

Name: ANSWER KEY! ☺ October 21, 2021 Score: 100 / 100

LAW 1103 MIDTERM EXAM ANSWER SHEET!!

+42 104- ☺

Instructions: Write all answers on this sheet. You may write on the exam sheet, but only this sheet will be graded. Please follow all instructions in the exam, like using CAPITAL letters for multiple choice and matching questions! Please submit this answer sheet and the exam sheet when you leave the room. *Good luck!!* ☺

SHORT ANSWERS! (2 points each).

Multiple Choice!

- 1. A
- 2. D
- 3. A
- 4. B
- 5. C
- 6. C
- 7. B

- 15. C
- 16. D
- 17. A
- 18. B

31. A

More Matching!

- 32. B
- 33. C
- 34. D
- 35. A
- 36. C
- 37. B
- 38. A

Multiple Choice Again!

- 19. B
- 20. B
- 21. C
- 22. B
- 23. C
- 24. D
- 25. B
- 26. A
- 27. A
- 28. A
- 29. B
- 30. B

Matching!

- 8. D
- 9. E
- 10. A
- 11. C
- 12. B
- 13. F
- 14. E

Name the Courts!

- 39. NYC Civil Court, Richmond County
- 40. Appellate Division, Third Dept.
- 41. US District Court for the Southern District of New York
- 42. US Court of Appeals for the Second Circuit

BONUS #1: (a) Chief Justice John G. Roberts Jr. (b) Chief Judge Janet DiFiore

Answer the **SHORT ESSAY** on the back of this sheet, BONUS #1 anywhere on this sheet, and for BONUS #2. sign your name below to confirm you'll submit the survey! **Thank you! Enjoy the rest of your day.** ☺

See last page of exam!

Ans. R. Key ☺

Name: _____

ANSWER KEY! 😊

October 21, 2020

LAW 1103 MIDTERM EXAM!!

Instructions: Write all answers on your answer sheet. You may write on this exam, but only your answer sheet will be graded. You may use your maps and charts of the court systems that you received in class; you may not use any notes, textbooks, or other materials. Follow all instructions, like using CAPITAL letters for multiple choice and matching questions, or you will lose points! ☹ Grammar and spelling count; please proofread your work. Please submit this exam sheet and your answer sheet when you leave the exam. *Good luck!!* 😊

SHORT ANSWERS! (2 points each) Write the **CAPITAL letters** (A, B, etc.) of the best answers to each question!

Multiple Choice!

1. The term "civil procedure" refers to:
 - (A) rules courts follow in conducting trials to resolve private disputes between individuals and businesses
 - (B) rules on how to be nice to one another
 - (C) rules courts follow when the government alleges a wrong against the public or society, that can result in imprisonment
 - (D) the standard of proof in a civil case

2. "Parties" to a civil case include individuals:
 - (A) who believe they were wronged and initiated the case in court
 - (B) against whom the case was initiated
 - (C) who have knowledge about the case, but not directly affected by its outcome
 - (D) A and B, but not C

3. The party in a civil matter who believes they were wronged, and initiates an action to seek a remedy from the court, is generally known as the:
 - (A) plaintiff
 - (B) defendant
 - (C) fact-finder
 - (D) witness

4. The party in a civil matter who is the alleged wrongdoer, against whom the action is brought, is generally known as the:
 - (A) plaintiff
 - (B) defendant
 - (C) fact-finder
 - (D) judge

5. The standard of proof that a plaintiff must meet in order to prevail in a civil case is known as:
 - (A) beyond a reasonable doubt
 - (B) absolutely, positively, 100% certain
 - (C) preponderance of evidence
 - (D) flip a coin

6. New York Supreme Court has original jurisdiction over any type of case, unless a statute or constitutional provision gives another court exclusive jurisdiction. (For example, it may not decide civil claims for money damages against NY State and related entities, because NY Court of Claims has exclusive jurisdiction over such cases.) New York Supreme Court's broad jurisdiction is called __ jurisdiction.
 - (A) limited
 - (B) exclusive
 - (C) general
 - (D) concurrent.

