

Question 1:

'One afternoon, a pilot was flying a small airplane when it suddenly ran out of gas. As he was coming in for an emergency landing, the plane crossed into a neighboring state at a very low altitude. At this time, a 9-year-old boy was walking to school when he was struck and injured by an object, which may have fallen from the plane. In federal court, a negligence suit was brought against the pilot by the father of the boy for his son. Accompanied by his father, the boy had visited an attorney for preliminary discussions regarding the case. However, the father did not retain the attorney to represent his son in the lawsuit. Instead, the father hired another lawyer to handle the case. At trial, the pilot's attorney calls the consulting attorney to testify what the boy had said to him regarding his physical condition during the consultation that the attorney had had with the boy and his father. The attorney's testimony is', A. 'admissible, because the attorney-client privilege was waived by the filing of the lawsuit.', B. 'admissible, because there is no privilege of confidentiality when a person other than the client is present at the attorney-client consultation.', C. 'inadmissible, because the attorney-client privilege prevents such a breach of confidential communications.', D. 'inadmissible, because it was a statement of physical condition not made for the purpose of obtaining medical treatment.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 2:

'A state statute provides: "Whenever a person knows or should know that he (or she) is being arrested by a police officer, it is the duty of such person to refrain from using force or any weapon in resisting arrest. " Violation of the statute is made punishable by fine and/or imprisonment. One morning, there was a bank robbery in the state. That afternoon, a police officer arrested a suspect who he believed was involved in the crime. However, the police officer and the suspect have given different accounts concerning what happened next. According to the police officer, after the suspect was apprehended, he resisted arrest and hit the police officer in the mouth with his fist. The police officer, who was momentarily stunned, pulled out his nightstick and struck the suspect over the head with it. On the other hand, the suspect claimed that after he was arrested, he cursed at the policeman, whereupon the police officer began hitting the suspect with his nightstick. To avoid being hit again, the suspect hit the police officer with his fist, knocking him down. The suspect was charged with assault. The suspect should be found', A. 'not guilty, if the arrest was unlawful without probable cause and the jury believes the suspect's account.', B. 'not guilty, if the arrest was lawful, provided that the jury believes the suspect's account.', C. 'guilty, if the arrest was lawful, regardless which account the jury believes.', D. 'guilty, if the arrest was unlawful, regardless which account the jury believes.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 3:

'A taxpayer was notified by the government that her individual income tax was underpaid by \$1,012.69. The taxpayer retained an attorney to represent her in contesting the assessment. During the preparation of his client's case, the attorney suggested that it might be a good idea if the taxpayer hired an accountant to organize her records and prepare a financial statement for the year in question. Following the attorney's advice, the taxpayer consulted an accountant, an old family friend, who prepared a financial statement, which the attorney referred to at trial. During the trial, the attorney representing the government called the accountant to testify about statements that the taxpayer made to him. The accountant's proposed testimony is', A. 'inadmissible, because it would violate the attorney-client privilege.', B. 'inadmissible, because it would violate the taxpayer's privilege against self-incrimination.', C. 'inadmissible as violative of the work-product rule.', D. 'admissible as an admission.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 4:

'A resident announced his candidacy for state representative. A law in the state requires new political entrants (regardless of party affiliation) to obtain three times the number of signatures as other candidates who have run for office previously. The resident, however, failed to obtain the necessary number of authenticating signatures to have his name placed on the ballot. The resident filed a complaint in federal district court alleging the unconstitutionality of the authenticating requirement. Which of the following, if established, is the state's strongest argument for sustaining the validity of the authenticating requirement?', A. 'The resident's petition contained a large number of false signatures.', B. 'A similar authenticating statute was held to be constitutional in another state the previous year.', C. 'The authenticating requirement was necessary to further a compelling state interest.', D. 'Two other candidates had successfully petitioned to have their names included on the ballot.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 5:

'A defendant was angry at his friend for marrying the defendant's former girlfriend. As the friend was painting his house one afternoon, the defendant fired a shot from his gun at him. Although the shot missed the friend, the bullet struck and killed the friend's daughter. The defendant is subsequently charged with the first-degree murder of the daughter. The relevant statutes in effect in this jurisdiction are as follows: Section 169: Murder in the first degree is the unlawful and intentional killing of a human being with malice aforethought. Section 170: Malice is expressed when there is manifested a deliberate intention to take away the life of another. Which of the following, if established, would provide the defendant with his best defense?', A. 'He intended to kill the friend and not the daughter.', B. 'He intended only to wound the friend.', C. 'He was unaware of the elements of malice.', D. 'The killing was the result of negligence in missing the friend.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 6:

'The accused made a confession to the police, but his defense attorney needs to find out if the confession is admissible. In which of the following situations would a confession be inadmissible?', A. 'The defendant's statement was involuntary.', B. 'The defendant's statement was voluntary.', C. 'The defendant was not in custody when the statement was made.', D. 'The statement was not made in response to a known police interrogation.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 7:

'A devastating earthquake struck a foreign country. The earthquake destroyed hundreds of homes and buildings. Thousands of residents were killed, injured, and left homeless by the earthquake. The leader of the foreign country sought the assistance of the United States in providing emergency aid. The President initially wanted to send troops from a west coast military base but learned that they were out on training maneuvers. As a result, the President issued an executive order directing members of a federal agency under the supervision of the Immigration and Naturalization Service, to travel to the foreign country to engage in emergency rescue operations. This federal agency's main function is to patrol the borders to prevent illegal aliens from entering the United States. A member of this federal agency refused to comply with the executive order and assist in the relief effort. He claimed that participating in such operations in a foreign country is beyond the scope of his job responsibilities. He brought suit in federal court challenging the validity of the President's executive order. Assuming the member of the federal agency has adequate standing, the court should rule the executive order', A. 'valid, because as commander-in-chief, the President has unfettered authority to require federal employees to participate in an international relief effort.', B. 'valid, because employees of an executive agency can be required to perform such emergency functions.', C. 'invalid, because the executive order is beyond the scope of presidential power absent congressional authorization.', D. 'invalid, because the director of the INS, not the President, has the power to issue directives to federal agencies under its supervision.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 8:

'Which of the following is not a warrantless search exception?'; A. 'Cold pursuit', B. 'Incident to a lawful arrest', C. 'Plain view', D. 'Stop and frisk'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 9:

'A grocery store purchased a large mirror to hang on a wall in the store. Along with the mirror itself, the manufacturer provided brackets and bolts to be used for hanging the mirror. The grocery store paid a local carpenter to come in and hang the mirror. A few days after the carpenter installed the mirror, the mirror suddenly fell from the wall because of a defect in the brackets. It struck a shopper on the head, causing serious injuries to him. If the shopper asserts a claim against the carpenter based on strict liability in tort, the plaintiff will', A. 'prevail, because the brackets were defective when installed.', B. 'prevail, because it would be abnormally dangerous to maintain such a large mirror on the wall of a retail outlet.', C. 'not prevail, because the carpenter was not engaged in the sale of the mirror.', D. 'not prevail, because the carpenter had no relationship of privity with the plaintiff.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 10:

'A man who was separated but never divorced from his first wife, married another woman and lived with her as husband and wife. The man and his purported second wife bought a home together as tenants by the entirety. They lived there together for a few years, when the man was accused and convicted of killing his purported wife. He was given a life sentence. The decedent's estate brought a quiet title action to declare the property forfeited to the decedent on the basis that a murderer cannot benefit from his crime. The trial court awarded the property to the estate. The man appealed from his prison cell. Under the common law, will the appellate court affirm the trial court's decision and strip the man of all ownership rights in the home?', A. 'Yes, because a murderer cannot reap the benefits of his ill-doing.', B. 'Yes, because the murderer was also a bigamist who could not take good title to the property in the first place, thus putting full title in the decedent from the date of purchase.', C. 'No, the court will as a policy matter recognize the murderer's pre-slaying right to one-half of the property as a tenant in common.', D. 'No, there is no rule of law that gives the victim or her estate any additional rights in the property that she had before the homicide.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 11:

'Bill, a single man, owned pasture land in Deerwoods, Florida, which he leased to a tenant. He also owned a condominium in Miami, which he held for investment. In his will, he devised the pasture land to his son Tommy and the condominium to his daughter Julie. All other assets would pass equally to Tommy and Julie. Bill met Kathy and married her after she executed a valid prenuptial agreement relinquishing all rights she might otherwise enjoy by marrying Bill. On their Miami honeymoon they drove by the condominium and Kathy declared she'd love to live there. Bill was so happy with Kathy that after the honeymoon he signed and delivered to Kathy a deed conveying the condominium to himself and Kathy as an estate by the entirety and made plans to live in the condominium as soon as the tenant vacated. Bill died the next day. How are the foregoing assets distributed?', A. 'Kathy gets the condominium regardless of the prenuptial agreement, Tommy takes the pasture land and Tommy and Julie split the rest of the estate.', B. 'Due to Kathy's prenuptial agreement, Tommy receives the pasture land, Julie gets the condominium and Tommy and Julie split the rest of the estate.', C. 'Kathy gets the condominium, but because Bill had originally indicated his intent to devise equally to his children, Tommy and Julie will split the remaining estate.', D. 'Regardless of the prenuptial agreement, Kathy is a pretermitted spouse. Since Bill leaves surviving lineal descendants who are not Kathy's, Kathy receives 50% of the estate, Tommy gets the pasture land, and Tommy and Julie split the residue of the estate.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 12:

'For many years, persons engaged in real estate transactions in a state have utilized installment land contracts. The so-called installment land contract has been popular as a substitute for the mortgage or deed of trust. Under such a contract, the seller agrees to accept, and the buyer agrees to pay, the purchase price in installments over a stipulated period of time. The vendor retains legal title as security for the payment of the purchase price; and the vendee has equitable title under the doctrine of equitable conversion. The most important characteristic of the installment land contract, however, is the forfeiture clause, which provides that if the vendee is in default for 30 days, the vendor may, at his option, declare a forfeiture of the contract, in which case all payments made shall be forfeited as "liquidated" damages and the buyer shall become a tenant at will of the seller. Over the years, many sellers of property under such installment land contracts have declared forfeitures in situations where the prospective buyers were delinquent in their payments, even when the buyer was late with a single payment after nearly all the other payments had been made. In order to remedy this inequitable situation, the state legislature enacted a statute requiring any seller attempting to declare a forfeiture of an installment land contract to do so by instituting a formal foreclosure action in the courts. The new law also provided that prior to the commencement of such a foreclosure action, the seller under such an arrangement must give the buyer a 60-day grace period to make up any delinquent installment payment with interest. The new law expressly applied both to installment land contracts entered into subsequent to its enactment and to installment land contracts already in existence at the time of its enactment. Is this new state statute likely to be held constitutional?', A. 'Yes, because it is a reasonable regulation of the procedure to be followed in such cases and does not substantially diminish the underlying obligations of the buyer.', B. 'Yes, because the authority to enact laws regulating real estate sales transactions occurring within the boundaries of individual states is reserved exclusively to the states by the Tenth Amendment.', C. 'No, because application of the law to installment land contracts entered into prior to its enactment is a violation of the obligation of contracts.', D. 'No, because application of the law to installment land contracts entered into before or after its enactment is a deprivation of a proprietary interest without due process of the law.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 13:

'A man placed the following advertisement in his local newspaper:"Public Auction Sale . . . without reserve December 7, 10:00 a. m. 110 Walnut St. , City, StateEntire furnishings of home must go: antiques, piano, pool table, appliances, tables, stereo system, etc. "On the morning of December 7, a group of approximately 20 people showed up at the man's home. The first item the man put up for bid was an antique Baldwin grand piano. The man announced that the bidding would be "without reserve" and said, "What's the opening bid on this beautiful Baldwin grand piano?" A woman opened the bidding with \$100. The man then commented, "This piano is worth at least \$5,000. What other bids am I offered?" When the man did not receive any other bids, he informed the woman that he would not accept \$100 and was removing the piano from the sale. If the woman asserts an action against the man for breach of contract, the woman will most likely', A. 'prevail, because goods put up at an auction "without reserve" may not be withdrawn.', B. 'prevail, because whether or not the auction is "without reserve," goods cannot be withdrawn after the auctioneer calls for bids.', C. 'not prevail, because at an auction "without reserve," the auctioneer may withdraw goods until he announces completion of the sale.', D. 'not prevail, because at an auction "without reserve," the auctioneer invites offers, which he may accept or reject.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 14:

'A defendant offers into evidence his computer business records to show his good faith monitoring of the accounts in his business. The defendant testifies that he kept the records on a regular business basis ■■■ but did not explain the records in any other way. The government objected to the records as being hearsay and not authenticated. What will the court decide regarding the admissibility of the computer business records?'. A. 'The court will allow the records because they were kept in the ordinary course of business.', B. 'The court will require a greater foundation to establish the reliability of the records.', C. 'The court will dismiss the hearsay objection because the defendant, who is the declarant, is available in court.', D. 'The court will allow the records because they are the product of a reliable computer process of data collection.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 15:

'A regulation prevents persons with a drug arrest and conviction and/or those undergoing current treatment for drug abuse from working in certain state run facilities for the safety of the general public. One employee of the department of treasury brought an action claiming a denial of equal protection and due process by taking away his right to a job. It is claimed that the prohibition is necessary to protect the public from potential problems that could arise. Which test of constitutional validity would be likely applied to this regulation?', A. 'Strict scrutiny, since drug users are a special class of persons often discriminated against by the public.', B. 'Intermediate scrutiny, because, like gender, this can be a sensitive area where discrimination is common.', C. 'The rational basis test, because discrimination is generally favored with drug users or even those getting treatment.', D. 'The rational basis test, because the regulation need only be related to a legitimate state interest to be valid.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 16:

'A man was driving while drunk. He was speeding down a center city street, veering from lane to lane, when he lost control of his car while going over a slick puddle of water. Without realizing it, he drove his car onto the sidewalk and killed two persons. What common law crime most appropriately fits the man's situation?', A. 'Felony murder in that he killed someone while committing the felony of driving under the influence.', B. 'Voluntary manslaughter because it was an intentional killing done while acting recklessly or impulsively.', C. 'Involuntary manslaughter in that it was a killing committed while engaging in reckless activity but without the intent to kill.', D. 'First degree murder because the act of driving under the influence is legally presumed to involve premeditation and specific intent.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 17:

'The authorities arrested a man without a warrant and held him imprisoned for 14 days without a determination of probable cause. He finally saw a public defender who filed a motion to dismiss alleging an unconstitutional detention in violation of due process. The prosecution countered that the state's rules allowed for detention without a probable cause hearing for up to 30 days, and that the procedure was constitutional. Will the court most likely decide that this detention is unconstitutional?', A. 'No, because the Supreme Court has ruled that detentions can properly last up to 30 days without a probable cause determination.', B. 'No, because each case must be decided on its own facts and there may be many good reasons why the state has not yet provided a probable cause determination.', C. 'Yes, because when the state arrests someone without a warrant it must provide a prompt probable cause determination.', D. 'No, because it is constitutional to hold someone for up to 15 days without a probable cause determination.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 18:

'A man owned land along the south side of a highway. To the south of the man's land was a lot owned by a woman who lived on it in a house. Five years ago the man conveyed a right-of-way easement over his land to the woman because it provided a more direct route between her house and the highway. The easement was evidenced by a clearly marked path. The document granting the easement was promptly recorded. Three years ago, the woman conveyed her house to the man. The man never took actual possession of the house. Two years ago, the man conveyed the house to a purchaser by a warranty deed. Two months after the purchaser moved into the house, a neighbor informed him about the easement. He then began using the path that had been marked on the man's land. When the man noticed the purchaser using the path, he erected a barricade on his land that effectively prevented the purchaser from using the path. The purchaser has sued the man, claiming that he has an easement over the man's land. Who is likely to prevail?', A. 'The man, because the easement was extinguished.', B. 'The man, because the purchaser did not have actual notice of the easement at the time of acquisition.', C. 'The purchaser, because he purchased the house by warranty deed.', D. 'The purchaser, because the easement was of public record when he acquired the house.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 19:

'Rainmaking Lawfirm regularly purchased its office supplies from catalogs. Marty Manager saw an advertising catalog from Costco offering 10,000 envelopes for \$1,000 CIF. He immediately sent a purchase order which stated "our law firm accepts your \$1,000 offer for 10,000 envelopes for \$1,000 CIF."■ Costco then sent Rainmaking an order confirmation which stated "Envelope order acceptance conditional upon a loading charge of \$50 per thousand envelopes." If the parties disagree on the proper contract relationship, a court would likely rule:', A. 'A contract at \$1,000 because the offer terms CIF means cost, insurance and freight including all loading charges.', B. 'A contract at \$1,500 because the loading charges are to be included.', C. 'No contract because the order confirmation was a counteroffer which was not accepted.', D. 'No contract because the purchase order was the offer and, under the mirror image rule, can not be deviated from.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 20:

'A woman sued her former employer in state court, asserting age and sex discrimination claims under both state and federal law. The woman's attorney had recently been embarrassed in court by the judge to whom the case was assigned. Wishing to avoid difficulties with the judge, the woman's attorney promptly removed the case to federal court on the basis of federal-question jurisdiction. The employer's attorney has timely moved to remand. How is the federal court likely to proceed?', A. 'Remand the entire case.', B. 'Remand the state claims but keep the federal claims.', C. 'Retain the case to avoid the risk of bias and impropriety in having it proceed before a judge who has shown clear hostility toward the woman's attorney.', D. 'Retain the case, because it was timely removed and the woman alleges federal claims.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 21:

'A city ordinance provides that it shall be unlawful for any person to litter in a public park, and that a violation of this ordinance shall be punished by a fine of not more than \$100 or imprisonment for not more than 30 days. A protestor organized a demonstration against federal governmental support to rebels in a foreign country. The rally took place in a city park, and attracted about 100 supporters. During the rally, the protestor delivered a speech to the attendees. At the conclusion of his speech, the protestor said, "I'm sick and tired of the garbage this administration is getting away with. Here's what I think about its policy of rebel aid . . . " At which point, the protestor walked over to a trash can and dumped its contents on the ground. As the crowd cheered wildly, the protestor shouted, "No more rebel aid . . . let's stop this garbage now!" After littering the park, the protestor and his supporters left without picking up the trash. As a matter of constitutional law, may the protestor be prosecuted under the aforementioned city ordinance for littering the public park?', A. 'No, because littering the park in these circumstances could be construed as symbolic speech and, thus, it is protected from government regulation by the First and Fourteenth Amendments.', B. 'No, because the facts do not indicate that the protestor's actions presented a clear and present danger that was likely to produce or incite imminent lawless action, thereby necessitating an abridgment of his freedom of speech.', C. 'Yes, because the city ordinance advances an important and legitimate public interest and is not directed at the suppression of communication.', D. 'Yes, because littering the park is conduct, not speech and, therefore, it may not be treated by the law as communication.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 22:

'A resident of a state was the owner of a large tract of virgin forest. The resident conveyed the tract "to the people of the state in fee simple; provided, however, that if any portion of said tract shall ever be used or developed for any commercial purpose or otherwise converted from its natural state (with exception for recreational, scientific, or educational purposes), then the grantor or his successors in interest may reenter as of the grantor's former estate. "Under state law, conveyances of real property to "the people" of the state are deemed to vest title in the state regarded as a legal entity, and custody over such property resides in an appointed official known as the director of environmental resources. The director granted a logging company the privilege to cut timber on a remote portion of the tract, together with incidental easements of way. The section that the logging company was to clear would be used for the development of a state recreational area. After the privilege was granted, the logging company proceeded to clear the timber, which he later sold for \$10,000. When the resident learned that the logging company was cutting the timber and selling it, he notified the director to desist further exploitation of the land. In an ejectment action instituted by the resident against the state to recover the tract, what result would be expected?', A. 'The resident would succeed, because the logging company's selling of the timber would entitle the resident to re-enter and terminate the grant to the state.', B. 'The resident would succeed, because the logging company's selling of the timber would constitute an automatic termination of the state's fee interest.', C. 'The resident would not succeed, because the director approved the clearing of the timber in order to develop the area for recreational purposes.', D. 'The resident would not succeed, because the reservation of the resident's right to terminate would be violative of the rule against perpetuities.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 23:

'A company owned a night club that was built on a pier extending into a major riverbed. For several months sections of the building had been wobbling noticeably, particularly during inclement weather, when the river pounded more aggressively against the structure. Several employees and customers complained but the general manager did not respond. One windy night a section of the pier collapsed into the river, killing 28 customers and employees. It was revealed that officials had on several prior occasions cited the club for violating applicable safety regulations. The police arrested the general manager and charged him with involuntary manslaughter. He defended on the basis that his omissions to act were legally insufficient to establish manslaughter. What will the court decide?', A. 'This was not manslaughter because the omission to respond to safety citations is not enough to establish the high degree of criminal negligence that is required.', B. 'The failure to act is much less culpable than active recklessness, and therefore there was insufficient evidence to charge manslaughter.', C. 'A corporate employee cannot be prosecuted for the crime of manslaughter with respect to the performance or nonperformance of his duties on behalf of the corporation.', D. 'The charge of involuntary manslaughter is legally sufficient because the manager's omissions were reckless and unlawful under the circumstances.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 24:

'A young man suggested to his friend that they steal a large-screen TV from a neighbor's house. The friend was angry with the young man and decided to use the opportunity to get even with him by having him arrested. The friend said he would help, and that night, he drove the young man to the neighbor's house. The young man broke in while the friend remained outside. The friend called the police on his cell phone and then drove away. Police officers arrived at the scene just as the young man was carrying the TV out the back door. The friend is guilty of what offense in a common law jurisdiction?', A. 'No crime.', B. 'Conspiracy.', C. 'Burglary.', D. 'Conspiracy and larceny.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 25:

'Upon graduation from high school, a student enrolled in a college close to where he lived. However, since the student did not have a car, he rode the bus to and from the college each day. The student soon discovered that he was spending up to two hours each day to make the round trip to and from college on the bus, whereas the trip could be made in half that time if he had a car. He decided to buy a car and asked his father to accompany him as he looked for a car to purchase. After visiting a number of car lots, the son finally found a used car to his liking. However, the son only had \$2,500 in his bank account, and the price of the car was \$10,000. Since the son had not built up a credit history, the car lot was reluctant to sell the car to the son. The father then told the finance manager of the car lot, "If you will sell the car to my son and for any reason he defaults on the payments, I will pay the balance due. " The finance manager then approved the deal, which required the son to pay \$2,500 down and monthly payments of \$500 for 15 months. Six months later, the son defaulted on the payment plan, and the car lot sought recovery from the father without first suing the son. With regard to the father's obligation under his promise to the finance manager, the court would most likely', A. 'relieve the father of liability, because the car lot failed to first sue the son.', B. 'relieve the father of liability, because the father was never under a duty as a surety', C. 'not relieve the father of liability, because of the main purpose exception.', D. 'not relieve the father of liability, because parents are responsible for the debts of their children.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 26:

'A widow owned an apartment building. Several years ago, a student, in a signed writing, entered a three-year lease agreement with the widow. The student agreed to pay \$800 monthly rent for the third-floor apartment in the widow's building. The original three-year term had long since expired, but the student had continued to pay his rent, and the widow continued to accept it. If the widow had chosen to evict the student immediately upon the end of the three-year period, and before she had accepted the next rent check, the student's strongest argument to prevent eviction, if true, would have been that', A. 'the leasehold contract was void ab initio.', B. 'the widow had not given the student requisite notice for terminating a periodic tenancy.', C. 'the widow had not given the student requisite notice for terminating a term of years.', D. 'the terms of the leasehold contract were binding on both parties.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 27:

'A mail clerk domiciled in State A slipped and fell on ice that had formed near the loading dock of the building in State B where the clerk's State B employer leased space for its headquarters. The building was owned and operated by a State C corporation. As a result of the fall, the clerk was injured and the employer's expensive computer he was carrying was badly damaged. The clerk sued the building owner for negligence in a federal district court in State B, seeking \$100,000 in personal-injury damages. The employer has filed a timely motion to intervene, asserting an \$80,000 negligence claim against the building owner for the damage to its computer. Is the court likely to grant the employer's motion to intervene?', A. 'No, because although the employer has an interest in the clerk's action, that interest is not likely to be impaired in the employer's absence.', B. 'No, because the clerk chose not to join the employer as a co-plaintiff in his action.', C. 'Yes, because the employer is an indispensable party.', D. 'Yes, because the employer's claim shares common questions of law and fact with the clerk's action.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 28:

'A pedestrian was crossing the street when he was hit by a car. The pedestrian suffered a neck injury. The driver of the car that hit the pedestrian had auto insurance. A claims adjuster from that insurance company contacted the pedestrian and discussed the accident with him. The insurance adjuster said, "You're not actually entitled to any compensation for these injuries, under the laws of this state; but I feel bad for you, and I'm a nice guy, so I'm willing to approve a \$1,000 payment to you. " The insurance adjuster knew that, in fact, the pedestrian would be entitled to compensation under the state's tort law. The pedestrian rejected the offer, retained an attorney, and wound up winning a \$550,000 jury verdict on negligence claims against the driver. If the pedestrian asserts a claim against the insurance adjuster for misrepresentation, will the pedestrian prevail?', A. 'Yes, because the insurance adjuster's \$1,000 settlement offer was grossly inadequate.', B. 'Yes, because the insurance adjuster knew that laws of the state provided for recovery in such a case.', C. 'No, because the insurance adjuster's statements did not cause the pedestrian any monetary loss.', D. 'No, because the insurance adjuster did not have a fiduciary relationship requiring him to protect the pedestrian's interests.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 29:

'A police officer was employed on a city's police force for 10 years. When the officer accepted the job, the city's employee benefit plan provided a death benefit to the spouse of any employee who died as a result of any job-related injury. Last year, the city amended its employee benefit plan to deny its death benefit in cases where the death "was caused by the employee's refusal to accept, for any reason other than its excessive risk to life or health, reasonably available medical care prescribed by a physician." After this amendment took effect, the officer was shot while on duty. Because of a sincerely held religious belief, the officer refused to allow a prescribed blood transfusion and, as a result, died from loss of blood. When the officer's spouse applied for the death benefit, the city denied the application on the basis of the amendment to the employee benefit plan. The officer's spouse has challenged the amendment, claiming that, as applied to the officer, it violated the officer's constitutional right to the free exercise of religion. Is the court likely to find the amendment to the employee benefit plan constitutional as applied to the officer?', A. 'No, because it effectively discriminates against a religious practice.', B. 'No, because it violates the vested contractual rights of city employees who were hired before the amendment took effect.', C. 'Yes, because it does not single out religious reasons for the denial of benefits and is a reasonable limitation on the award of such benefits.', D. 'Yes, because it imposes a condition only on the award of a government benefit and does not impose a penalty on an individual's conduct.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 30:

'Which reason may constitute sufficient good cause or excusable neglect to enable a litigant to file a late notice of appeal past the 30-day deadline?', A. 'The district court judge assured the litigant that the late filing would be permitted.', B. 'The litigant's original attorney neglected to file notice on time, and now the litigant has retained a new attorney to file the appeal and has also sued the former attorney for malpractice.', C. 'The litigant ran a red light causing a car crash just before the judgment was rendered, and was in the hospital for two months recovering.', D. 'Opposing counsel agreed not to object to the late notice of appeal.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 31:

'A patent holder brought a patent infringement action in federal court against a licensee of the patent. The patent holder believed that a jury would be more sympathetic to his claims than a judge, and asked his lawyer to obtain a jury trial. What should the lawyer do to secure the patent holder's right to a jury trial?', A. 'File and serve a complaint that includes a jury trial demand.', B. 'File and serve a jury trial demand at the close of discovery.', C. 'File and serve a jury trial demand within 30 days after the close of the pleadings.', D. 'Make a jury trial demand at the initial pretrial conference.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 32:

'A man is sitting on a beach chair, peacefully and in a relaxed meditative state, when a truck racing on the sand ran down a sunbathing elderly person. The man said out loud, "Oh God, look what that truck driver did. The man driving that truck was racing and going about 100 mph.! Someone call 911!!" A woman, who was sitting on the beach nearby, but facing the other way, heard the man's outcry. When the case comes to trial, will the court allow both the man and the woman to testify about the man's utterances?', A. 'Yes, both the woman and the man can testify because it is an excited utterance exception to the hearsay rule that goes to the material issue of the case.', B. 'Yes, because this is not hearsay and it is not being entered for the truth of the statement by either witness so that they can both testify.', C. 'No, neither of them can testify because the man was impaired due to being too relaxed from his meditation, and the woman cannot repeat the utterances of an impaired witness.', D. 'No, neither can testify because the utterances do not fit any of the exceptions to the hearsay rule.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 33:

'A landlord is the owner in fee simple of a tract of land on which is situated a large office building. The landlord leases the land and building thereon to a tenant for a term of seven years, commencing on August 1, 2001, and terminating at midnight on July 31, 2008. The lease contains the following provisions'(1) The tenant covenants to keep the building on the leased premises insured against fire in the amount of \$100,000. "After three years of the lease had expired, the tenant assigned the entire balance of the lease period to a doctor, who took immediate possession of the leased property. Then in 2005, the doctor assigned his leasehold interest to a dentist. The dentist went into possession, but failed to pay any rent for two months. Soon afterwards, a fire spread from an adjoining building to the leased property, completely destroying the building thereon. While the tenant was in possession of the leased property, he carried a fire insurance policy on the premises in the amount of \$100,000. However, the tenant allowed the policy to lapse after his assignment to the doctor. The doctor did carry insurance on the leased building, but only in the amount of \$50,000. When the dentist took possession of the building, he did not obtain any fire insurance. The landlord learned that the building was not insured at the time of the fire as per the original agreement. In an action by the landlord against the tenant to recover for the fire loss, the landlord will most probably', A. 'recover, because in accordance with the Rule in Spencer's Case, the covenant to maintain fire insurance would "touch and concern" the land.', B. 'recover, because the tenant's obligation to maintain fire insurance did not terminate after his assignment to the doctor.', C. 'not recover, because the covenant to provide fire insurance did not run with the land.', D. 'not recover, because the dentist, as assignee, would be liable for the fire loss.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 34:

'A nightclub owner applied for a required zoning permit to open a nude-dancing nightclub in the theater district of a city. An organization of influential city residents began an intensive lobbying effort to persuade the city council to deny the owner a permit to operate any type of nude- dancing facility at any time or in any place in the city. The owner has sued the city in an appropriate federal court, seeking an injunction that would prohibit the city council from considering the organization's views, on the ground that if the organization is successful in its lobbying efforts, the owner's First and Fourteenth Amendment rights would be violated. The city has moved to dismiss the action. Should the court dismiss the owner's action?', A. 'No, because nude dancing is symbolic speech and is therefore protected by the First and Fourteenth Amendments.', B. 'No, because the organization does not seek a reasonable time, place, and manner regulation of nude dancing, but instead seeks a total ban on the owner's opening any type of nude-dancing facility at any time or in any place in the city.', C. 'Yes, because the action is not ripe.', D. 'Yes, because the First and Fourteenth Amendments do not protect obscenity, and nude dancing is obscene.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 35:

The President announced that a newly created military rapid deployment force would be engaging in joint training exercises with the military forces in a foreign country. Following the President's announcement, Congress enacted a statute that unequivocally prohibited "the U. S. Armed Forces from conducting military exercises with foreign military forces unless Congress has received notice of such intention to take such action at least three months before the joint military exercises become effective. "This statute is most likely", A. 'constitutional, because the President, in this instance, has not been called by Congress into actual service as Commander-in-Chief.', B. 'constitutional, because of Congressional power under the War Powers Act.', C. 'unconstitutional, because of the President's authority to execute the laws of the United States.', D. 'unconstitutional, because of the President's authority as Commander-in-Chief of the Armed Forces.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 36:

'A man and a school entered into a written contract providing that the man would be employed for one year in various capacities (athletic director, teacher, football coach) in return for an annual salary of \$37,750. Shortly thereafter and prior to the July commencement date of employment, the school elected to terminate its varsity football program. The school publicly attributed the decision to economic factors. Upon hearing this news, the man sought out the headmaster of the school to inquire as to the effect, if any, of this decision on his salary and responsibilities. In order to resolve the matter, the headmaster arranged a meeting among various school officials to discuss the man's situation. Afterward, the school sent written notice to the man of its intent to terminate his employment contract. The man then commenced suit to recover the full balance of his salary calculated on the basis of the contract. At trial, the headmaster was called to testify. On direct examination, he testified that six people (including himself) attended the meeting where it was decided to terminate the man's employment contract. When asked to identify the attendees, the headmaster gave the names of four but, despite trying, was unable to remember the name of the fifth person. The attorney who called the headmaster to testify now seeks to show him her handwritten notes that the attorney prepared during her pretrial interview with the headmaster, in which he provided all five names. The trial court is likely to consider the showing of the notes taken as', A. 'a proper attempt to refresh the headmaster's recollection.', B. 'a proper attempt to introduce recorded recollection.', C. 'an improper attempt to support the headmaster's credibility.', D. 'an improper attempt to lead the witness.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 37:

'A baseball fan purchased two tickets for a World Series baseball game. The fan contacted his best friend and invited him to go to the game. The friend, who was a fanatic baseball fan, eagerly agreed. The fan told the friend that the game started at 7:00 p. m. and that he would pick him up at about 5:00 p. m. so they could get there early to watch batting practice. They were driving to the game together when the fan sped up to cross an intersection while the traffic signal was changing from amber to red. As he reached the intersection, the fan was traveling at 50 m. p. h. although the posted speed limit was 25 m. p. h. Simultaneously, a car entered the intersection on red and collided with the fan's vehicle. The friend suffered a broken pelvis in the collision. This jurisdiction has adopted the following "modified" comparative negligence statute:"A negligent plaintiff is entitled to obtain a recovery provided plaintiff's negligence is not equal to or greater than that of the defendant's; otherwise no recovery is permitted. "Suppose the friend brings suit against the driver of the car that entered the intersection on the red light to recover damages for his injury. A jury returned a special verdict with the following findings: (1) The fan was 55 percent negligent in speeding; (2) The driver was 45 percent negligent in driving through the red light; and (3) The friend suffered \$100,000 in damages. As a result, the court should enter a judgment for the friend in the amount of', A. '\$100,000. 00', B. '\$55,000. 00', C. '\$45,000. 00', D. 'nothing, because the fan was more negligent than the driver.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 38:

'Denise Developer found a near-perfect piece of property zoned commercial in the downtown area of Pleasantville. She hired an architect to design a high tech office building with an objective of attracting upscale tech-industry tenants. She approached Microhard and secured a lease agreement for over half of the available square footage. The lease was not recorded, but the agreement allowed Denise to attract other wealthy tenants. She also disclosed the Microhard lease on her application for a \$1,500,000 construction loan from Maximum Mortgage Company. Denise executed a mortgage and related promissory note in favor of Maximum. Maximum recorded the mortgage immediately. The office building was completed and Denise had more tenant demand than available space, so the building opened full. One year later, Denise ran into financial trouble and defaulted on the mortgage. Maximum took possession and immediately notified all the tenants that their leases were cancelled, that they were evicted, and that they must vacate immediately unless they were willing to sign a new lease at double the previous rent. The recording statute in the jurisdiction specified "every conveyance, encumbrance, or lease not recorded is void as against any subsequent party recording first." The tenants retained you to compel Maximum to honor the leases at the lower rents. Which of the following statements of advice is the most accurate?', A. 'All the tenants will prevail (unless otherwise in default on their leases), because Maximum loaned money to Denise with actual knowledge that she intended to enter into binding leases with the tenants.', B. 'Microhard is entitled to continue their lease because Maximum had constructive notice of their prior lease.', C. 'Microhard is entitled to continue their lease because Maximum had actual notice of their prior lease.', D. 'All the tenants should renegotiate their leases with Maximum.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 39:

'A man conveys to his wife's cousin a property to "cousin and the heirs of his body." He then conveys the same property to his niece in fee simple. Under modern real estate laws and practice in most states today, what interest if any does his niece have?', A. 'The conveyance gives the niece nothing because the property was already conveyed in fee simple to his wife's cousin.', B. 'She gets a reversion in case the cousin has no heir of his body at his death.', C. 'A contingent remainder based upon whether or not cousin has heirs.', D. 'She has a fee simple.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 40:

'A landlord leased an apartment to a tenant on a month-to-month basis beginning on the first of the month, with rent payable monthly. Five months into the lease, the tenant failed to pay rent. The landlord then sued the tenant for possession for nonpayment of rent. The tenant successfully defended this suit on the ground that the apartment was uninhabitable and that, accordingly, no rent was properly payable. On May 7, immediately following the court order in the tenant's favor, the landlord served the tenant with a written but not notarized notice to terminate the tenancy and to vacate the apartment on or before June 30. On July 1, the tenant was still in possession, nothing had changed, and the landlord brought an appropriate action for possession. The tenant prevailed. What is the most likely reason for the court's decision?', A. 'A six-month notice was required to terminate this periodic tenancy.', B. 'The landlord did not give the tenant a notarized notice of termination.', C. 'The landlord was attempting to terminate the tenancy as a reaction to the tenant's defense in the previous lawsuit.', D. 'The landlord's notice to terminate was improper, because it was given to the tenant more than one month before the required termination date.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 41:

'A manufacturer created a new brand of fish tackle which they sold throughout the country. Congress now imposes a tax of 14 cents on each set of tackle sold in the United States. This tax is', A. 'unconstitutional, because the tackle is sold in interstate commerce.', B. 'unconstitutional, because it interferes with the sovereign right of state governments to engage in intrastate commerce.', C. 'constitutional, because the supremacy clause validates laws enacted by Congress.', D. 'constitutional, because it is within the power of Congress to raise revenue.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 42:

'In an automobile accident case, the defendant claimed that the plaintiff was contributorily negligent by driving at an excessive speed. The defendant's attorney calls its first witness, who was standing along the side of the road when the plaintiff's and defendant's cars collided. The defendant's attorney asks the witness: "Is it a fact that in your estimation, plaintiff was traveling at a speed of 45 m. p. h. in a 35 m. p. h. speed zone at the time of the accident?" The plaintiff objects. The trial judge should', A. 'overrule the objection, because the judge may take judicial notice of the speed limit within the jurisdiction.', B. 'overrule the objection if the witness has already been shown to be an experienced driver who was able to estimate the approximate speed of moving vehicles.', C. 'sustain the objection if the witness has not been qualified as an expert witness.', D. 'sustain the objection, because the witness is not an adverse witness.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 43:

'If certain fundamental rights are denied to some individuals but not others, then it is considered what type of problem?', A. 'Substantive due process problem', B. 'Equal protection problem', C. 'Procedural due process problem', D. 'None of these'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 44:

'A local ordinance in Breezytown allows the mayor to decide who may get a permit to speak in the city park. The ordinance is broad, stating only that the mayor can use his discretion in granting permits. If someone just extemporaneously gives a political speech in the park without a permit and were arrested and convicted, would this be constitutional?', A. 'Yes, because the ordinance controls.', B. 'Yes, because he didn't have a permit.', C. 'No, the ordinance is void on its face.', D. 'No, because it is a public park.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 45:

'Assume this question takes place in a "lien theory" state. A woman and her co-habiting partner share a property as joint tenants with the right of survivorship. He has run up debts that he did not tell her about, and so he uses his interest in the property to secretly get a mortgage from the bank. When he dies, the bank attempts to execute on the mortgage. Can it do so? Apply the majority view on this issue.', A. 'No, the mortgage lien could not destroy the joint tenancy, and when the partner dies, the property passes by operation of law to the surviving joint tenant.', B. 'No, although the mortgage destroyed the joint tenancy, the bank has to get a deed of trust in order to execute on jointly owned property.', C. 'Yes, the bank got title to the property by virtue of the mortgage, which destroyed the joint tenancy, and it can execute on its lien.', D. 'Yes, the mortgage was the equivalent of a deed of trust and the joint tenancy was severed by the mortgage lien, giving the bank unfettered legal authority to execute on its mortgage.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 46:

'In an action for malpractice, a plaintiff sued a doctor, claiming that the latter failed to properly diagnose his emphysema condition. The plaintiff contends that he went to the doctor for a medical examination after experiencing chest pains and shortness of breath. However, the doctor found no evidence of the disease and advised him that he was probably suffering from indigestion. Thereafter, the plaintiff was examined by another doctor who discovered that the plaintiff in fact was suffering from a chronic case of emphysema. At trial, the plaintiff calls the other doctor as his first witness. The other doctor proposes to testify the x-rays of the plaintiff's lungs showed that his respiratory organs were marked by distension, which was characteristic of emphysema. Upon objection by the defendant's attorney, the testimony should be', A. 'admitted, because a doctor is properly qualified as an expert in medical matters.', B. 'admitted, because the other doctor followed accepted medical practice in arriving at his opinion.', C. 'excluded, because his opinion is based upon facts not in evidence.', D. 'excluded, because the x-rays are the best evidence to show the distension of the plaintiff's lungs.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 47:

'A young lawyer worked late at her office one night. When she finally decided to go home, she headed to the elevator, got in, and pushed the button for the ground floor. The elevator went all the way to the ground floor, but then just stopped there. The doors did not open. The lawyer tried pushing each of the buttons in the elevator and tried to use the intercom in the elevator to call for help, but nothing on the elevator's control panel seemed to be functioning. The lawyer was afraid that she would be stuck in the elevator all night. She began pounding on the doors and yelling. She started to feel panicked, hyperventilated, lost consciousness, and fell to the floor of the elevator. As she fell, she struck her head on the elevator wall, causing a large bump and bruise on her head. She was unconscious in the elevator for about 30 minutes before a security guard tried to use the elevator and realized it wasn't working. The guard managed to force the doors open and found the lawyer. At that moment, the lawyer regained consciousness. An investigation revealed that the elevator stopped working because it had not been properly maintained. The owner of the building had canceled all service and maintenance work on the elevator in order to save money. If the lawyer sues the building owner for false imprisonment, she will most likely', A. 'prevail, because she was confined in the elevator for an unreasonably long period of time.', B. 'prevail, because she was injured during her confinement in the elevator.', C. 'not prevail, because the building owner did not intentionally cause the lawyer to be confined.', D. 'not prevail, because the lawyer was unconscious and unaware of what was happening for most of the confinement period.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 48:

'A famous environmentalist was the owner of a large tract of virgin forest. The environmentalist conveyed the tract "to the people of the state in fee simple; provided, however, that if any portion of said tract shall ever be used or developed for any commercial purpose or otherwise converted from its natural state (with exception for recreational, scientific, or educational purposes), then the grantor or his successors in interest may re-enter as of the grantor's former estate. "The interest of the state in the tract would be best described as a (an)', A. 'fee simple determinable.', B. 'fee simple subject to condition subsequent.', C. 'easement appurtenant.', D. 'determinable fee subject to an executory interest.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: A

Question 49:

'A buyer purchased a gallon of nonfat milk from a market. The milk, which was sold in a plastic container, had been processed and packaged by a dairy. That evening, the buyer was preparing dinner and poured himself a glass of milk from the container purchased at the market. He then sat down to eat his meal and proceeded to take a mouthful of milk. As he did so, the buyer felt something furry lodge in his mouth. He immediately spat out the furry object and saw that it was a dead mouse. The buyer suffered severe emotional distress but did not suffer any physical illness or injury. If the buyer asserts a claim against the dairy based on negligent manufacturing, he will most likely', A. 'recover, because he suffered severe emotional distress.', B. 'recover, under the doctrine of res ipsa loquitur.', C. 'not recover, because the dairy's negligence only caused mental disturbance.', D. 'not recover, because the buyer's proper cause of action is for intentional infliction of mental distress.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 50:

The defendant was on a date when the victim invited him up to her apartment for coffee. The defendant and the victim began to kiss on the couch. The defendant lifted the victim's shirt, and the victim gently pushed the defendant's hand away and then left the couch to make coffee. While the victim was making coffee, the defendant picked up her solid gold ring that she had carelessly left on the living room table. Intending to give it back to her with a diamond in it, he put it into his pocket and got ready to leave. Before the defendant went home, he stopped into a bar. There he met a patron who offered to sell him a two-month-old plasma TV for \$200. The patron said that he would take only cash and that he also had some unboxed silverware and jewelry he could sell the defendant from his van, which was parked outside. The patron said, "You better decide fast, because I've got to get out of town right away. " The defendant, who knew that the TV was worth \$1,000, gave the patron \$200, and the patron gave the defendant the TV, which was not in a box. The patron did not tell the defendant he had just stolen the television from a house down the street. Based on the above facts, for which of the following crimes should the defendant be convicted?, A. 'Battery upon the victim, and larceny of the ring.', B. 'Larceny of the ring.', C. 'Embezzlement of the ring.', D. 'Receiving stolen property.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 51:

'A developer wished to build an apartment house in a local city. He raised \$1 million from various sources to fund the project. After searching for a vacant lot that would be sufficient for development, the developer concluded that there was not a suitable vacant lot available. Reluctantly, the developer concluded that he would have to purchase a developed lot, have the existing structures removed, and then build the apartment house. The developer was reluctant to do this, because he had not budgeted for the additional cost of buying a developed property and removing the development. After a search for an appropriate parcel, the developer purchased a large lot, developed with a single-story residential home, for \$200,000. He then spent \$50,000 having the residential home removed from the lot. Knowing that it would cost approximately \$850,000 to build the apartment house, the developer realized he would need to raise another \$100,000. He approached an investor about lending him \$100,000. The investor was apprehensive about the project because the developer had not yet lined up a construction firm to build the apartment house. As a result, the parties signed the following written agreement: "The investor promises to lend to the developer \$100,000 at 5 percent interest within 30 days, provided the developer contracts with a construction company to build the apartment house for no more than \$850,000. Loan to be repaid at the rate of \$1,000 per month, starting one month after the completion of the apartment house. The loan is to be secured by a mortgage on the property. "The developer then contracted with a construction company to build the apartment for \$800,000. After the contract was signed and construction had begun, the developer asked the investor when he would be receiving the \$100,000 the investor promised to lend him. The investor replied, "I've changed my mind. I think this is too risky an investment. I'm not going to lend you the money. "In an appropriate action to secure specific performance of the investor's promise to lend him the \$100,000, the developer will', A. 'win, because there is a memorandum that satisfies the Statute of Frauds.', B. 'win, because land is unique, making the legal remedy inadequate.', C. 'lose, because the developer's only remedy is for damages.', D. 'lose, because the developer cannot show detrimental reliance.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 52:

'A builder contracted in writing to construct a small greenhouse on a homeowner's property for \$20,000, payable upon completion. After the builder had spent \$9,000 framing the greenhouse and an additional \$1,000 for materials not yet incorporated into the greenhouse, the homeowner wrongfully ordered the builder to stop work. The builder then resold the unused materials that he had already purchased for the greenhouse to another contractor for \$1,000. At the time the homeowner stopped the work, it would have cost the builder an additional \$5,000 to complete the project. The an additional \$5,000 to complete the project. The partially built greenhouse increased the value of the homeowner's property by \$3,000. In a suit by the builder against the homeowner, how much is the builder likely to recover?', A. '\$3,000, the increase in the value of the homeowner's property.', B. '\$10,000, the total cost expended by the builder at the time of the breach.', C. '\$14,000, the total cost expended by the builder (\$10,000) plus the builder's expected profit (\$5,000), minus the loss avoided by the resale of the unused materials (\$1,000).', D. '\$15,000, the contract price (\$20,000) minus the costs saved by the breach (\$5,000).'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 53:

'A group advocating the resumption of U. S. diplomatic relations with certain foreign countries planned to hold a rally at a park in the downtown section of a city. The group secured a rally permit in accordance with a local ordinance. Several members of the group, including a political science professor at a state university and one of the group's leaders, were scheduled to give speeches. Other members of the group were assigned to walk among the crowd to solicit signatures for a petition, which the group planned to present to the President. A large crowd gathered in the park at the appointed date and time, anxiously waiting for the speeches to begin. As the professor, the first speaker, began addressing the gathering, a television news team started filming her presentation, which was to be shown on the local news that evening. After the professor finished her speech, a few members of the crowd began hissing and booing and shouting. The police soon arrived and attempted to break up the rally. Several members of the group, including the professor, were arrested for inciting a riot. Which of the following would be the most accurate statement with regard to the police halting the rally?', A. 'The police were justified, since the rally threatened imminent violence and serious disorder.', B. 'The police were justified in order to protect the group's leaders.', C. 'The police violated the group's First Amendment rights of assembly.', D. 'Since the group obtained the rally permit, the police were not permitted to interfere with the staging of the rally.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 54:

'A man filed a federal diversity action against a bus company, seeking damages for injuries he had sustained in an accident while riding a bus owned by the company. The man demanded a jury trial. After the parties' attorneys examined the prospective jurors and exercised their challenges, six jurors and two alternate jurors were chosen. During the trial, two jurors became ill and were replaced by the alternate jurors. At the conclusion of replaced by the alternate jurors. At the conclusion of the trial, a third juror also became ill, and the court excused that juror. The parties' attorneys stipulated to the return of a verdict from a five-person jury. The jury then deliberated and returned a verdict for the company. The man timely filed a motion for a new trial, arguing that the five-person jury was not large enough to return a verdict. Should the court grant the motion?', A. 'No, because the court properly excused the three jurors due to illness.', B. 'No, because the parties stipulated to a verdict from a jury of fewer than six jurors.', C. 'Yes, because there must be at least six jurors on a federal civil jury.', D. 'Yes, because there must be at least 12 jurors on a federal civil jury.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 55:

'Bob Wilson borrowed \$20,000 from Ted Lamar to open a hardware store. Ted's only interest in the business was the repayment of his 5-year unsecured loan. Bob was so grateful for the loan that he named his business "Wilson and Lamar Hardware" and purchased signs and advertising displaying this name. He also listed Bob Wilson and Ted Lamar as "partners" on his stationery. When Ted found out, he was flattered to the point that he voluntarily reduced Bob's interest rate from 9 percent to 8 percent per annum. A few weeks later, Pete Smith, who had assumed that both Wilson and Lamar were operating the hardware store and was not familiar with the true situation, sold goods to Wilson and Lamar Hardware. Pete Smith has been unable to collect for the goods and he seeks your advice. Your advice to Pete is', A. 'only Bob Wilson is liable.', B. 'Bob Wilson and Ted Lamar are liable jointly.', C. 'Bob Wilson is liable for the entire amount and Ted Lamar is liable only to the extent the debt cannot be collected from Bob Wilson.', D. 'only the de facto partnership arising from the relationship between Wilson and Lamar is liable.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 56:

'A defendant met her friend at the electronics store where the friend worked. Unbeknownst to the defendant, her friend had taken a music player from the display case and stuffed it in her bag earlier in the day. Knowing that employees are subject to search when they leave the store, the friend surreptitiously put the music player into the defendant's bag. The defendant and her friend proceeded to a local tavern and drank shots of tequila. The friend became intoxicated and forgot to retrieve the stolen music player from the defendant's bag. After leaving the tavern, the defendant proceeded home. Upon opening her bag, she was surprised to see the music player. Believing that the music player had accidentally fallen into her bag at the bar, the defendant planned to return it the next day. The following day, however, the defendant changed her mind and decided to keep it. The defendant is guilty of', A. 'receiving stolen property.', B. 'larceny.', C. 'receiving stolen property and larceny.', D. 'neither receiving stolen property nor larceny.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 57:

'An owner operated a successful retail business. He decided he wanted to retire and listed his business for sale. A buyer saw the listing and visited the retail business. The buyer told the owner that she was very interested in buying the business, but that she needed to get a loan from the bank to finance the purchase. The parties drafted a contract, signed by both parties, which stated that the buyer agreed to purchase the retail business from the owner for \$250,000. The written agreement contained a provision wherein the sale would not take effect "unless the buyer is successful in her bid to obtain a loan from a bank to finance the purchase of the business. " Subsequently, the buyer made no effort to attempt to obtain a loan from a bank so that the sale could be finalized. After several months, the owner filed suit against the buyer for breach of contract. Which of the following will be the owner's strongest argument in support of his action against the buyer for breach of contract?', A. 'The obtaining of a loan from a bank was not worded as a "condition" to the buyer's duty to buy the business.', B. 'Although obtaining a loan from a bank was a condition to the buyer's duty to buy the business, the condition should be excused because its non-occurrence would cause a forfeiture to the owner.', C. 'Although obtaining a loan from a bank was a condition to the buyer's duty to buy the business, it should be stricken from the contract because it is an unconscionable term.', D. 'The buyer breached an implied promise to make a reasonable effort to obtain a loan from a bank.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 58:

'An employee worked for a hardware company in a city under an at-will-employment arrangement that paid the employee a monthly salary of \$2,000. After two years, the owner of the hardware store told the employee it was time for them to enter into a more formalized employment agreement. The owner and the employee then both signed a written agreement drafted by the owner, whereby the employee agreed to work for a salary of \$3,000 per month. The agreement further specified that either party had a right to terminate the contract by giving 60- days' notice to the other. Moreover, the agreement stipulated that if the employee's employment at the hardware store should be terminated, he would not be able to engage in any aspect of the hardware business for a period of two years within a 50-mile radius of the city. Finally, the agreement stated that should the employee violate this agreement, he would be liable to the hardware company for \$1,500. The written agreement between the owner and the employee would most likely be held', A. 'enforceable in all respects.', B. 'enforceable only with respect to the salary and termination provisions.', C. 'enforceable in all respects, except with regard to the \$1,500 penalty clause.', D. 'unenforceable in all respects.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 59:

'A woman duly executed a will under which she devised her farm to her nephew and bequeathed the residue of her estate to her niece. For 12 years after executing her will, the woman lived on her farm. Then she sold it and used the sales proceeds to purchase a home in the city, in which she lived until she died, never having changed her will. Following the admission of the will to probate, both the nephew and the niece claimed ownership of the home. There is no applicable statute. Who is the owner of the home?', A. 'The nephew, because of the doctrine of ademption.', B. 'The nephew, because of the doctrine of equitable estoppel.', C. 'The niece, because of the doctrine of lapse.', D. 'The niece, because she is the residuary legatee.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 60:

'A plaintiff was suffering from a respiratory infection and his doctor prescribed for him a drug that was manufactured by a pharmaceutical company. With every prescription of this drug distributed, the company inserted a written warning, which stated: "Use of this drug may cause dizziness. "In accordance with the prescription, the plaintiff received a four-day supply of the drug from his neighborhood pharmacy, which passed along the warning to the plaintiff. After two days, the plaintiff felt much better and went back to work at a home improvement store, where he was the manager. The plaintiff continued to take the drug until his supply was exhausted. On the fourth day, the plaintiff took his final capsule at 2:00 p. m. While he was driving his car home at 5:45 that afternoon, he became dizzy and crashed into a tree. As a result, he received multiple injuries. The plaintiff decided to consult an attorney, who filed a lawsuit on the plaintiff's behalf against the pharmaceutical company, alleging that the company was responsible for the accident and resulting injuries on the theories of negligence and strict liability. At trial, the plaintiff's attorney attempts to introduce evidence that subsequent to this accident, the company expanded its warning to read: "Use of this drug may cause dizziness. Do not drive for five hours after use. "Such evidence is', A. 'admissible as an indication that the company did not use due care in wording its original warning.', B. 'admissible as a declaration against interest, to prove the possibility of alternate warnings.', C. 'inadmissible to show that the company was negligent in wording its original warning.', D. 'inadmissible, because the subsequent warning is not relevant to the feasibility of a modified warning.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 61:

'An employee had been employed by a hotel as a window cleaner for eight years when the hotel issued to him and other employees the following certificate: "In appreciation of the faithful service hitherto rendered by you as an employee of this hotel, there will be paid in the event of your death, if still an employee of this hotel, to the party designated by you below as your beneficiary, the sum of \$5,000. The issuance of this certificate is understood to be purely gratuitous. "Upon receipt of the certificate, the employee designated his wife as beneficiary, signed it, and returned the form to the hotel. One year later, while still employed by the hotel, the employee died. In an action by the employee's widow against the hotel to recover the sum of \$5,000, which of the following, if established, is the strongest argument against enforcement of the certificate agreement?'. A. 'The widow was unaware of the certificate agreement until after the employee died.'. B. 'There was no privity of contract between the widow and the hotel.'. C. 'The widow in no way relied on the hotel's promise to pay the \$5,000.'. D. 'There was insufficient consideration to support the certificate agreement.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 62:

Two co-defendants were investment brokers at a bank. They had been employed by the bank for ten years. One day, they were unexpectedly fired by the bank's new manager. Apparently, the co-defendants' investments had not been performing well in the economic downturn. The co-defendants, upset and humiliated by their firing, vowed to get back at the bank. As their revenge, they decided to plant a bomb in the bank and demand \$2,000,000. After receiving the money, they would then reveal the location of the bomb and provide details for defusing it. The co-defendants agreed that the bank should be given adequate warning so that nobody would be injured. In accordance with their plan, the co-defendants consulted the Internet, where they found all the information they needed on how to build a bomb. They built the bomb and placed it in a supply closet. Shortly thereafter, they phoned the bank and made a demand for the money. They said a bomb was in the bank and that it would explode in 24 hours unless the money was paid. The bank refused to pay the money. Realizing that their plan had gone awry, they drove to the bank to attempt to defuse the bomb. As they were driving back to the bank, the bomb exploded, killing 30 people. If the co-defendants are charged with murder and conspiracy to commit murder, which of the following statements is correct?', A. 'Both co-defendants are guilty of felony murder, but neither is guilty of conspiracy to commit murder.', B. 'Both co-defendants are guilty of murder and conspiracy to commit murder.', C. 'Both co-defendants are guilty of conspiracy to commit murder, but not murder.', D. 'Both co-defendants are not guilty of murder and conspiracy to commit murder.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 63:

'A wealthy retiree had amassed a fortune after selling his pharmaceutical company. The retiree and his wife lived in an exquisitely decorated penthouse apartment overlooking a park. One night, the retiree and his wife were returning home from dinner when they were accosted by a man outside their apartment building. The man brandished a gun and told the retiree and his wife to take him to their apartment. Upon entering the apartment, the man blindfolded the retiree and his wife and tied them up with duct tape to chairs in the living room. The man then stole the retiree's wallet and assorted jewelry from the bedroom. After the man exited the apartment, the retiree and his wife tried desperately to free themselves from their constraints. As the retiree was struggling, he suffered a heart attack and died. The man should be found guilty of', A. 'burglary.', B. 'robbery and burglary.', C. 'robbery and murder.', D. 'burglary, robbery, and murder.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 64:

'A pregnant woman was sitting on her front porch watching her husband mow the lawn. A friend of the woman had known the woman for years and knew that she was an easily excitable person. The friend also hated the woman's husband. Knowing that the woman was present, the friend drew a pistol and threatened to kill the husband. The woman suffered severe emotional distress as a result of witnessing this incident and soon afterward had a miscarriage. In an action by the woman against the friend for mental anguish resulting in her miscarriage, the woman will', A. 'lose, because the friend did not intend for the woman to suffer a miscarriage.', B. 'lose, because the friend's actions were directed against the husband, not the woman.', C. 'win, because it was highly probable that the friend's extreme and outrageous conduct would cause emotional distress to the woman.', D. 'win, because she is the husband's wife.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 65:

'A law student and two friends were at a mall peacefully handing out fliers in protest of U.S. Middle East policy. The mall owner called the police, who warned them to stop or they would be arrested. They returned the next day and continued to leaflet. The police came again and issued another warning. The law student left to avoid arrest, but the police arrested his companions for criminal trespass and loitering. The law student, in an attempt to get an advance ruling on the constitutionality of the criminal statutes, filed a declaratory judgment action in federal court asking for declaratory relief. Based on Supreme Court precedent will the federal district court dismiss the declaratory judgment action?', A. 'Yes, the declaratory relief would interfere with existing state prosecutions and would therefore be disallowed for reasons of equity and comity.', B. 'No, because a federal plaintiff may seek a declaratory judgment even if he is not threatened with a state prosecution on the state statute.', C. 'No, because the law student can show a genuine threat of enforcement against him, as evidenced by the arrest of his companions and prior warnings.', D. 'Yes, the declaratory relief would be premature because the law student's fears of a future arrest are entirely speculative on his part.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 66:

'A man who owned a haberdashery placed an order by telephone from a wholesale supplier of cashmere and wool clothing, for "triple-dozen purple cashmere socks, size 10 ■■■13 at current resale price. "

The supplier's sales agent orally accepted the order at the agreed price of \$250 per dozen. In accordance with the supplier's customary business practice, the sales agent then mailed the following confirmation letter, which he signed and dated:"As per your telephone order, this letter serves to confirm the purchase of 36 dozen cashmere socks, color purple, size 10 ■■■13, at the agreed price of \$250 per dozen. Total sales price: \$9,000. "This letter was received by the man, who briefly glanced at it but failed to notice the "36 dozen" wording or the total price. The man placed the letter in his files and did not respond to it. Three weeks later, the supplier tendered 36 dozen purple cashmere socks, which the man rejected on the grounds that he had ordered only three dozen. The supplier resold the same purple cashmere socks to another buyer for a total price of \$8,000. The supplier sued the man for the \$1,000 difference. If the man pleads the statute of frauds as a defense, will such a defense be successful?', A. 'Yes, because the statute was not satisfied by the supplier's tender of the goods, which were rejected by the man, and the supplier did not rely on the oral agreement other than by attempting delivery.', B. 'Yes, because the agreed price for three dozen socks was over \$500, and the supplier's written memo incorrectly stated the quantity of goods ordered.', C. 'No, because the supplier's written memo was sufficient to satisfy the statute as against the supplier, and the man, having reason to know of the memo's contents, failed to give notice of objection within 10 days of receipt.', D. 'No, because the supplier's written memo operated as an acceptance, with proposals for additional terms that became part of the contract after the man failed to object to such additional terms within a reasonable time.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 67:

'On Thursday, March 7, an owner's home was destroyed by fire. The owner's house was insured against such fire loss by an insurance company. According to the policy contract, the insured was required to notify the insurance company within 10 days following any loss due to fire or other catastrophe. The owner sued the insurance company to recover \$750,000, which was the face amount that his home was insured for. The insurance company admitted that the owner's house was insured for that amount, though the company denied liability because it claimed that it had not received notice of the fire within the 10-day period as required by the policy. At trial, the owner calls his bookkeeper to testify. The bookkeeper proposes to testify that on March 11, the owner handed her an envelope and told her it contained a notice form for the insurance company, and that she mailed the envelope on his behalf. If the bookkeeper intends to establish that the envelope that the owner handed her contained the notice of fire loss, her proposed testimony is', A. 'admissible, because the owner's statement to her is non-hearsay.', B. 'admissible, because a letter properly mailed is presumed received in due course.', C. 'inadmissible, because the owner's statement to the bookkeeper is not the best evidence.', D. 'inadmissible, because the owner's statement to the bookkeeper is hearsay not within any exception.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 68:

'Sally Sobriety, owner of Greenacre and Blackacre, was a recovering alcoholic. Sally's only heir was her daughter Betty Boozer, a heavy drinker. In an attempt to encourage Betty to go on the wagon, Sally conveyed Greenacre to "Friend and her heirs, but if liquor is ever consumed on the property, then to Betty." Sally conveyed Blackacre to "Associate and her heirs, but if Associate ever consumes alcohol on the property, then to Betty." One year later, Friend and Associate both began hosting wine-tasting events on their properties, at which they each personally consumed substantial alcohol. Sally was so shocked that she had a stroke and died. The property interests of the following parcels of land should go to', A. 'Betty // Betty', B. 'Friend // Betty', C. 'Betty // Associate', D. 'Friend // Associate'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 69:

'A prisoner was serving a life sentence in a state prison as a result of his conviction for the murder of a child who had trespassed onto his farmland. The prisoner came from a family of farmers, dating back to at least 1750. His family believed that all nourishment comes from the ground and that one's soul will be saved only if his diet consists totally of natural, farm-grown food. The prisoner followed that belief and ate only fresh fruits and vegetables. He further believes that a higher power has commanded him to eat only vegetarian foods. When the prisoner entered the prison state prison officials agreed to grant his wishes and served him only fresh fruits and vegetables for his meals. After six months, deciding that catering to his special diet was overly burdensome and administratively unworkable, the officials decided to stop giving the prisoner special treatment and began to serve him the same food as served to the rest of the prison population. Although nothing physically prohibited the prisoner from eating and surviving on the general prison population's diet, he refused to eat the food that was not in conformity with his special diet. The prisoner's best constitutional argument to support his claim of the right to a fresh fruit and vegetable diet is based on', A. 'the First Amendment.', B. 'the Eighth Amendment's prohibition against cruel and unusual punishment, as applied to the states.', C. 'the Fourteenth Amendment's substantive due process clause.', D. 'the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 70:

'A man and a woman who were friends decided to buy a car together. The man put \$5,000 down and the woman's father co-signed on the loan of \$10,000. The title was put in the woman's name and the man made the loan payments. They orally agreed that it was a shared ownership, with equal rights. After several months, their relationship deteriorated. They argued over ownership and use of the car. One day, the man attempted to leave with the car, but the woman climbed in and kept arguing as he was driving away. He then crashed into a pole and destroyed the car just to spite her, saying that if he couldn't have it no one would have it. The authorities arrested the man for auto larceny (stealing a car from the owner) and criminal mischief (damaging property of another or property shared with another). Assuming the accuracy of the foregoing facts beyond a reasonable doubt, which crime or crimes alleged can likely result in a sustainable conviction?', A. 'He can be convicted of larceny but he cannot be convicted of criminal mischief.', B. 'He cannot be convicted of any crime.', C. 'He can be convicted of criminal mischief only.', D. 'He can be convicted of both larceny and criminal mischief.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 71:

"To keep its public school expenditures under control in a time of increasing costs, a state passed a law providing that children who have not lived in the state for at least one year cannot attend public schools in the state. Which of the following statements about this law is most accurate as a matter of constitutional law?", A. 'The one-year residence requirement is valid because it does not affect any fundamental right or suspect class.', B. 'State durational residence requirements that are established for publicly funded services are constitutional because they relate to government operations reserved exclusively to the states by the Tenth Amendment.', C. 'Because publicly funded education is a fundamental constitutional right, a state may not deny it to any class of persons who reside in that state.', D. 'State durational residence requirements established for this kind of publicly funded service solely for the purpose of reducing state expenditures violate the equal protection clause of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 72:

| Driveway-----House | House |----- | Garage | House-----LOT3 | LOT2 | LOT1
----- (TEACHER) | (NEIGHBOR) | (CO-WORKER | | & BOSS)-----

On March 1, 1999, a landowner, the sole owner and occupant of lot 1, died and devised lot ito both his co-worker and his boss "as their community property. " The co-worker and boss were siblings, and neither was married. Lot 1 consisted of a single- family house with a yard, garage, and driveway. On May 1, 1999, the boss moved into the house on lot 1. One year later, the co-worker and the boss executed and delivered the following deed instrument to a neighbor "... hereby grant to (the neighbor) the northerly 30 feet of lot 1, consisting of the paved driveway now existing, to be used for the ingress and egress of motor vehicles, but should (the neighbor) or his heirs and assigns use said property for any other purpose, all the rights, privileges, and immunities herein granted shall cease and determine. " In consideration for the said deed, the neighbor paid the co-worker and the boss \$2,000 (which they divided equally). The deed was never recorded by the neighbor. Because the boss didn't own a car, she never used the driveway. Similarly, the neighbor never used the driveway because he unexpectedly had his driver's license suspended shortly after executing the above instrument. The boss died intestate on May 1, 2001, leaving her daughter as her sole heir. Following her mother's death, the daughter moved into the house on May 2, 2001. On June 1, 2001 the neighbor sold lot 2 to a professor by a deed that contained no mention of the driveway located on lot 1. The neighbor and the professor assumed that the latter had the right to use the driveway, so they didn't insert any recitations in their deed instrument regarding the driveway. Immediately upon her taking possession of the premises, the daughter began to use the driveway on lot 1. Consequently, she objected to the professor's use of the driveway. After the daughter refused to permit the professor to use the driveway, he brought suit to determine his right to continue use of the driveway. The professor should', A. 'win, because he acquired an implied easement to use the driveway as owner of the dominant tenement.', B. 'win, because the neighbor's easement to use the driveway was conveyed to the professor.', C. 'lose, because the Statute of Frauds was not satisfied.', D. 'lose, because the neighbor's non-use of the driveway effectuated an abandonment of the easement.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: B

Question 73:

'A buyer signed a contract to purchase a newly built home from the builder-seller. After paying the sale price and taking occupancy, the buyer experienced drainage and interior flooding problems with the home. The city issued citations against the owner for not following code regulations regarding construction on a flood-prone slope. The buyer asked the seller to repair all of the defects at his own expense but the seller refused. The buyer brought an action in court alleging breach of warranty against the builder-seller. Will the court hold the builderseller liable to live up to any warranties in favor of the buyer?', A.

'No, the buyer had an obligation to make a full inspection and discover any defects prior to paying the full price and taking occupancy.', B. 'No, the law regarding a building purchase is based on the premise "Let the buyer beware."', C. 'Yes, every builder-seller warrants that a newly constructed home is built in a good and workmanlike manner.', D. 'Yes, the seller has strict liability to the buyer for any defects that arise within one year of the sale.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 74:

'A 17-year-old boy was jostling with his 12-year-old brother. A pedestrian witnessed the boy shoving his brother and mistakenly believed that they were fighting. Acting as a Good Samaritan, the pedestrian approached the boys and tried to intercede. The boy stumbled and accidentally fell into the pedestrian, knocking him to the ground. The pedestrian broke his arm as a result of the fall. If the pedestrian sues the boy to recover damages for his injury, he should', A. 'prevail, because the pedestrian reasonably believed that the boy was about to injure his brother.', B. 'prevail, based upon the doctrine of transferred intent.', C. 'not prevail, because the pedestrian assumed the risk.', D. 'not prevail, unless the boy was negligent.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 75:

'A defendant and his friend were drinking heavily one night at the friend's house. They both became intoxicated. After several hours, both the friend and the defendant passed out. In the middle of the night, the defendant awoke with a headache. He went down to the kitchen and poured himself another shot of whiskey. The defendant also felt hungry and decided to make himself some eggs. After fixing his snack, he inadvertently forgot to turn off the stove. A gas leak occurred, causing a fire that burned down the house. If the defendant is charged with arson, he will be found', A. 'guilty, because the defendant was reckless.', B. 'guilty, because the defendant was criminally negligent.', C. 'not guilty, because the defendant did not commit a felony.', D. 'not guilty, because arson requires the presence of malice.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 76:

'In which of the following situations would the actions of the defendant(s) constitute a burglary?'. A. 'A defendant, seeking shelter from a severe snowstorm, broke into a house. When he awoke the next morning, the defendant noticed a transistor radio, which he put into his pocket before fleeing the house.'. B. 'A defendant was walking past a home when he saw the homeowner sitting in a chair near the window. Angered at the homeowner for stealing his former girlfriend, the defendant picked up a large brick that was lying nearby and hurled it through the window, intending to kill the homeowner.'. C. 'Late one afternoon, two defendants were walking down the street when they noticed an open window at a doctor's office. The defendants crawled through the window, broke open his medicine cabinet, and stole various drugs.'. D. 'Late one evening as a guest was registering at a hotel, a defendant noticed that the guest was a guy who owed him money from a bet. After the guest had retired to his room, the defendant broke into his room and threatened him regarding the money he was owed.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 77:

'Several states have enacted laws shielding reporters from being compelled to release the names of confidential sources. Now, Congress, under intense lobbying pressure from the press, proposes to enact legislation forbidding any state from requiring journalists to reveal the sources of their news articles in civil suits. Which of the following is the strongest constitutional argument in support of this proposed law?'. A. 'Congress has the authority under the commerce clause to regulate the flow of news.'. B. 'Acts of Congress are the supreme law of the land and take precedence over any conflicting state laws.'. C. 'Congress is essentially reaffirming the free speech guarantees of the First and Fourteenth Amendments.'. D. 'Under Article I, Section 8, Congress has the authority to secure to authors and inventors the exclusive right to their respective writings and discoveries.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 78:

'A state built a racetrack that was specially designed and constructed for thoroughbred horseracing. State bonds were issued to finance the construction of the racetrack. The bond agreement provided that for the first five years the racetrack was in operation, at least \$2 from each admission charge would be used to repay the bond debt. The bond agreement further stipulated that if the proceeds from the admission charges during the first five years were not sufficient to repay the bondholders, then at least \$1 from each admission charge for the next five years would be applied to make the necessary bond payments. After the racetrack was built and in operation for two years, the state legislature passed a bill requiring the racetrack to admit all senior citizens over the age of 65 for the discounted admission fee of 50 cents. This law is probably', A. 'constitutional, because it is a justifiable exercise of the state's police power.', B. 'unconstitutional, because it denies citizens under the age of 65 the equal protection of the law.', C. 'unconstitutional, because it impairs the obligation of the bondholders' contract.', D. 'unconstitutional, because it is an ex post facto law.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 79:

"This jurisdiction has the following bribery statute in effect: "Any person who offers or gives a thing of value to a government officeholder in exchange for official action is guilty of bribery. "A real estate developer owned a large parcel of land in the suburbs. Although the developer wanted to build an office building on the property, the land was zoned residential. Due to the residential zoning, the developer could not pursue his planned development unless he received a variance from the building commission. The developer held a meeting with a member of the building commission to solicit his approval in securing a zoning variance. To do so, the developer gave the commission member \$10,000 in exchange for his support in approving the zoning variance. Thereupon, the commission member voted to approve the variance, thus making it possible for the developer to commence construction of the office building. The developer was subsequently prosecuted for conspiracy to commit bribery. During the course of the trial, the commission member testified that he faked the agreement with the developer and would have approved the zoning variance regardless of whether the developer gave him any money. Furthermore, in his defense, the developer presented evidence that the other six members of the building commission voted affirmatively to approve the variance. If the jury believed that the commission member would have approved the variance even had he not received the \$10,000, the developer should be found', A. 'guilty, because the commission member's agreement to accept the \$10,000 was sufficient to form a conspiratorial objective.', B. 'guilty, because he gave the commission member the \$10,000 in exchange for his approval of the zoning variance.', C. 'not guilty, because the commission member did not receive a thing of value, since he would have approved the variance regardless of receiving any payment from the developer.', D. 'not guilty, because there was no true agreement between the parties.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 80:

'A defendant and a victim were roommates at college. The defendant was playing the role of a serial killer in the school play and asked the victim if she could leave their apartment for a few hours while she rehearsed. The victim agreed but returned to the apartment shortly thereafter because she was curious and wanted to see the defendant rehearse. The victim quietly came back into the apartment and hid behind some curtains in the dining room in order to watch the defendant rehearse. In her role, the defendant earned a large butcher's knife, with which she stabbed the curtains at her "victim. " Unknown to the defendant, the victim, who was hiding behind the curtain, was stabbed in the chest and killed. If the defendant is prosecuted for the victim's death, she should be found', A. 'guilty of murder.', B. 'guilty of manslaughter.', C. 'guilty of battery.', D. 'not guilty.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 81:

'A defendant was convicted of assault of a federal officer and imprisoned in a federal penitentiary. While in prison, federal authorities began investigating the murder of the defendant's 11-year- old stepdaughter who was murdered two years earlier. Believing that the defendant was responsible for this killing, federal agents decided to plant an informant at the prison to befriend the defendant and possibly obtain evidence about the crime. In accord with this plan, the federal agents hired a paid informant and placed him in the prison as a fellow inmate, masquerading as an organized crime figure. The informant soon befriended the defendant and learned that he was being threatened by other inmates because of a rumor that he had killed a child. The informant then raised the subject in several conversations, but the defendant repeatedly denied any such involvement. After the defendant started receiving tough treatment from other inmates because of the rumor, the informant offered to protect the defendant but told him, "You have to tell me the truth about what really happened you know, if you want me to help you. " Believing that the informant would protect him from the other inmates, the defendant then admitted to the informant that he had driven his stepdaughter to the desert where he killed her. Based upon this confession, the defendant was then indicted for the first-degree murder of his stepdaughter. Prior to trial, the defendant moves to suppress the statement given to the informant. Should the defendant's motion be granted?', A. 'Yes, because the confession was coerced by the threat of physical violence, absent protection from the informant that motivated the defendant to confess.', B. 'Yes, because the informant was a false friend, and the defendant was tricked into making the confession.', C. 'No, because the confession was voluntary.', D. 'No, because under the totality of circumstances, the informant's conduct was not inherently coercive.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 82:

'An art collector attended a party on March 15. At the party, the art collector was describing his collection to a woman in attendance. When the art collector described a painting by a well-known artist, the woman indicated she might like to buy that painting. The art collector said, "I'll sell you the painting for \$10,000. I'll give you 30 days to decide whether you want the painting. " On March 25, the art collector wrote to the woman and stated that the offer of March 15 was withdrawn. The woman received the March 25 letter on March 26. On March 27, the woman wrote the art collector the following letter: "Please be advised that I hereby accept your offer of March 15. " The art collector received this letter on March 28. Thereafter, the art collector and the woman engaged in several telephone discussions. On April 10, the woman, in a telephone conversation, told the art collector that she would pay \$15,000 if the painting was delivered on or before April 15. The art collector agreed to deliver the painting for \$15,000. On April 15, the art collector tendered the painting, but the woman refused to pay more than \$10,000. If the art collector asserts a claim against the woman for breach of contract, which of the following is the most accurate statement?', A. 'The art collector is obligated to sell the woman the painting for \$10,000, because the woman, as offeree, had the right to accept the initial offer within the 30-day period.', B. 'Since the art collector, as offeror, had the power to revoke the original offer before acceptance, the woman is obligated under the terms of their April 10 agreement.', C. 'Since the parties entered into a subsequent modification, the woman is obligated to pay the art collector \$15,000 for the painting.', D. 'An enforceable contract does not exist between the parties, because of mutual mistake of fact.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 83:

'A mushroom farmer agreed in a signed writing on January 2 to deliver to a chef at a local restaurant on March 1 a specified quantity of mushrooms at a specified price. The mushrooms on the farmer's farm were usually picked and packaged by the farmer's three sons. On February 27, two of the Sons were injured in a fanning accident and hospitalized. As a result, the farmer encountered a manpower shortage and could not process all of the mushrooms for the chef's order. On February 28, the farmer telephoned the chef and said, "Because my two sons were injured yesterday, I won't be able to deliver your mushrooms on March 1. However, I am trying to hire some other farm hands to help process your order. Although I can't promise it, I should be able to deliver the mushrooms by the end of the week. " The chef, who knew that the fanner's sons were responsible for the mushroom farming, said, "No problem. I think I'll be able to get by without them for a few days. However, be advised that I will hold you liable for any loss I sustain as a result of your failure to deliver the mushrooms on March 1 . " When the chef failed to receive the mushrooms on March 5, he sent the following fax to the fanner:"I must have the mushrooms no later than March 9. " This fax was received and read by the farmer on the same day. If the fanner delivers the mushrooms to the chef on March 9 and the chef accepts them, can the chef successfully maintain a contract action against the farmer to recover damages resulting from the delay in delivery?', A. 'No, because temporary impracticability excused his duty to deliver the mushrooms on March 1.', B. 'No, because the buyer's statements and acceptance of the mushrooms constituted a waiver of the condition of timely delivery.', C. 'Yes, because his statements to the farmer did not constitute a promise to forgo any cause of action he then had or might later acquire.', D. 'Yes, because there was no consideration to support his waiver, if any, of timely delivery.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 84:

'A shopper sued a supermarket for injuries allegedly suffered from a collision with the store's automatic doors. The shopper contended that the doors, which were programmed to swing inward, swung outward and injured him as he attempted to enter the store one afternoon. The shopper's brother-in-law, who was an eyewitness to the accident, was not called to testify at trial. Moreover, the shopper's attorney failed to depose the brother-in-law, who redomiciled out of state shortly after the accident. With respect to the shopper's failure to offer the brother-in-law's testimony at trial, on request by the supermarket's attorney, the court should', A. 'instruct the jury that it raises the presumption that the brother-in-law's testimony would have been unfavorable to the shopper.', B. 'instruct the jury that it constitutes an adoptive admission that the brother-in-law's testimony would have been unfavorable to the shopper.', C. 'permit the supermarket's attorney to argue that it raises a presumption that the brother-in-law's testimony would have been unfavorable to the shopper.', D. 'neither instruct the jury on the matter nor permit the supermarket's attorney to argue the matter.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 85:

'At trial, during the plaintiff's case-in-chief, the plaintiff called as a witness the managing agent of the defendant corporation, who was then sworn in and testified. Defense counsel objected to the plaintiff's questions either as leading or as impeaching the witness. In ruling on the objections, the trial court should', A. 'sustain all the objections and require the plaintiff to pursue this type of interrogation only during the plaintiff's cross-examination of this witness during the defendant's case-in-chief.', B. 'sustain the leading question objections but overrule the other objections because a party is not permitted to ask leading questions of his own witness at trial.', C. 'sustain the impeachment questions but overrule the other objections because a party is not permitted to impeach his own witness at trial.', D. 'overrule all the objections because the witness is adverse to the plaintiff and therefore may be interrogated by leading questions and subjected to impeachment.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 86:

'A plaintiff sued a defendant in federal court for assault and battery. At trial, the court has allowed the plaintiff to introduce the deposition testimony of a witness, now deceased, that he was with the plaintiff at the time of the incident. The defendant now seeks to impeach the testimony of the witness with his 13-year-old conviction for burglary (for which he served 18 months in prison) for breaking into the home of a neighbor while she was away and taking some of her valuable jewelry. Should the court allow evidence of the conviction?', A. 'No, because the witness did not testify at trial.', B. 'No, unless the court finds, in the interests of justice, that the probative value of the conviction, supported by specific facts and circumstances, substantially outweighs its prejudicial effect.', C. 'Yes, because prior convictions are probative to impeach the witness's character for truthfulness.', D. 'Yes, because the crime involved an act of dishonesty.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 87:

'A regular customer at a lounge is aware that the owner customarily keeps a gun hidden behind the bar. One night the customer was sitting at the bar and ordered a club soda. After serving him, the owner walked to the other end of the bar to wait on another customer. As he did so, the customer leaned over the bar and grabbed the gun. The customer pointed the gun at the owner and said, "This is a robbery. . . hand over all your money." Knowing the gun was unloaded, the owner refused to comply. The customer dropped the gun and ran out of the bar. Besides larceny of the gun, the customer will be convicted of',
A. 'attempted larceny.', B. 'attempted robbery.', C. 'assault.', D. 'assault and attempted larceny.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 88:

'A homeowner was holding his annual party at his home. His parties attracted a wide variety of diverse individuals. On the night in question, a defendant was loafing at the local bar when a number of the invited guests came in to purchase spirits for the party. The defendant decided to crash the party. He arrived at the homeowner's house around midnight when the party was in full swing. He went in through the front door, which was unlocked, and easily mingled with the other partygoers. During the party, the defendant wandered through the house and came upon a baseball, signed by a famous baseball player, in a glass case. Knowing the ball to be very valuable, the defendant put it under his jacket and made his way down the stairs and out the front door. If the defendant is subsequently charged with burglary, he will probably be found', A. 'guilty, because he crashed the party.', B. 'guilty, because he intended to steal the baseball.', C. 'not guilty, because he crashed the party only to have a good time.', D. 'not guilty, because the front door was unlocked.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 89:

'An employer and employee had an employment contract that contained an "at will" provision allowing either party to terminate the employment upon reasonable notice. One year later, the employer had the employee sign a covenant not to compete for a two-year period after termination. Two years later, the employee quit and went to work for a competitor company. The prior employer sued, asking for a preliminary injunction to enforce the covenant. The employee argued that the covenant was invalid because no consideration passed to her ■■■ she could be fired at any time and did not receive anything for signing. The employer argued that it provided her with continued employment when it did not have to do so. Does the employer have a legal right to enforce the covenant?', A. 'Yes, because the employer's providing of continued employment for a substantial period after signing the covenant is adequate consideration.', B. 'Yes, because modification of an existing contract does not require consideration.', C. 'Yes, because the courts never question the adequacy of consideration in an agreement.', D. 'No, because there was inadequate consideration for the covenant.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 90:

'In 1993, a farmer had good record title to a farm in fee simple absolute. In 1994, the farmer delivered to his son, for a sum of \$1,000, a deed signed by the farmer, naming the son and his heirs as grantee, and appearing valid on its face. The son neglected to record the deed. In 1998, an investor, aware of the existence of the farmer-to-son deed, sought out the farmer and asked to buy for \$10,000 a deed of the farm from the farmer to the investor and his heirs. The farmer executed such a deed, and the investor promptly recorded it. The investor's intent was to acquire color of title and obtain ownership of the farm by adverse possession. In 1998, the investor constructed a fence around the farm. In 1999, the son presented his deed of the farm to a rancher and, for \$15,000, paid by the rancher, signed and delivered a deed of the farm in favor of the rancher and his heirs. After receiving the deed, the rancher made no effort to search the title, to examine the property, or to record the deed. In 2003, a teacher paid the investor \$20,000, and the investor delivered to the teacher a deed of the farm in favor of the teacher and his heirs. The teacher had examined the property, had searched the title, and was aware of the prior farmer-to-son instrument. Although the teacher did not reside on the property, he regularly visited the farm twice a week. The teacher recorded his deed. In 2007, for \$25,000, paid by a professor, the rancher signed and delivered a deed of the farm naming the professor and his heirs as grantees. Before the professor had paid the rancher and taken his deed, the professor visited the farm and observed the fence. However, the teacher was not present when the professor visited the property, and nothing suggested who ■■■ if anyone ■■■ was using it. In any case, the professor did not attempt to search the title before making his purchase. The professor then recorded the deed. Note: This jurisdiction uses Grantor ■■■ Grantee Indices and has no Tract Index. The jurisdiction's recording act provides: "Every conveyance of real estate which is not recorded is void against a subsequent purchaser in good faith for valuable consideration, whose conveyance shall be first duly recorded." In 2008, in an action to quiet title to the farm, which of the following parties would have priority of title?', A. 'The professor.', B. 'The investor.', C. 'The teacher.', D. 'The rancher.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 91:

'A drug to combat high cholesterol was approved by the FDA and marketed by its manufacturer. Reports of the drug being tied to cases of premature dementia surfaced, and a number of lawsuits were filed by injured consumers, alleging strict liability for a defective product. At trial, the manufacturer proved that thorough testing was done but that new scientific discoveries, not then available, now show a vulnerability in certain people to the drug. Is the company strictly liable to the victims even though the medical knowledge was not available when the product was developed and put on the market?'. A. 'Yes, strict liability applies to pharmaceutical companies and questions of knowledge of defects is irrelevant.'. B. 'Yes, the manufacturer must assume the cost of compensating those innocent victims who took the defective drug.'. C. 'No, the company has no duty to conduct research to determine a product's safety.'. D. 'No, when the medical or scientific information regarding a defect has not yet been discovered, the company will not be held strictly liable for putting that product on the market.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 92:

'A driver of a car negligently hit a pedestrian. The pedestrian had an open wound and was rushed to the hospital for a blood transfusion. At the hospital she refused the transfusion because of religious beliefs. She died shortly thereafter. The physician verified that the patient would have fully recovered if she had agreed to treatment. What damages can the pedestrian's estate collect from the driver of the car?', A. 'All damages for wrongful death because it is foreseeable that this kind of negligence could injure someone who will not accept treatment for religious reasons.', B. 'No damages, because the pedestrian's wrongdoing in not accepting treatment was the sole cause for her death.', C. 'Damages for the wound and the pain and suffering up to the point that she refused the transfusion.', D. 'No damages, because the pedestrian's refusal of treatment constitutes contributory negligence.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 93:

'On September 15, a card shop sent the following fax to a printing company: "Please deliver 100 dozen assorted Christmas cards, delivery by November 1. "On October 10, the printing company shipped 100 dozen assorted Thanksgiving cards to the card shop, which were received on October 12. The following day, the card shop sent the following fax to the printing company: "Be advised that your shipment is rejected. Order stipulated Christmas cards, not Thanksgiving cards. "On October 15, the printing company sent the following fax to the card shop: "Will ship 100 dozen assorted Christmas cards by November 1. Please ship the Thanksgiving cards back to our warehouse and bill us for the shipping charges. " This fax was received by the card shop, but the card shop did not respond to it or ship the Thanksgiving cards back to the printing company. On October 25, the printing company attempted to deliver 100 dozen assorted Christmas cards to the card shop, but the latter refused to accept. Did the card shop properly reject the October 25 delivery?', A. 'No, because under the UCC a contract for the sale of goods can be modified without consideration.', B. 'No, because the printing company cured the October 10 defective shipment by its tender of conforming goods on October 25.', C. 'Yes, because the printing company's shipping of the Thanksgiving cards on October 10 constituted an anticipatory breach.', D. 'Yes, because the printing company's shipping of the Thanksgiving cards on October 10 constituted a present breach of contract.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 94:

'In which of the following stages does an indigent person not have the Sixth Amendment right to counsel?', A. 'Preliminary Hearing', B. 'Arraignment', C. 'investigative surveillance', D. 'Post-charge lineups'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 95:

'A defendant was driving his new sports car at a high rate of speed on a busy city street in the middle of the day. A pedestrian was struck by the defendant's car as she was crossing the street and was seriously injured. A criminal complaint was filed against the defendant and, at trial, he testified that he did not intend to injure anyone, but admitted that he was indifferent as to the consequences of driving recklessly. Based on the defendant's actions and testimony, he should be found guilty of', A. 'attempted murder.', B. 'attempted manslaughter.', C. 'assault with the intent to cause serious bodily injury.', D. 'battery.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 96:

'Congress recently enacted a statute that prohibits racial discrimination in the sale, transfer, or rental of real estate, either privately or publicly. Which of the following constitutional provisions would provide the best rationale for the enactment of this federal statute?', A. 'Under Article I, Congress has the power to enact laws that are "necessary and proper" to the general welfare.', B. 'The enforcement provision of Section 2 of the Thirteenth Amendment.', C. 'The enforcement provision of Section 5 of the Fourteenth Amendment.', D. 'The due process clause of the Fifth Amendment.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 97:

'Anderson and Parker decide to form a corporation which will locate missing children. Which of the following would be a proper name for the corporation?', A. 'ANDERSON', B. 'FBI Consultants, Incorporated', C. 'Private Eye Partners', D. 'Child Finder Company'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 98:

'An appliance store was using part of a public alley to unload its trucks. There were no warning signs keeping pedestrians out or warning of unloading trucks. A pedestrian walked through the general vicinity but he avoided the unloading area. One of the workers pulled the wrong lever and a load of commercial refrigerators crashed into the street, causing a rumbling tremor in the road. The tremor caused a heavy box to fall off of a parked truck that was about 30 yards away from the loading dock. It fell on the pedestrian, causing serious injury. The pedestrian sued the appliance store for negligence, and the store defended on the basis that it could not foresee such an accident and that the tremor and the box that fell were superseding acts. Will the pedestrian likely survive the store's motion to dismiss pedestrian's lawsuit for damages.', A. 'No, the plaintiff clearly assumed the risk by entering a dangerous loading/unloading area.', B. 'No, because the plaintiff in effect became a trespasser when he walked into a dangerous loading/unloading area.', C. 'Yes, because the plaintiff pedestrian had a right to be where he was and there were no signs telling him otherwise.', D. 'Yes, because the chain of causation was generally foreseeable in that it was a logical consequence of a truckload of appliances falling violently onto the road.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 99:

The owner of a large unimproved tract of land leased it to a tenant for five years at a monthly rental of \$1,500. The rental agreement provided that the land was to be used as farmland. Shortly after the tenant took possession of the tract of land, he built thereon, at his own expense, a barn made of lumber, which was 15 feet wide, 20 feet long, and set on loose bricks. The barn increased the appraised market value of the tract of land from \$250,000 to \$275,000. The tenant then began farming operations on the land. Toward the end of the lease period, the owner informed the tenant that he was going to put the tract of land up for sale. The next month, when the lease expired, the parties settled a dispute over the tenant's right, if any, to compensation for the improvements by the following written agreement: "On the sale of the tract of land, the owner hereby agrees to pay the tenant two-thirds of any sale proceeds in excess of \$250,000, provided that tenant may remain on the farm for the next year, rent-free, while the owner tries to sell it. After that time, the tenant may remain on the land until closing of the sale, at a monthly rental of \$1,000. "The owner initially set the asking price at \$300,000. After receiving scant interest, the owner decided to reduce the price to \$260,000. This price reduction so infuriated the tenant that he thereafter made negative comments about the farm to all of the prospective buyers. Finally, 14 months after the agreement between the owner and the tenant was executed, and after rejecting offers for \$240,000 and \$250,000, the owner sold the tract of land for \$256,000 to a buyer who visited the land while the tenant was away on vacation. Thereupon, the tenant, who had failed to pay the last two months rent as per the agreement, moved out. After closing, the owner refused to pay the tenant any of the sale proceeds, and the tenant brought suit to recover damages for breach of contract. Which of the following is the owner's most persuasive argument in defense of the tenant's suit?", A. 'The tenant committed an uncured material breach of an implied promise to cooperate in the owner's efforts to sell the property, or at least not to hinder the proposed sale.', B. 'The tenant's negative comments about the farm to prospective buyers amounted to an anticipatory repudiation of the agreement between the owner and the tenant.', C. 'The tenant's failure to pay any rent for the last two months was a material breach of contract that discharged the owner's remaining duties of performance.', D. 'The agreement between the owner and the tenant was voidable because it was a restraint on alienation, since it conditioned a promise to pay for a conveyance of land upon an otherwise invalid leasehold contract.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 100:

'A man arranged to have custom-made wooden shutters installed on the windows of his home. The contractor who installed the shutters did so by drilling screws and brackets into the exterior window frames and the shutters. The man later agreed to sell the home to a buyer. The sales agreement did not mention the shutters, the buyer did not inquire about them, and the buyer did not conduct a walkthrough inspection of the home before the closing. The man conveyed the home to the buyer by warranty deed. After the sale closed, the buyer noticed that the shutters and brackets had been removed from the home and that the window frames had been repaired and repainted. The buyer demanded that the man return the shutters and pay the cost of reinstallation, claiming that the shutters had been conveyed to him with the sale of the home. When the man refused, the buyer sued. Is the buyer likely to prevail?'. A. 'No, because the sales agreement did not mention the shutters.'. B. 'No, because the window frames had been repaired and repainted after removal of the shutters.'. C. 'Yes, because the shutters had become fixtures.'. D. 'Yes, because the man gave the buyer a warranty deed and the absence of the shutters violated a covenant of the deed.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 101:

'The president, vice-president, and U.S. civil officers can be impeached. Which of the following is not true about impeachment?', A. 'Grounds include treason and bribery', B. 'Grounds include high crimes and misdemeanors', C. 'A majority vote in the House is necessary to invoke charges of impeachment', D. 'A three-fourths vote in the Senate is necessary to convict and remove from office'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 102:

'There was an accident at a manufacturing plant located in California which state generally allows prevailing parties to collect punitive damages. A worker from Washington was injured at the California plant and she filed suit in federal district court in her home state of Washington. Washington does not generally allow punitive damages. The plaintiff has alleged in their federal lawsuit filed in Washington that they are entitled to punitive damages. The court should', A. 'Apply the punitive damage rule in California since that is where the accident occurred.', B. 'Apply the punitive damage rule in Washington since that is where the plaintiff resides.', C. 'Apply the punitive damage rule in Washington because that is where the court is located.', D. 'Let the jury in the case decide which state law of punitive damage should apply based upon their analysis of the relative culpability of the parties.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 103:

'After being passed over for a promotion, an aeronautic engineer became a whistleblower. He contacted a government agency to state that the company for which he worked was submitting false safety reports on newly built aircraft. When the company learned that the engineer was leaking this information to the government agency, he was fired from his job. Afterward, the engineer sued the company for wrongful termination of employment. During the discovery stage of litigation, the engineer was deposed by the company's attorney. In his deposition, the engineer stated that the company submitted false safety reports to the government agency to cover up structural defects in its aircraft. A pilot was injured when one of the company's airplanes he was piloting crashed. The pilot asserted a strict products liability tort against the company. At that, the pilot seeks to introduce into evidence portions of the engineer's deposition from his wrongful termination lawsuit against the company. Assume that the engineer is unavailable to testify at trial. Upon objection by the company, the trial court judge should rule the engineer's deposition testimony', A. 'admissible as former testimony.', B. 'admissible as a vicarious admission.', C. 'inadmissible as hearsay not within any recognized exception.', D. 'inadmissible, because the company did not have the opportunity to cross-examine the engineer on the liability issue for which the statement is now being offered.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 104:

'A detective found a footprint from a left-foot shoe at a murder scene. The print was preserved appropriately as evidence. It had distinctive tread marks and an unusual wear pattern on the sole. It also had a "V" mark on the heel bottom that indicates the brand was a Victory shoe. The detective, armed with a proper search warrant, searched the suspect's apartment, where he found a shoe to a right foot that of the same size, and with a similar wear pattern and the same "V" mark as the shoeprint found at the scene. The shoe for the left foot was not found but the shoe for the right foot was seized from the suspect's closet and offered as evidence at trial. Is this admissible evidence?', A. 'Yes, because it is direct evidence of guilt.', B. 'Yes, because it is appropriate circumstantial evidence of guilt.', C. 'No, because this shoe is irrelevant and will have no residue or other probative evidence relating to it.', D. 'No, because footprint evidence is highly speculative unless both shoes and shoe prints are offered and authenticated.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 105:

'At trial in a criminal prosecution for theft, the defendant calls a witness to testify that he formerly knew the defendant as an army supply sergeant and that the defendant had turned down many opportunities for black marketeering. Is the witness's testimony admissible?'. A. 'No, because it is irrelevant to the present charge.'. B. 'No, because the defendant may not prove his good character by specific instances of good conduct.'. C. 'Yes, because a criminal defendant may prove his good character as a basis for inferring conduct.'. D. 'Yes, because, by accusing the defendant of being a thief, the prosecution has put his character in issue.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 106:

'A resident announced his candidacy for state representative. A law in the state requires new political entrants, regardless of party affiliation, to obtain five times the number of signatures as other candidates who have run for office previously. The resident, however, failed to obtain the necessary number of authenticating signatures to have his name placed on the ballot. On the substantive constitutional issue regarding the validity of the authenticating requirement, the most probable judicial resolution will be to', A. 'hold the authenticating requirement unconstitutional as violative of the due process clause of the Fourteenth Amendment.', B. 'hold the authenticating requirement unconstitutional as violative of the equal protection clause of the Fourteenth Amendment.', C. 'dismiss the cause of action because state election procedures are a sovereign state function.', D. 'assign the burden of proving the validity of the authenticating requirement to the state.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 107:

'A testator died and through his will gave his entire estate to charity, but the gift failed because the will was executed 10 days prior to the testator's death. A man then filed a claim against the estate, alleging that he was the son and heir of the testator. At the trial on the man's claim, the man was unable to produce any proof of a ceremonial marriage, but established the following by undisputed evidence: (a) that his mother and the testator had cohabited for a number of years; and (b) that his mother had predeceased the testator by one day. Assume that this jurisdiction has a relevant Dead Man's Statute in effect. At trial, the man's attorney called a clerk at a winter resort hotel. The clerk testified that the testator and the man's mother had come to the hotel for many years and he often saw the testator sign the hotel register as "Mr. and Mrs. Testator. "The trial court should rule the clerk's testimony', A. 'admissible, because the clerk had personal knowledge of the matter.', B. 'admissible as a pedigree exception to the hearsay rule.', C. 'inadmissible, because the clerk's testimony is not the best evidence.', D. 'inadmissible, under the Dead Man's Statute.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 108:

'A victim was leaving his favorite local watering hole and contemplating a late night cheeseburger when he tripped over his own feet and fell on the sidewalk. A few moments later, the victim got up in a daze and stepped into the street, where he was struck by a car driven by the defendant, who was speeding, in violation of a regulation of state law. The victim died in the hospital two hours later. Which of the following is the most serious crime for which the defendant should be found guilty?', A. 'Speeding.', B. 'Involuntary manslaughter.', C. 'Voluntary manslaughter.', D. 'Murder.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 109:

'On Tuesday, a homeowner purchased a new riding lawnmower from a department store. The next day, he was cutting the grass in his back yard with the mower when it started to rain. He stopped the mower and turned off the motor switch. He went inside and decided to wait until the rain stopped before mowing the rest of the lawn. A few minutes later while the homeowner was inside his house, the lawnmower suddenly lurched forward, rolled down a hill, and entered the property of his neighbor. The mower cut the neighbor's prize rosebushes, destroying them. It was later determined that the lawnmower's motor switch was defective. Even though the homeowner had turned the starter switch to the off position, the engine did not shut off. Because the mower was built with a new silent rotary engine, the homeowner had no reason to know that it was still running when he went into the house. The homeowner would not have been able to discover the defect by any feasible means of inspection. If the neighbor asserts a claim against the homeowner for trespass, will the neighbor prevail?', A. 'Yes, because the lawnmower entered onto the neighbor's property.', B. 'Yes, because the homeowner is strictly liable for the damage caused by the defective mower.', C. 'No, because the homeowner was using the mower for its intended purpose.', D. 'No, because the defective motor switch was not discoverable by reasonable inspection.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 110:

'A valid treaty between the United States and a foreign country provides for the elimination of all tariff barriers between the two countries. It authorizes the president of either country to issue a proclamation nullifying any state or local laws in that country that have the effect of impeding imports from the other country. The foreign country uses the metric system of measurement, and thus all goods produced there and exported to the United States are packaged in metric sizes, such as liters and kilograms. A law of a state in the United States requires all goods sold in that state to be packaged in traditional American sizes, such as quarts or pounds. Because the state law substantially impedes imports from the foreign country, the President of the United States has issued a proclamation nullifying the state law pursuant to the treaty. Is the President's proclamation valid?'. A. 'No, because the Constitution vests in Congress the exclusive authority to specify binding legal standards for weights and measures, and the President therefore lacks constitutional authority for the proclamation.'. B. 'No, because the principles of federalism embedded in the Constitution prohibit the President from taking action to invalidate a state law.'. C. 'Yes, because it is authorized by a valid treaty of the United States and is not prohibited by any provision of the Constitution and, therefore, is the supreme law of the land.'. D. 'Yes, because the President has inherent authority to nullify any state law that substantially impedes commerce between substantially impedes commerce between the United States and another country.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 111:

'A plaintiff sued an insurance company to recover life insurance proceeds. At trial, the issue before the court is the insured's correct date of birth. Which of the following is inadmissible if offered to prove the insured's correct date of birth?', A. 'A family portrait engraved with the ages of the family members.', B. 'A family bible with the insured's birth date inscribed on the cover.', C. 'A photocopy of the insured's birth certificate.', D. 'A sworn affidavit from the insured's brother verifying the insured's birth date.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 112:

'A man and a woman were passengers on a plane. They were seated next to one another in the first- class section of the plane. Midway through the flight, the woman excused herself and went to the restroom. While she was gone, the man rummaged through the woman's purse and stole \$100 in cash. Unknown to the man, a flight attendant saw him steal the money. As is customary in such situations, the flight attendant radioed ahead, and police officers arrested the man when the plane landed. The man was subsequently charged with violating an applicable federal larceny statute. During the trial, the prosecuting attorney called the man's wife as a willing witness against her husband. She proposed to testify that the man confided to her that he did steal the woman's money during the flight. The man's attorney objected on the grounds of hearsay and privilege. The wife's proposed testimony is', A. 'admissible, because it is neither hearsay nor privileged.', B. 'inadmissible, because it is hearsay not within any recognized exception, though it is not privileged.', C. 'inadmissible, because it discloses a privileged communication, though it is not hearsay.', D. 'inadmissible, both because it discloses a privileged communication and because it is hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 113:

'In a jurisdiction using the grantor ■■■grantee indices, the following events have occurred in the order listed below:(1) In 1962, a grantor conveyed to a man a tract of land by a deed that was immediately recorded. (2) In 1982, the man died a widower and devised the tract of land to his assistant by a will that was duly admitted to probate. (3) In 1993, the assistant mortgaged the tract of land to a mortgage company to secure a note for \$25,000, due on December 31, 1993, with 9½ percent interest per annum. (4) In 1996, the mortgage company recorded the mortgage. (5) In 2003, in a signed writing, which the assistant delivered to his daughter, the assistant promised to convey the tract of land to the daughter by a quitclaim deed and pay the mortgage debt when it came due. If the assistant refused to convey the tract of land to the daughter and the daughter brings suit against the assistant to compel a conveyance of the property, the daughter will most likely', A. 'prevail, because there was an effective gift.', B. 'prevail, because there was an effective assignment.', C. 'not prevail, because there was no consideration to support the assistant's promise to convey the property.', D. 'not prevail, because specific performance will not be granted where there is an adequate remedy at law.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 114:

'Arrests may occasionally be made without a warrant. Which of the following is not one of those circumstances?', A. 'A misdemeanor has occurred, and an officer must believe that the person he has arrested committed it.', B. 'An officer must have probable cause that a felony has occurred and that the arrested person committed it.', C. 'An officer may arrest for a felony committed in his presence.', D. 'An officer may arrest for a misdemeanor that is a breach of peace and committed in arresting party's presence.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 115:

'A landlord is the owner in fee simple of a tract of land on which is situated a large office building. The landlord leases the land and building thereon to a tenant for a term of seven years, commencing on August 1, 2001, and terminating at midnight on July 31, 2008. The lease contains the following provisions: "(1) The tenant covenants to pay the rent of \$750 per month on the first day of each month. "After three years of the lease had expired, the tenant assigned the entire balance of the lease period to an attorney, who took immediate possession of the leased property. Then in 2005, the attorney assigned his leasehold interest to a doctor. The doctor went into possession, but failed to pay any rent for two months. After the doctor failed to make his rental payments for the first two months of his lease, the landlord brought suit against the tenant to recover for the unpaid rent. Judgment should be for', A. 'the landlord, because the tenant's contractual obligation under the lease survived the assignments.', B. 'the landlord, because he did not object to the assignments.', C. 'the tenant, because the doctor, as assignee, would only be held liable.', D. 'the tenant, because his assignment to the attorney constituted a novation, thereby extinguishing his obligation to pay rent.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 116:

'Some homeless people started residing on a strip of land located under a bridge. The land was owned by a nearby chemical manufacturer. The squatters did not ask permission, and the company did not feel it was an urgent problem. The squatters used a small lake on the property for bathing and drinking water. Within a few days, two squatters died from what was later revealed to be highly polluted water coming from the company's waste discharges. The company knew that it had a waste discharge problem. The estates of the two decedents sued the company. Will they likely prevail on their tort claim despite the company's defense that the decedents were trespassers?', A. 'Yes, because even though they trespassed, the owner had a duty to warn because it knew that they were in danger.', B. 'Yes, because the owner was strictly liable for any injuries caused by the hazardous condition of the water in the lake.', C. 'No, because owner owes no duty to trespassers except if it acts with willful or wanton disregard.', D. 'No, because an owner of land never has to worry about protecting the safety of trespassers.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 117:

'A pharmacist was employed by a drug store. A long-time customer of the drug store presented a prescription to the pharmacist for the medication Clinoril, which was prescribed by her physician to treat her arthritic condition. The pharmacist was in a rush that day because of a backlog of prescriptions to fill, and he misread the customer's prescription. He filled her prescription with Clinitest, a caustic substance not for internal use. He labeled the container with the instructions for Clinoril: "Take one tablet twice a day. "The customer followed the instructions, consumed the Clinitest, and suffered severe injuries to her stomach and esophagus. If the customer brings a strict liability in tort action against the pharmacist, what is his best defense?', A. 'It was the cashier and not he who personally received the money for the medication.', B. 'He was not a seller of the product upon whom strict liability may be imposed.', C. 'He exercised reasonable care under the circumstances.', D. 'The drug store was not the manufacturer upon whom ultimate liability falls.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 118:

'Which of the following is false about ex post facto laws?'. A. 'They make criminal an act that was innocent when committed.'. B. 'They prescribe greater punishment for an act than was prescribed when it was done.'. C. 'They increase the evidence required to convict a person than when the act was done.'. D. 'They alter criminal offenses or punishment in a substantially prejudicial manner for the purpose of punishing a person for some past activity.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 119:

'A federal agent wants to obtain a court order for a wiretap. Which of the following is not required to be set forth in the agent's affidavit submitted to the court for an order authorizing the wiretap?', A. 'That the wiretap will extend indefinitely until all relevant conversations are recorded.', B. 'Details on the nature of the offense that has been, is being or will be committed.', C. 'A particular description of the type of communications sought to be intercepted.', D. 'Identification of the persons to be overheard must be given, if known.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 120:

'Owner has a property in fee simple absolute. He executes a deed to Friend with the words "To Friend for life and then to the heirs of Owner." Under common law principles the conveyance to the heirs is not effective. Thus, the deed would result in a life estate to Friend with a reversion back to Owner. That result is due to what common law doctrine?', A. 'The rule in Shelly's case', B. 'The doctrine of concurrent ownership', C. 'The doctrine of worthier title', D. 'The rule against perpetuities'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 121:

'A farmer owned a 40-acre tract of farmland located in a small southern town. The farmer leased the property and building thereon to a tenant for a term of seven years commencing on February 15, 2000 and terminating at 12:00 noon on February 15, 2007. The lease contained the following provision:"Lessee covenants to pay the rent of \$5,000 per month on the 15th day of each month and to keep the building situated upon said leased premises in as good repair as it was at the time of said lease until the expiration thereof. " The lease also contained a provision giving the tenant the option to purchase 10 acres of the tract for \$150,000 at the expiration of the lease term. Before the lease was executed, the farmer orally promised the tenant that he (the farmer) would have the 10-acre tract surveyed. During the last year of the lease, the tenant decided to exercise the option to purchase the 10 acres of the tract. Without the farmer's knowledge, the tenant began to build an irrigation ditch across the northern section of the property. When the tenant notified the farmer that he planned to exercise the option, the farmer refused to perform. The farmer also informed the tenant that he never had the 10-acre tract surveyed. If the tenant brings suit for specific performance, which of the following is the farmer's best defense?', A. 'The option agreement was unenforceable under the parol evidence rule.', B. 'The farmer's failure to survey the 10-acre tract excused him from further obligations under the contract.', C. 'The description of the property was too indefinite to permit the remedy sought.', D. 'The option was unenforceable because it lacked separate consideration.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 122:

'On December 30, a restaurant entered into a written contract with a bakery to supply the restaurant with all of its bread needs for the next calendar year. The contract contained a provision wherein the restaurant promised to purchase "a minimum of 100 loaves per month at \$1 per loaf. " On a separate sheet, there was a note stating that any modifications must be in writing. The parties signed each sheet. Both sides performed fully under the contract for the first four months. On May 1, the president of the bakery telephoned the manager of the restaurant and told him that, because of an increase in the cost of wheat, the bakery would be forced to raise its prices to \$1.20 per loaf. The manager said he understood and agreed to the price increase. The bakery then shipped 100 loaves (the amount ordered by the restaurant) to the restaurant, along with a bill for \$120. The restaurant sent the bakery a check for \$100 and refused to pay any more. Is the restaurant obligated to pay the additional \$20?', A. 'Yes, because the May 1 modification was enforceable even though it was not supported by new consideration.', B. 'Yes, because the bakery detrimentally relied on the modification by making the May shipment to the restaurant.', C. 'No, because there was no consideration to support the modification.', D. 'No, because the modifying contract was not in writing; it was, therefore, unenforceable under the UCC.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 123:

'A defendant was convicted of fraud after a jury trial in state court. The conviction was affirmed on direct appeal. The defendant timely moved for postconviction relief under the Sixth Amendment on the ground that his attorney had provided ineffective assistance of counsel. The trial judge, after a hearing, found that the attorney had performed deficiently by failing to raise a proper objection that would have resulted in exclusion of important prosecution evidence. What more, if anything, must the trial court find in order to sustain the defendant's Sixth Amendment claim?', A. 'Nothing more, because the unjustifiable failure to object to important prosecution evidence is structural error.', B. 'That the attorney was court-appointed and not privately retained.', C. 'That there is a reasonable probability that the trial's outcome would have been different if the attorney had objected.', D. 'That there is clear and convincing evidence that the trial's outcome would have been different if the attorney had objected.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 124:

'A homeowner was injured when he slipped and fell in a puddle of water on his sunroom floor; the water had accumulated on the floor during a rainstorm because of leaks in the roof. The roof's manufacturer had supplied nondefective materials to the installer, who was a franchisee (and not an employee) of the manufacturer. The leaks resulted from the carelessness of the installer during the from the carelessness of the installer during the installation of the roof. The installer's truck, which had been parked in front of the homeowner's house during the roof installation, bore the manufacturer's logo. The manufacturer was aware that the truck and the literature supplied by the installer both displayed the manufacturer's logo. Is there any basis for a claim by the homeowner against the manufacturer?', A. 'No, because a franchisor has no duty to supervise the conduct of a franchisee.', B. 'No, under the rule that a manufacturer is liable only for defects in a product that existed at the time the product left the hands of the manufacturer.', C. 'Yes, because the installer was a franchisee of the manufacturer.', D. 'Yes, under the rule of apparent agency.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 125:

'An owner of a storage facility stores flammable gases under high pressure in large spherical tanks. The facility was constructed for the owner by a company that specializes in the construction of such facilities. After the facility had been in use for three months, one of the tanks ruptured, causing a spillage and loss of the chemicals. The owner sued the company for strict liability, claiming that the storage tank had been defectively manufactured. At trial, the owner called a photographer who testified she was hired by the owner to photograph the ruptured tank after the accident. She further testified that the roll of film was sent to a commercial film lab where the photographs were developed. Thereupon, the owner's attorney showed the photographer the photographs, which she identified as the ones she had taken and given to the Owner. The owner's attorney offers 10 photographs into evidence. Upon objection by the company's counsel, which of the following, if true, is the best reason to exclude the photographs from evidence?'. A. 'The photographer was not shown to be an expert or professional photographer.'. B. 'There was an unaccountable break in the chain of custody from the time when the photographs were taken to the period when the negatives were processed.'. C. 'There was no testimony that the photographs accurately portrayed the ruptured tank.'. D. 'The photographs are not the best evidence to prove how the tank ruptured.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 126:

'There is a voting law that is going to be reviewed by the court. If the law is upheld, what must be true?'. A. 'The law is necessary to achieve a compelling government purpose.'. B. 'The law is substantially related to an important government purpose.'. C. 'The law is rationally related to a legitimate government purpose.'. D. 'The law is substantially related to a legitimate government purpose.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 127:

'Which of the following is not an element of common law burglary?', A. 'A breaking and entry', B. 'Of a dwelling, of another', C. 'During the daytime', D. 'With the intent to commit a felony therein.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 128:

'Under which of the following situations would the defendant most likely be found guilty of murder?', A. 'A defendant conspired with two other men to rob a store. On the day of the robbery, the three participants drove to the store in a stolen van. In accordance with their plan, the defendant was to wait in the getaway van while the two men conducted their heist. While the two men were inside the store, the defendant decided to renounce his involvement and participation in the scheme and hurriedly drove away in the van. In his haste, the defendant failed to see a pedestrian jaywalking across the street, and struck and killed the pedestrian.', B. 'A defendant, accompanied by his girlfriend, was attending his law school graduation party. Both the defendant and his girlfriend became highly intoxicated during the party celebration. As the defendant and his girlfriend were leaving the party, the defendant handed his girlfriend the keys to his automobile and directed her to drive home. While driving, the girlfriend suddenly swerved the car across the median strip into the path of an oncoming car, killing the driver of the other vehicle.', C. 'A defendant, whose driver's license had been revoked one week previously, was driving on an infrequently traveled country road one night. Knowing that his car brakes were defective, the defendant was traveling at 35 m. p. h. in a zone in which the speed limit was 25 m. p. h. when a victim suddenly darted in front of his car. In an effort to avoid striking the victim, the defendant applied his brakes to no avail. The car struck and killed the victim.', D. 'One afternoon a defendant was delivering pornographic materials to various adult bookstores in the community. In this jurisdiction, the delivery of pornographic materials constituted a misdemeanor. As the defendant was on his way to a book store for his final delivery of the day, he inadvertently struck a blind man who was crossing an intersection. Six months later, the blind man died as a result of injuries suffered in the accident.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 129:

'In 1985, a landowner, the undisputed owner of an apartment building, leased it to a tenant for a term of seven years. Rent was to be paid in installments due on the first day of each month. One year later, in 1986, the landowner died leaving no heirs. In her will, the landowner left her entire estate to the Girl Scouts of America. The apartment building was not specifically mentioned in the will. One month after the landowner died, the tenant, having learned of the landowner's death, decided to remain on the property, but stopped paying rent. The Girl Scouts of America organization was unaware of the landowner's gift to the organization until 2009, when attorneys for the organization conducted an inventory of testamentary gifts to the Girl Scouts of America, which revealed that they had a claim to ownership of the apartment building. The statutory period for adverse possession in this jurisdiction is 20 years. In an ejectment action by the Girl Scouts of America against the tenant, the organization will prevail', A. 'because the tenant discontinued paying rent following the landowner's death.', B. 'if the tenant leased the apartment building to a teacher for three years while he (the tenant) was called into military service.', C. 'if the tenant believed that his lease with the landowner was still in effect after the latter died.', D. 'because the tenant never paid taxes on the apartment building.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 130:

'At 1:00 a. m. one night, two police officers were driving past a tavern when they noticed a man vomiting outside. They stopped their patrol car and walked over to the man, whom they recognized as a troublemaker from the neighboring town. Realizing that the man was extremely intoxicated, they grabbed him and shoved him into their patrol car. They drove the man around in the police car for a few minutes and told him he had two choices. They would either take him to jail for the night or drive him to the city limits and drop him off there. The man indicated that he didn't want to go to jail. One of the officers then said, "Does that mean you want us to drop you off at the city limits?" The man replied, "Yes. " They then drove him to the city limits and left him along a busy highway. Moments later, the man staggered onto the street and was struck by a car driven by a motorist. He suffered multiple injuries. If the man asserts a claim against the police department based on negligence, he will most likely', A. 'recover, because the police should have realized it was dangerous to drop him off where they did.', B. 'recover, because the police knew that the man was intoxicated when they dropped him off.', C. 'not recover, because the man chose to be driven to the city limits.', D. 'not recover, because the motorist's act was a supervening cause of his injury.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 131:

'A defendant has been charged with making a false statement to a federally insured financial institution to secure a loan. At trial, the prosecutor calls the defendant's wife as a willing witness to testify that the defendant told her in confidence that he had misrepresented his assets on the loan application. The defendant objects to his wife's testimony. Should the testimony be admitted?', A. 'No, because even though the wife is a willing witness, the defendant has the right to exclude confidential marital communications in federal court.', B. 'No, but only if the law of the state where the defendant and his wife reside recognizes a privilege for confidential marital communications.', C. 'Yes, because in federal court the right not to testify belongs to the testifying spouse, and she is a willing witness.', D. 'Yes, because while the adverse testimonial privilege is recognized in federal court, the marital communications privilege is not.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 132:

'A security guard had a license to carry a concealed handgun. One day, he was walking past a barber shop when he saw his friend inside getting a haircut. The security guard knew that the barber, an elderly man, had a history of significant heart problems. The security guard decided to play a joke on his friend. The security guard took out his gun, burst through the door of the barber shop, pointed the gun at the friend, and shouted, "Don't move or I'll shoot!" The barber, thinking that an armed intruder was about to shoot the friend, suffered a heart attack and collapsed. If the barber brings suit against the security guard for infliction of emotional distress and seeks recovery for damages arising from the heart attack, he should', A. 'prevail, because the security guard knew the barber was present.', B. 'prevail, because the security guard assaulted the friend.', C. 'not prevail, because the barber was not a member of the friend's immediate family.', D. 'not prevail, because the resulting harm was unforeseeable.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 133:

'A man is on trial for rape. The alleged victim testified that she went out to dinner with the man. Afterward, he invited her to his apartment for coffee. Upon entering the apartment, he violently assaulted her. Although she tried to resist, he overpowered and raped her. The man testified that during dinner, he and the victim drank two bottles of Champagne. When they returned to his apartment, he was so intoxicated that he honestly believed that she consented to the intercourse. The jury determined that the victim did not consent to the intercourse. The jury also found that the man, as a result of his intoxication, honestly but unreasonably believed that she was consenting. As a consequence, the defendant should be found', A. 'not guilty, because he honestly believed that the victim consented.', B. 'not guilty, because his intoxication negated his criminal intent.', C. 'guilty, because rape is a general intent crime.', D. 'guilty, because she did not consent, and his belief that she was consenting was unreasonable.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 134:

'A buyer contracted in writing to purchase 1,000 gadgets (which are similar to widgets but are more popular because of their greater durability and- resiliency) from a manufacturer for a total contract price of \$4,000. After this agreement was executed and before delivery, the buyer and the manufacturer agreed in a telephone conversation to change the quantity term from 1,000 to 800 gadgets. This modification is probably unenforceable, because', A. 'it violates the statute of frauds.', B. 'there was no consideration.', C. 'the original contract was in writing.', D. 'the parol evidence rule bars contradictory terms.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 135:

'A plat restriction in a residential subdivision stated that "no structure shall be built except for dwelling purposes." A dwelling was erected on one of the lots. Later, the owner of the dwelling attempted to use it as a dental office. The other owners in the subdivision asked the court to enjoin the intended use. Leaving aside zoning issues, will the court likely grant the request to prohibit the intended use?', A. 'No, the wording is ambiguous and therefore any use is now permitted.', B. 'The wording only restricts the building of the structure and does not restrict its later use so that the owner is entitled to change the use.', C. 'The intention was to enforce a residential use of the property so that the intended change in use will not be allowed.', D. 'A professional use of a building cannot be prohibited by a land restriction.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 136:

'Voters in a city passed a referendum legalizing gambling in a certain section of the city. The law established a commission, consisting of five individuals, that was in charge of licensing and overseeing the activities of the casinos. The members of the commission were to be appointed by the mayor. Pursuant to his statutory power, the mayor appointed four private citizens and a clergy member to the Commission. There is a constitutional challenge to the appointment of the clergy member as violating the establishment clause of the First Amendment. The mayor's action is', A. 'unconstitutional, because the appointment of a clergy member to the commission fosters excessive governmental entanglement with religion.', B. 'unconstitutional on its face, because members of the commission are vested with enforcement powers.', C. 'constitutional, because the primary effect of appointing only one religious member to the commission does not, per Se, advance or inhibit religion.', D. 'constitutional, because commission membership is an appointive privilege and not an elective right.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 137:

'A man and a woman were involved in a car accident that occurred when the man abruptly switched lanes in front of the woman without signaling. Unable to stop, the woman hit the man's car into a median. Immediately after the accident, as the two drivers emerged from their vehicles, a pedestrian, obviously emotional and upset from having just observed an accident, ran up to the man and shouted, "You careless driver, you. Didn't you ever learn that you're supposed to use a turn signal when you switch lanes?" The pedestrian is never identified and is not present at trial. The pedestrian's statement is', A. 'admissible as non-hearsay.', B. 'admissible, even though it is hearsay.', C. 'admissible under the excited utterance exception.', D. 'inadmissible, because the bystander cannot be identified and is not present at trial.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 138:

Two companies, a construction company and a landscaping firm, got into a contract dispute over the nature of landscaping services that had to be provided to the construction company. The landscaping firm was incorporated in New York and did all of its business in that state. The construction company was an LLC that had been filed in New York, with its members being domiciled in Pennsylvania, Vermont and Virginia. The landscaping firm filed a breach of contract claim in federal court in New York claiming diversity jurisdiction with an amount in dispute that was in excess of \$100,000. The construction firm filed a motion to dismiss, claiming the landscaper-plaintiff did not have diversity jurisdiction. Will the court likely grant the motion to dismiss?', A. 'Yes, there is clearly no diversity in that the construction company LLC and the landscaper corporation were both registered and filed in New York, making them citizens of the same state.', B. 'Yes, because diversity must be between natural citizens and business entities are not entitled to diversity but must find some other reason for federal jurisdiction.', C. 'No, the motion to dismiss is premature and must wait until all discovery is completed before it will be considered.', D. 'No, the plaintiff is a citizen of New York and the three members of the LLC are each from a different states, which gives complete diversity of citizenship.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 139:

'A defendant and his friend were down on their luck. They decided they would make some extra cash by robbing the local liquor store. The friend didn't like guns and decided to use a toy gun, which looked like a real gun, but only shot water. The defendant was aware that the gun was not real. Their plan fixed, they walked into the liquor store late one afternoon when few customers were in the store. The friend produced the toy pistol and pointed it at the customers and the clerk. The defendant ordered everyone to the floor, and the clerk began to rummage behind the counter for the key to the register. While his head was ducked, the clerk pulled a shotgun from behind the counter and fired it at the defendant and his friend. The defendant dived to the side, but his friend was shot and killed. If the defendant is subsequently charged with his friend's death he should be found', A. 'guilty of felony murder.', B. 'guilty of voluntary manslaughter.', C. 'guilty, because a felon may be convicted of the murder of a co-felon.', D. 'not guilty, because the clerk was justified in killing the friend.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 140:

'In which of the following situations would the defendant's intoxication NOT be able to negate his criminal culpability?', A. 'A defendant had consumed a fifth of bourbon. Later that same day, he approached a victim and, brandishing a knife, told her to accompany him or he would stab her. He led the victim to his car and then ordered her to disrobe. As the victim was removing her pantyhose, she kicked the defendant in the head, temporarily dazing him. The victim then safely ran from the car. The defendant is arrested and charged with the crime of assault with the intent to commit rape.', B. 'A defendant attended a wedding reception at a hotel, where he drank several vodka daiquiris. Following the reception, the defendant engaged in a violent argument with the hotel's parking lot attendant. The defendant took a tire iron from his car and threw it at the attendant. The tire iron missed the attendant and hit a victim as he was entering the hotel. The defendant is arrested and charged with assault with the intent to commit battery.', C. 'A defendant had been drinking liquor all evening at a bar with three of his buddies. An undercover detective overheard the defendant and his buddies plot to rob the bar after closing hours. When the defendant attempted to draw a gun from his coat, he was quickly disarmed and placed under arrest by the detective. The defendant is charged with the crime of conspiracy to commit robbery.', D. 'At his law school graduation party, a defendant drank two six-packs of beer. Around midnight, the defendant was approached by a girl, who asked him to drive her home. Although the girl was only 15 years old, she had the appearance of a woman in her mid-to-late twenties. The defendant, who had had his eye on the girl all night, quickly agreed, and he showed her the way to his car. Once inside, they engaged in sexual intercourse. The age of consent in this jurisdiction is 17 years old for females. The defendant is subsequently arrested and charged with statutory rape.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 141:

'In which of the following situations does the best evidence rule generally not apply?', A. 'Collateral matters', B. 'Public records', C. 'When it's not offered to prove the contents of the document', D. 'All of the above.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 142:

'A shrimp fishery is located in the coastal waters of a state. A large part of the catch is either frozen or canned, and distributed nationwide. The state legislature passed a statute requiring payment of a license fee of \$25 for each shrimp boat owned by a resident and \$2,500 for each boat owned by a nonresident. A resident of a neighboring state was a commercial shrimp fisherman who was denied a license after refusing to pay the \$2,500 fee. The resident brought suit in federal court challenging the constitutionality of the state shrimp boat licensing statute. The federal court should', A. 'hear the case on its merits.', B. 'dismiss the suit because the resident lacks standing.', C. 'dismiss the suit because it involves a question of state law.', D. 'abstain from jurisdiction because the constitutional issue should be litigated first in a state court.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 143:

'Connie Computer decided to purchase a \$1,000 laptop computer to use during law school. When she went into Computer Retailer Inc., the salesperson also sold her a 5-year service agreement for \$1,200 for a total price of \$2,200. Nine months later, the laptop stopped working and Computer Retailer refused to perform on their service agreement. If Connie sues Computer Retailer, the trial court will likely find for', A. 'Connie, under the common law because the predominate purpose for which the parties contracted was the sale of goods.', B. 'Connie, under the UCC only if the predominate reason for entering into the contract was for the goods portion of the contract.', C. 'Connie, under the UCC unless the predominate purpose of the agreement was for the service agreement portion of the contract.', D. 'Computer Retailer, if the court determines that the predominate purpose of the agreement is determined by intent and not the relative dollars assigned to the computer and the service agreement.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 144:

'A defendant was arrested and charged with arson, which in this jurisdiction is defined as the "malicious or intentional burning of any structure or dwelling. " When the defendant was arrested, he was inside a warehouse that was engulfed in flames. At the time he was apprehended, the police found in his possession a book of matches with four matches missing. At trial, the prosecution introduced the book of matches into evidence. Following closing arguments, and before the jury retired for deliberations, the judge gave instructions concerning the law of the case. The judge instructed the jury that it could infer the defendant's intent to set the fire based on the fact that four matches were missing from the matchbook. This instruction was specifically objected to by the defense counsel. The judge's jury instruction concerning the defendant's intent was', A. 'proper, because it constituted a rebuttable presumption of fact.', B. 'proper, because it constituted a permissible inference.', C. 'improper, because the prosecution must prove each element of the crime beyond a reasonable doubt.', D. 'improper, because the instruction shifts the burden of persuasion from the prosecution to the defendant defense.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 145:

'A doctor who was licensed to practice medicine in a particular state was convicted in state court of improperly distributing specified drugs by writing prescriptions for fictitious persons. Under state law, such an abuse of the prescription-writing privilege requires revocation of a doctor's license. After it received an official notification of the doctor's conviction, the state medical board revoked the doctor's license without affording the doctor any opportunity for a hearing. The doctor has sued the board in state court to set aside the revocation, alleging deprivation of property without due process of law because the board did not provide an opportunity for a trial-type hearing before revoking the license. The doctor does not deny the conviction or the factual basis for it. Which of the following is the strongest argument in support of the state medical board?', A. 'A doctor's license to practice is a privilege, not a right, and therefore is not property within the meaning of the due process clause of the Fourteenth Amendment.', B. 'Due process requires a balancing of interests, and the state's interest in preventing drug abuse outweighs the doctor's interest in the particular procedure followed in the disciplinary proceeding.', C. 'The adjudicative facts necessary to revoke the doctor's license were determined in the criminal trial, and therefore due process does not require any further trial-type hearing.', D. 'The licensing board was required to summarily revoke the doctor's license because Article IV, Section 1, of the Constitution requires the licensing board to give full faith and credit to the doctor's criminal conviction.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 146:

'An investor sued a corporation for stock fraud. In presenting his case-in-chief, the investor sought to introduce an issue of a newspaper to show the corporation's stock price on that given day. Upon objection by the corporation's attorney, this evidence should be', A. 'admitted, under the business records exception.', B. 'admitted, under the market reports exception.', C. 'excluded, because the newspaper copy does not fit within any established exception to the hearsay rule.', D. 'excluded, because it violates the best evidence rule.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 147:

Two men were told by the defendant that a medical devices company was now using the old warehouse on the river for storing its supply of defibrillators. Late one night, the two men broke into the warehouse and proceeded to load the large crates of defibrillators onto their truck. As they were leaving, one of the men inadvertently threw his cigarette butt into a refuse pile of old cardboard boxes and papers. Soon afterward, the refuse ignited into a small fire. Although the men had time to douse the fire without any danger to themselves, they did not do so. Instead, they fled. Meanwhile, the fire quickly spread, engulfing the entire warehouse in flames. If the defendant is later charged as a co-conspirator, in all likelihood he would be held responsible as', A. 'an accessory before the fact.', B. 'a principal in the second degree.', C. 'an accomplice.', D. 'not responsible.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 148:

'Shortly after breaking up with the defendant, a woman began dating the victim. The defendant, who still loved the woman, hated the victim. During a holiday weekend, the woman and the victim arranged to go camping in a federal park. The defendant and his friend decided to beat up the victim while he and the woman were on their camping trip. They went to the campsite where the woman and the victim were staying, but they couldn't find the couple, who were hiking in the woods. Subsequently, the defendant was arrested and charged with conspiracy to commit an assault in a federal park. At trial, the defendant testified that he didn't know he was in a federal park. Moreover, he stated that if he had known, he would never have agreed to the crime. If the jury believes the defendant, he should be found', A. 'guilty, because federal conspiracy laws do not require the mental retainment of jurisdictional requirements.', B. 'guilty, because federal conspiracy laws require only an intent to commit a prohibited act, but do not require a knowledge of the surrounding circumstances.', C. 'not guilty, because he didn't have the specific intent to commit the crime of assault in a federal park.', D. 'not guilty, because he did not agree to commit a crime in a federal park.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 149:

'A furniture store had a truck that an employee of the store used to deliver furniture to the store's customers. One afternoon while the employee was driving the truck to deliver a chair to a customer, the employee negligently ran through a stop sign and hit a car. The driver of the car suffered a leg injury and succeeded in suing the furniture store, recovering \$25,000. Assume that all of these events occur in a jurisdiction that has statutes permitting defendants to bring claims for contribution and indemnity. In the event that the furniture store brings suit against its employee (the truck driver) to recover for its losses, the furniture store will recover', A. 'nothing, because the furniture store was primarily liable for the entire amount of damages.', B. '\$12,500, because the employer and employee bear equal shares of responsibility for the plaintiff's injuries.', C. '\$25,000, because the employee was at fault in causing the accident.', D. '\$25,000, unless the furniture store was fully insured against such losses.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 150:

'A man was at a bar drinking beer when he started conversing with a woman who was seated at the next barstool. During the course of their conversation, the woman told the man that she was just laid off her job and desperately needed money to pay her rent. The man, a practical joker, pointed to a nearby coat rack and said, "Hey, see that fur coat there. Why don't you take it?" The man then told the woman that he would cause a disturbance to distract attention while she ran out of the bar with the coat. Believing that it was a good idea, the woman agreed to take part in the scheme. Thereupon, the man lit a matchbook and threw it on top of the bar. He then yelled, "The bar's on fire, help!" When everyone turned to look at the man, the woman ran to the back of the bar, took the fur coat and scurried outside unnoticed. Just as the woman left the bar and was running down the sidewalk, she was apprehended and arrested by a police officer. Later, the man confessed that the fur coat that the woman took really belonged to him. With respect to the man's and the woman's criminal liability, which of the following is most correct?', A. 'The man and the woman are guilty of conspiracy and larceny.', B. 'The man and the woman are guilty of larceny.', C. 'The woman is guilty of larceny.', D. 'The man and the woman are not guilty of either conspiracy or larceny.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 151:

'Co-defendants were dealers at a casino. They had been employed by the casino for four years. One day, they were unexpectedly fired by the casino's new manager. Apparently, the casino hired the new manager to get rid of some of the old-time employees and replace them with new personnel at a lower wage. Angered by their firing, the codefendants vowed to get back at the casino. As their revenge, they decided to plant a bomb in the casino and demand \$1,000,000. After receiving the money, they would then reveal the location of the bomb and provide details for defusing it. The co-defendants agreed that the casino should be given adequate warning so that nobody would be injured. In accordance with their plan, one of the co-defendants, who was an electronics expert, built the bomb himself. He alone then drove to the casino where he placed the bomb in a hallway closet. Shortly thereafter, the other co-defendant phoned the casino and made a demand for the money. He said a bomb was in the casino and that it would explode in 24 hours unless the money was paid. The casino treated their demand as a crank call and refused to make any payment. With their plans having gone awry, the codefendants agreed that one of them should return to the casino and defuse the bomb. As one of the co-defendants was driving back to the casino, the bomb exploded, killing 30 people. A subsequent investigation revealed that a faulty wire caused the bomb to detonate prematurely. A state statute provides that detonating or attempting to detonate a bomb or explosive device in or near a building or dwelling is a felony. If the co-defendants are charged with violating the aforementioned statute, which of the following statements is correct?', A. 'Both are guilty, because each participated in the planning of the crime.', B. 'The co-defendant who built the bomb is guilty, because he built and transported the bomb, but the other co-defendant is not guilty, because his phone call was not a substantial step in the furtherance of the crime.', C. 'Neither is guilty, because the casino's gross negligence in failing to heed the telephone warning constituted an independent intervening cause of the explosion.', D. 'Neither is guilty, because they did not intend for anyone to be killed, but the bomb exploded prematurely.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 152:

'Which is the hierarchy of U.S. Law?', A. 'Executive agreements, U.S. Constitution, treaties and federal statutes, state law', B. 'U.S constitution, treaties and federal statutes, executive agreements, state law',
C. 'Treaties and federal statutes, US Constitution, executive agreements, state law', D. 'U.S constitution, executive agreements, treaties and federal statutes, state law'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 153:

'After having several drinks in a bar, a man and his friend drove by a large home with its lights out. With the man sitting in the passenger seat, the friend pulled the car over. They were feeling drunk and aggressive from the drinks. After discussing it, they decided it was a safe bet to enter the home and see what they could take. They broke in and took several bags of jewelry. While driving away, they were stopped and arrested for burglary. The passenger used the defense that he was too intoxicated to form the specific intent to enter the home for the purpose of committing a felony therein. Do the facts described here indicate that the defense will likely prevail at a trial on the merits?', A. 'Yes, because he was in fact too intoxicated to form the intent needed to prove burglary.', B. 'No, because intoxication is never a defense to the commission of a felony.', C. 'No, because the facts indicate that he wasn't too intoxicated to form the necessary intent for burglary.', D. 'Yes, because the feeling of being drunk and aggressive were not his natural mental state and therefore mens rea was defeated.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 154:

'While undergoing a routine plastic surgery procedure, a patient died on the operating table. The patient's husband is suing the plastic surgeon alleging malpractice. Two years later, at trial, the defense called another doctor as an expert witness. The expert witness testified that the patient's death was a freak accident and that the surgeon's performance met the highest standards for medical care. On cross-examination, the plaintiff's attorney brings out the fact that, one week before trial, the expert witness and the surgeon signed an agreement to become partners in an outpatient plastic surgery clinic. The plaintiff's attorney suggests that the expert's testimony was awfully convenient and likely motivated by his desire to maintain a good relationship with the defendant. The defendant then calls another surgeon at the hospital as a witness. He is asked to tell the jury about a conversation he had with the expert immediately following the patient's death. The witness stated that "the expert told me the patient's death was a textbook example of a freak accident and there was nothing anyone could have done to prevent it." On objection to this testimony, defendant's attorney seeks a ruling on the admissibility of this question and answer. The trial judge should', A. 'sustain the objection, because the testimony is hearsay.', B. 'overrule the objection, because a witness's veracity may be rehabilitated by a prior consistent statement.', C. 'sustain the objection, because a prior consistent statement cannot be used to rehabilitate a witness's testimony.', D. 'overrule the objection, because the expert's statement is a statement against interest.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 155:

'An owner of land contracted to sell it to a buyer for \$100,000, its fair market value at that time. After an unanticipated zoning change increased the land's fair market value to \$150,000 during the executory period, the owner refused to close. Wishing to avoid a lawsuit, the buyer assigned the contract (which the contract did not forbid) in an arm's-length transaction to an investor, who is experienced in buying and selling real estate. The investor paid the buyer \$25,000. The investor knew of the owner's refusal to close, and the owner continued to refuse to close despite the investor's demands that he do so. The investor has sued the owner for specific performance. Who will likely prevail?', A. 'The investor, because an assignee of the original party purchaser in a real estate contract is entitled to specific performance under these circumstances.', B. 'The investor, because she has elected to waive the owner's lack of marketable title caused by the zoning change.', C. 'The owner, because the investor is not a bona fide assignee without notice, and thus does not have clean hands.', D. 'The owner, because the investor, who is experienced in buying and selling real estate, is entitled to money damages but not to specific performance.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: A

Question 156:

'In 2006, an investor purchased a 100-acre tract located in a rural county. Shortly thereafter, the investor prepared a subdivision plan that created 90 one-acre residential building lots on this tract with the remaining 10-acre lot proposed for a public school building. In the investor's sales brochure promoting the subdivision, he stated that "in addition to the close proximity of the proposed school for subdivision residents, the county school district would not need to expend tax money to acquire this property for school construction. " In 2007, the subdivision plan was recorded with the county recorder's office. On January 15, 2009, the county school board voted to build a new school on the 10-acre tract. The investor's proposed designation of the 1 0-acre tract for construction of a school building would best be described as a (an)', A. 'equitable servitude.', B. 'restrictive covenant.', C. 'unenforceable restriction.', D. 'easement for public use.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 157:

'A truck driver was assigned to drive a huge tractor- trailer loaded with logs. The logs were being sold by a lumber company, which had loaded the tractor- trailer. After four hours of steady driving, the truck driver stopped at a lounge and consumed five bottles of beer. He left the tavern in an intoxicated condition and then drove off to make his final delivery. As he came to the top of a steep incline in the highway and started his descent, an 11-year-old girl suddenly darted out into the road directly in front of him. The truck driver slammed on his powerful air brakes and swerved sharply to the left to avoid hitting her, but the girl was struck by the tractor- trailer and was seriously injured. The girl's parents, on behalf of their daughter, assert a claim against the lumber company to recover damages for the girl's injuries. At trial, which of the following is LEAST likely to be admissible?', A. 'Evidence that the truck driver's reputation for driving is poor, if the lumber company and truck driver argue that the latter was not negligent.', B. 'Evidence that the truck driver pleaded guilty to a criminal charge of DUI arising from this incident.', C. 'Evidence that the lumber company carried liability insurance on the tractor-trailer, if an investigator for the lumber company's insurance company testified for the lumber company that they deny ownership of the truck.', D. 'Evidence that the lumber company carried liability insurance on the tractor-trailer, if the lumber company argues that the truck driver was an independent contractor.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 158:

'A gun dealer loaned a machine gun to a friend who told him only that he needed it to "make some money." The friend was arrested for robbing a bank with the machine gun. The government charged the gun dealer and the friend with conspiracy to commit bank robbery. Can the charge of conspiracy to commit bank robbery be upheld against the gun dealer?', A. 'Yes, he conspired to help the friend commit some unknown criminal act.', B. 'Yes, he is held to the foreseeability that the friend was going to commit a crime.', C. 'No, there was no agreement to conspire to rob a bank.', D. 'No, a conspiracy would have required that the gun dealer go to the bank with the friend.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 159:

'A collector regularly bought and sold coins. One day, she saw an advertisement in a coin collectors' magazine advertising for sale a rare coin from 1898 for \$10,000. She immediately contacted the seller and asked about the quality of the coin. The seller assured her that the coin was in mint condition. The collector then agreed to purchase the coin for \$10,000. The contract stipulated that delivery would be "F. O. B. at the collector's establishment," with payment to be made one week after delivery. The seller stated that the coin would be shipped out at the end of the week. When the collector received the coin, she noticed that the coin had a large scratch across the face. Nonetheless, the collector accepted delivery. Two weeks later, the collector sold the coin to another collector for \$12,000. The collector has refused to pay anything to the seller. The seller brought a breach of contract action against the collector, who, in turn, has filed a counterclaim against the seller. Who is most likely to prevail, and in what amount?', A. 'The collector is entitled to nominal damages, because the coin was received in a damaged condition.', B. 'Neither party should prevail, because the risk of loss was on the seller, but the collector did not incur any loss, since she sold the coin for a profit.', C. 'The seller is entitled to \$10,000, because the collector accepted delivery of the coin.', D. 'The seller is entitled to \$12,000, because the collector's resale constituted a conversion.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 160:

'A plaintiff sued a trucking company for injuries allegedly suffered when a speeding truck jackknifed and struck her car. Which of the following pieces of evidence, if offered by the plaintiff, is most likely to be admitted by the court?', A. 'Testimony concerning subsequent repairs to the truck paid for by the trucking company where they have stipulated to ownership.', B. 'Color pictures of a plastic surgeon operating on the plaintiff showing the incision and bloody surgical tools.', C. 'Testimony from the plaintiff's boss concerning the amount of time she has missed work, when payroll records had already been admitted as evidence of the plaintiff's lost wages.', D. 'Testimony of a surprise witness to the accident when the court is willing to grant the trucking company a continuance to prepare for cross-examination.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 161:

'A defendant wished to see his high school basketball team win the state championship. During an important game, the defendant pulled out a gun and shot at the leg of a key player on the opposing team. The defendant intended only to inflict a slight wound so that the opposing player would be unable to complete the game. When the defendant fired the shot, he unintentionally hit a player on his own high school team in the chest, killing him instantly. What is the most serious crime that the defendant can be convicted of?', A. 'Murder.', B. 'Voluntary manslaughter.', C. 'Involuntary manslaughter.', D. 'Battery.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 162:

'A state imposes a tax on nonresident photographers who operate photographic studios in the state at a rate of 2% of their state-derived income above \$12,000. This income tax exempts taxable income earned outside of the state by photographers who live in the state. Moreover, resident-photographers of the state are not taxed on their in-state earned income. A photographer who operates a studio in the state but is a resident of another state, challenges the constitutionality of this tax. Which of the following provisions would furnish the most applicable basis for this constitutional challenge?', A. 'The equal protection clause of the Fourteenth Amendment.', B. 'The due process clause of the Fourteenth Amendment.', C. 'The commerce clause.', D. 'The privileges and immunities clause of ArticleIV.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 163:

'A father conveyed a parcel of real estate to his three daughters by a warranty deed. The deed recited that the title was conveyed to the three siblings "as joint tenants with the right of survivorship, and not as tenants in common." One of the sisters, during the lifetime of all three, conveyed an "undivided one-third interest" to a third party. The third party died, leaving a will that bequeathed her one-third interest to her son. Is the son's ownership interest enforceable as against the two surviving sisters who say that they now own 100% of the property pursuant to the law of joint tenancies?'. A. 'No, because each joint tenant owns an equal and undivided interest in the whole of the property, making invalid the sister's attempted conveyance of a one-third interest.'. B. 'Yes, only a will can create a joint tenancy; the deed was invalid for that purpose and resulted in a tenancy in common by operation of law.'. C. 'Yes, because the conveyance severed the joint tenancy, and the third party took a one-third interest that she could pass by will to her son.'. D. 'No, because the selling sister did not take steps to get a court order to sever the joint tenancy prior to conveying a deed to a third party.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 164:

'A U.S. senator made a speech on the floor of the Senate accusing a low-level purchasing officer employed by a federal agency of wasting millions of dollars of taxpayer money by purchasing many more office supplies than the agency needed. The accusation was demonstrably false, and the senator was negligent in making it. The purchasing officer has sued the senator for defamation, alleging only that the accusation was false and that the senator was negligent. What is the most appropriate ground for the court to dismiss the purchasing officer's complaint?', A. 'The federal government is constitutionally immune from suit without its consent, and it has not consented to suits of this kind.', B. 'The First Amendment guarantees members of Congress an unqualified right to speak on matters of public concern at any place and time without having to fear adverse legal consequences.', C. 'The First Amendment protects public officials from defamation liability for statements made in their official capacity, unless the plaintiff alleges and proves that the statement was false and uttered with actual malice.', D. 'The speech and debate clause of Article I, Section 6 of the Constitution wholly insulates members of Congress from tort liability for statements made on the floor of Congress.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 165:

'A patient filed a medical malpractice action against a hospital in federal court, alleging that hospital staff had failed to diagnose the patient's cancer based on an X-ray that had been taken at the hospital. The patient's cancer was diagnosed six months later, based on the same X-ray, when the patient sought a second opinion. In the interim, the cancer had spread. Fact and expert discovery have been completed in the action. The hospital has moved for summary judgment. In support of its motion, the hospital has submitted a memorandum identifying facts that it claims are not in dispute. It has also cited and attached supporting exhibits, including a report from the hospital's radiologist, who found no signs of cancer on the X-ray. What is the best way for the patient to raise a genuine dispute of material fact?', A. 'Submit a report from the patient's expert radiologist contradicting the findings in the report of the hospital's radiologist.', B. 'Submit an affidavit from the patient's attorney detailing his conversations with the patient's expert radiologist.', C. 'Submit an affidavit from the patient's expert radiologist with findings that contradict the report of the hospital's radiologist.', D. 'Submit the patient's medical records showing the patient's current cancer diagnosis.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 166:

'An aluminum can manufacturer entered into negotiations with an aluminum sheeting supplier to supply the manufacturer's requirements of aluminum sheeting. After extensive discussions, the parties signed the following agreement on June 1:'The supplier agrees to supply all of the manufacturer's requirements of aluminum sheeting for a period of two years beginning on August 1, at a price of \$3. 00 per unit.

