VOLUME I

appendix two

The Essential Skills Workbook

This Workbook corresponds to the Essential Skills for Paralegal Manual, Volume One. The answers may be found on the Labs page of the Study Support Web Site.

Students should write their answers on a separate sheet of paper. This will enable you to utilize the same exercise multiple times, and will make it easier to check your answers.

Be aware that some questions are asked multiple times in different exercises. This is intentional and is designed to help reinforce the material being taught. In addition, the exercises are provided for selected chapters and sections of the manual. Not every chapter and section is provided with a corresponding exercise.

§ 4.2 CIVIL LIABILITY MATCHING EXERCISE

a. *Ex Parte Hearing*
b. Stipulation
c. Magistrate
d. Settlement
e. Hearing
f. Privilege
g. Pretrial Conference
h. Order
i. Burden of proof
j. Preponderance of the evidence
k. Rule on witnesses
l. Counsel
m. Subpoena
n. Qualify

1. _____	An official command of the court
2. _____	A proceeding, usually in court, at which the judge and both parties are present
3. _____	The right to refuse to testify or to prevent someone else from testifying
4. _____	A hearing with only one party is present, which is not typical
5. _____	A judicial officer who may preside over hearings, but who is not a judge
6. _____	A meeting between the court and the parties for procedural matters; often used by the court to promote settlement
7. _____	An agreement to end litigation for an agreed sum of money
8. _____	A fact that will not be disputed at trial
9. _____	The degree to which something must be proved at trial
10. _____	A rule that states that a witness in a case may not be in the courtroom during the testimony of other witnesses
11. _____	A document used to compel the appearance of a witness
12. _____	Burden of proof in civil cases
13. _____	Attorney
14. _____	To present proof of a witness's expertise in a specific area

§ 4.3 CRIMINAL LIABILITY MATCHING EXERCISE

a. Beyond a reasonable doubt

b. Felony

c. Misdemeanor

d. Acquit

e. Probable Cause

f. Discovery

g. Warrant

h. Plead

i. *Nolo contendere*

j. Plea Bargain

1. _____	A crime punishable by more than one year in prison
2. _____	A reasonable basis to believe a crime has been committed
3. _____	The criminal equivalent of a settlement
4. _____	An investigative tool of the prosecutor
5. _____	Burden of proof in a criminal case
6. _____	A crime punishable by less than a year in prison
7. _____	When a judge or jury finds the defendant not guilty
8. _____	When a defendant does not contest an allegation, but can be sentenced as though he had plead guilty
9. _____	A court order authorizing a search, seizure, or arrest.
10. _____	When a defendant states whether he is innocent or guilty.

§ 4.2 and 4.3 TERMINOLOGY EXERCISE 1

1. _____: All property left by a decedent

2. _____: A violation of this law does not directly harm the community and, therefore, the person harmed must sue the violator if he wishes to collect damages

3. _____: May refer to the tribunal or forum where the trial occurs, as well as the judge himself

4. _____: An award of money paid to a person in compensation for injury or economic loss

5. _____: Legally responsible

6. _____: A legal concept generally accepted by most courts which, although it may not be the law, offers guidance to the court

7. _____: Multiple defendants may be found liable as a group or separately.

8. _____: Money paid to an attorney to secure his services

9. _____: An attorney acting on behalf of a client in court, either through a personal appearance in front of the judge or by filing a document with the court on the client's behalf

10. _____: When an attorney enters an appearance, he becomes the attorney-of-record in the case.

11. _____: The location of trial

12. _____: A kind of jurisdiction giving a federal court the power to hear a case based upon the facts that the parties are from different states and that the amount of money in dispute exceeds a minimum set by federal statute, currently $75,000

13. _____: Most legal matters have a time limit for filing suit. The time period generally begins when the damages occur.

14. _____: Document informing the defendant that she is being sued and has a specific period of time in which to respond

15. _____: The pleading that initiates litigation

16. _____: Individuals or groups involved in a legal action

17. _____: Party who initiates legal action by filing a complaint

18. _____: A legally valid reason to sue

19. _____: More than one defendant in a legal action

20. _____: A document filed with the court to request some specific legal action(s)

21. _____: A fact claimed by one party

22. _____: A common legal phrase that qualifies a statement as being a fact only to the best knowledge of the person making the statement. Equivalent to saying, "I'm not positive, but I think this happened."

23. _____: Element of a complaint that asks for damages; also called a "Wherefore Clause" or "Claim for Relief."

24. _____: A group of citizens from the community charged with determining the outcome of a case

25. _____: Occurs when a document is presented to the clerk of court. The document, and copies, are usually date stamped at the time of filing.