7. Aaoni slipped and fell on the City Tech campus. She wants to sue City Tech, which is under the control of New York State, for \$70,000 in damages. In what court may she file her case?
 - (A) New York Supreme Court, because this case falls under its general jurisdiction.
 - (B) New York Court of Claims, because this case falls under its exclusive jurisdiction.
 - (C) U.S. District Court, because this case falls under its diversity jurisdiction.
 - (D) U.S. Supreme Court, so long as it grants her request for a writ of certiorari.

Matching! Match each description (8-12) with the type of jurisdiction (A-E). Each description matches one jurisdiction.

- | | |
|--|--|
| <p>8. more than one court may decide a particular case</p> <p>9. authority to decide only certain types of cases (most courts have this)</p> <p>10. only one court has authority to decide a particular case</p> <p>11. authority to review the decision of a lower court</p> <p>12. federal courts' authority to decide cases between citizens of different states, with at least \$75,000 in controversy</p> | <p>(A) exclusive jurisdiction</p> <p>(B) diversity jurisdiction</p> <p>(C) appellate jurisdiction</p> <p>(D) concurrent jurisdiction</p> <p>(E) limited jurisdiction</p> |
|--|--|

Match each court (13-18) with the description (A-F). Each description matches one court.

- | | | |
|--|---|--|
| <p>F
E
C
D
A
B</p> | <p>13. US Supreme Court
14. NY Court of Appeals
15. Appellate Division
16. US Court of Appeals
17. NY Supreme Court
18. US District Court</p> | <p>(A) NY trial level court
(B) main federal trial level court
(C) NY intermediate appellate court
(D) federal intermediate appellate court
(E) NY's highest appellate court
(F) highest federal appellate court</p> |
|--|---|--|

Multiple Choice Again!

- B 19. All of the federal District Courts in New York (NY), Connecticut (CT), and Vermont (VT) are under the jurisdiction of the ___ Circuit Court of Appeals. (A) First (B) Second (C) Third (D) Ninth
- B 20. An appeal of a decision by N.Y. Surrogate's Court, Nassau County, would be decided by:
(A) Appellate Division, First Department (C) Appellate Term, First Department
(B) Appellate Division, Second Department (D) New York Court of Appeals
- C 21. An appeal of a decision by Appellate Division, Third Department, would be decided by:
(A) U.S. Court of Appeals, Third Circuit (C) New York Court of Appeals
(B) Appellate Term, Fourth Department (D) Appellate Division, First Department
- B 22. An appeal of a civil decision by Appellate Term, First Department, would be decided by:
(A) Appellate Term, Second Department (C) New York Court of Appeals
(B) Appellate Division, First Department (D) U.S. Court of Appeals for the First Circuit
- C 23. An appeal of a decision by U.S. District Court for the Northern District of California would be decided by U.S. Court of Appeals for the ___ Circuit. (A) First (B) Second (C) Ninth (D) Tenth
- D 24. An appeal of a decision by U.S. Court of Appeals for the Federal Circuit would be decided by:
(A) U.S. Court of Appeals for the D.C. Circuit (C) Appellate Division
(B) N.Y. Court of Appeals (D) U.S. Supreme Court
- B 25. Melania Trump wants to divorce her husband Donald. Which New York court(s) have subject matter jurisdiction?
(A) Family Court (B) Supreme Court (C) Court of Claims (D) A & B only
- A 26. A federal court's authority to decide an alleged violation of someone's First Amendment right to freedom of religion falls under the court's ___ jurisdiction. (A) federal question (B) diversity (C) appellate (D) general
- A 27. (Questions 27-29 all refer to the case described in this question.) Driver opened his car door in front of Coughlin when she was riding her bicycle in Manhattan, and caused Coughlin's leg to be broken. Coughlin wants to commence a civil lawsuit against Driver under New York personal injury (negligence) law for \$100,000 in damages. In what New York court may Coughlin file her case? (A) New York Supreme Court (B) New York City Civil Court (C) New York Court of Claims (D) A or B only
- A 28. Coughlin is a resident of New York and Driver is a resident of Delaware. May Coughlin commence the case addressed in question 27 against Driver in a federal trial court?
(A) Yes, because the requirements for diversity jurisdiction are satisfied.
(B) No, because the requirements for diversity jurisdiction are not satisfied.
(C) Yes, because the federal court has exclusive jurisdiction.
(D) Yes, because the federal court has federal question jurisdiction.

