

Name: KEY!

March 23, 2023

**LAW 1101 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 paper copies of the maps and charts of the court system that you received in class; you may not use any other paper or electronic sources. You may not use a phone for any purpose; please put it where you cannot see it. Follow all instructions in this exam, like writing the words "True" and "False," and using capital letters for multiple choice questions—otherwise you will lose points! ☹ Grammar and spelling count; please proofread! When you finish, please submit this exam and your answer sheet, and the extra-credit survey if you complete it. *Good luck!!* ☺

**True or False!** (2 pts each) In the spaces on your answer sheet, write the word "True" or "False" (not "T" or "F").

1. The terms "paralegal" and "legal assistant" can be used interchangeably. *True*
2. An individual must be licensed by a state government to work as a paralegal. *False*
3. An individual must be licensed by a state government to work as an attorney. *True*
4. If an individual graduates from City Tech with a baccalaureate (Bachelor's) degree in Paralegal Studies, that individual may truthfully state on her/his resume that she/he is a "certified paralegal." *False*
5. If an individual earns a certificate from a paralegal training program, that individual may truthfully state on her/his resume that she/he is a "certified paralegal." *False*
6. It is acceptable for paralegals to draft legal documents, so long as the supervising attorney reviews, approves and signs them, and remains responsible to the client. *True*
7. It is acceptable for a paralegal to give a client legal advice, so long as the paralegal makes it very clear to the client that the paralegal is not a lawyer, and the client then consents to receive legal advice from the paralegal, knowing that the paralegal is not a lawyer. *False*
8. The highest appellate court in every state is called its "Supreme Court." *False*

**Multiple Choice!** (2 pts each) In the spaces on your answer sheet, write the capital letters (A, B, etc.) of the best answers.

9. Communication skills that are required to be a competent paralegal include:  
(A) writing (B) listening (C) speaking (D) reading (E) all of the above *E*
10. Paralegals may perform which of the following tasks?  
(A) assisting attorneys in preparing for trial (C) representing clients in court when the attorney is not available  
(B) giving legal advice to clients (D) all of the above *A*
11. Paralegals may not perform which of the following tasks?  
(A) organize and maintain client files (C) set the legal fees to be charged to a client  
(B) conduct legal research (D) none of the above—paralegals may perform all of these tasks *C*
12. The two major national associations of paralegal professionals, which offer paralegal certification, are:  
(A) the United Paralegals of America (UPA) and the Affiliated Legal Assistants Union (ALAU)  
(B) the National Federation of Paralegal Associations (NFPA) and National Association of Legal Assistants (NALA)  
(C) the National Paralegal Committee (NPC) and the National Association of Legal Assistants (NALA)  
(D) the National Federation of Paralegal Associations (NFPA) and the American Bar Association (ABA) *B*
13. Types of law offices where paralegals may work include: (A) private law firms (B) corporations ("in-house")  
(C) legal aid organizations (like Legal Aid Society) (D) advocacy organizations (like American Civil Liberties Union)  
(E) any of these offices (A-D) *E*
14. Which of the following is not a quality of a good resume?  
(A) correct spelling and grammar (B) at least two pages (C) truthful (D) highlights your strongest qualifications  
(E) none of these choices is correct (A-D)—they are all qualities of a good resume *B*

- A 15. A court's power to decide a case brought before it is called:  
 (A) jurisdiction (B) writ of certiorari (C) diversity (D) res judicata
- B 16. Courts that have original jurisdiction consider only: (A) criminal cases  (B) cases being heard for the first time  
 (C) cases where the parties are residents of the same state (D) lower courts' decisions, to decide if they were correct
- D 17. Courts that have appellate jurisdiction consider only: (A) cases being heard for the first time (B) cases about apples  
 (C) cases where the parties are residents of the same state  (D) lower courts' decisions, to decide if they were correct
- D 18. Which of the following courts has original jurisdiction? (Hint: *trial courts!*)  
 (A) U.S. District Court for the Eastern District of N.Y. (C) U.S. Bankruptcy Court for the Eastern Dist. of N.Y.  
 (B) U.S. District Court for the Southern District of FL.  (D) all of the above
- E 19. Which of the following courts has appellate jurisdiction? (Hint: *not trial courts!*)  
 (A) U.S. District Court for the Eastern District of N.Y. (B) U.S. Court of Appeals for the Second Circuit  
 (C) U.S. Supreme Court (D) all of the above  (E) B and C only
- D 20. A federal court's authority to decide a dispute between citizens of different states is called \_\_\_ jurisdiction.  
 (A) original (B) appellate (C) federal question  (D) diversity
- B 21. The federal trial courts are divided into 94: (A) circuits  (B) districts (C) departments (D) counties
- A 22. The federal intermediate appellate courts are divided into 13:  (A) circuits (B) districts (C) departments (D) counties
- E 23. Which of the following courts are part of the federal court system?  
 (A) U.S. Supreme Court (B) N.Y. Supreme Court (C) U.S. District Court for the Eastern District of N.Y.  
 (D) all of the above  (E) A and C only
- C 24. Which of the following courts are trial courts in the federal court system?  
 (A) Supreme Courts (B) Circuit Courts  (C) District Courts (D) State Courts
- E 25. Which of the following courts are appellate courts in the federal court system?  
 (A) U.S. Supreme Court (B) U.S. Circuit Courts of Appeals (C) U.S. District Courts (D) all of these  (E) A and B only
- B 26. All the federal trial courts in New York (as well as Connecticut and Vermont) fall under the appellate jurisdiction of the U.S. Court of Appeals for the \_\_\_ Circuit. (A) First  (B) Second (C) Fifth (D) Ninth
- C 27. A federal court's authority to decide a case involving a federal law is called \_\_\_ jurisdiction.  
 (A) original (B) appellate  (C) federal question (D) diversity
- A 28. Beatriz was convicted of burglary. Her attorney believes the evidence admitted against Beatriz at trial violated Beatriz's Fifth Amendment rights against self-incrimination. Beatriz's attorney should present the case to a(n) \_\_\_ court, to review the trial court's decision.  (A) appellate (B) trial (C) civil (D) bankruptcy
- D 29. Most cases that reach the United States Supreme Court do so by:  
 (A) direct appellate review (C) right of appeal  
 (B) requesting a hearing en banc  (D) requesting a writ of certiorari
- B 30. If the U.S. Supreme Court "grants" a writ of certiorari requesting to appeal a Circuit Court of Appeals decision, then:  
 (B) the Supreme Court will review the Circuit Court's decision and decide if it was correct  
 (C) the Supreme Court affirms (agrees with) the Circuit Court's decision  
 (D) the Supreme Court will not consider whether the Circuit Court's decision was correct; it will just let the decision stand as it is.