26. _____: The presentation of legal papers to a person

27. _____: The delivery of the summons and complaint to the defendant in a court action

28. _____: Service of legal papers upon an individual, as opposed to a business or registered agent

29. _____: A person who serves legal documents; must generally be at least 18 years of age and nonparty to the action

30. _____: A written statement of fact, sworn to under oath

31. _____: One who signs an affidavit

§ 4.2 and 4.3 TERMINOLOGY EXERCISE 2

1. _____: Court employee who keeps order in the courtroom

2. _____: A group of citizens called upon to hear the evidence and render a verdict

3. _____: The group from which the jury is selected

4. _____: To question potential prospective jurors

5. _____: A person who hears the entire case with the jury, but who will not deliberate or vote on a verdict unless one of the jurors is dismissed

6. _____: Dismissal of a prospective juror for good reason; these are unlimited

7. _____: Dismissal of a juror for which no reason has to be given. These challenges are limited in number, usually from three or six.

8. _____: Opening presentations in which both attorneys outline the facts they intend to prove during the trial

9. _____: The degree to which something must be proved at trial. The party making an allegation generally bears the responsibility of establishing this.

10. _____: Burden of proof in civil cases. This standard means that it is more likely than not that a fact is as a party alleges it to be.

11. _____: A rule barring witnesses in a case from the courtroom during the testimony of other witnesses

12. _____: A document issued under authority of the court to compel the appearance of a witness

13. _____: A document issued under authority of the court to compel the appearance of a witness, with documents

14. _____: A formal challenge, usually regarding evidence or a question that has been asked of a witness by the other side

15. _____: A discussion between the judge and attorneys, usually at the judge's bench so that the jury cannot hear what is being said

16. _____: Tending to cause bias, even where no bias existed previously

17. _____: The value of pursuing an investigative (probing) line of questioning

18. _____: An attorney making statements or repeating a previously overruled motion for the purpose of protecting any right to appeal at a later point

19. _____: If a matter is not objected to at trial, it may not be appealed at a later point. An attorney is careful to object to any matter that may be a point of appeal should the client lose.

20. _____: To deny an objection

21. _____: To affirm an objection

22. _____: Legal capacity to testify

23. _____: Questions directed at a witness who is under oath in court or at a deposition

24. _____: The event or point at which a series of incidents begin that ultimately result in an event that produces damages

25. _____: Establishment of a duty, followed by a breach of that duty, resulting in damages

26. _____: Instructs the jury to leave the courtroom temporarily

27. _____: A reason or reasons

28. _____: Tending to prove or disprove a fact

29. _____: To have certain testimony removed from the record of the trial. This action is usually accompanied by an admonition to the jury members that they are not to consider the removed testimony when they deliberate.

30. _____: The person or persons responsible for the court files and exhibits

§ 4.2 and 4.3 TERMINOLOGY EXERCISE 3

1. _____: Attachment to the title of a piece of property notifying potential purchasers that the property is the subject of litigation

2. _____: Attachment to the title of a piece of property preventing its sale until a previous financial obligation has been met

3. _____: A party who is the subject of a complaint

4. _____: The law that governs the procedural mechanics of trials

5. _____: The pleading filed by the defendant in response to the allegations contained in the complaint

6. _____: An admission that a specific act did occur, but arguing that the fault lies somewhere else

7. _____: A claim by the defendant against the plaintiff

8. _____: A claim by one defendant against a codefendant.

9. _____: A judgment entered by the court in favor of the plaintiff, based on the defendant's failure to respond in a timely fashion

10. _____: A request that the court take a specific procedural step; similar to a pleading

11. _____: A civil lawsuit

12. _____: To challenge

13. _____: The process whereby one party to a suit obtains relevant information on a case from the other party

14. _____: This form is usually attached when a document filed with the court or discovery is delivered to the other party. It attests to the fact that a correct copy of that document was sent to all parties.

15. _____: A specific command of the court, usually demanding that one or both parties perform some specific act

16. _____: A proceeding, usually in court, at which the judge and both parties are present

17. _____: The right to refuse to testify or prevent another from testifying

18. _____: A hearing at which only one party is present

19. _____: The party against whom the Third Party Complaint is filed. The defendant in the original complaint is the "Third Party Plaintiff."

20. _____: A motion to dismiss a case without

21. _____: When a case is dismissed in this manner, it may not be brought again because the court has made its decision.

22. _____: When a case is dismissed in this manner, it may be filed again since the court has not made its decision.

23. _____: Also called Trial Memorandum of Law, or Points and Authorities, this is filed with the court and argues a legal issue, relying on law to support the party's position. It attempts to convince the reader, only argues points favorable to the client, and is often filed in support of a motion.

24. _____: A pretrial motion asking the court to determine the outcome of the case based upon the pleadings and motions rather than going to trial with a jury. The argument is that there are no material facts in dispute, only law. Since the judge is the trier of law, there is no need for a jury trial.

