Chapter 7 Study Guide

**Question 1**

The person who takes notes of the proceedings and prepares a written transcript of what has occurred in a hearing or trial is known as the:

- A) Court clerk.
- B) Court reporter. [Correct Answer]
- C) Court bailiff.
- D) Court assistant.

**Question 2**

The following set of rules govern appeals in the federal appellate court system:

- B) Federal Rules of Appellate Procedure. [Correct Answer]
- C) Federal Rules of Criminal Procedure

**Question 3**

Many states have:

- A) One level of appellate courts.
- B) Two levels of appellate courts. [Correct Answer]
- C) Three levels of appellate courts.
- D) No appellate courts, since there are federal appellate courts.

**Question 4**

A paralegal who works in the appellate process can do the following:

- A) Attend trials to observe the proceedings, and taking note of procedural decisions.
- B) Summarize trial transcripts, looking for errors committed by the court. [Correct Answer]
- C) Both of the above.
- D) None of the above may be done by paralegals because the tasks are only lawfully done by attorneys.

**Question 5**

If an appellate court believes there were no errors in application of the procedural law or the substantive law, it will:
Question 6

If an appellate court rules that the lower court has made a substantial procedural or substantive error of law, it will:

- A) Affirm the lower court’s decision.
- B) Reverse the lower court’s decision.
- C) Remand the lower court’s decision.
- D) Vacate the lower court’s decision.

Question 7

The most significant difference between a civil action and a criminal action is the:

- A) Courts where the types of cases are tried.
- B) Statute of limitations.
- C) Burden of proof required.
- D) The type of evidence admitted.

Question 8

All of the following are the major pleadings except:

- A) The complaint.
- B) The cross-complaint.
- C) The answer.
- D) The summons.

Question 9

If the defendant does not answer the complaint, the result will be:

- A) Summary judgment.
- B) Judgment on the pleadings.
- C) Default judgment.
- D) Affirmative judgment.

Question 10

Who should be concerned about the statute of limitations?
A) The judge.

B) The defendant.

C) The sheriff.

D) The plaintiff.

Question 11 0 / 2.5 points

All of the following are forms of discovery except:

A) Requests for settlement.

B) Depositions.

C) Production of Documents.

D) Interrogatories.

Question 12 0 / 2.5 points

A deposition is most like the following:

A) An interrogatory.

B) Court testimony.

C) Both of the above.

D) None of the above.

Question 13 0 / 2.5 points

A motion for summary judgment is:

A) Based on the pleadings and evidence in addition to the pleadings.

B) Based on the pleadings only.

C) Filed before the answer.

D) Filed after the trial starts.

Question 14 0 / 2.5 points

Who bears the burden of proof?

A) The plaintiff.

B) The defendant.

C) The court.
Question 15  0 / 2.5 points

The process of choosing the members for the jury is known as:

- A) Redirect examination.
- B) Voir dire.
- C) Cross examination.
- D) Dire voir.

Question 16  0 / 2.5 points

If a court overturns the verdict of the jury that is known as a:

- A) Judgment.
- B) Redirected verdict.
- C) Judgment n.o.v.
- D) Verdict n.o.j.

Question 17  0 / 2.5 points

During voir dire, potential jurors who display bias toward the plaintiff maybe:

- A) Seated on the jury.
- B) Discharged for cause.
- C) Discharged on a preemptory challenge.
- D) Discharged on a motion for judgment.

Question 18  0 / 2.5 points

Which is the purpose of discovery?

- A) To eliminate surprise as a basis for winning a lawsuit.
- B) To preserve evidence.
- C) To provide a basis for early settlement or summary judgment.
- D) All of the above.

Question 19  0 / 2.5 points

A motion that ends a lawsuit because there are no disputed material facts is:
A defendant’s answer to a complaint should include:

- A) A response to the factual allegations of the complaint.
- B) Any affirmative defenses that would bar the plaintiff’s claim.
- C) Any claims the defendant has against the plaintiff.
- D) All of the above.