31. If the U.S. Supreme Court "denies" a writ of certiorari requesting to appeal a Circuit Court of Appeals decision, then:  
 (A) the defendant wins the case  
 (B) the Supreme Court disagrees with the Circuit Court's decision  
 (C) the Supreme Court will retry the case  
 (D) the Supreme Court will not consider whether the Circuit Court's decision was correct; it will just let the decision stand as it is.
32. Paralegals' and attorneys' practice of keeping track of the time they spend on various tasks, like meetings or phone calls or research, and recording that time in hours or fractions of hours, so the law office can bill clients accurately, is called: (A) a contingency fee (B) a retainer agreement (C) timekeeping (D) writ of certiorari.
33. An attorney sends a client a bill for legal services requesting \$1,500 payment: three hours of work at \$500 per hour. This is an example of a/n \_\_\_ fee arrangement. (A) fixed (B) hourly (C) contingency (D) none of these
34. A \_\_\_ is a signed document stating that the attorney or law firm has been hired by the client to provide legal services, and that the client agrees to pay fees to the attorney or firm, as set forth in the document.  
 (A) fixed fee agreement (B) hourly fee agreement (C) retainer (D) retainer agreement

**Short Answers!** (3 points each) In the appropriate spaces on your answer sheet, write the answers to each of the following questions, as best as you can. Partial credit is available!

35. What is the full name of the main federal trial court located in Brooklyn, N.Y., right near City Tech? *US District Court for the Eastern District of NY*
36. What is the name of the federal court that would decide an appeal of a decision by the U.S. District Court for the Southern District of N.Y.? *US Court of Appeals for the Second Circuit*
37. What is the name of the federal court that would decide an appeal of a decision by the U.S. Court of Appeals for the Second Circuit? *US Supreme Court*
38. What are the two requirements for a federal court to have diversity jurisdiction over a case?  
 ① plaintiff & defendant from different states ② at least \$75,000 amount in controversy!

**Essay!** (10 points) Read the following scenario and answer the question on the back of your answer sheet, in one or more paragraphs, comprised of complete, grammatically-correct sentences.

You run into a friend you haven't seen in a long time. She tells you how terrific you look, then she asks, "What is your favorite class in college?" Of course, you enthusiastically respond, "Introduction to Paralegal Studies!" Your friend asks, "What does it mean to be a paralegal?" Answer her question in one or more paragraphs, each comprised of complete, grammatically-correct sentences. You may want to include such information as: the role and responsibilities of a paralegal; types of tasks a paralegal may and may not perform, and why; how one can learn to be a paralegal; employment opportunities; and any other information that may be useful!

*SEE an example of an excellent, 10-point response on the next page!*

**BONUS!!** Optional!! (5 extra points—ONLY IF you answer ALL other questions in this exam!!) Complete the (anonymous) Mid-Semester Survey, then write a statement anywhere on your answer sheet confirming that you completed the survey and will submit it. Then please submit the survey!

**End of exam.**

Please submit this exam AND your answer sheet AND your survey (if you completed one) before you leave the room.

**Thank you! Enjoy the rest of your day. ☺**

A paralegal or "legal assistant" is someone qualified through education, experience, or training and employed or retained by a lawyer or law firm to complete specifically delegated and substantive legal work.

Unlike attorneys, paralegals do not need to be licensed to work - in fact, there is no "paralegal license". But, <sup>while it isn't necessary,</sup> a paralegal can become certified through a voluntary organization such as NFPA or NALA by first completing an education requirement - a degree or certificate program - and also by passing the certifying organization's test.

Paralegals have a wide range of employment opportunities. They can work at a legal aid office (like I plan to), an advocacy org (also a cool option), a private firm <sup>or corporation</sup> (if I ever want to sell out), or for the government like a district attorneys office (ew). Oh, and freelance, which is cute I guess. Paralegals do a lot of administrative tasks like calendaring, maintaining client files, <sup>and</sup> drafting documents for attorneys to review. They can also do investigative work like interviewing clients and witnesses, doing legal research, or doing factual legal research and investigation. They can also serve documents on people which is pretty cool. That's not all that paralegals do but there are some things they specifically can't do like give legal advice, represent clients in court, set legal fees, or sign their own names to documents in place of a lawyer or without indicating that they are a paralegal. - those are all things only attorneys can do.