25. _____: A judicial officer who may preside over hearings, but does not have all the powers that a judge possesses and usually deals with procedural matters

26. _____: A meeting between the court and the parties for procedural matters. Often used by the court to promote settlement

27. _____: An agreement to end litigation for an agreed upon amount of money or some other consideration

28. _____: Agreed to. A fact not disputed at trial.

29. _____: A legal question that needs to be answered by the court.

§ 4.2 and 4.3 TERMINOLOGY EXERCISE 4

1. _____: When a party is finished presenting evidence, he rests.

2. _____: The act of presenting a motion to the court.

3. _____: To halt the trial temporarily

4. _____: A case that is sufficient on its face. It means that if all facts alleged by the plaintiff are eventually proven true at trial, the plaintiff deserves to be awarded damages.

5. _____: A situation in which the court is asked to decide the outcome during the trial because the plaintiff has failed to establish a prima facie case

6. _____: Occurs when the court delays a ruling on a motion so that the motion may be further considered

7. _____: To present proof of a witness's expertise in a specific area

8. _____: To question a potential witness to determine the fitness of his or her testimony

9. _____: A person who has been qualified by the court as having experience and knowledge in a specific area and allowed to express opinions within that area

10. _____: Addressing the jury or the court at the end of the trial; attempting to persuade prior to deliberations

11. _____: A jury's discussion of the case in private after the trial, with the goal of rendering a verdict

12. _____: Guidelines given to the jury by the judge about the is to be applied and the facts considered during their deliberations; may be called a charge to the jury

13. _____: The final determination of the jury

14. _____: The person elected by the jury to lead its deliberations and speak for its members

15. _____: A motion asking the court to disregard the jury's verdict and replace it with a verdict of its own

16. _____: A final determination of the court

17. _____: A situation in which the judge adds to the amount a jury has awarded

18. _____: The process whereby a judge subtracts from the amount of damages a jury has awarded

19. _____: A request that the judge order a new trail based upon procedural errors that occurred during the trial

20. _____: To ask the next highest court to decide if the trial court erred

21. _____: To delay the implementation of a court's order

22. _____: To give up a right

23. _____: An appeal in which the appellate court has no choice but to hear the appeal

24. _____: Written notification in motion form that a party intends to appeal. Most court rules require that the motion be filed with the trail court, the appellate court, and any opposing parties.

25. _____: A sum of money held by the court to ensure the funds from the award are available after the appellate process

26. _____: Doctrine that says that a case that has been decided on its merits may not be re-litigated

27. _____: To prevent or stop

28. _____: The party initiating an appeal

29. _____: The party responding to an appeal

30. _____: The official collection of all pleadings, exhibits, motions, orders and transcript of the trial

31. _____: The word-for-word record of what occurred at trial

§ 4.2 and 4.3 TERMINOLOGY EXERCISE 5

1. _____: Occurs when the entire appellate level court sits to hear and decide a case, indicating that case has a high level of importance

2. _____: Occurs when a portion of an appellate level court hears a case

3. _____: Written decision of the court

4. _____: To make a formal request to the court

5. _____: A second chance to present arguments to the court on the same issues

6. _____: The vehicle by which the case is taken from the Court of Appeals (state or federal) to the Supreme Court (state or federal.) Also the means by which a case is taken from a state supreme court to the U.S. Supreme Court.

7. _____: A violation of this kind of law is viewed as harming the community; therefore, the state acts against the violator

8. _____: In this case, it means the prosecution.

9. _____: Bringing criminal charges against a defendant

10. _____: An order from a judicial officer or the court authorizing an act, such as an arrest, search of property, or seizure of property

11. _____: The first court appearance by a defendant for a criminal charge, during which the court informs the defendant of the charges, decides whether bail is appropriate, and sets the date of the next court proceeding

12. _____: A crime punishable by a sentence of less than a year

13. _____: A crime punishable by a sentence of one year or more in prison

14. _____: Money or property deposited with the court to ensure the appearance of the defendant at trial, allowing the defendant to remain free until a verdict is reached

15. _____: Basis on which a defendant can be released without posting bail, on the promise he will appear in court at designated times

16. _____: An attorney ordered to represent a defendant, usually because the defendant can't afford to pay an attorney

17. _____: Attorney

18. _____: Occurs when the prosecutor decides not to pursue a criminal case, although he believes there is sufficient evidence to do so

19. _____: Prosecutor for the government

20. _____: To declare a defendant's position in a criminal trial

21. _____: The defendant in a criminal case agrees to plead guilty in return for a reduced sentence.

22. _____: A defendant decides not to contest the charges, but does not admit guilt. The defendant may be sentenced as though he pled guilty.

