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Question: 69

The elements or parts of a reported case include, among other things,

- A. The caption, the citation, and the opening brief.
- B. The discussion, the opinion, and the holding.
- C. The holding, the responding brief, and the caption.
- D. The caption, the headnotes, and the holding.

Answer: D

The caption, the headnotes, and the holding. The parts of a reported case include the following: The caption, the date of the decision, parallel citations (if any), the headnotes, the statement of the facts, the court's opinion, the holding, the rationale, dicta, and the disposition of the case. Some opinions also include a syllabus.

Question: 70

Which of the following possessives is NOT correct?

- A. The rule in Shelley's case.
- B. He reviewed the ACP's resume.

- C. He repaired his mother's-in-law car.
- D. None of the above.

Answer: C

He repaired his mother's-in-law car. Answer C is not correct because "mother-in-law" is a singular term and the possessive is formed by adding an apostrophe and "s" at the end. Answer A and Answer B are both correct because they are singular terms and the possessive is correctly formed by adding an apostrophe and an "s" at the end. Note that this grammatical rule applies to acronyms.

Question: 71

Which of the following is NOT a factor to be considered in determining whether a lawyer is competent to handle a particular matter?

- A. The length of time the lawyer has been practicing law.
- B. The complexity and specialized nature of the matter.
- C. The lawyer's general experience.
- D. The lawyer's training and experience in the underlying subject matter.

Answer: A

The length of time the lawyer has been practicing law. The factors to consider when determining whether a lawyer is competent to handle a particular matter include, among other factors: (1) the complexity and specialized nature of the matter; (2) the lawyer's general experience; (3) the lawyer's training and experience in the underlying subject matter; (4) the preparation and study the lawyer can devote to the matter; (5) whether it is feasible to associate with another lawyer who is competent in the area. Model Rule 1.1, comment 1. "A lawyer need not necessarily have special training or prior experience to handle a legal problem of a type with which the lawyer is unfamiliar." Model Rule 1.1, comment 2. Answer A is the best choice because length of time as a practicing lawyer is not considered a factor.

Question: 72

Which of the following sentences does NOT correctly use "who" or "whom"?

- A. My supervisor knows Gary, with whom he has worked.
- B. Samuel is the person to whom you should address your complaint.
- C. Both of the above.
- D. Neither of the above.

Answer: C

Both of the above. In this question, Answer A is correct because “whom” is used in a clause that is subordinate to the main clause (note the comma). By contrast, Answer B does not use a comma, so the clause is not dependent. If the clause is restrictive (no comma), the best way to determine if “who” or “whom” is correct is to revise the sentence without “who” or “whom” (e.g., “You should address your complaint to Samuel”) and then determine if the sentence works with “he” or “she” or works with “him” or “her” (e.g., “She should address . . .”). If “he” or “she” works, then use “who”; if “him” or “her” works, then use “whom.”

Question: 73

A lawyer represented a client in a case involving a contract dispute. The lawyer was successful in showing a breach of contract by the defendant and asserted a claim for attorneys’ fees under the contract. The defendant did not dispute that the plaintiff was entitled to attorneys’ fees, but argued that the lawyer overcharged his client since the work performed was not worth the amount charged. At the hearing on the motion for attorneys’ fees, the defendant’s attorney called the plaintiff’s lawyer as a witness. Can the lawyer testify in a case in which he is representing a party?

- A. Yes, because the testimony will be limited to the work performed and value of the work performed.
- B. Yes, if the plaintiff waives the conflict of interest.
- C. No, because an attorney cannot act as an advocate for a party and a witness in the same case.
- D. No, unless the lawyer withdraws from representing the client.

Answer: A

Yes, because the testimony will be limited to the work performed and value of the work performed. “A lawyer shall not act as an advocate at a trial in which the lawyer is likely to be a necessary witness unless . . . the testimony relates to the

nature and value of the legal service rendered in the case.” Model Rule 3.7.

Answer A is the best choice because it states an exception that allows the attorney to testify regarding the attorneys’ fees. Answer B is not the best choice because an attorney testifying in the same case in which he or she represents a client is not a conflict of interest. Answer C is not the best choice because an exception to the rule covers the situation in this factual scenario. Answer D is not the best choice because an exception allows the attorney to testify.

Question: 74

Which of the following sentences correctly uses the past tense?

- A. The governor will veto the bill.
- B. The governor reads all bills passed by the legislature.
- C. The state legislature overrode the governor’s veto.
- D. The governor had expressed her opposition to the bill and has now vetoed it.

Answer: C

The state legislature overrode the governor’s veto. Verb tense indicates whether an action or state of being occurred in the past, present, or future. The past tense is formed by adding “d” or “ed” to the end of a verb or by using the past tense form of an irregular verb. Answer C is the correct choice because “overrode” is the past tense form of the irregular verb “override.” Answer A is not the correct choice because it is an example of the irregular verb “to be” in the future tense. Answer B is not the correct choice because it is an example of the verb “to read” in the present tense. Answer D is not the correct choice because it is an example of the present perfect tense.

Question: 75

Which of the following sentences properly uses a colon?

- A. Oliver Wendell Holmes said: “The life of the law is not logic; it is experience.”
- B. Sheldon kept knocking on Penny’s door: “Penny,” “Penny,” “Penny.”
- C. George used the buzzer to call Jerry: Jerry let George in the building.
- D. None of the above.

Answer: A

Oliver Wendell Holmes said: “The life of the law is not logic; it is experience.” A colon is used to introduce a quote, a list, or a rule. Answer A is the correct choice because it properly uses a colon to introduce a quote. Answer B is not the correct choice because the language before the colon does not introduce the quotes. To be proper, it should read: “Sheldon kept knocking on Penny’s door and saying: ‘Penny,’ ‘Penny,’ ‘Penny.’” Answer C is not the correct choice because the colon should be a semicolon.



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