

Name: _____ Class: _____ Date: _____

Chapter 01: Litigation and the Paralegal

True / False

1. Most aspects of civil litigation occur in the courtroom.

- a. True
- b. False

ANSWER: False

2. The rules of civil procedure differ substantially from the rules of criminal procedure.

- a. True
- b. False

ANSWER: True

3. Rules and procedures of civil litigation are the same from state to state.

- a. True
- b. False

ANSWER: False

4. In some instances the first pleading filed in a lawsuit is called a petition.

- a. True
- b. False

ANSWER: True

5. The most common method of resolving civil disputes is settlement.

- a. True
- b. False

ANSWER: True

6. Arbitration is a form of settlement.

- a. True
- b. False

ANSWER: False

7. Case law has little, if any, relevance to the law of civil procedure.

- a. True
- b. False

ANSWER: False

8. A litigation paralegal often appears in court.

- a. True
- b. False

ANSWER: False

9. Case management software allows attorneys to organize and summarize extensive discovery.

- a. True
- b. False

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ANSWER: True

10. Litigation paralegals often rely on form books and forms files.

- a. True
- b. False

ANSWER: True

Woo buys a new automobile. While driving the car home from the dealership, the brakes fail, and the car crashes. Woo is seriously injured. He retains the law firm of Kraft and Molina, and they file a lawsuit claiming damages for these injuries. Brady works as a paralegal in that law firm.

11. In the lawsuit, Kraft and Molina are the plaintiffs.

- a. True
- b. False

ANSWER: False

12. Brady is allowed to interview witnesses to the accident.

- a. True
- b. False

ANSWER: True

13. Brady is allowed to prepare a draft of the complaint to be filed in the action.

- a. True
- b. False

ANSWER: True

14. Before filing a lawsuit, the parties are required to arbitrate their dispute.

- a. True
- b. False

ANSWER: False

15. This is a criminal case.

- a. True
- b. False

ANSWER: False

Multiple Choice

16. Which of the following could not be resolved through civil litigation?

- a. A real estate problem
- b. A contract dispute
- c. The commission of a murder
- d. A dispute over injuries resulting from an automobile accident

ANSWER: c

17. Laws containing the methods used to enforce our rights or to obtain redress for the violation of our rights are known as

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_____ laws.

- a. substantive
- b. procedural
- c. civil
- d. criminal

ANSWER: b

18. The process of civil litigation formally begins when one party files a(n) _____.

- a. complaint
- b. answer
- c. motion
- d. writ

ANSWER: a

19. A pleading filed by a defendant denying that the plaintiff is entitled to any relief is known as the _____.

- a. petition
- b. answer
- c. complaint
- d. summons

ANSWER: b

20. Which of the following is not an alternative to litigation?

- a. Settlement
- b. Mediation
- c. Arbitration
- d. Discovery

ANSWER: d

21. Cloud computing refers to _____.

- a. presentation software
- b. case management software
- c. an electronic filing system
- d. storage of documents on the Internet

ANSWER: d

22. Law books that contain the actual law itself are referred to as _____.

- a. form books
- b. primary sources
- c. secondary sources
- d. legal encyclopedias

ANSWER: b

23. The primary source of the law is found in _____.

- a. codes
- b. case reporters
- c. constitutions
- d. All of these choices.

ANSWER: d

24. Which of the following cannot be done by a paralegal?

- a. Interviewing clients
- b. Researching law
- c. Drafting pleadings
- d. Asking questions at a deposition

ANSWER: d

25. Which of the following skills are needed by paralegals?

- a. An ability to communicate orally and in writing
- b. Organizational and analytical skills
- c. Technology expertise
- d. All of these choices.

ANSWER: d

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Completion

26. Unless a case is settled, litigation results in a(n) _____, where parties present their evidence to a judge or jury.

ANSWER: trial

27. Laws that deal with private disputes between parties are known as _____ laws.

ANSWER: civil

28. Litigation formally begins when a plaintiff files in court a written document known as a(n) _____.

ANSWER: complaint

29. If a defendant ignores a complaint and files no responsive papers, the defendant _____.

ANSWER: defaults

30. A defendant often challenges the factual allegations of a complaint with a(n) _____.

ANSWER: answer

31. After the parties have filed appropriate documents, litigation proceeds with _____, a part of the case where the parties try to find out as much as they can about the other side's case.

ANSWER: discovery

32. The phrase _____ applies to the many procedures used by parties in an attempt to avoid litigation.

ANSWER: alternative dispute resolution

33. A law that creates, defines, or explains an individual's rights is known as _____.

ANSWER: substantive law

34. A secondary source that is heavily relied upon by litigation attorneys and paralegals in drafting documents is the _____.

ANSWER: form book

35. Paralegals cannot give _____ advice to parties.

ANSWER: legal