23. _____: A hearing during which the state must produce sufficient evidence to establish probable cause to believe the defendant has committed a crime

24. _____: A reasonable basis to believe that a crime has been committed

25. _____: Submitted to; sent

26. _____: An investigatory panel that determines whether probable cause exists to return an indictment

27. _____: A formal charge by a Grand Jury alleging a criminal act;

28. _____: A proceeding during which the defendant is formally charged with a crime and enters a plea

29. _____: Selected, sworn in by oath, and seated for trial; usually refers to the jury

30. _____: To attack or discredit a witness' testimony

31. _____: Degree of proof required in a criminal prosecution, usually requiring the unanimous agreement of the jury.

§ 4.2 and 4.3 TERMINOLOGY EXERCISE 6

1. _____: The three branches that make up both state and federal government structures

2. _____: The branch that creates, or enacts, the law.

3. _____: The branch that interprets the law (The state and federal court systems make up the this branch.)

4. _____: The branch that enforces the law. (The highest federal entity is the President. The highest state entity is the governor.)

5. _____: Structure that includes trial and appellate level courts. Action is initiated and facts and evidence presented in the trial courts. There is one judge and often a jury.

6. _____: A request that a higher court review what a lower court has decided. Usually, the loser in the trial court appeals to the court of appeals, the loser in the court of appeals may appeal to the Supreme Court.

7. _____: Usually, the party who loses at the trial level initiates the appeal and is the appellant

8. _____: The party against whom the appeal is brought

9. _____: Courts which have jurisdiction over cases involving federal questions, cases in which the United States is a party and cases involving diversity of citizenship

10. _____: Trial court where federal actions commence.

11. _____: Federal appellate court which is broken into federal circuits and is, therefore, often referred to as the Circuit _____

12. _____: The country's highest court

13. _____: These courts review the record of trial court proceedings to determine if the trial court erred. This level of court has multiple judges.

14. _____: The vehicle by which a case is taken from the trial to the appellate courts

15. _____: The vehicle by which the case is taken from the Court of Appeals (state or federal) to the Supreme Court (state or federal). Also the means by which a case is taken from a state supreme court to the U.S. Supreme Court.

16. _____: Latin for "Let the decision stand." The doctrine whereby a previous court decision will guide the court in deciding a current case unless there is a compelling reason to hold otherwise

§ 5.1 COURT STRUCTURE

1. The three elements that make up both state and federal government structure:

   a. _____ The branch that creates, or enacts, the law
   b. _____ The branch that interprets the law
   c. _____ The branch that enforces the law

2. Federal courts in your jurisdiction:

   a. _____ Trial court where federal actions commence
   b. _____ Federal appellate court
   c. _____ The country's highest court

3. A violation of _____law does not directly harm the community.

4. A violation of _____law is viewed as harming the community.

5. The power of a court to hear and decide a case is _____.

   a. _____ Jurisdiction over a person
   b. _____ Jurisdiction over the controversy, often property
   c. _____ Jurisdiction over property when property is not the controversy

6. The degree to which something must be proved at trial is _____

   a. _____ Degree of proof required in a criminal prosecution
   b. _____ Degree of proof in a civil case

7. A request that a higher court review what a lower court decided is a(n) _____

   a. A _____ _____is usually the party who loses at the trial level and initiates the appeal.
   b. A _____ is the party who wins at the trial level. The party against whom the appeal is brought.
   c. _____ is the vehicle by which the case is taken from the trial court to the appellate court.
   d. _____ is the party who responds to an appeal.

8. Oral questions which must be answered under oath, usually outside of the courtroom are called _____.

9. This is a motion made during trial asking that the judge enter judgment on behalf of one party due to the fact that the other party has failed to establish a *prima facie* case, thereby foregoing the need to consult the jury. _____

10. This is a motion asking the judge to enter a judgment in spite of and different than the verdict reached by the jury. _____

11. This is a motion made before trial requesting the court to enter judgment on behalf of a client without a trial because there are no material facts in dispute, only issues of law. _____.

12. A pretrial motion arguing that there is no material fact in dispute, so the court does not need the jury to apply the law and should enter judgment is called a _____.

