Generally, this term is synonymous with the words "real property" or "immovable property."
- a. Real estate
  - b. Mortgage
  - c. Lien
  - d. Judgment
33. This term represents a form of ownership by which property is held by two or more persons, each with an undivided ownership with a right of survivorship. The owner's interest passes to the heirs upon death.
- a. Tenancy by the entireties
  - b. Tenancy in Common
  - c. Title Examination
  - d. Tax Lien
34. What is the name of the witness clause in a will?
- a. Attestation clause
  - b. Codicil
  - c. Devise
  - d. Devisee
35. An amendment either to add or delete provisions of a will that is executed with all formalities of a will is referred to as a/an
- a. Codicil
  - b. Attestation clause
  - c. Devisee
  - d. Bequest

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36. The person designated in a will or appointed by the court to manage the affairs and/or care for the needs of a minor or a disabled person is referred to as a/an
- a. Grantor
  - b. Heir
  - c. Legatee
  - d. Guardian
37. A straight or liquidated bankruptcy is referred to as a
- a. Chapter 7
  - b. Chapter 13
  - c. Chapter 11
  - d. Chapter 22
38. What is an example of a computerized research entity?
- a. Legal Encyclopedia
  - b. National Reporter System
  - c. Westlaw and Lexis
  - d. Digest
39. Meryle Ann's mother recently died and 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?
- a. Criminal law
  - b. Statutory law
  - c. Civil Case law Probate
  - d. U.S. Ct
40. Which of the following words is spelled incorrectly?
- a. benefisiary
  - b. egress
  - c. libel
  - d. solvency

**Job 1—Letter to Client** (*Attach job to Score Sheet*)

You work for Jonathan Smith, Attorney at Law. Please prepare the following letter to Snow White at the following address: 222 Idaho Street, Nampa, ID 83651. Please list the subject as COMPLAINT. Include all necessary letter parts and prepare the letter in correct format and make sure that your contestant # and job # appear in the footer.

We are pleased that you have chosen us to represent your interest in this case. When you were first interviewed at our office, we obtained the general information regarding the accident. We also obtained a copy of the accident report from the Nampa Police Department.

Enclosed is a copy of the Complaint we intend to file with the court to start the action against Mr. Jones and his insurance company to obtain relief for your damages. Please review the Complaint prior to our next appointment. You will be signing the verification part of the Complaint in the presence of a Notary Public when you sign the document.

We will be in contact with Mr. Jones' representatives in this matter. The police officers who were at the scene and any others police officers who may have been involved will be interviewed.

Be sure to bring in any additional information or documentation you have regarding the accident or subsequent medical information you have when you come for your next appointment.

Do not under any circumstances discuss your case with anyone except members of this office.

Sincerely yours



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**Job 2: - Prepare Pleading.**

**Job 2:**

Please prepare the following pleading according to the Professional Business Associates Style and Reference manual. (Case Number DM-1422)

**Note:** See exact number styles shown on the legal documents in the Style and Reference manual.

Final Judgment

This cause having come on for trial on October 23, 2013, and in view of the foregoing, it is ordered and adjudged that Plaintiff Susan Stoner shall recover from Defendant Josh Johnson the total sum of \$4,000.00 as a settlement in the matter now before the court.

This judgment shall bear interest at the rate of six percent per annum until paid in full.

Done and ordered in Small Claims Court for the County of Blair, Colorado.

Small Claims Court Judge