- B** 29. The \$100,000 Coughlin seeks from Driver is known as the: (A) federal question (B) amount in controversy (C) preponderance of evidence (D) cause of action
- B** 30. A claim by Pedro that Mirian committed a wrongful act that injured Pedro, or Pedro's property, or Pedro's reputation, is what type of legal claim? (A) contract claim (B) tort claim (C) small claim (D) false claim
- A** 31. Esteban alleges that Coughlin calculated his grade according to a formula totally different from the one in the syllabus, to which Esteban agreed when he decided to stay in this course. What type of claim does Esteban have against Coughlin? (A) contract claim (B) tort claim (C) criminal claim (D) false claim

More Matching! Match each cause of action (32-38) or legal remedy with one example.

Cause of action	Example
B 32. assault	(A) Coughlin taps Paradise on the shoulder to get her attention; Paradise does not like this.
C 33. conversion	(B) Coughlin tells Joshua if he doesn't pay attention, she will throw a marker at him.
D 34. negligence	(C) Coughlin takes Adriana's pen without asking, and writes with it till it runs out of ink.
A 35. battery	(D) Coughlin calculates Laila's grades while watching TV, and gets all the grades wrong.

Legal remedy	Example
C 36. declaration	(A) \$5 million to compensate Stephon for emotional distress incurred in Coughlin's class
B 37. injunction	(B) court order that Coughlin may never teach college again
A 38. damages	(C) court's statement that, as a matter of law, Coughlin's jokes cause emotional distress

Name the Courts! On your answer sheet, write the full names of the courts described in each question, including the appropriate County or Department for NY courts, and the appropriate District or Circuit for federal courts. Do your best!

39. NY trial court in Staten Island that would decide Pedro's civil case involving \$15,000 damages
40. intermediate appellate court that would decide an appeal of a decision by NY Family Court, Schenectady County
41. main federal trial court in Manhattan (where we observed a proceeding!)
42. intermediate appellate court to decide an appeal from US District Court for Southern District of NY

SHORT ESSAY! (10 points) Read the following scenario and answer the question on the back of your answer sheet.

You tell your friend that you are taking this course. She asks, "What does 'civil law and procedure' mean?" Explain it to her in one or more paragraphs of complete sentences, using correct grammar and spelling. Topics you should address include what "civil law" is, what "civil procedure" is, how civil law differs from criminal law, the full name (and abbreviation) of the set of rules that govern civil procedure, and any other information that might be helpful.

BONUS! (2 points each – ONLY IF you answer all other questions!):

- Name the current (a) Chief Justice of the US Supreme Court and (b) Chief Judge of the New York Court of Appeals!
- Complete and submit the anonymous survey, and sign your name at the bottom of your answer sheet to confirm that you did!

John G. Roberts Jr.

Janet DiFiore

see next page for an example by one of your classmates!

End of exam.

Please submit this exam AND your answer sheet before you leave the room.

Thank you! Enjoy the rest of your day. ☺

39. NYC Civil Court, Richmond County

40. Appellate Division, Third Department

41. U.S. District Court for the Southern District of New York

42. U.S. Court of Appeals for the Second Circuit

Civil Procedure is the set of rules courts follow in conducting trials to resolve private disputes between individuals and businesses. Civil law refers to the various rulings judges have given during civil cases which are then used to decide similar cases. Civil law differs from criminal law due to the fact that while civil cases often end with money being paid to another party, criminal cases often end with the defendant going to jail. Also civil cases are between two people and/or businesses criminal cases are between the government and people or businesses. The set of rules that govern civil procedure is known as the CPLR or "Civil Procedure Laws and Rules".

Excellent!
(10/10)