13. Legally responsible _____

14. A legal concept generally accepted by and offering guidance to the courts is called a _____.

15. The location of trial is its _____.

16. The time limit to file a lawsuit for specific damages is called the _____.

17. The document that informs the defendant that he is being sued is the _____.

§ 5.2 COURT TITLES

1. What is the name of the local court in your jurisdiction?

2. What is the name of the state trial court in your jurisdiction?

3. What is the name of the state court of appeals in your jurisdiction?

4. What is the name of the highest state court in your jurisdiction?

5. What is the name of the federal trial court in your jurisdiction?

6. What is the name of the federal court of appeals in your jurisdiction?

7. What is the name of the highest federal court in the United States?

§ 6.6 ABA RULES OF ETHICS

1. May a paralegal give legal advice?
   Answer:

2. May a paralegal give limited legal advice?
   Answer:

3. May a paralegal give nonlegal advice?
   Answer:

4. Should a paralegal identify himself if the possibility exists that he could be assumed to be an attorney?
   Answer:

5. May a paralegal ask questions at a deposition?
   Answer:

6. May a paralegal prepare questions for an attorney to ask at a deposition?
   Answer:

7. May a paralegal represent another person in a court of law?
   Answer:

8. May a paralegal represent herself in a court of law?
   Answer:

9. May a paralegal interview clients?
   Answer:

10. May a paralegal interview witnesses?
    Answer:

§ 7.1 EVIDENCE AND PROCEDURE EXERCISE

1. What are the procedural rules for litigation called?

2. The right to refuse to testify is _____.

3. The right to prevent someone else from testifying is _____.

4. What is the best way to apply court rules?

5. Where should one begin researching in court rules?

6. Can a paralegal interpret a court rule for the general public?

7. What is the husband-wife privilege also called?

8. Hearsay testimony can be admissible if it conforms to a(n) _____.

9. Which of the following statements is accurate?

   a. Hearsay is inadmissible,
   unless it falls under an exception to the rule.

   b. Hearsay is admissible,
   unless it falls under an exception to the rule.

10. Is there such a thing as a "paralegal privilege?"

§ 7.2 DIRECT V. CIRCUMSTANTIAL EVIDENCE

1. Phil is charged with robbery. A witness at the scene wants to testify that Phil was in the store on the day in question. What kind of evidence would the testimony be?

   ANSWER:

2. Carol witnessed a car accident. She was stopped at a red light when a blue car ran the same light, and collided with a bus. What kind of evidence would Carol's testimony be about the accident?

   ANSWER:

3. Marris is in trouble. Her fingerprints were found on the handle of a kitchen knife in the back of her boyfriend. She claims she is innocent. What kind of evidence are the fingerprints in regards to the murder?

   ANSWER:

4. Steve is a bricklayer. He is being sued for using substandard materials. Last week, one of the houses he worked on collapsed. During a subsequent investigation, it was determined that the mortar was of substandard quality. What kind of evidence would the mortar report be in the question of substandard materials?

   ANSWER:

5. In a rape case, semen from your client was found inside the vagina of the alleged victim. What kind of evidence would the semen be?

   ANSWER:

§ 7.4 COURT RULES

Using the rules of your state for civil procedure, either on-line or hard-copy, locate the appropriate rules for the following questions:

Note regarding answer key: Most state/federal courts have similar Rules of Civil Procedure and the numbering of the rules generally correspond (e.g., Rule 56 will apply to Motions for Summary Judgments in all jurisdictions.) The following answers are applicable in most courts, but may vary. Give the number of the rule and answer all questions.

1. What rule sets the point at which discovery may begin?

   Rule: Answer:

2. Are supporting affidavits required in filing a motion for summary judgment?

   Rule: Answer:

3. What rule provides for additional time to respond to motions when the motion is served by mail? Quote the rule.

   Rule: Answer:

4. What rule states the time in which a defendant must respond to a summons? How much time is allowed?

   Rule: Answer:

5. What rule establishes requirements for filing papers with the court?

   Rule: Answer:

6. What is the general rule for discovery? Quote the rule.

   Rule: Answer:

7. How many interrogatories may be sent in a case?

   Rule: Answer:

8. What rule provides for oral depositions?

   Rule: Answer:

9. What happens when a party fails to respond to a request for admission?

   Rule: Answer:

10. What rule tells us how time periods are computed?

    Rule: Answer:

11. May a paralegal serve process in a civil case?

    Rule: Answer:

12. What rule provides for affirmative defenses?

    Rule: Answer:

13. How many copies of a motion are to be filed with the court?

    Rule: Answer:

14. What rules provides for certificate of mailing?

    Rule: Answer:

§ 7.6 HEARSAY EXERCISE

1. Hearsay is:
   A. admissible
   B. Inadmissible
   C. Admissible, but only under an exception.

2. In most jurisdictions, hearsay is generally governed by (more than one answer may apply):
   A. The rules of court
   B. Statute (in some states)
   C. Neither of the above

3. Sam is walking down the street when his wife says she is going to divorce him. Sam is now charged with attacking his wife. Would the wife's testimony about her statement be considered hearsay?
   A. Yes *B. No*

4. To be admissible, hearsay must:
   A. Fall under an exception
   B. Be direct evidence
   C. Both A and B

5. Jim and Kerry are talking one evening when Kerry says, "I poisoned my neighbor's dog." Kerry is now charged with animal abuse and the prosecutor wants Jim to testify as to Kerry's statement. Is it hearsay?
   A. Yes B. No

6. Is it admissible?
   A. Yes, if it falls under an exception
   B. No, unless is falls under an exception
   C. Both A and B

7. Joe asks Sara if she is on drugs. Sara says, "Yes, I've been doing heroin for years." The state is now trying to take Sara's children away and wants Joe to testify as to Sara's statement. Would it be hearsay?
   A. Yes *B. No*

8. Is it admissible?
   A. Yes, if it falls under an exception
   B. No, if it falls under an exception
   C. Both A and B

§ 7.7 HEARSAY EXERCISE

1. Jim was walking in a mall when his best friend, Henry, walked up to him and said, "Gosh, Kevin just shoplifted!" Kevin is being tried for shoplifting and the prosecution wants Jim to testify to the statement.

   Is it hearsay?

   Is it admissible?

2. Candy has been charged with extortion. Her attorneys wish to enter into evidence work records from her job which they claim will establish that Candy was not present on certain days in question.

   Is it hearsay?

   Is it admissible?

3. Sandy and Jody are friends. During a joint vacation, Sandy asked Jody to loan her some money, promising to pay it back when they returned home. The money was never paid back and Jody is suing. Jody testifies that Sandy made a verbal promise to repay her.

   Is it hearsay?

   Is it admissible?

4. George was at a bar one night when he witnessed an argument between a man and a woman. The woman yelled out, "Okay, I'm the real Unibomber. I admit it!" An attorney in the trial of David Kaczynsky wants to call George to the stand to testify as to the statement. (Assume that the attorney can convince the judge that the statement has some merit or relevance.)

   Is it hearsay?

   Is it admissible?

5. Holly was standing on a corner when a car crashed into a light pole near-by. The driver, Nick, jumped out of the car, then fell to the ground in obvious pain. When Holly tried to help him, Nick said, "Please get the cocaine out of my car." Just then the car caught on fire and blew up, destroying everything in the automobile. The prosecutor wants Holly to testify about the statement.

   Is it hearsay?

   Is it admissible?

§ 7.0 CHAPTER 7 BONUS STUDY 1

1. What is a paralegal's best strategy when interviewing a witness?

2. What is the paralegal's goal when interviewing a client?

3. What is the paralegal's goal when interviewing a witness?

4. What are the elements of competency?

5. Define "admissibility" of evidence.

6. Name and define five kinds of witnesses.

7. What is examination of a witness? Define the different kinds of examination.

8. What is privilege? Name and define as many forms of privilege as you can.

9. Define hearsay.

10. Is hearsay admissible? Explain.

11. What is evidence? What makes evidence relevant?

12. Name various "kinds" of evidence. (Hint: Think in pairs).

13. State some general rules for interviewing a client or investigating a case?

14. Define the formats a paralegal may use to break down a deposition?

15. What is the difference between Attorney/Client Privilege and Attorney Work Product?

§ 7.0 CHAPTER 7 BONUS STUDY 2

1. An inference is required for what kind of evidence?

    A. Direct
    B. Circumstantial
    C. Hearsay

2. Admissible evidence is:

    A. That evidence that the jury will hear
    B. That evidence that is true
    C. That evidence that is relevant

3. Testimony is:

    A. Always admissible
    B. Oral evidence
    C. Always direct evidence

4. In a murder case, evidence that the witness knew the defendant would be what kind of evidence as to the murder?

    A. Direct
    B. Circumstantial
    C. Hearsay

5. Semen that matches the defendant's in a rape case is found in the vagina of the victim. What kind of evidence as to the rape would this semen be?

    A. Direct
    B. Circumstantial
    C. Hearsay

6. In a rape case, semen that matches that of the defendant found in the vagina of the victim would be what kind of evidence as to sexual contact between the victim and the defendant?

    A. Direct
    B. Circumstantial
    C. Hearsay

7. In a burglary case, possession of items that were robbed would be what kind of evidence as to the burglary?

    A. Direct
    B. Circumstantial
    C. Hearsay

8. In a burglary case, possession of items that were robbed would be what kind of evidence as to possession of stolen goods?

    A. Direct
    B. Circumstantial
    C. Hearsay

9. In a burglary case, a videotape showing the defendant in the home committing the burglary would be what kind of evidence as to the burglary?

    A. Direct
    B. Circumstantial
    C. Hearsay

10. Fingerprints on the murder weapon are what kind of evidence as to the murder?

    A. Direct
    B. Circumstantial
    C. Hearsay

§ 8.1 INVESTIGATION EXERCISE

1. What should a paralegal prepare prior to most legal interviews?

2. When interviewing a client, what is a paralegal's goal?

3. When interviewing a witness, what is a paralegal's goal?

4. What are the three basic forms of examination?

5. What is the difference between a formal and an informal witness statement?

6. What is it called when a paralegal attempts to find a missing witness?

7. What is it called when a paralegal attempts to find a missing client?

8. Interview questions should generally be arranged according to what system?

9. Under what circumstances may an interview be secretly tape recorded?

10. What is the search for documentation for a piece of property called?

§ 9.3 STAGES OF THE INTERVIEW EXERCISE

You are going to interview potential clients for each of the following matters. Assume the firm has a "New Matter Sheet" for background information. Develop interview questions and determine at which points the *Pre-Event*, *Event* and *Post-Event* stages begin. Remember that it is often easier to identify the *Event Stage* first.

A spousal abuse incident:

Pre-Event:

Event:

Post-Event:

A drunk driving accident:

Pre-Event:

Event:

Post-Event:

A landlord / tenant dispute where the tenant refuses to pay rent until the plumbing is repaired:

Pre-Event:

Event:

Post-Event:

§ 9.3 STAGES OF THE INTERVIEW EXERCISE

1. For the following kinds of legal interviews, what would be a good setting?

    a. reviewing documents with a bankruptcy client

    b. initial interview with a divorce client

    c. a teenage witness to a car accident

    d. a doctor who will be an expert witness

    e. a ten-year-old witness in a domestic case

    f. a client who is a public figure

2. Besides preparing questions, what might a good paralegal do to prepare for an interview?

3. What steps might the paralegal take after the interview?

§ 10.0 CHAPTER 10 CITATION STUDY 1

1. The title of the case is Henry v. Jacobs. It is found in the Federal Supplement series. The Volume is 783, and the Page is 221. It was decided in 1989 in the District of Nevada.

2. The title of the case is King v. Summers. It was decided in the federal trial court in the E.D. of Tennessee. The Volume is 832, and the Page is 364. It was decided in 1992.

3. The title of the case is Lacey v. Whittle. It was decided in the federal trial court in the Central District of California. The Volume is 289, and the Page is 141. It was decided in 1966.

4. The title of the case is Rhome v. Evans. It is found in the Federal Reporter, 2d Series. The Volume is 788, and the Page is 1103. It was decided in 1988 in the second federal circuit.

5. The title of the case is Powers v. Bradley. It was decided in the federal appellate court in the 4th Circuit. The Volume is 901, and the Page is 896, Second Series. It was decided in 1995.

6. The title of the case is Grogan v. Foley. It was decided in the federal appellate court in the 6th Circuit. The Volume is 102, and the Page is 358, third series. It was decided in 1998.

7. The title of the case is Haley v. Akins. It was decided by the U.S. Supreme Court. The official cite is Volume 342, Page 728. The West publication is Volume 424, Page 628. The Lawyer's Coop. cite is Volume 276, Page 1281, Second Series. The year was 1985.

8. The title of the case is Mobley v. Carter. It was decided by the U.S. Supreme Court. The official cite is Volume 427, Page 885. The West publication is Volume 490, Page 748. The Lawyer's Coop. cite is Volume 317, Page 475, Second Series. The year was 1988.

9. The title of the case is Taylor v. Jackson. It was decided by the U.S. Supreme Court. The official cite is Volume 380, Page 584. The West publication is Volume 503, Page 21. The Lawyer's Coop. cite is Volume 298, Page 992, Second Series. The year was 1990.

10. The title of the case is Castle v. Bickers. It was decided in the Arizona Supreme Court in 1977. The official cite is Volume 386, Page 118. The unofficial publication is Volume 582, Page 893, Second Series.

11. The title of the case is Newberry v. Wickers. It was decided in the Washington Court of Appeals in 1991. The official cite is Volume 264, Page 854. The unofficial publication is Volume 330, Page 391, Second Series.

12. The title of the case is Forest v. Yancey. It was decided in the Montana Supreme Court in 1985. The official cite is Volume 292, Page 452. The unofficial publication (Pacific Reporter, Second Series) is Volume 623, Page 1032.

13. The title of the case is Nixon v. Ford. It was decided in the Colorado Supreme Court in 1983. The unofficial publication (Pacific Reporter, Second Series) is Volume 582, Page 893.

14. The title of the case is Cory v. Kiplinger. It was decided in the Texas Supreme Court in 1989. The unofficial publication (South Western Reporter, Second Series) is Volume 622, Page 83.

15. The title of the case is Myers v. Crowley. It was decided in the Tennessee Court of Appeals in 1991 (Civil Division). The unofficial publication (South Western Reporter, Second Series) is Volume 783, Page 290.

§ 10.0 CHAPTER 10 CITATION STUDY 2

1. The title of the case is Jackman v. Stemple. It was decided in the New Mexico Supreme Court in 1983 (N.M.). The unofficial publication (Pacific Reporter, Second Series) is Volume 582, Page 893.

2. The title of the case is Hacker v. Black. It was decided in the Louisiana Supreme Court in 1989. You cannot find the official cite. The unofficial publication is Volume 622, Page 83.

3. The title of the case is Hughes v. Ventana. It was decided in the Nevada Supreme Court in 1991, the unofficial cite is Volume 783, Page 290, 2d Series.

4. The title of the case is Copper v. Williams. It was decided in the Arizona Supreme Court in 1988. The official cite is Volume 386, Page 118. The unofficial publication is Volume 582, Page 893, Second Series.

5. The title of the case is Tistle v. Mancos. It was decided in the Michigan Court of Appeals in 1993. The official cite is Volume 264, Page 854. The unofficial publication is Volume 330, Page 391, Second Series.

6. The title of the case is Kite v. Johns. It was decided in the Iowa Supreme Court in 1985. The official cite is Volume 292, Page 452. The unofficial publication series is Volume 623, Page 1032.

7. The title is Britton v. Wheeler. It was decided in the 10th Cir. Court of Appeals in 1983, the unofficial publication, 2d Series, is Volume 582, Page 893.

8. The title of the case is Esterly v. Northrop. It was decided in the U.S. District Court in 1991 in the District of Oregon. The unofficial cite is Volume 783, Page 290, Second Series.

9. The title of the case is Jordan v. Hancock. It was decided in the federal trial court in the District of Arizona. The Volume is 244, and the Page is 41. It was decided in 1977.

§ 10.0 CHAPTER 10 CITATION STUDY 3

1. The title of the case is Weston v. Loewe. It was decided by the U.S. Supreme Court. The official cite is Volume 437, Page 865. The West publication is Volume 400, Page 438. The Lawyer's Coop. cite is Volume 217, Page 379, 2d Series. The year was 1988.

2. The title of the case is Youngblood v. Newerly. It was decided in the Nevada Supreme Court in 1977. The official cite is Volume 274, Page 132. The unofficial publication is Volume 672, Page 2543, Second Series.

3. The title of the case is Moss v. Everly. It was decided in the New Mexico Court of Appeals in 1991. The official cite is Volume 764, Page 921. The unofficial publication is Volume 641, Page 13, Second Series.

4. The title of the case is Wheatley v. Jackson. It was decided in the federal trial court in your jurisdiction. The Volume is 458, and the Page is 1109. It was decided in 1992.

5. The title of the case is Kopton v. Sheyes. It is found in the Federal Reporter, 2d Series. The Volume is 323, and the Page is 571. It was decided in 1988 in your jurisdiction.

6. The title of the case is Hanson v. Drake. It was decided in the Montana Supreme Court in 1985. The official cite is Volume 292, Page 452. The unofficial publication (Pacific Reporter, Second Series) is Volume 623, Page 1032.

7. The title of the case is Mozart v. Handel. It was decided in the Colorado Supreme Court in 1983. The unofficial publication (Pacific Reporter, Second Series) is Volume 582, Page 893.

8. The title of the case is Bach v. Beethoven. It was decided in the Texas Supreme Court in 1989. The unofficial publication (South Western Reporter, Second Series) is Volume 622, Page 83.

9. The title of the case is Hamlet v. Macbeth. It is found in the Federal Supplement series. The Volume is 783, and the Page is 221. It was decided in 1989 in your jurisdiction.

10. The title of the case is Lions v. Bears. It was decided in the federal appellate court in your jurisdiction. The Volume is 901, and the Page is 896, Second Series. It was decided in 1995.

11. The title of the case is Romans v. Gladiators. It was decided by the U.S. Supreme Court. The official cite is Volume 427, Page 885. The West publication is Volume 490, Page 748. The Lawyer's Coop. cite is Volume 317, Page 475, 2d Series. The year was 1988.

12. The title of the case is It v. That. It was decided in the Arizona Supreme Court in 1977. The official cite is Volume 386, Page 118. The unofficial publication is Volume 582, Page 893, Second Series.

13. The title of the case is Us. v. Them. It was decided in the Washington Court of Appeals in 1991. The official cite is Volume 264, Page 854. The unofficial publication is Volume 330, Page 391, Second Series.

14. The title of the case is Him v. Her. It was decided in federal trial court in your jurisdiction. The Volume is 832, and the Page is 364. It was decided in 1992.

15. The title of the case is Smith v. Jones. It is found in the Federal Reporter, 2d Series. The Volume is 788, and the Page is 1103. It was decided in 1988 in your jurisdiction.