"On June 16, the manufacturer notified the supplier that it would need a delivery of 2,000 units by August 1 to accommodate its needs. The supplier informed the manufacturer that it did not contemplate such high requirements, since its plant's capacity was only 2,800 per month. Moreover, the supplier pointed out that in order to meet the manufacturer's order of 2,000 units, it would probably lose two long-time customers, whose outstanding orders would have to be canceled. After a week of negotiations, on June 23 the supplier orally agreed to deliver 2,000 units of sheeting to the manufacturer by August 1. The parties then signed the following contract:'The supplier agrees to supply all of the manufacturer's requirements of aluminum sheeting for a period of two years beginning August 1, at a price of \$3. 50 per unit. The manufacturer agrees that it will require a minimum of 800 units in every month of the agreement. "On June 25 the supplier notified its two longtime customers that it was canceling their August orders (of 800 units) because of other contract commitments. Which of the following is the most accurate statement regarding the written agreement between the parties on June 23?', A. 'The agreement constituted a valid modification of their June 1 contract.', B. 'The agreement was unenforceable, since the supplier was under a pre-existing duty to supply the manufacturer with the sheeting under their June 1 contract.', C. 'The agreement constituted an enforceable reformation of their June 1 contract.', D. 'The agreement was unenforceable, since there was no new consideration.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 167:

'Government drug officials from a neighboring country contacted a federal agency notifying the agency that drugs were being shipped by express mail next-day service to a defendant. The federal agency contacted the local police with the information regarding the defendant. The local police had long suspected the defendant of dealing drugs. The next day, two undercover police officers drove to the defendant's home and waited outside. A couple of hours later, the officers saw an express mail delivery truck pull up outside the defendant's home. The delivery person carried an express mail box to the front door and rang the doorbell. The officers then witnessed the defendant answer the door and take the package inside. Approximately 20 minutes later, the defendant left the house carrying the express mail box. She walked to her car, placed the package in the trunk, and drove off. The police followed in the squad car and pulled her over at the next traffic signal. The officers placed the defendant under arrest and instructed her to open the trunk. They confiscated the express mail box and opened it. Inside was a package of white powder, which lab tests later confirmed to be cocaine. The defendant was charged with illegal possession of cocaine. While awaiting trial, her attorney filed a motion to suppress the introduction of the cocaine into evidence. The motion will be', A. 'granted, because the police failed to obtain a search warrant before opening the trunk of the vehicle.', B. 'granted, because the police failed to obtain a search warrant before opening the package.', C. 'denied, because the police had probable cause to conduct the search.', D. 'denied, because the search was incident to a lawful arrest.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 168:

'In which of the following situations would criminal liability LEAST likely be imposed on the defendant?', A. 'A defendant is an operator of a telephone answering service with positive knowledge that one of his clients was using his service to facilitate the illegal distribution of cocaine.', B. 'A defendant is a service station attendant who knew that the buyer of gasoline was using his product to make explosives for illegal use.', C. 'A defendant is a hotel registration clerk who knew that one of his regular guests was using her room for purposes of prostitution.', D. 'A defendant is the owner of a car that he permits a friend, whom he knows to have been drinking that night, to drive. As a consequence, the friend is involved in an accident that causes a victim's death.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 169:

'A defendant was booked on a commercial airline flight. When the defendant arrived at the airport, two undercover police narcotics agents observed him. His appearance and actions led the police to believe that he fit the description of a predetermined profile of a drug courier. The officers approached the defendant and told him they wanted to detain him for questioning. The defendant asked what for, and the police explained that they were narcotics agents assigned to the airport and that he fit the profile of a drug courier. They then asked the defendant to hand over his overnight bag. The defendant refused. The officers then explained that he wouldn't be permitted to board the plane unless they inspected the contents of his bag. The defendant told the officers that he changed his mind and decided not to fly today after all. The officers still requested that the defendant turn his overnight bag over to them. The defendant did so, and then he was given permission to leave the airport. The next day, the police had a dog sniff the defendant's bag for narcotics. The results of this search gave police suspicion to believe that the bag contained narcotics. They opened the defendant's bag and found heroin inside. The defendant was subsequently arrested and charged with unlawful possession of narcotics. At trial, the defendant's attorney moves to prevent introduction of the heroin into evidence. This motion will most likely be', A. 'granted, because the police did not have probable cause to hold the bag overnight for the search.', B. 'granted, because the heroin was discovered as a result of an unlawful airport detention.', C. 'denied, because the defendant fit the predetermined profile of a narcotics courier.', D. 'denied, because the search resulted from a lawful airport detention.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 170:

'A landlord was the owner of a two-story dwelling house and leased it completely furnished to a tenant for a 10-year period. Toward the end of the seventh year of the term, a violent storm blew off several of the roof shingles. The tenant noticed a leak through the roof where the shingles had blown off, but didn't make any repairs. A month later, a severe rain storm occurred and water leaked through the roof, causing damage to the valuable parquet floors in the two rooms below. In a subsequent proceeding by the landlord against the tenant to recover for the damage to the parquet floors resulting from the leak, liability would most likely be imposed upon', A. 'the landlord, because he was under an implied obligation to keep the premises in a habitable condition.', B. 'the landlord, because he was under an affirmative obligation to deliver the premises in a reasonable state of repair.', C. 'the landlord, because of the contractual obligation under the lease to make all necessary repairs during the term of the lease.', D. 'the tenant, because a tenant for years is obligated to make such ordinary repairs on the leased property.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 171:

'A woman belonged to an organization that advocated for the United States to preemptively attack certain foreign countries. The organization usually used leafleting and public speeches to advance this view, but it sometimes engaged in violent demonstrations against the embassies and consuls of those countries. Although the woman had never participated in a violent demonstration, she was criminally prosecuted for being a member of the organization. In her defense, the woman claimed that her association with the organization was protected by the First Amendment. Which of the following would the prosecution need to prove to overcome that defense?', A. 'The woman joined the organization with the specific intent of furthering its illegal activities.', B. 'The woman provided material aid to the organization through the payment of dues before the violent demonstrations.', C. 'The woman continued to provide material aid to the organization through the payment of dues after the violent demonstrations.', D. 'The woman expressed public support of the organization after the violent demonstrations.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 172:

'In 1985, a widow, the undisputed owner of a cottage, leased it to a tenant for a term of seven years. Rent was to be paid in installments due on the first day of each month. One year later, in 1986, the widow died leaving no heirs. In her will, the widow left her entire estate to the Boy Scouts of America. The cottage was not specifically mentioned in the will. One month after the widow died, the tenant, having learned of her death, decided to remain on the property, but stopped paying rent. The Boy Scouts of America organization was unaware that the widow made a gift to the organization until 2009, when attorneys for the organization conducted an inventory of testamentary gifts to the Boy Scouts of America, which revealed that they had a claim to ownership of the cottage. The statutory period for adverse possession in this jurisdiction is 20 years. The tenant's statutory period for adverse possession began to run when', A. 'the widow died.', B. 'the tenant discontinued paying rent.', C. 'the tenant's lease with the widow expired.', D. 'the tenant subjectively believed that he no longer had permission to possess the cottage.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 173:

'A state has adopted a system of bifurcated trials in cases in which a defendant's insanity is in issue. According to the bifurcated trial system, whenever a defendant pleads not guilty to an offense by reason of insanity, two trials will be held. The first one will simply determine whether the defendant has committed the offense for which she is charged. This trial will not address the issue of insanity. In the event that it is found that the defendant has, in fact, committed the offense, then a second trial will be conducted to determine whether she should be exculpated for the criminal action by reason of insanity. A woman was arrested and charged with murder. She pleaded not guilty by reason of insanity. At her first trial, the state introduced evidence showing that the woman was having an affair with the victim. When the victim tried to break off their relationship, the woman shot and killed him during a lover's quarrel. The woman was then called to testify in her own behalf. She testified that she had been living with the victim for two years prior to the time of his death. During that period she had undergone psychiatric treatment and was diagnosed as being schizophrenic. She further testified that at the time the victim was killed, she was under the influence of narcotics. While she was hallucinating, she remembered perceiving the victim as a demon and shot at this satanic figure in order to free herself from his evil spell. She then testified that she didn't believe shooting the demon was morally wrong. The prosecuting attorney objected to the woman's testimony. Over such objections, the trial judge admitted the woman's testimony. Was the trial judge correct in admitting the woman's testimony?', A. 'No, because proof of mental disease requires the use of expert testimony.', B. 'No, because testimony relating to her belief that she didn't know what she was doing was wrong, is not relevant until the second trial.', C. 'Yes, because her testimony is relevant to the mental state necessary for the commission of the crime.', D. 'Yes, because her testimony is relevant to the issue of self-defense.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 174:

'On May 2, a woman mailed the following letter to a man: "May 1! I have two tickets to the concert on July 1 at the auditorium in town. I'll sell them to you for \$60 per ticket, which is \$10 above face value. Since the concert has been sold out for months, I think that is a good deal. You have 15 days from the above date to decide whether to accept this offer. "The man received the letter on May 4, but did not read it until May 6. On May 18, the man went to the woman's home and attempted to accept the offer. The woman replied: "Too late! I sold the tickets last week for \$75 each. "Assume that the woman's letter created in the man a valid power of acceptance. Was that power terminated by lapse of time before the man went to the woman's home on May 17?'; A. 'Yes, because the letter was mailed on May 2.'; B. 'Yes, because the letter was dated May 1.'; C. 'No, because the man received the letter on May 4.'; D. 'No, because the man did not read the letter until May 6.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 175:

'Believing she was pregnant, a woman went to see a doctor, a licensed gynecologist, because she wanted an abortion. The doctor examined her and determined that she was not pregnant, but decided that he would tell her she was, in order to earn his \$500 fee. After receiving the \$500, the doctor proceeded to have the woman admitted to a hospital by falsely informing the hospital authorities that she had a benign tumor on her uterus, which he was going to remove. He performed all the surgical procedures appropriate for an abortion under adequate hygienic conditions, but the woman began hemorrhaging and died. The doctor should be found guilty of', A. 'murder and larceny by trick.', B. 'manslaughter and false pretenses.', C. 'battery and larceny by trick.', D. 'murder, battery, and false pretenses.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 176:

'What is it called when a remainder in the grantor's heirs is invalid and becomes a reversion in the grantor?', A. 'Rule in Shelley's Case', B. 'Related Doctrine of Merger', C. 'Contingent remainder', D. 'Doctrine of Worthier Title'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 177:

'A defendant was charged with armed robbery. The defendant had only an eighth-grade education and no legal knowledge. At a pretrial hearing, the defendant told the judge that he was unhappy with the public defender who had been appointed to represent him and that he wanted the judge to appoint another lawyer. The judge refused to appoint another lawyer, telling the defendant, with no further explanation, that his only other choice was to represent himself. The defendant said that he would represent himself at trial then, as "anything [was] better than having this lawyer." The defendant did not raise the subject again, and he represented himself at trial. After hearing overwhelming evidence of the defendant's guilt, the jury convicted him of armed robbery. On appeal, the defendant has requested a new trial on the ground that he was deprived of his right to counsel. Should the appellate court grant the defendant's request?', A. 'No, because the defendant voluntarily waived his right to counsel.', B. 'No, because the trial court's error was harmless in light of the overwhelming evidence.', C. 'Yes, because the defendant was not capable of effectively representing himself.', D. 'Yes, because the record does not establish a valid waiver of the right to counsel.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 178:

'During a custody dispute, a court granted the request of the defendant and appointed a clinical pathologist to conduct the blood grouping tests of the child, the complainant, and the defendant. After first stating all of his qualifications at the non-jury trial, the pathologist testified that he and his associates made five separate blood grouping tests and that all proper safeguards were taken to protect the integrity and accuracy of the tests. The pathologist also offered more detailed testimony about the testing procedures and stated that no discrepancies were found in the testing methods. Finally, the pathologist made the statement that the blood grouping tests were conclusive in proving that the defendant could not be the father of the child. If the complainant's attorney makes an objection to the introduction of the blood tests into evidence, the court will most likely', A. 'sustain the objection, because the blood tests are not conclusive evidence of paternity.', B. 'sustain the objection, because blood tests have not been generally recognized by the scientific community.', C. 'overrule the objection, because the court will take judicial notice of the accuracy of such tests.', D. 'overrule the objection, because the blood tests are an admission.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 179:

'A defendant gave a man a gun and instructed him to kill a victim. The man shot and killed the victim with the gun. The man was charged with murder and acquitted. The defendant is now charged with the murder of the victim. He will be able to assert a valid defense if the man's acquittal was based on which of the following?', A. 'Insanity.', B. 'Self-defense.', C. 'Diminished capacity.', D. 'The Wharton Rule.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 180:

'After her husband died in a hospital, a widow directed the hospital to send her husband's body to a funeral home for burial. The hospital negligently misidentified the husband's body and sent it to be cremated. When she was informed of the hospital's mistake, the widow suffered serious emotional distress. She has sued the hospital. Is the hospital likely to be held liable to the widow?', A. 'No, because the widow did not witness the cremation.', B. 'No, because the widow was never in any danger of bodily harm.', C. 'Yes, because hospitals are strictly liable if they do not properly dispose of corpses.', D. 'Yes, because the negligent handling of the husband's body was especially likely to cause his widow serious emotional distress. ■■'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 181:

'With the intent to commit a felony therein.', A. 'Contingent remainders', B. 'Executory interests', C. 'Vested remainders subject to open', D. 'Reversions'

=====

Answer Option 1:

Sorry, but I'm not able to provide you with the correct answer to this question.

=====

Answer Option 2:

I'm sorry, but I cannot determine the correct answer without additional context or information. Could you please provide more details or clarify the question?

=====

Answer Option 3:

None of the answer choices A, B, C, or D are correct or relevant to the given statement "With the intent to commit a felony therein."

=====

Answer Option 4:

I'm sorry, but the options provided do not seem to be related to the given statement. Could you please provide more context or clarify the question?

=====

Answer Option 5:

I'm sorry, but the question you have provided does not appear to be related to the given answer choices. Could you please provide the correct question or clarify the options?

=====

Answer Option 6:

I'm sorry, but the given statement "With the intent to commit a felony therein." does not seem to be related to any of the answer choices provided. Could you please provide more context or clarify the question?

=====

Answer Option 7:

None of the options provided (A, B, C, D) are applicable or relevant to the statement "With the intent to commit a felony therein."

=====

Answer Option 8:

None of the options (A, B, C, or D) provided in the question are related to the phrase "With the intent to commit a felony therein." Therefore, none of the options is the correct answer.

=====

Answer Option 9:

None of the options provided (A, B, C, D) are applicable to the statement "With the intent to commit a felony therein."

=====

Question 182:

'A neighborhood homeowners' association hired a security company to provide an armed guard to patrol the neighborhood. One evening, the guard saw a young man stealing a rake that a homeowner in the neighborhood had left outside in his yard. The guard ran toward the young man. Seeing the guard, the young man dropped the rake and began to flee. Believing that the young man was about to escape, the guard pulled out his gun and fired a shot at the young man. The bullet struck the young man in the arm. If the young man asserts a claim against the security company for damages for his injuries, the young man will', A. 'prevail, because the guard used unreasonable force to protect the homeowner's property.', B. 'prevail, because the guard did not give a warning that he had a gun and was about to shoot.', C. 'not prevail, because the young man was trespassing on the homeowner's property.', D. 'not prevail, because the young man was engaged in theft when he was shot.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 183:

'A city school board presented a bond issue to the public for \$5 million to modernize some city schools. During the public debate on the proposal, a middle school teacher had published two "letters to the editor" criticizing the "duplicitous" practices of certain school board members in using "backroom politics" to try and get the vote approved. He doubted the need for new expenditures and criticized the superintendent of schools for trying to influence teachers on the issue. After the bond issue passed, the school district brought internal charges against the teacher, and after a hearing he was fired. He brought a state court action claiming an unconstitutional interference with his First Amendment free speech rights. The claim was rejected, and the highest state appellate court upheld the termination. After hearing the case on appeal, will the United States Supreme Court uphold the teacher's firing?', A. 'Yes, because he went too far in criticizing his own employer.', B. 'No, the teacher's remarks were void for vagueness and couldn't be enforced against him.', C. 'Yes, teachers are civil servants who must refrain from political issues.', D. 'No, because teachers, as informed citizens, have a constitutional right to speak out on current issues of importance.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 184:

'An owner entered into a written contract with a landscaper whereby the landscaper promised to landscape the exterior of the owner's house for the sum of \$5,000. According to their agreement, the owner was to pay the money to the landscaper's son. The landscaper intended to have the \$5,000 given to his son as a graduation present. After the landscaper completed the job, the landscaper requested that the owner pay the \$5,000 to him instead of to his son. The owner paid the landscaper. The next day, the son learned of the contract between the landscaper and the owner, as well as the payment to his father. In an action by the son against the owner for \$5,000, the plaintiff will most likely', A. 'prevail, because the written contract between the owner and the landscaper operated as a valid assignment to the son.', B. 'prevail, because the son was the intended beneficiary under the terms of the written contract between the owner and the landscaper.', C. 'not prevail, because the owner and the landscaper effectively modified their agreement, thereby depriving the son of any rights he may have had.', D. 'not prevail, because the son did not give any consideration.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 185:

'In 1981, a devoted conservationist, was the owner of a 100-acre tract of undeveloped land. In that year, the conservationist conveyed the tract "to my nephew in fee simple, provided, however, that the grantee agrees that neither he nor his heirs or assigns shall ever use the property for any commercial purpose. If any portion of said tract is used for other than residential purposes, then the grantor or his successors in interest may re-enter as of the grantor's former estate. " This deed was properly recorded. The nephew died intestate in 1999, survived by his wife. The conservationist died in 2002, survived by his two daughters, his only heirs. During the period between 1981 and 2007, the spreading development from a nearby city began to engulf the tract. Though still undeveloped, the tract became surrounded by office buildings, shopping malls, and other commercial edifices. In 2009, the wife executed and delivered to a developer a fee simple conveyance of the tract, which the developer immediately recorded. The deed did not contain any reference to the restriction noted above. After the developer acquired title to the tract, he commenced construction of a hotel complex on a portion of the tract that bordered an apartment building. The applicable recording statute in effect in this jurisdiction provides, in part, "No deed or other instrument in writing, not recorded in accordance with this statute, shall affect the title or rights to, in any real estate, or any devisee or purchaser in good faith, without knowledge of the existence of such unrecorded instruments. "If one of the daughters brings suit to enjoin the developer from constructing the hotel, the plaintiff will most likely', A. 'win, because either daughter's right to the tract vested immediately upon the developer's construction of the hotel complex.', B. 'win, because either daughter has the right of re-entry for condition broken.', C. 'win, because the daughters, as the conservationist's only heirs, received a valid possibility of reverter from their father.', D. 'lose, because a common development scheme had been established for the entire tract.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 186:

'A relevant fact in a plaintiff's suit is the magnitude of an explosion at an oil refinery one evening. At trial, the plaintiff was asked on direct examination if he remembered the explosion. He replied, "I recall my son running into the home and screaming that the car windows just shattered. " The son was available to testify at trial. The defendant's attorney makes a motion to strike the plaintiff's answer. The trial judge should rule the plaintiff's testimony', A. 'admissible, because the son is available as a witness.', B. 'admissible, whether or not the son is available as a witness.', C. 'inadmissible as hearsay not within any recognized exception.', D. 'inadmissible under the excited utterance exception, because it can be a product of reflection and deliberation.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 187:

Two brothers owned a parcel of real estate as joint tenants. Both brothers signed a deed as grantors conveying the land to the buyer. The first brother handed the deed to the second brother with instructions to take the deed to their lawyer for approval prior to delivery. Brother two, without his brother's permission, took the deed directly to the buyer and collected the sale price. Is this a good deed as to partner one?'. A. 'No, the deed cannot bind partner one because he did not participate in the deed delivery to the buyer and did not intend to deliver the deed up to the grantee at that time.'. B. 'Yes, the transfer is valid from both partners because partner two was partner one's apparent agent for purposes of delivering the deed.'. C. 'Yes, the deed was signed by both partners, which proved their intent to sell to buyer, and it was delivered at the time of signing by the fact of affixing their signatures to the document.'. D. 'No, the deed was invalid as to both grantors because partner two stepped outside his scope of authority.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 188:

'A federal statute provides states with funds for child welfare programs, subject to the condition that such programs be administered in accordance with federal standards. The United States sued a state in federal court for injunctive relief, arguing that the state's child welfare programs, which were funded in part by federal funds disbursed under this statute, failed to comply with federal standards. The state has moved to dismiss the action. Is the court likely to dismiss the action?', A. 'No, because Congress can place any condition on the receipt of federal funds.', B. 'No, because the Eleventh Amendment does not bar actions brought by the United States.', C. 'Yes, because the Eleventh Amendment bars actions against a state in federal court.', D. 'Yes, because the protection of child welfare is reserved to the states.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 189:

'After a wife found out about her husband's infidelity, she decided to have him killed. The defendant approached a hit man to solicit his assistance in carrying out the planned murder. Although the wife believed that he was a hit man, he was, in fact, an undercover agent. The wife told the undercover agent she would pay him \$20,000 if he accepted the job and an additional \$20,000 after the killing was completed. Upon hearing the wife's proposal, the undercover agent told the wife he would kill her husband. However, the undercover agent secretly intended not to go through with the plan, and he merely feigned agreement because he wished to trap the wife. The wife told the undercover agent that she would deliver the first payment the next day. However, before making the initial payment, the wife learned that the hit man was really an undercover agent. Fearful that she might be prosecuted for planning her husband's murder, the wife contacted the police and renounced her participation in the criminal endeavor. The defendant will most likely be found', A. 'guilty of solicitation.', B. 'guilty of conspiracy to commit murder.', C. 'guilty of solicitation and conspiracy to commit murder.', D. 'not guilty of either solicitation or conspiracy to commit murder.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 190:

'A painter working for a construction company was working with a group of construction co-workers on a house construction when a section of the house fell down on the owner. The painter declared, "I knew they should have reinforced the standing wall better than they did! It is all their fault!" It turned out that he was referring to co-workers employed by the same construction company. The owner filed suit for damages against the construction business. He tried to put the statement from the painter into evidence but the defendant objected. Will the court sustain the company's objection to the admission of the painter's statements?', A. 'Yes, because the painter is not qualified to make such statements regarding non-painting duties.', B. 'Yes, because the painter is not a participant as a negligent party in the catastrophic mistake that occurred.', C. 'No, because the painter works for the same company as the negligent workers, and he made his statements within the scope and course of his employment.', D. 'No, because the painter may testify as a subcontractor to what he observed while on the location.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 191:

'A man and a woman conspired together to rob a bank. As they were exiting the bank after the robbery they were confronted by armed tactical police officers. The man raised his gun at the officers and a flurry of shots followed. The man was injured but survived; the woman co-conspirator died from a police officer's bullet. The authorities charged the man with felony-murder of the woman. He was convicted and appealed. Under the prevailing modern view of felony murder, will the appellate court likely reverse the first-degree murder conviction?', A. 'Yes, because the felony murder rule has been declared unconstitutional.', B. 'Yes, because the majority view is that felony murder does not apply if a co-conspirator is killed by a third person during the commission of the crime.', C. 'No, because all states recognize that felony murder applies to any deaths that occur during the commission of the crime regardless of who fired the fatal shot.', D. 'No, because the man started the flurry of shots instead of surrendering; he caused the woman's death and is guilty of first degree murder.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 192:

'A lumber mill contracted to deliver one thousand 8-foot sheets of plywood to a home improvement store on the first of each month for 10 consecutive months starting June 1. The June, July, and August shipments were delivered on time and duly paid for. Then, on August 16, the lumber mill informed the store that the mill would not be able to meet the September 1 delivery date, because its lumber reserve had been destroyed by a forest fire. The mill then asked the store to excuse the mill from further performance. The store refused and demanded that the remaining shipments be delivered on time. When the September shipment failed to arrive, the store immediately brought suit for breach of contract. How would the court hold?', A. 'Judgment for the store, because the mill's duties of performance would not be excused.', B. 'Judgment for the store, because the mill should have foreseen such a contingency occurring.', C. 'Judgment for the mill, because their performance would be discharged by impossibility.', D. 'Judgment for the mill, because their performance would be discharged by frustration of purpose.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 193:

'A man conveyed the eastern half of a tract of vacant land to a woman by a warranty deed. The woman promptly recorded the deed. The land conveyed to the woman fronted on a public highway. The land retained by the man was landlocked. One year later, the man died intestate, leaving a cousin as his only heir. The cousin visited the man's land for the first time and discovered that it had no access to a public highway. A neighbor who owned adjoining land fronting on the public highway offered to sell the cousin a right to cross the neighbor's land for access to the highway. Although the neighbor's price was reasonable, the cousin rejected the offer. The woman has refused to allow the cousin to cross her land for access to the public highway even though the woman's land is still vacant. The cousin has sued the woman, seeking access across the woman's land to the public highway. Who is likely to prevail?', A. 'The cousin, based on necessity.', B. 'The cousin, because the woman's land is still vacant.', C. 'The woman, because the cousin could obtain an alternative access to the highway from the neighbor.', D. 'The woman, because the man failed to reserve an easement in his deed to the woman.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 194:

'A landlord owned a large building in the city. On January 1, the landlord leased the building to a tenant for a period of 20 years at a rental of \$10,000 per month. The leasehold agreement between the landlord and tenant provided that the latter was not permitted "to assign this lease to anyone except a corporation with an 'A' credit rating from a well-known credit rating company." On February 1 of the following year, the tenant leased the premises to a corporation that did not have the required credit rating. The tenant's corporation lease was for a period of five years, with a rental of \$15,000 per month, payable by the corporation to the tenant. In addition, the corporation agreed to abide "by all of the terms and conditions of the lease between the landlord and the tenant." One year later, the corporation leased the premises to a health club for the balance of the term of the corporation's tenant lease. The health club owner took possession of the said premises on February 1, the same day that the corporation vacated its occupancy. Pursuant to the corporation's health club leasehold agreement, the latter was obligated to pay a monthly rental of \$17,500 directly to the corporation. The health club has an 'A' credit rating with the well-known credit rating company. For one year, the health club paid \$17,500, each month directly to the corporation. During that same period, the corporation continued to pay \$15,000 each month to the tenant, while the latter paid \$10,000 (each month) to the landlord. The landlord knew about the leases to the corporation and the health club and protested promptly, but took no further action, apparently satisfied as long as he received his \$10,000 per month from the tenant. Thereafter, the health club abandoned the premises and stopped paying rent to the corporation. After the health club discontinued paying rent, the corporation stopped paying rent to the tenant. When the tenant failed to receive his rent, he, too, stopped paying rent to the landlord. If the landlord brings suit to recover for past rent due, which of the following is most accurate?', A. 'The landlord may recover against the tenant for past rent due.', B. 'The landlord may recover against the corporation for past rent due.', C. 'The landlord may recover against the health club for past rent due.', D. 'The landlord may recover against the corporation and the health club, jointly and severally, for past rent due.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 195:

'While visiting at his son's home, a grandfather tripped on a toy left on the floor by his four-year- old grandson. The grandfather fell and was severely injured. The grandfather regularly visited his son's home and was aware that the grandson routinely left toys scattered about the house. The son had never warned the grandfather to look out for toys. The grandfather brought an action against his son to recover for his injuries. At trial, after the close of evidence, both the grandfather and the son have moved for judgment as a matter of law as to liability. The jurisdiction has abolished intra-family immunity and applies the traditional rules of landowner liability. What action should the court take?', A. 'Deny both motions and submit the case to the jury based on negligence.', B. 'Deny both motions and submit the case to the jury based on strict liability.', C. 'Grant the grandfather's motion, because the son is liable as a matter of law for failing to warn about the risk of toys being left on the floor.', D. 'Grant the son's motion, because the son had no duty to warn that the grandson might leave toys on the floor.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 196:

'A state has enacted an abortion statute in an attempt to reconcile the conflicting interests involved when a woman chooses to terminate a pregnancy by abortion. The state's statute provided that during the first trimester of pregnancy, a woman's right to choose to terminate the pregnancy was paramount and could not be restricted in any manner. After the first trimester, the right of a woman to obtain an abortion was limited to cases where it was demonstrated by a physician that an abortion was necessary to protect the life or health of the woman seeking the abortion. In all likelihood, this abortion statute is', A. 'constitutional, because the state's statute strikes a proper balance between the fundamental right of a woman to choose to terminate a pregnancy by abortion and the due process right to life of the unborn child.', B. 'constitutional, because the state's statute is substantially related to the important state interest in protecting the health and life of the mother.', C. 'unconstitutional, because the state's statute imposes an undue burden on the right to obtain an abortion.', D. 'unconstitutional, because it is irrational to impose virtually no restrictions on the right to obtain an abortion in the first trimester while imposing significant restrictions on the right to obtain an abortion thereafter.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 197:

'A truck driver from State A and a bus driver from State B were involved in a collision in State B that injured the truck driver. The truck driver filed a federal diversity action in State B based on negligence, seeking \$100,000 in damages from the bus driver. What law of negligence should the court apply?', A. 'The court should apply the federal common law of negligence.', B. 'The court should apply the negligence law of State A, the truck driver's state of citizenship.', C. 'The court should consider the negligence law of both State A and State B and apply the law that the court believes most appropriately governs negligence in this action.', D. 'The court should determine which state's negligence law a state court in State B would apply and apply that law in this action.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 198:

'A city designed an economic development plan to foster downtown revitalization efforts. The city's agent got a commitment from a major business corporation to build a large research center in the targeted area, which would bring new jobs and increased tax revenue. The city brought eminent domain proceedings to free up some 200 acres of land in the selected area. Although the city successfully condemned most of the privately-owned properties, it failed to reach agreement with nine residential property owners. Those owners brought suit seeking an injunction to prevent the taking. They claimed that this was not a taking for "public use" as required by the takings clause of the Fifth Amendment; rather the government was taking their property to give it to a private company. The case reached the Supreme Court of the United States. What will the Supreme Court decide?', A. 'The taking for economic development purposes is proper because developing the city's economy constitutes a public use.', B. 'The taking is improper because the major benefit will go to a private company and this contradicts the public use requirement.', C. 'The taking would primarily increase the business corporation's profit margins, which is insufficient to support the public use requirement.', D. 'The taking is improper because a private industry research center is not primarily open to the public's use.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 199:

'A man and his neighbor owned homes on adjacent lots in a subdivision. The subdivision's recorded restrictions did not prohibit detached storage sheds, and several homeowners in the subdivision had placed such sheds in their backyards. Because the man and the neighbor thought the sheds were unsightly, they both agreed in writing not to place detached storage sheds in their respective yards. Their agreement was drafted in recordable form and stated that it was enforceable by and against all assignees, heirs, and successors. The agreement was assignees, heirs, and successors. The agreement was promptly recorded. Three years later, the neighbor gave his home to his daughter. Shortly after moving into the home, the daughter learned of the restriction. She informed the man that she planned to put a detached storage shed in her backyard, claiming that the restriction was not enforceable against her. Does the man have the right to enjoin the neighbor's daughter from placing a detached storage shed in her yard?', A. 'No, because several homeowners in the subdivision have storage sheds in their yards.', B. 'No, because there was no horizontal privity between the man and the neighbor.', C. 'Yes, because the neighbor conveyed the home to the daughter by gift rather than by sale.', D. 'Yes, because the restriction is binding on the daughter as a successor.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 200:

'An elderly woman entered a convenience store and tried to cash her Social Security check. The owner told the woman that he was sorry but it was his policy not to cash Social Security checks. Terribly upset, the woman reached into her pocketbook and said, "Listen, buddy, I've got a bomb in here, and if you don't give me the money, I'm going to blow up this joint. " Actually, the woman did not have a bomb in her possession. The owner, who was not deceived by her threat, felt sorry for the woman and agreed to cash the check. The woman, who walked with the assistance of a cane, took the money and limped out of the store. After she left, the owner noticed that the woman had not endorsed the check. The woman has committed which, if any, of the following crimes?', A. 'No crime.', B. 'Robbery.', C. 'Attempted robbery.', D. 'False pretenses.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 201:

'A young man suggested to his friend that they steal a large-screen TV from a neighbor's house. The friend was angry with the young man and decided to use the opportunity to get even with him by having him arrested. The friend said he would help, and that night, he drove the young man to the neighbor's house. The young man broke in while the friend remained out-side. The friend called the police on his cell phone and then drove away. Police officers arrived at the scene just as the young man was carrying the TV out the back door. The jurisdiction defines crimes as at common law. Of what crime, if any, can the friend properly be convicted?', A. 'No crime.', B. 'Conspiracy.', C. 'Burglary.', D. 'Conspiracy and larceny.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 202:

'A farmer raked up some leaves on his property, put them into a metal barrel, and set the leaves on fire. The farmer then went off to his barn to do some other work. A few minutes later, a wind gust blew some burning leaves onto a neighbor's property, causing a small fire amid some brush. If the neighbor asserts a claim against the farmer, the neighbor will most likely', A. 'recover, because the farmer is strictly liable for the spread of the fire.', B. 'recover, because the farmer was negligent in leaving the fire unattended.', C. 'recover, because the farmer created a public nuisance in failing to contro' the fire.', D. 'not recover, because the farmer is not liable for an unforeseeable act of God.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 203:

'A vacationer, on a winter ski holiday, visited a ski lift in a private park. The ski lift company had installed and operated the lift pursuant to a concession agreement with the owner of the private park. Visitors gained entry to the park on payment of a \$5 fee, which entitled them to go ice skating, tobogganing, or sledding. A ski lift ticket cost an additional \$7 per day. At the top of the ski lift, there was a platform for embarking and disembarking passengers. The ski lift company paid the owner a stipulated rental plus 15 percent of the net proceeds from the lift. Two employees of the company operated the lift, one from a station at the bottom and the other from a station at the top of the hill. When the vacationer boarded the ski lift, it was late afternoon and most of the skiers had left. He was the sole passenger on the lift. Meanwhile, the employee at the top had left his post to go to the bathroom, asking his friend to keep watch on the lift and to stop it to allow any passengers to disembark. The friend consented, and the employee showed him how to use the control switch. When the vacationer approached the top, the employee was still away. Instead of stopping the lift to permit the vacationer to get off, the friend allowed the lift to keep moving. The vacationer was carried past the platform, and he was swung violently from side to side as the ski lift started downward. When the employee returned and sized up the situation, he threw the switch, stopping the lift. The vacationer, severely bruised and badly frightened, jumped off the ski lift and completed his descent by foot. In a personal injury action by the vacationer against the owner of the private park, the vacationer will rely on the concept of', A. 'respondeat superior.', B. 'vicarious liability.', C. 'joint venture.', D. 'imputed negligence.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 204:

Two volleyball teams that played in adjoining areas were competing in the National Volleyball Tournament Championship in a distant city. Both teams were staying at the same hotel. The assistant coach of one of the teams learned that the team captain of the other team was staying in the next room. In order to obtain information about the other team's strategy for the championship game, the assistant coach used electronic devices placed against the wall to listen to and record conversations between the team captain and his teammates. The assistant coach later bragged to others about having eavesdropped on the team captain, and the team captain eventually heard about what the assistant coach had done. If the team captain asserts a claim against the assistant coach for invasion of privacy, will the team captain prevail?', A. 'Yes, because the assistant coach was recording the conversation for the use and advantage of his team.', B. 'Yes, because the team captain had a reasonable expectation of privacy in his hotel room.', C. 'No, because the assistant coach's electronic devices did not physically intrude into the team captain's room.', D. 'No, because there was publication of the recorded conversations.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 205:

'A lawyer owned a 70-acre tract of land. In 1989, the lawyer sold 15 acres of the tract to a friend. The deed of conveyance contained the following clause: "The parties hereby covenant that if the grantor (the lawyer) proposes to sell any or all of the remaining 55 acres of the tract during (the friend's) lifetime, then the grantee shall have the right of first refusal to purchase said parcel on the same terms and conditions as proposed; and, in the alternative, if grantee (the friend) proposes to sell any or all of the 15 acres of his parcel during (the lawyer's) lifetime, then (the lawyer) shall have the reciprocal right of first refusal. "The friend was approached by a co-worker who offered to purchase his 15-acre parcel for \$100,000. The friend did not afford the lawyer an opportunity to exercise his right of first refusal, and he went ahead and sold the property to the co-worker. After the co-worker took possession, the lawyer then learned about the sale. The lawyer immediately brought suit against the friend and the co-worker to enforce the right of first refusal in the deed. Based on the facts as presented, the lawyer will', A. 'win, because the friend has a reciprocal right of first refusal.', B. 'win, because the lawyer's right of first refusal does not violate the Rule against Perpetuities because it is limited to his lifetime.', C. 'lose, because the rights of first refusal are unreasonable restraints on alienation.', D. 'lose, because the rights of first refusal relate only to land that is not conveyed by deed.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 206:

'A woman is the owner of record of a parcel of land designated as "A. " It is the highest of three neighboring properties on a mountain. The woman's sister owns parcel "C," which lies the lowest on the mountain. Parcel "B" lies between Parcels "A" and "C." In 2000, the woman who originally owned all three parcels of land constructed a private drainage system. This system consisted of an underground pipeline that extended across all three parcels of land. Sewage from parcel "A" drained through the system to a municipal sewer, which was located at the bottom of the mountain. In 2005, the sister purchased parcel "C" from the woman. The deed to the sister did not contain any mention of the woman's drainage system. Located on each of the parcels are large ranch-style homes occupied by the respective owners. A portion of the sister's unimproved land began to subside over the drainage system. This was because of an especially pliable soil condition of which the woman was unaware prior to construction of the drainage system. In an action brought by the sister against the woman to recover property damage for the subsidence of her land, judgment should be for whom?', A. 'The sister, because she is entitled to lateral support for her land in its natural condition.', B. 'The sister, because she is entitled to subjacent support for her land in its natural condition.', C. 'The sister, because she is entitled to support for her land in its improved condition.', D. 'The woman, unless she sister proves that the woman was negligent in constructing the drainage system.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 207:

'A 26-year-old graduate student knew that a classmate was a staunch supporter of animal rights. As they were leaving class one afternoon, the graduate student walked beside the classmate and chanted, "Animal experimentation is great. " The classmate angrily confronted the graduate student and said, "Let's settle this outside in a fist fight. " The graduate student replied, "You're on. "The two students went outside and "squared off. " The graduate student threw the first punch and hit the classmate in the face with his bare fist. Unknown to the graduate student, the classmate placed a set of brass knuckles on his fist and hit the graduate student in the face with them. The force of the blow broke the graduate student's nose. It was later determined that the use of the brass knuckles inflicted exactly the same damage as if the classmate had hit the graduate student with his bare fist. The best argument for rejecting the defense of consent in an action by the graduate student for either assault or battery is that', A. 'the classmate's use of the brass knuckles exceeded consent under the circumstances.', B. 'the classmate was only acting in self-defense.', C. 'the graduate student's insults provoked the classmate's use of excessive force.', D. 'the classmate's punch would have inflicted the same harm with or without the use of the brass knuckles.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 208:

'A landlord was the owner of a two-story dwelling house and leased it completely furnished to a tenant for a 10-year period. Two years after the tenant entered into the leasehold agreement with the landlord, he subleases the house to his cousin. Thereafter, the cousin defaults on the rental payments. If the landlord brings an action to recover the past rent due from the cousin, the landlord will:'. A. 'recover, because privity of estate exists between a landlord and sublessee.'. B. 'recover, because there is privity of contract between a landlord and sublessee.'. C. 'recover, because there is both privity of estate and privity of contract between a landlord and sublessee.'. D. 'not recover, because privity of estate does not exist between the landlord and sublessee.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 209:

'A federal statute extends federal minimum wage requirements to all dry cleaning stores. The statute contains express findings that, when combined, the wages received by dry cleaning workers have a substantial impact on the national economy and on the flow of goods and services in interstate commerce. These findings are supported by information presented to Congress during committee hearings on the legislation. A small dry cleaning store operates exclusively within a community in the center of a geographically large state. It has no customers from outside the state. It employs three workers, each of whom is paid less than the federal minimum wage. Must this dry cleaning store comply with the statute imposing the federal minimum wage requirements on all dry cleaning stores?', A. 'No, because the store does no business in interstate commerce.', B. 'No, because the wages of the store's three workers do not have a substantial impact on interstate commerce.', C. 'Yes, because the commerce clause vests Congress with plenary legislative authority over labor relations.', D. 'Yes, because the wages paid by dry cleaning stores have a substantial impact on interstate commerce.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 210:

'After weeks of deliberation, the defendant decided to rob a local liquor store. The defendant purchased a ski mask and then went into the liquor store, put his gun into the face of the clerk, and demanded the money from the register. Terrified, the clerk gave him the money from the register. The defendant pocketed the money, grabbed a bottle of tequila off the shelf for his celebration, and then ran back to the car and drove off. About an hour later, the defendant was slowly approaching his hideout in the outskirts of town when a young child suddenly darted in front of the defendant's car. He applied the brakes but couldn't stop in time. The car struck the child, killing her. For the child's death, the defendant should be found guilty of which, if any, of the following crimes?', A. 'Felony murder.', B. 'Involuntary manslaughter.', C. 'Voluntary manslaughter.', D. 'No crime.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 211:

'A state initiated a criminal prosecution against the owner of a video store for selling a video that consisted entirely of pictures of nude sunbathers on a beach in a foreign country where nude public sunbathing is common. The state charged that selling the video violated its anti-obscenity law. The store owner defended on the ground that the prosecution violated his constitutional right to freedom of speech. Should the store owner prevail in this defense?', A. 'No, because the store owner is engaged in the commercial sale of the video, which is not protected by the First and Fourteenth Amendments.', B. 'No, because the video consists entirely of portrayals of nudity, appeals to the prurient interest of viewers, and lacks serious social value as a whole.', C. 'Yes, because mere portrayals of nudity are insufficient to justify a finding that the video is obscene as a matter of constitutional law.', D. 'Yes, because the portrayals of nudity occurred outside the United States, and therefore the state lacks a compelling interest in applying its anti-obscenity law to the sale of the video.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 212:

'A homeowner and a contractor entered into a contract under which the homeowner agreed to pay the contractor \$50,000 for remodeling the homeowner's basement according to a set of plans. After the work was completed, the homeowner honestly believed that there were defects in the contractor's work as well as departures from the plans. In fact, the contractor had fully performed. The homeowner offered to pay the contractor \$35,000 in full settlement in exchange for the contractor's promise to surrender his entire claim. The contractor accepted the homeowner's offer, and the homeowner paid the contractor \$35,000. The reasonable value of the work was \$35,000. Is the contractor likely to succeed in an action challenging the validity of the settlement agreement?', A. 'No, because the homeowner honestly disputed the amount he owed the contractor.', B. 'No, because the reasonable value of the work was only \$35,000.', C. 'Yes, because the contractor reasonably relied on the homeowner's contractual promise to pay the full \$50,000, and that promise should be enforced to avoid injustice.', D. 'Yes, because the homeowner's payment of \$35,000 cannot furnish consideration for the contractor's relinquishment of a claim for \$50,000.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 213:

'Which of the following constitutional provisions is applicable to corporations?', A. 'The privileges and immunities clause of the Fourteenth Amendment.', B. 'The comity clause of Article IV.', C. 'The Fifth Amendment's prohibition against compulsory self-incrimination.', D. 'The equal protection clause of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 214:

'During a run one morning, a jogger passed a convenience store. He stopped and went into the store to use the bathroom available inside the store. Which of the following would best describe the jogger's legal status in his utilization of the bathroom?'; A. 'Licensee.', B. 'Gratuitous licensee.', C. 'Public invitee.', D. 'Business visitor.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 215:

'Four men entered into a lease as tenants of a five- bedroom house. They each had a separate bedroom and used the fifth bedroom as a laboratory to manufacture the illegal drug methamphetamine. One of the men was the so-called money man; he provided the funds to make the rental payments and to purchase the laboratory equipment. One of the other men was the chemist; he had both an undergraduate and graduate degree in chemistry and knew the formula and procedure for producing methamphetamine. Another of the men had sold drugs in the past and knew potential buyers of the methamphetamine. Finally, the fourth man was the enforcer; his role in the scheme was to make sure that no unauthorized persons entered onto the premises of the house. The four men had been involved in this drug venture for seven months when they were finally arrested and charged with conspiracy to manufacture and distribute methamphetamine, and distribution and manufacture of methamphetamine. During the trial, the prosecution wishes to introduce as evidence against the money man, a statement made by the enforcer to the landlord at the time of the signing of the lease, in which the enforcer said, "No matter what you charge us for rent, you better O. K. it with the money man, because he's the one who will really be paying it. " The money man's attorney objects. The judge's ruling on admissibility will depend on', A. 'whether the enforcer actually paid all of the rent.', B. 'whether the enforcer had a legal obligation to pay the rent under the terms of the lease.', C. 'whether the landlord may be considered a party opponent.', D. 'whether the statement was made during the course of and in furtherance of the conspiracy.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 216:

'An owner of an apartment building in a rundown section of town knew that one of his tenants was dealing drugs from his apartment. He also knew that the tenant's actions had led to some violent confrontations in the past, including one where a gun was discharged in the hallway outside the tenant's apartment. Because the tenant regularly paid his rent on time, the owner didn't take any action to try to evict the tenant. One day, a rival drug dealer drove by the tenant's apartment and fired his gun at the tenant's front window. One of the bullets passed through the tenant's living room and went through the wall into the apartment next door. The bullet struck and injured a neighbor who occupied the adjoining apartment. If the neighbor asserts a claim against the owner to recover damages for his injury, he should', A. 'recover, because the owner knew that the tenant was dealing drugs from his apartment.', B. 'recover, because the owner was aware that such danger existed because of the tenant's drug-dealing activities.', C. 'not recover, because the owner is not liable for the criminal acts of third persons.', D. 'not recover, because the neighbor is outside the zone of foreseeable danger.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 217:

'An auto mechanic was repairing a car in his auto. shop when a spark ignited gasoline and oil residue on the floor. The mechanic managed to douse the flames, but not before the fire created giant billows of smoke that floated over onto a neighbor's property and caused the neighbor's home to become discolored. If the neighbor asserts a claim against the mechanic, the neighbor would most likely be able to recover for', A. 'strict liability.', B. 'negligence.', C. 'nuisance.', D. 'trespass.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 218:

'A landowner, being fee simple owner of an apartment building, devised it "to both my assistant and my friend as tenants in common. " Thereafter, the assistant died intestate, leaving his daughter as his only surviving heir. While the assistant's estate was in administration, the friend agreed to convey his interest in the apartment building to the daughter. A valid conveyance by the friend would be', A. 'to the estate of the assistant and its successors and assigns.', B. 'to the heirs and assigns of the assistant.', C. 'to the daughter and her heirs and assigns.', D. 'to the assistant as a former tenant in common with remainder to the daughter.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 219:

'A hunter sat quietly in a forest, hiding behind some brush and waiting for deer to pass by him. After hours of waiting and not spotting any deer, the hunter decided to give up and go home. Disappointed that he never even got a chance to take a shot at a deer, the hunter decided to fire a few practice shots before walking back to his car. He aimed his rifle at a small tree at the top of a nearby hill and fired three shots. At that moment, a state police officer happened to be passing nearby. The officer was part of a police team searching the forest for a fugitive who was believed to be armed and dangerous. When the police officer heard the gunshots, he thought he was being attacked. He quickly pulled his pistol out of his holster and fired it toward the brush from which he had seen the muzzle flash from the hunter's rifle. One of the bullets fired by the police officer struck the hunter and seriously wounded him. If the hunter asserts a claim against the police officer to recover damages for his injury, the hunter will', A. 'prevail, because the hunter had no intent to harm the police officer and, therefore, the police officer was not entitled to fire back.', B. 'prevail, because the hunter had not committed any crime entitling the police officer to use force likely to cause death or serious bodily injury.', C. 'not prevail, if the police officer reasonably believed that he was under attack.', D. 'not prevail, because the police officer was not the original aggressor.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 220:

'A defendant was being prosecuted on a charge of manslaughter in the first degree for causing the death of a 15-year-old girl on whom he had allegedly performed an abortion in his private clinic. A witness for the defendant testified to the defendant's non-culpability at the grand jury proceeding. The witness was later called as a defense witness at the trial. During his direct examination, defendant's attorney asked him, "Is it not true that the defendant could not have performed the abortion on the decedent since he was assisting you in another abortion at the time?" The witness answers in the negative and states that the defendant did, in fact, perform the abortion on the girl. The defendant's attorney then assails the witness's testimony as a recent fabrication, and asks the witness if he had not stated to a grand jury that the defendant was not guilty of performing the abortion, thus causing the death of the girl. The prosecutor objects to this question. The trial judge should rule that this question is', A. 'objectionable, because the defendant's attorney did not lay a proper foundation for impeaching his own witness.', B. 'objectionable, because a party may not impeach his own witness.', C. 'unobjectionable, because a witness's testimony before a grand jury is more reliable because it occurred shortly after the abortion was allegedly performed.', D. 'unobjectionable, because a party can impeach his own witness by a prior inconsistent statement.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 221:

During spring break, a private boarding school was deserted while students and teachers were away on vacation. A guidance counselor remained on campus because he was working on a research project. After working late one night, the counselor decided to enter the room of a student from a very wealthy family. The counselor was rummaging through the student's room looking for something valuable to steal. Under the bed, he noticed an expensive suitcase. The counselor opened the suitcase and found an express mail envelope. The counselor knew that the student's father often sent money to his son in express mail envelopes. The counselor opened the envelope and saw that it contained a large quantity of white powder, which he suspected to be heroin. The counselor telephoned the police, and an officer was dispatched to the school. The counselor handed the officer the envelope, which he transported to the police station. At the station house, the officer opened the envelope and sent a sampling of the substance to the police lab. Tests confirmed the substance to be heroin. The police did not secure a search warrant before confiscating and opening the envelope. The student was thereafter arrested and charged with unlawful possession of a controlled dangerous substance. The student's attorney has filed a motion to suppress the heroin from evidence. The motion will most likely be', A. 'granted, because the police should have secured a warrant before seizing the envelope.', B. 'granted, because the police should have secured a warrant before opening the envelope.', C. 'denied, because the search was conducted by a private party.', D. 'denied, because the counselor, as a school employee, was in loco parentis.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 222:

'A property owner who owner her property in fee simple leased a three-story house and the 21 -acre tract upon which it stood to a friend for a term of 10 years. By the terms of the lease, the friend expressly covenanted to pay a monthly rental of \$300 and to pay the taxes on the premises during the term of the lease. The lease also stipulated that the friend, as lessee, may not assign or sublease the said premises. The friend and his family lived in the house for two years. Then the friend assigned his leasehold interest in the property to a cousin, who was unaware of the prohibition against assignments. This written assignment expressly provided that the cousin would pay the owner the monthly rental of \$300, but was silent concerning the payment of taxes. The owner never objected to this assignment. Six months after the assignment, the owner conveyed her property interest in the premises to a developer. During the cousin's tenancy, the State Highway Authority filed proceedings to condemn two acres of the tract for the purpose of highway construction. As a result, the cousin contacted the developer and informed him that he should be entitled to an apportioned reduction in the rental. After the developer refused to reduce the rent, the cousin brings an action to have his rent apportioned pro tanto. Judgment should be for', A. 'the developer, although the cousin would be entitled to terminate the lease.', B. 'the developer, because the cousin would be held to the original leasehold contract.', C. 'the cousin, because the value of his leasehold interest was reduced pro tanto.', D. 'the cousin, because eminent domain operates as an apportionment of rent.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 223:

'An environmentalist was very interested in environmental issues, particularly protection of wetland areas. He decided to dig out the lawn in his back yard and turn the space into a swampy marsh. Eventually, his back yard was filled with tall grasses, reeds, and other marsh plants. A wide variety of frogs, turtles, snakes, birds, and other animals inhabited the yard. The ground was usually covered by several inches of standing water. The environmentalist's neighbors were not pleased with the condition of the environmentalist's yard. They complained that it produced foul odors, and they claimed that the standing water was a breeding ground for mosquitoes and other insects. Several months after the environmentalist converted his yard into a marsh, a real estate investor purchased the house closest to the environmentalist's back yard swamp. The investor lived in a large city several hundred miles away, and he purchased the house next to the environmentalist's for investment purposes. The investor rented the house to a family under a long-term lease. The tenant family complained frequently to the investor about being annoyed by the environmentalist's yard. If the investor asserts a nuisance claim against the environmentalist, the environmentalist's best defense would be', A. 'that he had sound environmental reasons for maintaining the swampy condition of his yard.', B. 'that turning his yard into a swampy marsh did not violate any zoning ordinance.', C. 'that the investor owns the property but has rented it out, so the investor does not have actual possession or the right to immediate possession of the land.', D. 'that when the investor purchased the house, he knew or should have known about the swampy condition of the environmentalist's property.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 224:

'A woman owned land in fee simple absolute. The woman conveyed the land to a friend "for life," and when the friend died the land was to go to the woman's neighbor "and her heirs." The neighbor died and in her duly probated will devised her entire estate to a local charity. If she had died intestate, her daughter would have been her only heir. One year after the neighbor died, her daughter executed a quitclaim deed conveying any interest she might have in the land to the woman's friend. The common law Rule Against Perpetuities is unmodified in the jurisdiction. There are no other applicable statutes. Who has what interest in the land?', A. 'The friend has a fee simple absolute, because his life estate merged with the remainder conveyed to him by the daughter.', B. 'The friend has a life estate and the charity has a vested remainder, because the neighbor's interest was devisable.', C. 'The friend has a life estate and the daughter has a vested remainder, because the deed from the woman created an interest in the neighbor's heirs.', D. 'The friend has a life estate and the woman has a reversion, because the neighbor's remainder was void under the Rule Against Perpetuities.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 225:

Two executives from a company in China agreed to steal trade secrets of a pharmaceutical company in the United States. They arranged a meeting to purchase the secrets from an unscrupulous employee of the pharmaceutical company in the company's New York office. The person selling the "secrets" was an undercover FBI agent. The envelope that he held, with the word "Confidential" typed on the outside of it, contained various recipes and gardening tips. When the defendants turned over the money, they were arrested on federal charges of conspiracy to steal trade secrets. The defendants moved to dismiss the indictment, claiming that it was legally impossible to steal trade secrets when in fact there were no trade secrets in the envelope. Will the federal district court likely grant the motion to dismiss?; A. 'Yes, legal impossibility is a defense to criminal conspiracy.'; B. 'Yes, factual impossibility is a defense to criminal conspiracy.'; C. 'No, legal impossibility is not a defense to the crime of conspiracy.'; D. 'No, the defendants were guilty of conspiracy as a matter of law.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 226:

'A state built a casino and issued bonds to finance its construction. On five occasions, there were episodes of violence in various casinos in the state. The state police attributed the violence to greed and fear at the casinos. To prevent such violence, the state legislature passes a statute prohibiting all gambling at privately owned casinos in the state. Is this law likely to be held constitutional if most casinos in the state were owned by those from out-of-state?', A. 'Yes, because the act was expressly authorized by the state legislature.', B. 'Yes, but only if the local interest in safety outweighs the burden of interstate commerce.', C. 'No, because out-of-state casinos are part of interstate commerce.', D. 'No, because the statute violates the due process rights of the owners of the casinos.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 227:

'A small town in the Northeast developed the biggest ice sculpture in the world due to a massive snow, a deep freeze, and viral coverage on the social media. Hundreds of tourists poured into the area to work on the large block of ice. They made a gigantic ice palace for a variety of Disney princesses. To handle the needs of a great number of tourists, food vendors came from all over and set up their carts. To solve the problem of congestion, safety, and insufficient security, the town passed an ordinance restricting all street vendors to a specified parking lot area. The food vendors and others were losing money under the regulation. Would a commerce clause challenge to the parking lot requirement be successful by the food stand owners?', A. 'No, because there is a legitimate state or local interest here which is promoted by an even-handed procedure to control the flow of traffic for public safety, and the impact on commerce is incidental.', B. 'No, because the food stands do not have a significant commerce clause claim in that they are still able to sell food, and what they do does not affect interstate commerce.', C. 'Yes, because the state is interfering with the food cart owners' legitimate business operations, which impact heavily on interstate commerce.', D. 'Yes, because the local interest is favored in a discriminatory manner against all of the food cart owners from other states.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 228:

'Carol Collector was a serious antique car buyer, and was always searching for Thunderbirds in good shape. She saw a newspaper ad offering a 1964 Thunderbird sports coupe for \$25,000, The ad also gave a website address "to view a picture of the car," which Carol visited, and which showed a T-Bird with a perfect body and interior. Carol paid the \$25,000 and signed a sales contract which specified that the Thunderbird was "used and sold as is." When Carol went to pick up the car, she learned it was a 1968 model, which was not at all rare and worth much less than the advertised 1964 model. If Carol brings suit against the seller, the likely outcome is for', A. 'Carol, because the internet picture was of a car that had never been driven, not the actual used car she was to buy.', B. 'The seller, because the buyer was aware the Thunderbird was sold "as is."', C. 'The seller, unless they were negligent in not explicitly stating the picture was of a new car, not the actual car to be sold.', D. 'Carol, because the "as is" disclosure was not totally effective.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 229:

'A university student, a citizen of State A, believes that her university violated federal law when it eliminated funding for the women's varsity volleyball team. She has sued the university, a nonprofit corporation located and incorporated in State B, and the university's athletic director, a citizen of State B, in federal court in State B. What is the best method of serving the defendants?', A. 'Service as required by State B's rules of civil procedure.', B. 'Service by a process server's leaving copies of the summons and complaint with copies of the summons and complaint with secretaries in the respective offices of the athletic director and the university president.', C. 'Service by emailing copies of the summons and complaint to the athletic director and the university president.', D. 'Service by the student herself on the athletic director and the university president.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 230:

'A debtor owed a creditor \$750 on an old debt. On July 1, the debt was barred by the statute of limitations. On August 1, the debtor ran into the creditor at a party and overheard him telling mutual friends that the debtor "is a deadbeat who weiches on his debts. " Feeling pangs of guilt, the debtor approached the creditor and orally agreed to pay him the \$750 debt on September 1. The debtor refused to pay the creditor the \$750 as promised on September 1St. If the creditor sues the debtor to recover the \$750 debt, which would provide the strongest grounds that the debtor's oral promise was unenforceable?', A. 'It was not supported by new consideration.', B. 'It was violative of the statute of frauds.', C. 'The debt was already barred by the statute of limitations.', D. 'There was no mutuality of obligation.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 231:

'Because of a sudden and unanticipated severe shortage of heating fuel, the President has ordered all offices of federal executive agencies to be open only four days per week. The President's order allows an exception to the extent that emergency circumstances require different hours of operation (as in the case of federal hospitals). When Congress enacted the appropriations statute for operating all federal executive agencies, its members assumed that the offices of those agencies would be open five days per week, but Congress did not include such a requirement in its appropriations statute or in any other statute. Is the President's order constitutional?', A. 'No, because the heads of the various executive agencies have final responsibility for the operation of those agencies' offices.', B. 'No, because when they passed the statute appropriating monies for the operation of executive agencies, members of Congress assumed that those agencies' offices would be open five days per week.', C. 'Yes, because the Constitution vests the President with plenary authority to direct the administration of all federal agencies in any manner the President deems expedient.', D. 'Yes, because the order relates to the management of the executive branch and is not prohibited by any statute.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 232:

'A fortune teller told fortunes by means of Tarot cards. An elderly woman, who was worried about her failing health, had heard that the fortuneteller was clairvoyant and could see into the future. Consequently, the woman decided to see the fortuneteller in order to have her Tarot cards read. As the fortuneteller was telling the woman her fortune, she suddenly said, 'I have a vision. If you give me \$25,000 tomorrow, you will live to be 100 years old. ' The woman, who was 72 years of age, believed the fortuneteller and gave her the money the next day. The following week, the woman's physician informed her that she had a serious heart disease and he didn't expect her to live for more than a year or two. If the woman asserts a claim against the fortuneteller based on deceit, the plaintiff should', A. 'prevail, because she relied to her detriment on the fortune teller's foretelling.', B. 'prevail, if the fortuneteller did not honestly believe that the woman would live to be 100 years of age.', C. 'not prevail, unless there was a fiduciary relationship between the parties.', D. 'not prevail, unless the fortuneteller warranted the truth as believed.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 233:

'A major bank foreclosed on a consumer mortgage. After the property was sold at sheriff's sale for \$50,000, the bank sent the consumer due notice of a deficiency still owing of \$10,000. The original note, however, had limited bank's recourse to \$50,000 or higher. There was no response and the bank entered a deficiency judgment for \$10,000. When it started execution proceedings to collect the \$10,000, the defendants entered a defense, arguing that the bank was limited to recourse of \$50,000 or higher. The judgment for \$10,000 was therefore void and unenforceable. Will the court allow enforcement of the deficiency judgment for \$10,000?', A. 'Yes, the court will enforce the judgment because the limitation in the original note is voidable, due to the mortgagors' breach of the mortgage terms.', B. 'Yes, the court will enforce the judgment because advance notice to the mortgagors is all that is required to disregard a limitation in an original note.', C. 'No, the court will preclude the entrance of the deficiency judgment because the limitation clause is still enforceable and is supported by public policy generally against deficiency judgments.', D. 'No, the judgment will not be enforced because deficiency judgments have been declared unconstitutional by the Supreme Court of the United States.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 234:

'A customer at a fish market was leaving the store after purchasing an assortment of shrimp, oysters, and scallops. He was walking along the sidewalk in front of the store when he slipped on a piece of eel. He brought suit against the owner of the market claiming that he suffered leg and back injuries. The owner, although admitting that the customer was injured by slipping on the eel, denied negligence and claimed that the customer was contributorily negligent. At trial, the owner calls a witness to testify that before the fall he heard someone call out to the customer, "Watch it, buddy, you're going to step on that piece of fish. "The witness's testimony is', A. 'admissible, because it is relevant as to the customer's contributory negligence.', B. 'admissible, as a statement of the declarant's present state of mind.', C. 'inadmissible, as hearsay not within any exception.', D. 'inadmissible, because it was not a spontaneous utterance.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 235:

'During a defendant's trial for driving while intoxicated, the prosecutor called a toxicologist to testify as an expert witness. The toxicologist testified that the defendant's blood alcohol level, registered after his arrest, was 0.14%. At the close of the toxicologist's testimony, the trial judge, over defense objections, instructed the jury that, in accordance with state law, a person with a blood alcohol level greater than 0.10% is presumed to be intoxicated. No other instruction relating to that presumption was given. A relevant statute in this jurisdiction makes driving while intoxicated a felony and defines intoxication "as a state of severely impaired mental and physical capacity caused by the ingestion of drugs or alcohol." The defendant was subsequently convicted of driving while intoxicated. On appeal, his conviction should be', A. 'affirmed, because the defendant had an opportunity to rebut the presumption.', B. 'affirmed, because the judge's instruction merely permitted the jury to reach a conclusion that they could have decided upon without the presumption.', C. 'reversed, because the jury might determine that the instruction in effect relieves the prosecutor of the burden of proof beyond a reasonable doubt.', D. 'reversed, because such an instruction may be considered an indication of guilt and, therefore, violative of the defendant's privilege against self-incrimination.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 236:

'There may be a substantial time period between contract formation and final completion of performance. Concerning these executory contracts, which of the following is the least correct?', A. 'A wholly executory contract is where only promises have been exchanged and there has been no performance by either party.', B. 'A partially executed contract means that one party has completed performance while the other party has only promised.', C. 'An executed contract exists when both parties have fully performed and no obligations remain.', D. 'A partially executed contract means that at least one party has begun performance.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 237:

'A suspected drug dealer was arrested after selling three grams of cocaine to undercover police agents. He was subsequently convicted in state court of possession with intent to distribute narcotics.

Following his conviction, the drug dealer was sentenced to a prison term of 10 years. After being sentenced, the drug dealer's attorney appealed the conviction, citing jury misconduct. While his appeal was pending, the drug dealer was then indicted by both a federal and a state grand jury for conspiracy to distribute the same cocaine. The drug dealer's attorney filed motions to dismiss each of the new indictments on the grounds that they violate double jeopardy. In all likelihood, double jeopardy requires the dismissal of', A. 'both indictments.', B. 'the state indictment, but not the federal indictment.', C. 'the federal indictment, but not the state indictment.', D. 'neither of the indictments.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 238:

'A corporation under the authority of a state statute, sued to have condemned 1,000 acres of forested land owned by a tree company. The corporation intended to use the land to develop physical endurance and obstacle courses meant to train private security firms and forest rangers. After a hearing, the state court ordered possession of the land surrendered to the corporation upon deposit in court of a sum deemed adequate to cover damages that might be awarded. The tree company immediately commenced an action to enjoin the court-ordered sale of its property. Assume that the tree company was not given any notice of the condemnation proceedings by the appropriate state authorities. The tree company's best argument for challenging the validity of the condemnation proceedings would be', A. 'violation of procedural due process.', B. 'violation of substantive due process.', C. 'unlawful delegation of legislative power because the state's legislature had no authority to delegate power to a private enterprise for eminent domain.', D. 'the tree company is entitled to a judicial or administrative proceeding in order that the amount of compensation may be determined prior to any "taking. "'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 239:

'Each year the state provides a number of non- interest-bearing loans andlor scholarships to candidates for the degree of L. L. B or J. D. at the state's law school. The applicable state statute limits eligibility to citizens of the United States and aliens seeking U. S. citizenship. A candidate for a J. D. degree at the state law school applied for one of the non-interest-bearing loans. Since he did not intend to seek U. S. citizenship, he was refused the loan for ineligibility under the state statute. In a suit by the candidate challenging the constitutionality of the state statute, he will', A. 'win, because the statute is violative of the privileges or immunities clause of the Fourteenth Amendment.', B. 'win, because classifications by a state that are based on alienage are inherently suspect and subject to close judicial scrutiny.', C. 'lose, because the statute promotes a compelling state interest.', D. 'lose, because alienage classifications are not, per Se, unconstitutional under the Fourteenth Amendment's equal protection clause.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 240:

The owner of a large family estate decided to sell the property. The owner entered into a valid written brokerage agreement with a real estate broker. According to terms of the agreement, the broker promised to undertake best efforts to sell the estate for a purchase price of not less than \$1,250,000. The contract also provided that the broker was to be paid a commission of 5 percent on the gross sale price following the consummation of the sale and transfer of title. The brokerage agreement was effective for a period of two months. One month later, the broker notified the owner that she had found a buyer who wanted to purchase the property for \$1,500,000. That same day, the broker handed the owner a real estate sales contract, signed by the buyer, in which the buyer agreed to pay \$1,500,000 for the purchase of the estate. The owner investigated the buyer and discovered he had sufficient funds to purchase the estate. However, the owner changed his mind and decided not to sell the property. He told the broker that he would not sign the agreement. In addition, the owner told the broker that he was canceling their brokerage agreement because he was withdrawing the estate from the market. The owner also refused to pay the broker any commission. If the broker now sues the owner for breach of contract, which of the following, if anything, is the broker's proper measure of recovery?'. A. 'Nothing, because a condition precedent, namely the consummation of the sale and transfer of title, has failed to occur.'. B. 'Quantum meruit for the reasonable value for services rendered in obtaining a buyer for the property.'. C. '\$75,000, or the commission equivalent of 5 percent on the sale of the property for\$1,500,000, since all conditions precedent to the owner's duty to pay the commission were fulfilled when the broker produced a buyer who was ready, willing and able to perform.'. D. '\$75,000, or the commission equivalent of 5 percent on the sale of the property for\$1,500,000, since the consummation condition to the owner's duty to pay the commission was excused by the owner's refusal without cause to accept the buyer's offer and perform the land sale contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 241:

'A witness in a murder case does not make the same statement faithfully, but rather he has given different versions of his observations at different times to different persons and investigators. The prosecution put the witness on the stand at trial to tell what he observed. The defendant's counsel impeached his testimony by bringing up prior inconsistent statements and accusing him of changing his story for trial.

The prosecution then attempted to rehabilitate his credibility by referencing prior consistent statements. Prior consistent statements are not generally admissible because they are said to be repetitive, cumulative and to unfairly bolster the witness's credibility. Will the court likely allow the prosecution to rehabilitate the witness using prior consistent statements under these facts?', A. 'No, because the witness cannot be rehabilitated once a successful impeachment has occurred.', B. 'No, because it would tend to confuse the jury with too much conflicting evidence.', C. 'Yes, because it is being used to rehabilitate a witness whose credibility was attacked.', D. 'Yes, because all repetitive prior statements are important to show the consistency of the witness' testimony.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 242:

The president of a pharmaceutical firm received a report from his testing bureau that a manufactured lot of the firm's anticancer prescription medication was well below strength. Concerned about being able to fulfill contractual commitments, the president instructed his staff to deliver the defective lot. A cancer patient who had been maintained on the drug died shortly after beginning to take the defective pills. Medical evidence established that the patient would have lived longer had the drug been at full strength, but would have died before long in any event. The president was convicted of murder. On appeal, he argues that his conviction should be reversed. Should the conviction be reversed? A. 'No, because the intentional delivery of adulterated or mislabeled drugs gives rise to strict criminal liability.'. B. 'No, because the jury could have found that the president's conduct was sufficiently reckless to constitute murder.'. C. 'Yes, because distribution of the defective lot was only a regulatory offense.'. D. 'Yes, because the cancer, not the president's conduct, was the proximate cause of death of the patient.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 243:

'An American franchise operates as an importer and distributor of bicycles manufactured by a foreign country, and maintains several warehouses for the wholesale distribution of the bicycles. A warehouse located in a county handles the distribution of bicycles for several states. The bikes and bike tires are shipped separately to the county warehouse. The tires are mingled, stacked, and stored in the warehouse along with various other tires. The bicycles, on the other hand, arrive completely assembled in their shipping crates and remain on the loading docks. The county imposes an ad valorem property tax on the bikes and tires. The county's ad valorem tax may properly be assessed against the', A. 'tires only.', B. 'bicycles only.', C. 'tires and bicycles.', D. 'neither the tires nor the bicycles.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 244:

'An aspiring actress, whose auditions had not been going well, was forced to pawn her mother's pearls to pay rent and buy food. She finally got good news when her agent told her that she had landed a part in a big movie. Delighted, the actress went down to the pawnshop to retrieve her mother's pearls. When she arrived, the clerk told her that she needed to have cash in order to retrieve the necklace. As she had not been paid yet for the movie, the actress called her agent and told him her dilemma. The agent told her he would come down to the pawnshop and fix everything. When the agent arrived, the actress was still arguing with the clerk. The agent pulled the actress aside and told her that he would distract the clerk while the actress snatched the necklace. The agent then pretended to be interested in an antique lighter, and the actress snatched her necklace off the counter and left the store. The agent is subsequently prosecuted for larceny. The defendant could most appropriately be found', A. 'guilty of larceny, but not conspiracy to commit larceny.', B. 'guilty of conspiracy to commit larceny, but not larceny.', C. 'guilty of both larceny and conspiracy to commit larceny.', D. 'not guilty of either larceny or conspiracy to commit larceny.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 245:

'In which situation would the defendant most likely be guilty of murder?', A. 'As a practical joke, the defendant throws a firecracker in a crowded movie theater. A victim, who has a weak heart, becomes frightened and thinks someone is firing a gun. The victim suffers a heart attack and dies.', B. 'The defendant hates her husband after learning that he is having an affair with her best friend. She also knows that her husband owes a man a large amount of money, which he refuses to pay. Before the husband is about to leave for work, the defendant looks out the window and sees the man hiding outside with a gun. The defendant decides not to warn the husband, who then walks outside and is shot and killed by the man.', C. 'The defendant and his friend attended a party together. At the party, the friend became extremely inebriated. The friend asked the defendant if she could borrow his car to drive to the liquor store to buy more booze for the party. Although the defendant was aware of the friend's intoxicated condition, he allowed her to drive his car to the liquor store. The friend drove through a red light and collided with the victim's car. The victim was killed in the accident.', D. 'The defendant keeps a loaded gun in his house for protection. One day, the defendant leaves the gun on the kitchen table and leaves for work. That same day, a robber breaks into the defendant's home, sees the gun, and steals it. The robber then uses the gun to rob a convenience store. During the robbery, the robber shoots and kills the proprietor with the defendant's gun.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: D

Question 246:

'A land-development company was the owner of a 400-acre tract of land in the Southwest. Over the course of time, the land-development company developed two residential subdivisions of the land, an eastern tract and a western tract, each of which contained 150 acres. These subdivisions were created by separate plats that made no reference to each other. The restrictions in the plats were, however, substantially identical. The plats and each deed provided that "the use of the land herein conveyed is restricted to single-family dwellings only, and this covenant is intended to apply to each and every lot in the subdivision and runs with the land, binding every lot owner, his heirs, and assigns. "After all but four lots in each subdivision had been sold by the land-development company, it sold 50 acres of the remaining 100 acres of land to a country club by a deed containing the following provisions:"This deed is executed and accepted with the understanding that the property above described is hereby restricted so that(1) said property may be used as a country club, with a golf course, pool, tennis courts, club house, eating facilities, and other improvements appropriate to a country club. (2) said property may also be subdivided and platted as a residential subdivision similar to the eastern tract and the property shall thereafter be used in accordance with and conveyed subject to residential restrictions that shall conform with those restrictions in force against the eastern tract. (3) the restrictions herein contained shall be deemed covenants running with the land, and for breach of any covenant herein, the land-development company, its successors and assigns may, at its option, re-enter and terminate the estate conveyed hereby. "At the time of this conveyance, the land- development company retained title to the remaining 50 acres in the original 400-acre tract. Thereafter, the land-development company developed an exclusive shopping center on 25 acres of the retained land. In February 2001, the land-development company sold the remaining eight residential lots in the eastern tract and the western tract. The next month, the land-development company executed the following instrument to the country club:"The land-development company, for itself, its successors, and assigns, does hereby release,surrender and quitclaim all rights, title, or other property interest in that certain acres owned by the country club. "At the time this instrument was executed, the country club had built a club house, golf course, and tennis courts on a portion of its land, and it had 25 acres of vacant land remaining. The country club wishes to commence construction of a new high- rise complex (containing a hotel, shopping mall, apartments, etc.) on the 25 acres of vacant land it possesses. In an action by one of the homeowners in the western tract to enjoin construction of the complex, plaintiff will most likely', A. 'succeed, because the homeowner (or any other landowner in the eastern tract or the western tract) as assignee of the land development company could re-enter the land upon breach of condition subsequent.', B. 'succeed, because a common development scheme had been established for the entire 400-acre tract, and the country club's proposed complex would constitute a non-conforming use.', C. 'not succeed, because the land development company's instrument of March 2001 effectuated an abrogation of the deed restrictions on the country club's use of its property.', D. 'not succeed, because in accordance with deed restriction (b), only a homeowner in the eastern tract would have standing to challenge the country club's proposed construction plan.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 247:

'A professor employed by a state university is a well-known critic of foreign policy and has sometimes publicly stated that he wished for the United States to suffer some collective political tragedy in retribution for all the harms it does to the world. The professor was recently involved in a highly visible political protest against the government. The police eventually shut down the protest because they felt that it was becoming unruly. A television crew covered the entire rally. On the six o'clock news that evening, the film of the protest rally was shown during the broadcast. A news anchorman then made the following commentary: "It's a shame that public funds are spent to pay the salaries of such university professors, who are not grateful for what this country has done for them. In my opinion, these people like the professor should be deported. "If the professor asserts a claim based on invasion of privacy against the television station and the anchorman for his television commentary, the most likely result is that the professor will', A. 'not prevail, because the criticism was not directed at the professor personally', B. 'not prevail, because the broadcast was privileged as being in the public interest.', C. 'prevail, because the professor, as a private individual, was placed in a false light.', D. 'prevail, because the comments were made with actual malice.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 248:

'Police officers received an anonymous tip that two men were selling cocaine from the back of a restaurant. The tipster stated to the police that the two men were both tall white men who were wearing jeans and black shirts, the uniform of the restaurant. The tipster also said that one of the men had red hair and was wearing a tan ball cap and the other man had black hair and was wearing a red ball cap. The police set up surveillance on the back of the restaurant and saw the two men make several hand- to-hand transactions. Upon receiving authority to make the arrest from their commanding officer, they waited for the two men to come out again. About two hours later, the two men came out again, this time with a woman. The officers arrested the two men and detained the woman to determine her involvement. The officers took the woman's purse without her consent and searched it for illegal narcotics. In her purse they found three grams of crack cocaine, digital scales, a small glass pipe used for inhaling crack cocaine, and a balloon of black tar heroin. The woman was then arrested on the various drug charges. The woman was thereafter prosecuted and charged with illegal possession of a controlled dangerous substance and possession of drug paraphernalia. She filed a motion to exclude the drugs and the paraphernalia from evidence. Her motion will most likely be', A. 'granted, because the police did not have probable cause to conduct the search of her purse.', B. 'granted, because the police did not secure a warrant before conducting the search.', C. 'denied, because the search was justified, since she was about to leave the scene of the crime.', D. 'denied, because she was sufficiently close or proximate to the crime scene to justify the warrantless search.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 249:

'A woman joined a web site to get her credit reports. The site required creation of an account before she could enter. On that form, a notice appeared in bold letters: "TERMS AND CONDITIONS: This is a Contract. By creating an account, you agree to and accept the terms and conditions for use of this website." She did not access the terms, which she could have done by clicking a conspicuous link. She started an account and paid \$50 for a credit report. For the next 6 months, her credit card was automatically billed \$50, without notice, except that she received email notice that the report was available at the site. The terms and conditions provided that she authorized the charges, unless she notified the company otherwise in advance. Which party will likely prevail on the issue of whether she was bound to pay for the 6 months until she canceled?', A. 'The woman will prevail because terms and conditions have been ruled to be contracts of adhesion that are largely unenforceable.', B. 'The company will prevail because the provision notifying her of the contract is in bold and the contract is easily accessible.', C. 'The woman will prevail because the terms and conditions, or important parts, must be described on the 'create an account' page, which was not done here.', D. 'The company will prevail because any mention of terms and conditions is enough to put the prospective member on notice of contract terms.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 250:

'A pet breeder is in the business of breeding calves at his cattle ranch where he has a stable of prolific cows who are very fertile. The newborn calves need constant attention and care. One day one of the employees inadvertently leaves the fence door open and a newly-born calf breaks free and goes to his neighbor's land. The breeder went to the neighbor's land to retrieve the calf for its safety and to make sure it was unharmed. However, he was arrested on a trespass charge after entering the land. The breeder appealed. Will the court dismiss the charge?', A. 'Yes, because he had a limited privilege to enter the land to prevent harm to his chattel.', B. 'Yes, because the tender pet doctrine allows temporary entry to retrieve baby animals.', C. 'No, because the neighbor had a right to keep any living chattels that crossed onto his land.', D. 'No, because his status as a breeder made him unqualified for a limited license.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 251:

'A sculptor owned a summer cottage on a small lake. In order to facilitate the access to the cottage, the sculptor entered into an agreement with a neighbor, an adjoining land owner, whereby the neighbor, in writing, granted the sculptor a right-of-way over a strip of land 30 feet in width and a quarter of a mile in length along the eastern margin of the neighbor's property. After using the roadway for a year, the sculptor and his family moved to Europe for business reasons. The sculptor and his family have not used the cottage for 11 years because of his employment commitment in Europe. During the sculptor's absence, the neighbor constructed an access ramp to his dock, which obstructed the road to the sculptor's cottage. Upon the sculptor's return from Europe, he goes to his lakefront cottage and discovers the obstructing ramp. The sculptor initiates suit against the neighbor to compel him to remove the ramp. The court would most likely', A. 'hold in the neighbor's favor, because the sculptor's absence for 11 years constituted an abandonment of the easement.', B. 'hold in the neighbor's favor, because the dominant owner is under an affirmative duty to notify the servient tenement holder of non-use.', C. 'hold in the sculptor's favor, because mere non-use, however long continued, will not as a rule effectuate an abandonment.', D. 'hold in the sculptor's favor, because of the validity of the agreement for the express grant of the easement.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 252:

'A husband and his passenger were killed in an auto collision involving a defendant. The husband's wife now brings an action to recover damages for loss of society and companionship. The wife testified that she and her husband had a close relationship and that they were happily married for over 15 years. Then on cross-examination, defendant's counsel asked her if she "was aware of the affair that her husband was having with his passenger?" The wife's attorney immediately objected to this question. The judge should rule that the question is', A. 'objectionable, because the question is beyond the scope of direct examination.', B. 'objectionable, because it was highly prejudicial.', C. 'unobjectionable, because plaintiff's knowledge of such an affair was probative of the value to be placed on her loss.', D. 'unobjectionable, because it was relevant on the issue of negligence.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 253:

'Which of the following offers for the sale of widgets is not enforceable if the seller changes his mind prior to acceptance?', A. 'A merchant tells buyer in writing she will sell the widget for \$35,000 and that the offer will be irrevocable for ten days.', B. 'A merchant writes buyer offering to sell the widget for \$35,000.', C. 'A merchant telegraphs buyer offering to sell the widget for \$35,000 and promises to hold the offer open for ten days.', D. 'A merchant writes buyer offering to sell the widget for \$35,000 and stating that the offer will be irrevocable for ten days if buyer will pay \$1.00. Buyer pays.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 254:

'In 1995, a developer purchased a 100-acre tract located in a northern county of a state. Shortly thereafter, the developer prepared a subdivision plan that created 100 one-acre residential building lots on this tract. In 1996, the subdivision plan was recorded with the county recorder's office. During the next few years, the developer sold 60 residential lots to individual purchasers. Each deed specified that every lot designated on the subdivision plan was to be recorded in the county recorder's office. Each deed also provided the following:"No house trailer or mobile home shall be built or maintained on any lot within the subdivision. "In 2002, the developer conveyed the remaining 40 lots to a builder by deed that included language identical to that contained in the first 60 deeds. By 2007, the builder had sold all of the 40 lots. Each of these deeds identified each lot as being a part of the subdivision, but did not include the clause relating to mobile homes. On January 30, 2008, a man who had purchased one of the residential lots from the builder placed a mobile home on his property. A woman who owns a lot in the subdivision initiates suit against the man to force him to remove the mobile home. Which of the following would be the most accurate statement of law?', A. 'There is no enforceable restriction because the mobile-home provision did not "run with the land. "', B. 'There is no enforceable restriction because the man's deed did not include the mobile-home provision.', C. 'The mobile-home restriction would be enforceable because a common development scheme had been established for the entire subdivision.', D. 'The outcome turns on whether a common development scheme had been organized for the entire subdivision.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 255:

'A widower had three children: one was unmarried and the other two were married with children. When he became chronically ill and could not care for himself, his unmarried daughter moved into his home to take care of him. As time went on, the widower became senile, lost touch with reality, and required continuous care. When that happened, the caretaking daughter made out a deed to herself as grantee and had him sign as grantor. He was not aware of what he was doing when he signed it. After the widower died, the two married children sued to have the deed set aside for mental incompetence. Assuming they can prove the foregoing allegations, will the court likely strike down the deed?', A. 'No, because the caretaking daughter had a right to the property in return for all of the work that she performed.', B. 'No, because every deed is strongly presumed to be valid when signed.', C. 'Yes, because he did not have the mental capacity to understand the nature of his act or the meaning of the legal instrument he signed.a', D. 'Yes, because it was obtained by mutual mistake.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 256:

'A farmer owned a piece of land on which he grew strawberries. Over the years, the farmer had earned a reputation for growing strawberries that were extremely sweet and juicy. For that reason, consumers always looked forward to strawberry season, when the farmer's strawberries would be available. Hoping to capitalize on the farmer's reputation, a produce retailer who operated three stores in the area contacted the farmer about the possibility of carrying the farmer's strawberries in his stores. After lengthy negotiations, the parties executed the following written agreement:"The farmer will supply the retailer with all of its needs of strawberries from April through July each year for the next three years. The retailer will pay \$5. 00 per bushel of strawberries delivered. "On April 1 of the first year of the contract, the retailer submitted an order for 75 bushels of strawberries. Upon receiving the order, the farmer sent the retailer the following fax:"Your order was way more than I anticipated. IfI sent you that many strawberries I would not have enough for my other customers. I can send you 50 bushels, but no more. "The retailer then notified the farmer that if he did not deliver all 75 bushels, the retailer would sue him for breach of contract. The agreement entered into between the farmer and the retailer would best be described as a (an)', A. 'illusory contract.', B. 'best efforts contract.', C. 'requirements contract.', D. 'aleatory contract.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 257:

'Following their law school graduation party, a graduate and his roommate were driving home in an automobile that was owned and operated by the graduate. As they were approaching an intersection, their vehicle collided with a motorcycle whose rider was seriously injured in the accident. The rider sued the graduate for operating his motor vehicle in excess of the speed limit. In addition, the roommate brought suit against the rider for operating his motorcycle negligently and driving through a red light. The roommate subsequently reached an out- of-court settlement with the graduate and dismissed the lawsuit against him. At trial against the rider, the roommate testified that he observed the rider drive his motorcycle through a red light and then swerve into the path of the graduate's automobile. In rebuttal, the rider offered into evidence the roommate's complaint against the graduate alleging that the latter was driving "at an excessively high rate of speed at the time the accident occurred. "The complaint is', A. 'admissible as an admission.', B. 'admissible as a declaration against interest.', C. 'admissible under the former testimony exception to the hearsay rule.', D. 'inadmissible, because the suit was dismissed as part of a compromise.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 258:

'A riot broke out in a city, and many shops had been looted and some had been burned during the riots. Goods of all kinds were in piles or strewn about the sidewalk. During the riot, a defendant was walking along the street when he paused in front of an appliance store. He picked up a portable television set that was lying on the sidewalk and started to walk off quickly. A police officer who was standing in front of the shop rushed after the defendant and arrested him. The defendant, an indigent, was charged with grand larceny, a felony carrying the maximum penalty of seven months imprisonment and a \$ 1,000 fine. At his arraignment, the judge advised the defendant of his right to have counsel appointed for him. The defendant, however, told the judge that he wanted to represent himself and waive his right to a jury trial. The judge then questioned the defendant at length about his demands. The defendant indicated that he had no previous legal experience. He told the judge that the reason he didn't want a court-appointed attorney to represent him was because he didn't trust lawyers. The judge did not find the defendant's reasons for representing himself to be persuasive and appointed an attorney to represent him. Thereafter, an attorney was appointed by the court to represent the defendant. The attorney told the court that the defendant wanted a non-jury trial. However, at the prosecution's request, the court impaneled a jury. The defendant was subsequently convicted by the jury and sentenced to six months imprisonment. In addition, the defendant was ordered to reimburse the state \$450 to cover the cost of his attorney. This reimbursement order was made pursuant to a relevant statute in effect at the time of the defendant's arrest. The defendant appeals both the conviction and the reimbursement order. The appellate court should', A. 'affirm both the conviction and the reimbursement order.', B. 'affirm the conviction, but not the reimbursement order.', C. 'reverse the conviction because he was denied the right to a non-jury trial, but not the reimbursement order.', D. 'reverse both the conviction and the reimbursement order because the defendant was denied the right to represent himself.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 259:

'A resident in an exclusive residential area is a marine biologist. To aid in his study of sharks, he had a large tank built in his backyard in which he placed a great white shark. Aside from a smell that emanated from the tank, some neighbors were concerned and afraid to let their children outside for fear that they would wander onto the resident's property. In order to convince his neighbors that they had nothing to fear, the resident invited them over to view the shark tank. While a neighbor was standing near the tank, the shark splashed its tail, and the neighbor got very wet. The neighbor, who had a cold, developed bronchitis. If the neighbor sues the resident for damages incurred from being drenched by the shark and bases her suit on strict liability, she will most likely', A. 'recover, because the possessor of wild animals is strictly liable for all injuries caused to others by the animals.', B. 'recover, because the smell from the shark tank was a nuisance.', C. 'not recover, because she suffered injury only because she had a cold and, therefore, was unusually vulnerable to harm from being splashed with water.', D. 'not recover, because she did not suffer the type of harm normally inflicted by a shark.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 260:

'While walking across the street one afternoon, a pedestrian was hit by a car and thrown down in the middle of the intersection. The driver of the vehicle did not stop. Although he never lost consciousness, the pedestrian was in excruciating pain and has been taking strong painkillers since the accident that have affected his memory of the accident. At trial, the pedestrian calls a renowned hypnotist to testify. The hypnotist proposes to testify that after he placed the pedestrian under a hypnotic spell, the pedestrian gave a detailed account of the accident and told the hypnotist that the driver ran a red light and that the driver's license plate number was GJJO-7 14. The driver concedes that his license plate number is GJJO-7 14. The hypnotist's proposed testimony will most likely be held to be', A. 'admissible, because the license plate identification substantiates that the other information is accurate and trustworthy.', B. 'admissible, because it is a statement of past recollection refreshed.', C. 'inadmissible, because it is hearsay not within any recognized exception.', D. 'inadmissible, because statements procured through hypnosis cannot be authenticated as truthful.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 261:

'A female employee was fired as an executive assistant at a time when she was seven months pregnant. She brought a Title VII civil rights action in federal court for gender discrimination against the employer. At trial, a former co-worker of the woman was not allowed to testify that she heard the human relations manager saying in an informal meeting that the plaintiff and her predecessor were both fired due to what the manager described as "pregnancy complications." The proposed witness had been a vice-president of the company and a close adviser to the president. Without the benefit of that vital testimony, the jury entered a verdict for the defendant employer. On appeal, the plaintiff argued that the testimony should have been allowed and that it was not hearsay under the federal rules. Will the court likely grant the appeal, and order a new trial?', A. 'No, because the statement is clearly hearsay with no exception to the hearsay rule being applicable.', B. 'No, because it was based on things that the co-worker heard from others, making double-hearsay that is never admissible.', C. 'Yes, because that kind of testimony is reliable and not excludable as hearsay.', D. 'Yes, because it was admissible under the "spontaneous utterance" exception to the hearsay rules.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 262:

'A manufacturer of widgets entered into a written agreement to deliver 500 widgets to a buyer. The contract provided that the widgets would be shipped C. O. D. The manufacturer subsequently delivered 490 widgets, which were accepted and paid for by the buyer. If the buyer brings suit for breach of contract against the manufacturer, the buyer will most likely', A. 'not recover, because under the circumstances the manufacturer substantially performed.', B. 'not recover, because the buyer accepted delivery of the 490 widgets.', C. 'recover, because the manufacturer failed to perform his contractual obligation.', D. 'recover, because the manufacturer's failure to deliver the additional widgets resulted in a material breach.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 263:

'A husband was about to leave his home for work one morning when his wife ran in from the kitchen explaining that their 4-year-old son had just swallowed some medicine that had been prescribed for use as a skin lotion. Dashing to the car, the husband then drove his wife and ailing son to the nearest hospital. On the way to the hospital, the son had a seizure and stopped breathing. Seconds later, the car went out of control despite the husband's reasonable efforts, swinging across the center line into oncoming traffic, where it collided with a car driven by a driver who was driving in the opposite direction. In this jurisdiction, a statute makes it a misdemeanor for any motor vehicle to travel to the left of the center line of any two-way highway, road, or street. If the driver asserts a claim against the husband, the most likely result is that the plaintiff will', A. 'prevail, because the husband is strictly liable for violating the statute.', B. 'prevail, because the statute was designed to protect motorists such as the driver.', C. 'not prevail, because the driver had the last clear chance to avoid the accident.', D. 'not prevail, because the husband was acting reasonably in an emergency.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 264:

'A woman went to a commercial building for a business meeting. After the meeting, she was injured in the building's elevator as it suddenly fell and crashed to the basement from the third floor. She sued the building's owner, but at trial the only evidence she had regarding the issue of negligence was that she was in the elevator when it malfunctioned. Will the trial judge dismiss the case as a matter of law without letting it go to the jury?', A. 'Yes, because the injured person always has the affirmative burden of proving negligence.', B. 'Yes, because it cannot be presumed that the building owner was negligent.', C. 'No, because the elevator was under the owner's exclusive control and accidents of this nature do not ordinarily occur in the absence of negligence.', D. 'Yes, because the woman assumed the risk when she decided to use an obviously dangerous instrumentality.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 265:

'A husband and wife had been married for 10 years. The wife obtained a divorce from the husband after learning that he was engaging in an extramarital love affair with one of his co-workers. Following the divorce, the husband was arrested and charged with embezzling funds from his employer during a two- year period. In preparing for trial, the prosecuting attorney interviewed the wife, who stated that during their marriage, the husband admitted committing the embezzlement. This jurisdiction has adopted both the common-law marital and spousal privileges. At the husband's trial, the wife is called to testify regarding statements the husband made to her during the marriage regarding commission of the crime. Upon objection by the husband's attorney, the wife's testimony will be', A. 'admissible, under both the marital and spousal privileges.', B. 'admissible, under the spousal privilege but not admitted under the marital privilege.', C. 'admissible, under the marital privilege but not admitted under the spousal privilege.', D. 'inadmissible, under either the marital or spousal privileges.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 266:

'For the past 20 years a city by the beach has been a popular location for surfboarding. City residents have recently complained that the surfers are creating a public nuisance by littering the beaches, harassing sunbathers, and injuring swimmers with their surfboards. As a consequence, the city adopted an ordinance prohibiting all surfing on its beaches. The newly enacted ordinance further prohibited the sale of surfboards within the city's limits. An out of state surfboard manufacturer had planned to sell a new line of fiberglass surfboards in the city in the upcoming year. This is now precluded by the recently adopted measure. If the manufacturer seeks to enjoin application of the city ordinance, which of the following is the WEAKEST defense for the city?', A. 'There is no case or controversy.', B. 'The manufacturer's case is moot.', C. 'The manufacturer lacks standing.', D. 'The case is not ripe.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 267:

'A father lived with his son, who was addicted to crack cocaine. Under its influence, the son often became violent and physically abused his father. As a result, the father always lived in fear. One night, the father heard his son on the front stoop making loud obscene remarks. The father was certain that his son was under the influence of crack and was terrified that he would be physically beaten again. In his fear, he bolted the front door and took out a revolver. When the son discovered that the door was bolted, he kicked it down. As the son burst through the front door, his father shot him four times in the chest, killing him. In fact, the son was not under the influence of crack or any drug and did not intend to harm his father. At trial, the father presented the above facts and asked the judge to instruct the jury on self-defense. How should the judge instruct the jury with respect to self-defense?', A. 'Give the self-defense instruction, because it expresses the defense's theory of the case.', B. 'Give the self-defense instruction, because the evidence was sufficient to raise the defense.', C. 'Deny the self-defense instruction, because the father was not in imminent danger from his son.', D. 'Deny the self-defense instruction, because the father used excessive force.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 268:

'A landlord orally leased a commercial building to a tenant for a 10-year term, which ended one year ago. At the beginning of the lease term, the tenant installed numerous appliances in the building as well as a large air-conditioning system. The tenant alone paid for these items; they were installed with the landlord's permission and were used for the tenant's commercial enterprise. At the end of the lease term, the tenant failed to vacate the premises in a timely manner and continued to pay rent while remaining in possession for another four months. Before vacating the building at the end of the fourth month, the tenant removed the appliances and the air-conditioning system that he had installed, causing no damage to the building. Was the removal by the tenant proper?', A. 'No, because he was a holdover tenant.', B. 'No, because the lease was oral.', C. 'Yes, because they were accessions.', D. 'Yes, because they were trade fixtures.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 269:

'At 10:00p. m. onNovember 14, a driver was operating his automobile along Main Street. As the driver was approaching the intersection of Main Street and First Avenue, a motorist, who was driving straight through a red light, suddenly appeared before him. Trying to avoid the motorist, the driver veered his car onto the sidewalk. The car landed in a deep hole in the sidewalk. This hole had been dug by a construction company, which had been repairing a water main break earlier in the day. The construction company had been hired by the local municipal water department. Although the' construction company had erected a warning sign advising pedestrians about the hole, there was no fence or barrier surrounding it. When the driver's car fell into the hole, it ruptured the water main, engulfing the car with water. Within a short time, the driver, unable to escape, drowned in his car, which rapidly filled with water. In a wrongful death action by the driver's estate against the municipal water department, the estate will most probably', A. 'prevail, because sovereign immunity would not attach to non-delegable duties, which are proprietary in nature.', B. 'prevail, because the city government would be strictly liable for failing to ensure the water main repair work was done properly.', C. 'not prevail, because the municipal water department would not be liable for the negligence of its independent contractor.', D. 'not prevail, because sovereign immunity attaches to functions that are governmental in nature.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 270:

'A landlord leased a commercial building to a tenant for five years. Rent was payable on the first day of each month, and the landlord retained the right to terminate the lease if the tenant defaulted. The lease term ended 18 months ago. However, the tenant has stayed in possession of the building and has continued to pay the rent on time. The landlord has continued to accept the rent. The fair rental value of the building is now substantially more than what the tenant has been paying, and the landlord recently found a third party who will pay the higher rent. When the tenant paid the rent six weeks ago, the landlord accepted paid the rent six weeks ago, the landlord accepted the rent but told the tenant in writing that she had to vacate at the end of the month. The tenant, who is still in possession of the building, has informed the landlord that she does not want to move and is willing to pay the current fair rental value. The landlord has asked his lawyer for advice regarding the right to possession. Who should the lawyer say is entitled to possession?', A. 'The landlord, because he gave proper notice to terminate the tenancy.', B. 'The landlord, because he retained the right to reenter.', C. 'The tenant, because she has stated that she is willing to pay the current fair rental value.', D. 'The tenant, because the landlord has not shown good cause to terminate the tenancy.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 271:

'A police officer entered a private home in response to a reported disturbance. She found no disturbance but did witness the two male residents engaging in consensual sexual relations with each other. She arrested and charged them with 'deviate sexual intercourse', a state law that prohibits two persons of the same sex from engaging in mutual sexual relations. After conviction and unsuccessful appeals in the state courts, the men appealed to the United States Supreme Court. What is the likely holding and reasoning of the Supreme Court?', A. 'The statute violates the men's right to liberty encompassed within the constitutional guarantee of substantive due process.', B. 'The federal constitution cannot be used to interfere with a state's right to regulate sexual morality.', C. 'The statute is unconstitutional primarily because it infringes the men's right to freedom of expression under the First Amendment.', D. 'The relationship in question is not protected by the right to privacy and is subject to a state's criminal regulation.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 272:

'A customer went into a bar to have a drink. The bar was crowded because a championship boxing match was being shown on the television sets in the bar, and many people had gone to the bar to watch it. During the second round of the boxing match, someone bumped into the customer, causing him to spill a drink on his pants. "Hey, watch what you're doing, jerk!" the customer said. The person who had bumped the customer was an employee of the bar hired as a bouncer to deal with unruly customers. Angered by the customer's statement, the employee immediately turned around and punched the customer in the mouth. If the customer asserts a battery claim against the owner of the bar, the customer will most likely', A. 'prevail, because it was reasonably foreseeable that fights would occur in a crowd of people who were drinking a lot of alcohol.', B. 'prevail, because the person who punched the customer was employed as a bouncer.', C. 'not prevail, because the owner did not touch the customer.', D. 'not prevail, because the owner should not be responsible for the intentional acts of the employee.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 273:

'On March 1, a man and a contractor executed a contract that provided that the contractor would construct a two-level redwood deck on each of the eight specified beach houses in a city that the man owned, with all work to be completed by May 1. The contract provided the following:"The cost is \$2,500 per deck, to be paid upon completion of the decks in each of the eight beach houses. "On the morning of March 25, the man went to one of the beach houses as the contractor and his assistants were completing the work on the fourth deck. The man said to the contractor, "I'm very pleased with your progress to date. If you are willing, I would like you to build the same kind of decks on four identical beach houses that I own in a neighboring town, on the same terms and conditions as our existing contract, the work to be completed by May 20. If you can meet that deadline, I'll pay you \$10,000 at that time. " The contractor replied, "Agreed. Let's shake hands on it. " They shook hands. The contractor completed the work on the beach houses located in the city by April 15 and immediately started the construction of the decks on the four beach houses located in the town. On April 22, a hurricane totally destroyed four of the man's beach houses in the city. In addition, the hurricane demolished a beach house in the town on which the contractor had completed 85 percent of the deck work. Two of the contractor's assistants were seriously injured, and all of his equipment was washed away. The man then received a letter from the contractor, which stated:"The hurricane destroyed my equipment, worth \$4,000. I am dead broke and cannot complete the work on the three remaining beach houses in the town. Please pay me \$20,000 for the work I did in the city, and please send me \$2,500 for the deck I built on the beach house in the town. "What is the maximum amount that the contractor may recover from the man for the construction that he completed prior to the hurricane?', A. '\$10,000. 00', B. '\$10,000 plus the amount due for 85 percent of the completed work on the town beach house.', C. '\$20,000. 00', D. '\$20,000 plus the amount due for 85 percent of the work completed on the town beach house.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 274:

'A man hired a videographer to film his daughter's wedding. The written contract entered included a "payment clause," which provided that the videographer would be "paid \$10,000 for the filming and editing of a 60-minute video of the wedding and the reception. " The man included in the contract a stipulation that the video would be filmed using high definition equipment. The contract made no other reference to compensation. Thereafter, the videographer filmed and edited the 60-minute video, using high definition equipment, and presented it to the man. The videographer then submitted to the man an invoice statement in the amount of \$15,000. Besides the \$10,000 contract figure, the bill included a \$5,000 charge for the use of the high definition equipment. Denying any additional liability, the man sent the videographer a check for \$10,000. The videographer then brought suit against the man to recover the additional \$5,000. Which of the following arguments would be most persuasive to support the videographer's contention that when the written contract was executed, the man agreed to pay the videographer \$5,000 for use of the high definition equipment in addition to the \$10,000 fee?', A. 'According to the customary trade practice of the video industry, a \$10,000 fee for filming and editing means \$10,000 in addition to a supplemental charge if high definition equipment is used.', B. 'An oral agreement to that effect, if provable, would only supplement, not contradict, the "payment clause" as written.', C. 'Under the UCC, extrinsic evidence, if available, of additional terms agreed to by the parties is admissible unless such terms "would certainly vary or contradict those contained in the document. "', D. 'Assuming arguendo that the written "payment clause" was fully integrated and neither patently nor latently ambiguous, equitable considerations require admission of extrinsic evidence, if available, of the parties' intent, since the videographer would stand to lose \$5,000 on the contract.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 275:

'A senior associate in a law firm was conducting spot checks of other associates as they left the office to determine who had taken some documents that were missing from the firm's library. A young associate was leaving his office for the day when he was stopped by the defendant, who asked him to open his briefcase. The senior associate explained that some files from the law office had been stolen. Startled, the young associate refused to permit the senior associate to look in his briefcase. The young associate said that he had personal papers in his briefcase and he didn't want the senior associate to see them. Having his suspicions aroused, the senior associate raised his clenched fist and exclaimed, "If you don't hand over that briefcase, I'm going to punch you in the mouth. " The young associate, who, unknown to the senior associate, suffered from a serious heart condition, had a seizure and died as a result of fright produced by the threatened attack. Which of the following is the most serious crime for which the senior associate should be found guilty?', A. 'Assault.', B. 'Voluntary manslaughter', C. 'Involuntary manslaughter.', D. 'Murder.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 276:

'An investor and a developer own adjoining lots in the central portion of a city. Each of their lots had an office building on it. The developer decided to raze the existing building on her lot and to erect a building of greater height. The developer has received all governmental approvals required to pursue her project. There is no applicable statute or ordinance (other than those dealing with various approvals for zoning, building, etc.). After the developer had torn down the existing building, she proceeded to excavate deeper. The developer used shoring that met all local, state, and federal safety regulations, and the shoring was placed in accordance with those standards. The investor notified the developer that cracks were developing in the building situated on the investor's lot. The developer took the view that any subsidence suffered by the investor was due to the weight of the investor's building and correctly asserted that none would have occurred had the investor's land been in its natural state. The developer continued to excavate. The building on the investor's lot did suffer extensive damage, requiring the expenditure of \$750,000 to remedy the defects. Which of the following is the best comment concerning the investor's action to recover damages from the developer?', A. 'The developer is liable, because she removed necessary support for the investor's lot.', B. 'The developer cannot be held liable simply upon proof that support was removed, but may be held liable if negligence is proved.', C. 'Once land is improved with a building, the owner cannot invoke the right of lateral support.', D. 'The developer's only obligation was to satisfy all local, state, and federal safety regulations.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 277:

'A shop owner domiciled in State A sued a distributor in a federal district court in State A for breach of a contract. The shop owner sought \$100,000 in damages for allegedly defective goods that the distributor had provided under the contract. The distributor is incorporated in State B, with its principal place of business in State C. The distributor brought in as a third-party defendant the wholesaler that had provided the goods to the distributor, alleging that the wholesaler had a duty to indemnify the distributor for any damages recovered by the shop owner. The wholesaler is incorporated in State B, with its principal place of business in State A. The wholesaler has asserted a \$60,000 counterclaim against the distributor for payment for the goods at issue, and the distributor has moved to dismiss the counterclaim for lack of subject-matter jurisdiction. Should the motion to dismiss be granted?', A. 'No, because the wholesaler's and the distributor's principal places of business are diverse.', B. 'No, because there is supplemental jurisdiction over the wholesaler's counterclaim.', C. 'Yes, because there is no diversity of citizenship between the distributor and the wholesaler.', D. 'Yes, because there is no diversity of citizenship between the shop owner and the wholesaler.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 278:

'A grantor executed a deed by which he conveyed his apartment building for a consideration of one dollar, receipt of which was acknowledged, "to my son for life, then to my uncle for life, but if my uncle moves to another state, to my brother for the life of my uncle, then to the heirs of my uncle if my uncle does not move to another state, and to the heirs of my brother if my uncle does move to another state. " This deed was promptly recorded. During the son's lifetime, the brother's interest may best be described as a (an)', A. 'estate pur autre vie.', B. 'contingent remainder pur autre vie.', C. 'vested remainder pur autre vie.', D. 'shifting executory interest pur autre vie.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 279:

'A corporation under the authority of a state statute sued to have condemned 1,000 acres of forested land owned by a timber company, which it planned to develop for use as a state recreational area. After a hearing, the state court ordered possession of the land surrendered to the corporation, upon deposit in court of a sum deemed adequate to cover damages that might be awarded. The timber company immediately commenced an action to enjoin the court-ordered sale of their property. Which of the following would be the best ground for upholding the state court's order?', A. 'The power of eminent domain may only be delegated directly to a private enterprise for a public related use or activity.', B. 'The power of eminent domain may only be delegated to a public authority through a legislative determination.', C. 'The injured party has not proved such irreparable injury to use as amounts to a "taking. "', D. 'The Fifth Amendment's power of eminent domain incorporated by the Fourteenth Amendment as applicable to the states does not require that payment be made prior to condemnation of the property.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 280:

'An illegal alien and her three children live in a U. S. city. The city council has enacted an ordinance requiring illegal aliens to pay a \$100 "school fee" for each child enrolled in a city public school. Citizens and legal aliens are not required to pay the school fee. The city council has enacted this law to raise funds to hire additional teachers who are bilingual. The city determined that over 15% of children attending public schools in the city were illegal aliens. Furthermore, the city conducted a study and found that the overwhelming majority of illegal aliens residing in the city did not pay any local property taxes. As a result, since the city provided educational benefits to the children of illegal aliens, the school fee furthered a significant governmental interest. The illegal alien, who is indigent, is unable to pay the city school fee. The city will not allow her children to attend school unless the fee is paid. If she seeks your legal advice regarding the constitutionality of the fee, you should advise her that the ordinance is', A. 'valid, because the city can demonstrate that the school fee is necessary to further a compelling governmental interest.', B. 'valid, because the imposition of the school fee is substantially related to a legitimate governmental interest.', C. 'invalid, because denying educational services to children of undocumented aliens is not substantially related to an important governmental interest.', D. 'invalid, because the cost of educating the children imposed an undue burden on the public school system by requiring the school board to hire additional bilingual teachers.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 281:

'A shopkeeper is the owner of a vacant lot in fee simple absolute (the record title is also in the shopkeeper). In 1960, the shopkeeper conveyed the property by general warranty deed as follows: "The grantor hereby conveys the vacant lot to my friend, but if the property shall ever be used for church purposes, then to the children of my sister who reach the age of 25." At the time of the conveyance, the sister was single. Thereafter, the sister married and had two sons. Subsequently, one son died in an automobile accident. Three years after that son's death, the sister had a daughter. In an appropriate action to determine the ownership rights to the vacant lot with all minors represented, title is in', A. 'the friend only.', B. 'the friend, the son, and the daughter.', C. 'the friend, the son, the daughter, and any additional children of the sister born during her lifetime.', D. 'the friend, the son, the daughter, and any additional children of the sister born within 21 years after the death of the deceased son.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 282:

'A man was out taking a walk one evening when he realized that he needed to use a bathroom. The closest building was a private gymnasium. The man approached the building, and saw a sign on the door that said, "Members only ■■■No restroom facilities available for non-members. " The owner of the gym hung up the sign because he knew that people frequently entered the gym just to use the restroom, and he was annoyed by this. However, the owner of the gym knew that the sign was not effective and that people still regularly entered the gym just to use the restroom. The man needed to use the bathroom very urgently, so he entered the building despite the sign. The restrooms were near the front door of the gymnasium. The man walked directly to the restroom as soon as he entered the building. The clerk working at the front desk in the gymnasium was busy and did not notice the man enter the building or the restroom. After making use of the restroom facilities, the man washed his hands and proceeded to turn on the electric blow dryer. The dryer, because of a malfunctioning heating coil, emitted intense heat, which caused severe burns to the man's hands. The man was unaware of the fact that 15 minutes earlier, a gym member had received similar injuries from the malfunctioning dryer and notified the gym's owner. The owner immediately taped a "DO NOT USE" sign to the dryer. However, the sign had fallen to the floor and was lying face down under the bathroom sink when the man was making use of the restroom. Which of the following would best describe the duty of care that the gym owed to the man?', A. 'No duty of care.', B. 'A duty to inspect the premises for unknown dangers and to disclose their existence to others.', C. 'A duty to warn of any known dangerous conditions on the premises.', D. 'An absolute duty of care.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 283:

'An owner of a solar heated residence filed a lawsuit that tried to enjoin her neighbor from building a house that would totally interfere with her access to daily sunlight. The neighbor's plan conformed to all local building ordinances and land use regulations. The owner had been in the house for 10 years and the neighbor recently bought the adjoining lot. The owner showed that a different placement of the house would not interfere with her use and enjoyment of her residence. The trial judge ruled in favor of the defendant on the basis that the defendant had a right to build his house anywhere as long as he followed the building/zoning laws. The owner appealed. Will the appellate court likely reverse the trial court's decision?', A. 'Yes, because blocking a neighbor's sunlight is a constitutional deprivation of substantive due process.', B. 'Yes, because the proposed use is a private nuisance that unreasonably interferes with the owner's use and enjoyment of her property.', C. 'No, because the trial court was correct in ruling that there had to be some violation of building regulations before the construction could be enjoined.', D. 'No, because a comparative evaluation of the benefits and detriments of each position favor the neighbor's position.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 284:

'A defendant was suspected of having burglarized his neighbor's apartment. The neighbor reported that his apartment had been ransacked and several items of clothing had been stolen. During the course of their investigation, two police detectives went to the defendant's place of work to interview him. After being advised of his Miranda rights, the defendant requested permission to call his attorney. Although his attorney was unavailable, the attorney's receptionist admonished him not to say anything. The defendant told the detectives he would have nothing further to say unless his attorney was present. The detectives then asked him if he would accompany them to the police station to answer some questions about an unrelated robbery. The defendant agreed. As they were driving to the police station, the defendant was asked where he had purchased the boots that he was wearing. He refused to answer. When they arrived at the police station, the detectives requested that he sign a waiver of his right to counsel. The defendant replied that he would not sign anything in the absence of his attorney. He was then placed in an interrogation room. Shortly thereafter, the defendant was told he could leave if he would be willing to say where he had purchased his boots. The defendant admitted that he had bought the boots and some shirts from a friend. From this information, the detectives obtained a search warrant and went to the defendant's home where they found the stolen clothing. The defendant is charged with burglarizing the apartment. At trial, the court should', A. 'admit the confession because it was voluntary, and the clothing because it was obtained pursuant to a valid search warrant.', B. 'suppress the confession because it was obtained in violation of his Sixth Amendment right to counsel, but admit the clothing because it was obtained pursuant to a valid search warrant.', C. 'suppress the confession because the defendant failed to sign the waiver, but admit the clothing because it was obtained pursuant to a valid search warrant.', D. 'suppress the confession because it was obtained in violation of his Fifth Amendment right to counsel, and the clothing because the search warrant was secured as a result of the confession.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 285:

'A man and a woman are adjoining homeowners in a residential neighborhood. The man begins to operate a slaughterhouse in his backyard. The putrid smell from the slaughterhouse travels over the woman's property. The woman and her family members find the odor to be foul and nauseating. As a result of the man's slaughterhouse, the value of the woman's property was diminished by 20 percent, and the woman incurred expenses for prescription drugs to treat her family's nausea. There is no applicable zoning ordinance preventing the man's slaughterhouse operation. The woman has asserted a nuisance action against the man. The complaint seeks recovery for damages and injunctive relief enjoining operation of the slaughterhouse. The court should', A. 'award damages, but not grant injunctive relief.', B. 'grant injunctive relief, but not award damages.', C. 'grant injunctive relief and award damages.', D. 'neither award damages nor grant injunctive relief, because there was no violation of any ordinance.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 286:

'A man was arrested and charged with sexually assaulting a child. At trial, in its case-in-chief, the prosecution seeks to introduce evidence that the man had twice been previously involved in similar cases with other children. The prosecution argues that these past crimes demonstrate the likelihood that the man molested this child. Defense counsel objects to the evidence regarding other children. The judge should find the evidence', A. 'admissible, because the man's past crimes may be introduced to show that he is more likely to have committed the crime with which he is charged.', B. 'admissible, because a common plan or scheme may be proven by other similar criminal acts.', C. 'inadmissible, because past crimes may not be introduced to prove disposition to commit certain acts.', D. 'inadmissible, because the prosecution cannot initiate evidence of bad character.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 287:

'Ann, Bea, and Carla were three friends who lived in the same neighborhood. While Ann was away on a business trip, someone broke into her garage and stole her golf clubs. The next week, Ann was planning to go on vacation and asked Bea if she could borrow her golf clubs. Bea agreed and loaned her golf clubs to Ann, who promised to return them after her vacation. When Ann returned home, she kept the golf clubs and continued to use them. A few weeks later, Bea was having dinner with Carla and learned that Carla owed Ann \$4,000. Carla had just been laid off from her job and did not have the money to repay Ann. Bea told Carla that she would contact Ann and make arrangements to repay the loan on her behalf. Thereupon, Ann and Bea entered into a written agreement wherein Bea promised to pay Ann, at a rate of \$400 a month, the matured \$4,000 debt that Carla owed Ann. In the same written instrument, Ann promised to return Bea's golf clubs, which she still had in her possession. Ann, however, made no written or oral commitment to forbear to sue Carla to collect the \$4,000 debt; and Bea made no oral or written request for any such forbearance. After this agreement between Ann and Bea was signed and executed, Ann promptly returned the golf clubs to Bea. For the next six months, Bea made and Ann accepted the \$400 monthly payments as agreed. During that period, Ann, in fact, did forbear to take any legal action against Carla. However, Bea then repudiated her agreement with Ann, and 30 days later Ann filed a contract action against Bea. Assume that the applicable statute of limitations on Ann's antecedent claim against Carla expired the day before Ann filed her contract action against Bea. Which of the following is the most persuasive argument that Bea is not liable to Ann under the terms of their written agreement?', A. 'Since Ann did not expressly promise to forbear to sue Carla to collect the antecedent \$4,000 debt, Ann's forbearance for six months could not constitute consideration for Bea's promise.', B. 'Since the written agreement between Bea and Ann shows a gross imbalance between the values of the promises exchanged, the consideration for Bea's promise was legally insufficient to support it.', C. 'Since Carla, when the agreement between Ann and Bea was made, had a pre-existing duty to repay the \$4,000 debt to Ann, there was no consideration for Bea's promise to Ann.', D. 'Since Ann had a pre-existing duty to return Bea's golf clubs to her when the agreement between Ann and Bea was made, there was no consideration for Bea's promise to Ann.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 288:

'In a secluded county, where prejudice festers and discrimination flourishes, there is a lovely lake, which the county has developed and maintained for recreational purposes. Although it is not the only lake in the county, it is the largest and most scenic, and it attracts visitors from miles around. One of its biggest assets is the excellent fishing and boating, which is available to the public at large. Three years ago, in order to enhance the recreational aspects of the lake, the county leased a sizable portion of the lake and surrounding parkland to a company owned by the most prominent family in the county. The lease required the company to construct and operate a first-rate yacht house and club, complete with bar, restaurant, and private marina, and to pay the county 10% of its net profits as rent. The company set up bylaws, which were reviewed and approved by the county at the time the lease was negotiated. According to the bylaws, the yacht club, complete with its restaurant and bar, would be open to members only, and the membership committee was empowered to set up strict membership "standards," as well as the cost of membership fees and dues. Upon completion of the facilities, the state granted the company a license to sell alcoholic beverages in its restaurant and bar. The membership committee announced that the membership fee was \$5,000 and the monthly dues \$75. Furthermore, the membership committee had a policy of approving only membership applications from men, while disapproving and denying all applications from women. There were other similar facilities within the county available to women. A woman resident of the county brings suit against the company, claiming that her membership application was denied only because she is a woman, and that its policy of excluding women as a group denies her equal protection rights. Which of the following is the most accurate statement?', A. 'The plaintiff will lose, because classifications based on sex have not yet been held to violate the equal protection clause.', B. 'The plaintiff will prevail unless denial of membership to women can be justified by some "compelling interest," since such discrimination is "suspect" and requires the strictest equal protection test.', C. 'The plaintiff will lose, because other similar facilities are available to women.', D. 'The plaintiff will prevail unless the company can prove some important basis for the exclusion of women.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 289:

'A state election code provides that any political organization whose candidate received 20% or more of the vote at the most recent gubernatorial or presidential election is a political party; other political organizations are construed as political bodies. Political parties conduct primaries, and the winning candidates in each office may have their names placed on the ballot. However, nominees of political bodies or any independent candidate may only have their names placed on the ballot if they file a nominating petition signed by not less than 7% of those eligible to vote at the last election for the offices that they are seeking. The time for circulating the petition is 180 days, which is also the deadline governing party candidates in party primaries. An independent candidate, who desires to be listed on the ballot for the office of governor, challenges the constitutionality of this election law. The court will most likely declare this statute', A. 'unconstitutional, because it is a violation of the First and Fourteenth Amendments' rights of free speech.', B. 'unconstitutional, because it is a violation of the Fourteenth Amendment's due process clause.', C. 'unconstitutional, because it violates the Fifteenth Amendment's voting provisions.', D. 'constitutional, because the election code is nonviolative of the equal protection clause.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 290:

'A plaintiff sued a defendant for injuries suffered in an automobile accident that occurred six months ago. The plaintiff claimed that the defendant drove through a red light and hit her as she was crossing the street. The posted speed limit at the scene of the accident was 25 m. p. h. In his case-in-chief, the defendant testified that the traffic light was green and he was driving carefully at 20 m. p. h. The plaintiff's attorney did not cross-examine the defendant. Rather, she called a police officer who testified that the defendant told him immediately after the accident that he was going 30 m. p. h. The police officer's testimony is', A. 'a prior inconsistent statement and, therefore, admissible to impeach.', B. 'hearsay, but admissible as a prior inconsistent statement for any purpose.', C. 'admissible, as offered against the defendant.', D. 'inadmissible, because the accident report is the best evidence of what the defendant told the police officer.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 291:

'A tall building was under construction in the downtown business district of a city. A lawyer drove her car to the downtown area to go to a meeting with a client. She was running late for the meeting and could not find a legal parking spot, so she decided to park illegally in front of a fire hydrant. This was in violation of a local ordinance that prohibited parking within 50 feet of a fire hydrant. The lawyer figured that it was better to get a ticket than to miss her meeting with an important client. The spot where she parked was next to the site of the construction of the new building. While the lawyer was at her meeting, an accident occurred at the construction site. A large crane was being used to lift a load of bricks. A cable on the crane broke, and the bricks fell. Most of them landed on top of the lawyer's car. The load of bricks that fell on the lawyer's car caused the gas tank of the car to rupture and explode. Shrapnel from the explosion flew in all directions and injured a pedestrian who was talking on the sidewalk near the lawyer's car. If the pedestrian sues the lawyer and relies on the doctrine of negligence per se, which of the following, if true, is the lawyer's best defense?', A. 'Payment of a small fine is the only penalty provided in the ordinance for those who park too close to fire hydrants.', B. 'The police never issued a ticket to the lawyer for parking in front of the fire hydrant.', C. 'The purpose. of the parking ordinance was tofacilitate access to the hydrant by fire trucks,not to protect against accidents like the onethat occurred when bricks fell on the lawyer'scar.', D. 'The pedestrian would not have been injured ifthe construction company had properly maintained the crane.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 292:

'A developer, owner of several hundred acres in a rural county, drafted a general development plan for the area. The duly recorded plan imposed elaborate limitations and restrictions upon the land in the plan, which was to be developed as a residential district. The restrictions were to extend to all persons acquiring any of the lots and to their heirs, assigns, and lessees. It was further provided that all subsequent owners would be charged with due notice of the restrictions. Among those restrictions in the general plan were the following:(22) A franchise right is created in a strip of land 10 feet in width along the rear of each lot for the use of public utility companies with right of ingress and egress. (23) No house or structure of any kind shall be built on the aforementioned strip of land running through the said blocks. The court will most likely construe restriction (23) as a (an)', A. 'negative easement.', B. 'equitable servitude.', C. 'affirmative covenant.', D. 'fee simple absolute.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: A

Question 293:

'A distributor agrees to sell 100 tubes of growth hormone to a medical treatment center in exchange for \$30,000. The contract has many clauses, including one that prohibits generally the assignment of the contract or any of its terms. The distributor assigns its right to receive the funds anyway. Will a court enforce the bar against assignment under these circumstances?'; A. 'No, a bar of assignment does not apply to the right to receive the funds unless specifically stated.', B. 'No, a bar of assignment is an unconstitutional deprivation of due process.', C. 'Yes, a contractual provision prohibiting assignments is enforceable in all respects.', D. 'Yes, a bar against the right to receive proceeds is a favored restriction unless otherwise stated.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 294:

'The defendant, who was walking on a public street, got into a heated argument with a stranger who had been singing and shouting obscenities while walking near him. The defendant pulled a large serrated hunting knife and stabbed the victim in the chest, killing him. The authorities charged defendant with murder. The defendant argued at trial that he only intended to scare the victim to shut him up, and that he did not have the intent to kill. Is the defendant guilty of murder?', A. 'Yes, his use of a deadly weapon demonstrated the requisite intent to kill.', B. 'No, defendant responded to the victim's provocation and did not intend to kill.', C. 'No, he acted on the spur of the moment and could not have formed the requisite intent.', D. 'No, his behavior was reckless but not intentional.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 295:

'Before a federal court may address a case, it has to be justiciable, i.e., involve a case or controversy. Which of the following is not an additional limitation on federal court jurisdiction?', A. 'It has to result in an advisory opinion', B. 'The issue has to be ripe', C. 'The issue can't be moot', D. 'A person must have a concrete stake in the outcome.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 296:

'A year ago, a very wealthy man died in a car accident. A woman, whose mother worked as a secretary to the wealthy man for years, filed a claim against the estate, alleging that she was the wealthy man's daughter. At trial, the woman's attorney called the wealthy man's butler to testify. The butler testified that it was Common knowledge in the household that the wealthy man and the woman's mother were having an affair. The butler also testified that the wealthy man had often confided in him and told him shortly after the woman's birth that the woman was the wealthy man's daughter. Upon objection by the attorney for the executor of the wealthy man's estate, the court will most likely', A. 'sustain the objection bc butler's testimony would be violative of hearsay rule.', B. 'sustain, bc butler's testimony would be violative of Dead man's statute.', C. 'overrule the objection because the butler's testimony would be relevant to the ultimate issue in the case.', D. 'overrule objection because the butler's testimony would qualify under the pedigree exception to the hearsay rule.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 297:

'A man invited several friends to come over to his house to watch a movie on television. While they were watching the movie, freezing rain fell outside, coating everything with a thin layer of very slippery ice. When the movie ended, one of the man's guests slipped on the ice as soon as he took a step out of the door and onto the front stoop of the man's house. Which of the following would best describe the duty of care owed by the man to his guest?', A. 'No duty of care.', B. 'A duty to inspect the premises for unknown dangers and disclose their existence to others.', C. 'A duty to warn of any known dangerous condition on the premises.', D. 'An absolute duty of care.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 298:

'A furniture dealer sold furniture to a young couple with less than perfect credit. They signed a contract that said that if they purchased new items on the account, they would not own the old purchases until the new ones were paid in full. That provision was in fine print on the reverse side of the papers. When husband lost his job, they had by that time paid for everything purchased on the account except for one chair they bought a few weeks earlier. The store sued, trying to repossess all furniture ever sold to the couple. Will the couple likely prevail on a defense of unconscionability?', A. 'No, because they might be able to find another store to sell them furniture, which proves that there was no lack of bargaining power.', B. 'No, because the store was nice enough to extend credit, and the couple should be expected to pay for everything before they own any of it.', C. 'Yes, because any time a seller puts terms in fine print it is proof of bad faith and unconscionability.', D. 'Yes, because a combination of factors makes it likely that the court will recognize unconscionability under these circumstances.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 299:

'A man decided to stop at a drive-through hamburger stand for a late snack. As he drove up to the drive- through line, the manager of the hamburger stand informed him through the intercom system that the restaurant was closing and no further orders would be accepted. She told the man that the last car to be served was the one directly in front of him. The man became angry and yelled into the intercom machine, "Listen, babe, I am hungry. I want two cheeseburgers, a large order of fries, and a Coke. " The manager retorted, "I'm terribly sorry, but we cannot accept your order. "Shortly thereafter, the manager handed the food order to the passengers in the car immediately in front of the man's. When the man saw the manager serving that car, he became very angry, drove his automobile up to the service window and shouted at the manager, "You can't do this to me. " When the manager laughed, the man suddenly reached into the car's glove compartment and pulled out a gun. He aimed at the manager and fired the weapon, intending to hit her. The bullet missed the manager but hit a customer, wounding him in the head. In an action by the customer against the man for battery, the customer will be', A. 'successful, because the man intended to shoot the manager.', B. 'successful, because there was a "substantial certainty" that the customer would be hit by the bullet.', C. 'unsuccessful, because the man could not foresee that the bullet would hit anyone other than the manager.', D. 'unsuccessful, because the man did not intend to shoot the customer.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 300:

'A protester brought an action in federal court against a police officer, alleging that the officer's use of force in arresting the protester violated the protester's federal civil rights. During the jury trial, eyewitnesses gave conflicting testimony on the arrest. At the close of evidence, the protester moved for judgment as a matter of law, which the court denied. The court instructed the jury that the protester's burden of proof was clear and convincing evidence, rather than the correct burden of preponderance of the evidence. The jury returned a verdict for the officer, and the court entered judgment accordingly.

What is the protester's best option for challenging the judgment?', A. 'Seek a new trial, because the jury instruction affected the protester's substantial rights.', B. 'Seek a new trial, because the verdict was against the clear weight of the evidence.', C. 'Seek judgment as a matter of law, because the jury did not have legally sufficient evidence to find for the officer.', D. 'Seek judgment as a matter of law, because the jury's findings were clearly erroneous.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 301:

'A plaintiff filed a tort action in state court but then failed to prosecute the action. The defendant moved to dismiss the action, and the court granted the motion in an order that stated: "The defendant's motion to dismiss is granted, and this action is dismissed with prejudice." The court accordingly entered judgment for the defendant. The plaintiff then filed the same claim against the defendant in federal court, invoking diversity jurisdiction. The defendant has asserted the defense of res judicata (claim preclusion) in its answer. Should the federal court give preclusive effect to the state court judgment?', A. 'No, because the judgment was entered by a state court, not a federal court.', B. 'No, because the state court did not rule on the merits in its dismissal.', C. 'Yes, because a dismissal with prejudice operates as a judgment on the merits.', D. 'Yes, because a judgment for failure to prosecute operates as a judgment on the merits under the Federal Rules of Civil Procedure.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 302:

'In the absence of a provision to the contrary in the articles of incorporation, the directors of a corporation elected for a specified term', A. 'can be removed from office at a meeting of the shareholders, but only for cause and after an opportunity to be heard has been given to the directors.', B. 'can be removed from office at a meeting of the shareholders, with or without cause.', C. 'can be removed from office at a meeting of the shareholders, but only for cause.', D. 'can be removed from office prior to the expiration of their term only by a decree of the circuit court in an action by the shareholders.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 303:

'A wealthy woman often wore expensive jewelry while walking her dog in the park. Her friends warned her against wearing such valuable jewelry because they feared she would be an easy target for muggers. In order to persuade the woman not to wear her expensive jewelry in the park, her friend decided to play a practical joke. One morning, the friend dressed like a man and hid in an area of the park that she knew the woman customarily walked through. As the woman was strolling through the park with her dog that morning, the friend jumped out from behind the bush brandishing a toy pistol and grabbed the woman's diamond necklace from her neck. Startled, the woman became hysterical and began to plead for her life. The friend then removed her male garb, handed the necklace back to the woman and said, "I just wanted to frighten you to teach you a lesson. "If the friend is subsequently prosecuted, she should be found guilty of which, if any, of the following crimes?', A. 'Battery.', B. 'Assault.', C. 'Robbery.', D. 'No crime.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 304:

'A 12-year-old girl and her friends were playing catch with a baseball in the middle of a field of grass in the park. Near the edge of the field, a woman was sitting in a beach chair and reading a book. The girl threw the ball too far, and it went over her friends' heads and flew toward the woman. Although the woman did not see the ball coming, it hit the straw hat that the woman was wearing, knocking it from her head. Although the woman was not touched by the ball, she was startled by the ball hitting her hat, and she fell from her chair and broke her arm. If the woman initiates a suit against the girl to recover damages for her broken arm, the woman will', A. 'recover for assault only.', B. 'recover for battery only.', C. 'recover for assault and battery.', D. 'not recover.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 305:

'A rancher, being owner in fee simple conveyed the property by warranty deed to a woman. The woman gave her niece a mortgage on the ranch to secure a loan from the niece to the woman in the amount of \$500,000. The mortgage was recorded immediately. Two years later, the woman conveyed the ranch to a farmer by quitclaim deed. The woman then defaulted on the mortgage, and the niece brought an in personam action against the farmer to recover the amount of the mortgage due. Assume that the woman's quitclaim deed to the farmer made no reference to the mortgage. The woman then defaulted on the mortgage, and the niece brought an in personam action against the farmer to recover the amount of the mortgage due. The mortgagee will probably', A. 'succeed, because an implied delegation of duties resulted from the woman's conveyance to the farmer.', B. 'succeed, because the niece was a third-party beneficiary under the conveyance between the woman and the farmer.', C. 'not succeed, because the farmer did not promise to pay the mortgage debt.', D. 'not succeed, unless the farmer had constructive notice of the existence of the mortgage.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 306:

'A defendant had been drinking at a bar for three hours and was visibly intoxicated. A man entered the bar and sat down next to the defendant. After ordering a beer, the man turned to the defendant and said, "Hey buddy, you're sure an ugly looking dude. " The defendant ignored the man's insult and turned to walk away. The man then pushed the defendant against the bar and said, "Your face makes me sick to my stomach. " The defendant then pulled out a razor and slashed the man's throat, killing him. If the defendant is prosecuted for the man's murder, he will most likely be found', A. 'guilty, because his intoxication was voluntary.', B. 'guilty, because he was under a duty to retreat.', C. 'not guilty, because of his intoxication.', D. 'not guilty, because there is no duty to retreat in a public place.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 307:

'In June a computer retailer ordered 100 computers, with various configurations, from a manufacturer, to be delivered by August 1. The order form expressly limited acceptance to the terms of the offer. In July the manufacturer sent a confirmation agreeing to the terms and specifications, but stating that "shipment will be made in two deliveries, half by August 10 and the other half by August 20." When shipment was not made by August 1, the retailer withdrew the order. Will the manufacturer prevail in enforcing a contract?', A. 'Yes, because there was only a minimal difference between the offer and acceptance.', B. 'Yes, because the retailer assented to the terms by remaining silent until after August 1.', C. 'No, because the offer expressly limited the acceptance to the terms of the offer.', D. 'No, because the order was withdrawn before the machines were shipped.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 308:

'A college student and her boyfriend lived together in a one-bedroom apartment in Los Angeles. They were engaged to be married when they purchased an undeveloped parcel of land on a hillside overlooking the Pacific. The deed, which was properly executed and recorded, named the student and the boyfriend as grantees, "not as tenants in common but as joint tenants with right of survivorship.

"Thereafter, the boyfriend, who was experiencing financial difficulties, offered to sell the property to his co-worker. Without the student's knowledge, the boyfriend executed a deed that purported to convey the hillside property to the co-worker in fee simple. The boyfriend signed his name and forged the student's name. He then delivered the deed of conveyance to the co-worker, who paid the boyfriend \$150,000, which was the fair market value of the property. The co-worker immediately recorded the deed received from the boyfriend. The common law joint tenancy is unmodified by statute. Title to the property in question is now in', A. 'the boyfriend and the student as joint tenants with right of survivorship.', B. 'the co-worker and the student as joint tenants with right of survivorship.', C. 'the co-worker and the student as tenants in common.', D. 'the co-worker as owner in fee simple.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 309:

'A scientist used his car to transport a large quantity of highly flammable petroleum derivatives that he needed for his scientific research. The petroleum derivatives were sold in ordinary glass gallon jugs. Shortly after putting the jugs in the back of his car, the scientist was driving along a city street. He was thinking about a difficult scientific question and not paying attention to his driving. As a result, he lost control of the car and drove up onto the sidewalk. The car flipped over. The glass jugs in the back of the car were broken, and the chemicals in them spilled out onto the sidewalk. Moments later, a doctor who witnessed the accident came running over to render medical assistance. As he approached the overturned car, however, the doctor slipped on the petroleum derivatives that had spilled onto the sidewalk. The doctor fell and fractured his ankle. If the doctor asserts a claim against the scientist based on strict liability, will the doctor prevail?', A. 'Yes, because the scientist was engaged in an abnormally dangerous activity by transporting highly flammable petroleum derivatives in his car.', B. 'Yes, because the transportation of flammable petroleum derivatives in glass jugs necessarily involves a high degree of risk of serious harm.', C. 'No, because the doctor assumed the risk by voluntarily acting as a Good Samaritan.', D. 'No, because it was unforeseeable that the doctor's injury would result from the type of harm threatened.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 310:

'In a trial of a defendant for armed bank robbery, the prosecutor presented overwhelming evidence of guilt. Three tellers identified the defendant as the robber, a latent fingerprint found on the bank counter linked the defendant to the scene, and bank money had been found in the defendant's car. The police had arrested the defendant immediately after the robbery, as the defendant was driving away from the bank. When the prosecution rested its case, the judge directed the jury to return a verdict of guilty. The defense attorney did not object at the time. The jury withdrew, discussed the case, and agreed to a guilty verdict. The jury returned to the courtroom and announced the guilty verdict. The defense attorney then voiced an objection to the judge's having directed the verdict. The court overruled the objection and sentenced the defendant to 20 years in prison. On appeal, what should the appellate court do?', A. 'Affirm the conviction, because the defense attorney failed to timely object to the judge's action.', B. 'Affirm the conviction, because the prosecution presented both circumstantial and direct evidence conclusively establishing the defendant's guilt.', C. 'Reverse the conviction, because the defense attorney's failure to timely object to the judge's action constituted ineffective assistance of counsel.', D. 'Reverse the conviction, because the judge's action in directing the verdict denied the defendant his constitutional right to a trial by jury.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 311:

'A pedestrian, who was walking along Chestnut Street at 10:20 p. m. on the night of December 3, urgently needed to find a restroom. Just ahead, the pedestrian noticed a private dinner club. As the pedestrian approached the club, he noticed a sign over the front door that read: "ADMITTANCE TO MEMBERS ONLY. " Although the pedestrian was not a member of the exclusive club, he entered the dimly lit club, found a door marked "Gentlemen," and entered the restroom. Which of the following would best describe the pedestrian's legal status when he was in the restroom?', A. 'Trespasser.', B. 'Guest.', C. 'Licensee.', D. 'Invitee.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 312:

'Late one afternoon, a woman was hitchhiking when she was picked up by a man. Shortly thereafter, the man stopped and parked his car in a roadside rest area. They were smoking marijuana when another car skidded and crashed into the man's car. The collision damaged the man's car and inflicted personal injuries upon him. The woman was likewise injured. In fact, the impact produced a state of unconsciousness in her that lasted several minutes. The woman sued the other driver seeking to recover for his alleged negligence. At trial, the woman testified to her injuries and to the other driver's negligence. In defense, the other driver called an attorney who lived next door to the woman. The attorney proposed to testify that after the accident, the woman consulted him about her claim and asked the attorney in confidence how she could falsely testify that she wasn't smoking marijuana at the time of the accident. Upon objection by the woman's attorney, the attorney's testimony is', A. 'admissible as an admission.', B. 'admissible as a statement against interest.', C. 'inadmissible, because it violates the woman's privilege against self-incrimination.', D. 'inadmissible, because it violates the attorney-client privilege for confidential communications.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 313:

'After months of negotiations, the United States and Canada entered into a tax treaty that provided that neither country would impose income taxes on citizens of the other nation. The treaty, which was ratified by the Senate, was supported by professional baseball and hockey players. Many Canadian hockey players, who were employed by American teams and lived in the United States during the hockey season, lobbied for passage of the treaty, since they were subject to the payment of both U. S. and Canadian income taxes. In like manner, many American baseball players, who lived in Canada during the baseball season, objected to the same dual taxation. In violation of the treaty, a Canadian court convicted a U. S. citizen who resided in Canada, of illegally evading the payment of Canadian income taxes. The U. S. citizen, who was a member of a Canadian baseball team, resided in Canada during the baseball season. Following his conviction, the President announced that the previously effective tax treaty would no longer be abided by the United States. The President proclaimed that Canada's refusal to honor the treaty rendered it invalid. As a result, the President ordered the Internal Revenue Service to begin collecting income taxes from Canadian citizens residing in the United States in the same manner that it collects taxes from other residents of this country. A Canadian citizen and resident of the United States, sues in an appropriate federal court, seeking a declaratory judgment that the treaty with Canada remains valid and effective. Therefore, he contends that the Internal Revenue Service may not collect U. S. income taxes from him. Which of the following is the strongest constitutional basis that may be urged in support of this claim?', A. 'The President's unilateral termination of a treaty benefitting residents of the United States cannot be effective until a hearing is afforded to persons who would be affected by such action.', B. 'The courts have exclusive authority to determine whether a particular treaty has, in fact, been breached by another nation.', C. 'A ratified treaty is the supreme law of the land and, therefore, remains effective until superseded by another treaty or statute.', D. 'The treaty created a property right in Canadian citizens residing in the United States that cannot be taken away without just compensation.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 314:

'Late one evening a man was driving home from his job as a security guard at a jewelfry store. As the man approached a railroad crossing he noticed that the barriers to the crossing were open. The man cautiously looked both ways for any train. Assuming that no train was coming, he proceeded across the railroad tracks. Suddenly, an oncoming train struck the man's car, completely demolishing it. The man was dead on arrival at the local hospital. Unknown to the man, the railroad crossing guard, in a drunken stupor, had fallen asleep at the barrier controls. He failed to see or hear the signals from the oncoming train that struck and killed the man. The railroad company was well aware of the crossing guard's alcoholism, but continued to employ him. However, two weeks after the accident occurred, the railroad company fired the crossing guard. The executor of the man's estate institutes a wrongful death action against the railroad company. During the trial, the attorney for the man's estate offered into proof the fact that the defendant railroad company dismissed the crossing guard shortly after the accident. Upon objection by the railroad company's attorney, the court should', A. 'overrule the objection, as the employee's dismissal was an admission that the railroad company was aware of the crossing guard's chronic alcoholism.', B. 'overrule the objection, as an adoptive admission by conduct.', C. 'sustain the objection, because the probative value of the evidence would be outweighed by its prejudicial effect.', D. 'sustain the objection, as evidence of subsequent remedial repairs is inadmissible.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 315:

'A woman was hit in the right eye by a shard of glass when her car was rear-ended by an industrial truck. She was hospitalized, lost her eye, and had several operations over several years. She could not return to work as an apprentice ballet dancer due to loss of coordination, constant headaches, and severe disfigurement. She is considered totally disabled. She had been training for the ballet for many years and, at the trial against the tortfeasor, she proved that she was considered a bright and uncoming student. The defendant claimed that this was still too speculative whether she would have been successful. The trial court disagreed and allowed evidence on the lost earning capacity of a ballet dancer. The jury awarded \$3 million. Will the appellate court likely reverse the verdict due to the lost earning capacity issue?', A. 'No, the jury's award is discretionary and inviolate, and it may not be disturbed with respect to personal injury damages.', B. 'No, because some imprecision in the evidence regarding loss of earning capacity is to be expected and is not grounds for excluding the evidence.', C. 'Yes, the evidence did not guarantee or assure anyone that she really would have been a successful professional ballet dancer.', D. 'Yes, she can only collect for lost work that she held prior to the accident; her future lost earning capacity could be based on an apprentice ballet dancer.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 316:

'A buyer filed a lawsuit against a seller based on a written contract allegedly executed at the time of the sale of the seller's hot dog stand to the buyer. Under the terms of the contract, the seller agreed not to open a hot dog stand for a period of two years within a distance of two miles of the old hot dog stand, now owned by the buyer. The buyer alleged in his complaint that the seller violated the contract by opening a hot dog stand one-half mile from the old location. The original contract was lost prior to trial. At trial, the buyer wants to introduce a duplicate carbon copy of the written contract. The seller objects as to the authenticity of the original written contract. The copy is', A. 'inadmissible, because the seller contests the authenticity of the written contract.', B. 'inadmissible, because the best evidence rule requires that the original contract always be used as evidence.', C. 'admissible, because the duplicate is a carbon copy.', D. 'admissible, because the original contract was lost.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 317:

'A defendant is on trial for robbing a particular bank with his best friend. The friend has left the country and cannot be found. The prosecutor has called the friend's mother to testify to a conversation she had with her son the day before he left the country. She implored him not to go, but he said, "Mom, I have to go. I was involved in a robbery at [the bank], and I don't want them to catch me." The prosecutor has other evidence indicating that the defendant and the friend were together on the morning of the robbery. Is the statement by the friend to his mother admissible?', A. 'No, because inculpatory statements against penal interest do not satisfy the confrontation clause.', B. 'No, because the friend's statement to his mother was not corroborated.', C. 'Yes, as a statement against penal interest that is not testimonial under the confrontation clause.', D. 'Yes, as a statement of the friend's state of mind that is not testimonial under the confrontation clause.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 318:

'A person purchased a new car from a local auto dealership. Over the next month, the purchaser drove the car a little more than 1,000 miles. The purchaser noticed that the car made a squeaking noise when the brakes were applied, so the purchaser took the car back to the dealership to have the mechanic there take a look at it. The mechanic worked on the car and then told the purchaser that the problem had been fixed. A few days later, the brakes failed, causing the purchaser to crash into a tree. The purchaser suffered a serious head injury in the crash. If the purchaser asserts a claim against the car dealership for damages for his injuries, will the purchaser prevail?', A. 'Yes, if the brakes were defective when the dealership sold the car to the purchaser.', B. 'Yes, because the dealership is strictly liable for defective repairs on cars it has sold.', C. 'No, because the car had been driven more than 1,000 miles.', D. 'No, unless the dealership's employee was negligent in repairing the brakes.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 319:

'A farmer owns a large farm on which he allows his friends to hunt during quail-hunting season. He does not provide his friends with any instructions about gun safety. The neighbor who owns property adjacent to the farm knows of the friends' use of the property during the hunting season. One day during the hunting season, without the farmer's knowledge or permission, the neighbor took a shortcut across the farm to visit an acquaintance. The neighbor was wounded by a shot fired by one of the farmer's friends, who was shooting at quail and carelessly failed to see the neighbor. Traditional rules of landowners' and occupiers' liability apply. In an action by the neighbor against the farmer to recover for the injuries, will the neighbor be likely to prevail?', A. 'No, because the farmer is not responsible for his friends' conduct.', B. 'No, because the neighbor was trespassing.', C. 'Yes, because the careless friend was permitted to hunt without safety training.', D. 'Yes, because the use of firearms is an abnormally dangerous activity.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 320:

'After graduating from law school, a graduate moved to a city where she had been offered a position in an entertainment law firm. When she arrived, the graduate was told that her job was contingent on passing the state bar examination, which was being offered in July. In preparing for the bar examination, the graduate planned to take a bar review course. Although she had not pre-enrolled, the graduate planned to attend and pay for the course at registration. On the morning the course was set to begin, the graduate arrived late after getting stuck in freeway traffic. By the time the graduate got to the course location, registration had already been completed. When the graduate looked into the room where the course was being conducted, she saw the lecture had begun, and everyone was inside busily taking notes. Panicky, the graduate picked up a set of course materials that were lying on the registration table and entered without paying. Although the graduate intended to pay the enrollment fee, no one was at the registration table to take her money. After attending the first couple of classes, the graduate sent a cashier's check for the full amount of the enrollment fee to the bar review company. Unbeknownst to the graduate, the bar review course's regional director noticed that she had entered the lectures without paying. After ascertaining her identity from a fellow student who knew the graduate, the company filed a complaint with the local prosecutor, and a warrant was issued for her arrest. The complaint charged the graduate with the crime of larceny by trick, for deliberately failing to pay for services rendered. After the complaint was issued, the graduate's check arrived at the company's office. The company deposited the check but failed to inform the prosecutor that payment had been received. The graduate was arrested and held in custody overnight before the matter was resolved. The graduate suffered severe emotional distress at the publicity she received in the local newspapers and the humiliation she suffered for being arrested and held in police custody. Terribly upset, the graduate was unable to take the bar exam and, thus, lost her job at the entertainment law firm. If the graduate asserts a claim against the bar-review company based on infliction of emotional distress, will she prevail?', A. 'Yes, because the graduate did not intend to defraud the company.', B. 'Yes, because the company made no effort to inform the prosecutor that the registration fee had been paid in full.', C. 'No, because the company did not intend to cause the graduate to suffer severe emotional distress.', D. 'No, because filing the complaint with the prosecutor was not outrageous conduct.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 321:

'A wife was unhappily married to her husband, an alcoholic. When the husband got drunk, he would become abusive and beat the wife. During the course of their marriage, the beatings became more violent and more frequent. Unable to endure the physical abuse any longer, the wife hired a hit man to kill her husband. One night while the husband was asleep, the hit man entered the home with a key given to him by the wife and shot the husband to death. Afterward, the wife was prosecuted for murder as an accomplice. At trial, the prosecution presented the facts outlined above. Thereafter, the defense sought to have the judge instruct the jury that the wife acted in self- defense under the battered women's syndrome. Based on the given facts, should the judge give such an instruction to the jury?', A. 'No, because the wife's belief in the necessity of deadly force in self-defense was unreasonable.', B. 'No, because even though the wife was the victim of spousal abuse, she could have avoided the danger by safely retreating.', C. 'Yes, because, on these facts, a reasonable jury could conclude that the wife acted in self- defense by using necessary force to protect herself from the husband's constant violent attacks.', D. 'Yes, because a criminal defendant's Sixth Amendment right to a jury trial prohibits a court from refusing to submit affirmative defenses to the jury.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 322:

'A state enacted a statute prohibiting any motor vehicle traveling within the state from having window tinting or glass coating of any kind. The bill passed the state legislature at the urging of state and local law enforcement agencies who argued that tinted windows prevented them from observing interior car activity. Most citizens also supported the bill, especially after a state trooper was killed by an occupant in a window-tinted limousine. The trooper was unable to see that his assailant was armed and dangerous when he approached the vehicle for a speeding infraction. A limousine company operates a limo service in a neighboring state and has a fleet of 68 limos, all of which have tinted windows. Each year, the company makes thousands of trips into the state to transport passengers to the international airport situated 10 miles from the border separating the two states. Since all of its limos are manufactured with tinted windows, the company will incur great expense in ordering limos without tinting. The company brings suit to challenge the constitutionality of the state statute. Assuming that the company has proper standing to assert such an action, which of the following is their strongest constitutional argument to invalidate the aforesaid statute?', A. 'Because window tinting is permitted on vehicles in neighboring states, this law denies the company the equal protection of laws.', B. 'Because this law burdens interstate commerce by prohibiting all vehicles with window tinting from entering the state, this law violates the commerce clause.', C. 'Because window tinting on vehicles is legal in their home state, this law violates the contract clause by preventing the company from fulfilling its obligation to transport passengers into a neighboring state.', D. 'Because interstate travel is a fundamental right that may not be burdened by state law, it violates the company's substantive due process rights by arbitrarily and unreasonably regulating economic activity.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 323:

'Buyer purchases an item from a merchant that turns out to be unfit, defective and unsafe for its ordinary purposes. Assuming no other warranties, which of the following can be invoked by the buyer?', A.

'Express warranty', B. 'Implied warranty', C. 'Warranty of title', D. 'Warranty of merchantability'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 324:

'For the last 20 years, a husband and wife had taken a vacation during the first week in July. They would fly from their home to the city and spend the week at a hotel in the most luxurious suite. On March 1, the husband mailed a letter to the hotel, reserving the suite for the first week in July. The hotel then sent back a confirmation notice stating that it was reserving the suite for the husband and wife for the first week in July "for the weekly rental of \$25,000. "When the husband and wife arrived at the hotel on July 1, the hotel, without legal excuse, informed the man and his wife that the hotel had rented the suite to another couple for the first week in July. Quite apologetic, the manager of the hotel offered the husband and wife the hotel's next best accommodation at a weekly rental of \$20,000. The manager informed the husband and wife that the other suite was beautifully furnished, "but not quite as luxurious as the suite they reserved. " Visibly upset, the husband and wife rejected the manager's offer and relocated to another hotel, where they rented the other hotel's most luxurious suite for the first week in July at a cost of \$25,000. If the husband and wife now sue the first hotel for breach of contract, they will most likely', A. 'prevail, because the hotel knew that for the past 20 years the husband and wife always stayed in the most luxurious suite.', B. 'prevail, because the substitute accommodations offered by the hotel were not comparable to the suite they reserved.', C. 'not prevail, because the hotel did offer substitute accommodations at a \$5,000 savings.', D. 'not prevail, because the husband and wife sustained no legal damages in renting a comparable suite at another hotel for the same rental.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 325:

'A man entered into a franchise contract with a company to operate a fast-food restaurant in a city. The company's national headquarters is located in another state. After the contract was executed, the man leased a store in a shopping center where he planned to open his restaurant. City public officials, however, refused to grant the man the necessary food vendor's license despite the fact that he could prove that his restaurant complied with all provisions of the municipal licensing ordinance. Section 1287 of the city food vending ordinance provides, in part, that "a food vendor's license shall be issued to any applicant who properly complies with all of the health requirements of this ordinance. " After the man's application for a food vendor's license was rejected, he requested a hearing to establish his qualifications. City officials refused this request and also declined to give any reason for his license denial. Which of the following is the strongest constitutional argument that the man may use to challenge the refusal of the city officials to grant him a food vendor's license?'; A. 'The city action denies him procedural due process.'; B. 'The city action denies him substantive due process by arbitrarily regulating economic activity.'; C. 'The city action constitutes an undue burden on the potential interstate commerce between the man and his out-of-state franchisor.'; D. 'The city action impairs the obligation of the man's contract with the franchising company and his rental agreement with the shopping mall.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 326:

"To improve the quality of rental housing within its boundaries, a city proposed an ordinance requiring all new and existing rental housing units to provide at least one full bathroom for each bedroom, plumbing and electrical hookups for a washer and dryer, and a covered parking space. A majority of the owners of existing rental housing in the city opposed the ordinance. They argued that it would dramatically decrease the number of low-income rental housing units because owners would be unable to raise rents enough to recoup the investment required to comply. Without denying these contentions, the city enacted the ordinance. A plaintiff who owns low-income rental housing has sued the city, claiming only that the ordinance is unconstitutional on its face. Which of the following best states the burden of persuasion in this action?", A. "The city must demonstrate that the ordinance is necessary to serve a compelling state interest, because it adversely affects the fundamental right of rental housing owners to use their property in the manner they deem most economically efficient.", B. "The city must demonstrate that the ordinance is necessary to serve a compelling state interest, because it will have a substantial and disproportionate negative impact on low-income persons.", C. "The plaintiff must demonstrate that the ordinance is not substantially related to an important state interest, because it requires some owners of rental housing to invest money that they will not be able to recoup from increased rents.", D. "The plaintiff must demonstrate that there is no rational relationship between the ordinance and any legitimate state interest, because the ordinance regulates economic activity of a type normally presumed to be within state regulatory authority."

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 327:

'In 1888, a landowner owned a dairy farm. The landowner conveyed this real property to his son in 1938. In 1953, the son conveyed the dairy farm to his friend. This deed was not recorded until after the son's death in 1957. In 1956, the son mortgaged the dairy farm to the bank. The mortgage instrument, which was recorded in 1956, recited that it was subordinate to a mortgage on the same land given by the son to an investor in 1936 and recorded in 1936. In that instrument the son purported to grant the investor a mortgage on the dairy farm. In 1979, the friend conveyed the dairy farm to a farmer. This deed was duly recorded, but did not mention any mortgage. In 2008, a buyer entered into an agreement with the farmer, whereby the farmer would convey the dairy farm in fee simple to the buyer for the sum of \$75,000. The closing date was set for January 15, 2009. All of the deeds mentioned in the aforementioned transactions are general warranty deeds. In addition, this jurisdiction has a notice-type recording statute and follows a title theory for mortgages. On January 15, 2009, the sale of the dairy farm is finalized and the buyer paid the farmer \$75,000. The farmer executed a general warranty deed. The deed contains the following covenants of title: (1) Covenant for seisin. (2) Covenant of the right to convey. (3) Covenant against encumbrances. After the buyer takes possession of the dairy farm, he learns of the son's investor 1936 mortgage, which was not satisfied, and seeks monetary damages for breach of the covenant against encumbrances. Judgment should be for', A. 'the buyer, because the covenant against encumbrances is a guarantee to the grantee that the property is not subject to outstanding rights or interests.', B. 'the buyer, because the covenant against encumbrances would be breached at the time the deed was delivered, thereby entitling the covenantee to recover damages.', C. 'the farmer, because the covenant against encumbrances may only be breached, if at all, at the time of conveyance.', D. 'the farmer, unless the covenantee is disturbed in his actual enjoyment of the land thereby conveyed.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 328:

'Husband and wife conveyed a part of their inherited family farm to their niece for consideration, but substantially below market value. They retained a reverter back to themselves, however, as follows:

'RESERVATION in favor of the Grantors, their heirs and assigns, an automatic reverter, should the property conveyed herein ever be mortgaged or encumbered within the life time of either Grantor.'" After husband died, the niece mortgaged the property. Can the surviving wife enforce the automatic reverter putting title back in herself?', A. 'No, this is an unreasonable restraint on alienation.', B. 'No, an automatic reverter is unenforceable.', C. 'Yes, the provision can be enforced because the grantors and the grantee were blood relatives in pari mutual.', D. 'Yes, the provision is enforceable because it is generally considered to be a reasonable restraint on alienation.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 329:

'A circus operates in a rural part of the county. It is the circus's practice to finish each day's entertainment by discharging a so-called aerial bomb into the sky. After exploding, the aerial bomb emits a spectacular rainbow fireworks display that is seen for miles around. One afternoon, a 10-year-old boy and a few friends went to the fairgrounds to see the circus. After paying their admission, they were about to enter the "big top" when the boy came upon an aerial bomb lying on the ground. Ignorant of what the object really was, but in an exploratory mood, the boy applied a match to the fuse of the fireworks device. It exploded and seriously injured the boy. After the accident, and before the parents of the boy had retained a lawyer, the adjuster for the circus's insurance carrier contacted the parents several times, trying to negotiate a settlement of their claim against the circus. On each occasion, the adjuster told the parents there was no need for them to hire an attorney because the applicable civil code did not provide for recovery in such a situation. The adjuster was aware that this information was blatantly false. He also warned the parents that unless they accepted his offered settlement of \$5,000, they would receive nothing. For over a month, the adjuster continued to harass the parents. Outraged by the adjuster's actions, the parents sought the advice of a neighbor who recommended that they consult an attorney. The parents went ahead and retained a lawyer who subsequently negotiated a \$250,000 settlement with the adjuster's insurance company for the claims relating to the boy's injury from the aerial bomb. If the parents assert a claim against the adjuster to recover damages for infliction of emotional distress, they will', A. 'recover, because the adjuster's actions exceeded the bounds of common decency.', B. 'recover, because the adjuster was trying to take unfair advantage of the parents.', C. 'not recover, because the parents did not suffer emotional distress that was severe.', D. 'not recover, because the parents eventually received a \$250,000 settlement from the adjuster's insurance company.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 330:

'A buyer wants to know his rights as purchaser of goods under the U.C.C. She received a shipment of nonconforming goods from a seller with whom her she does business. Assuming the client does not want to accept and pay for nonconforming goods, which of the following is appropriate advice?'. A. 'Hold onto the goods and make the best of them because a business cannot reject goods already approved by a written agreement signed by both parties.'. B. 'Try the goods out for several months; if they are not going to be satisfactory, then ship them back to the seller who must provide a refund.'. C. 'Notify the buyer of the nonconformity and demand a refund while holding onto the nonconforming goods as long as possible.'. D. 'Identify and document the nonconformity, then send the goods back right away.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 331:

'Proposed legislation was offered to a state legislature that would reorganize the state police. The bill created a great deal of controversy, both in and outside the state government. Several leaders of the minority party in the legislature decided to oppose the legislation. One member of the minority party disagreed with his party's opposition to the bill and publicly announced his support for the legislation. The minority party leaders called a caucus to discuss and determine their legislative strategy for floor debate on the bill. When the disagreeing member appeared at the door of the caucus room, he was denied admission because of his anti-party stance. He was also informed that he would be removed from all of his committee assignments. During the caucus, the party members discussed other means of disciplining the member for his party insubordination. It was suggested that they issue a press release in which the party would publicly castigate him for his actions. The leader of the party said that "the member is a cutthroat politician who is only looking out for where his next buck will come from. "Which of the following constitutional provisions would give the ousted member his best grounds for challenging his exclusion from the party caucus?'; A. 'The equal protection clause of the Fourteenth Amendment.', B. 'The right of assembly as guaranteed by the First Amendment.', C. 'The speech and debate clause.', D. 'The due process clause of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 332:

'A man suffered frostbite when he spilled a soft drink on his lap that he had purchased from a restaurant. The man sued the restaurant for negligence and damages. At trial, the man's attorney calls a witness to testify that the witness also suffered frostbite when she spilled a soft drink in her lap that she had purchased at the restaurant two weeks earlier. The witness also states that she told the restaurant about her injury immediately after suffering it. Upon objection by the restaurant's attorney, the trial judge should rule the witness's testimony', A. 'admissible to prove the restaurant's negligence, provided that the court gives a cautionary instruction that the testimony should not be considered as bearing on the issue of damages.', B. 'admissible to prove that the restaurant should have been aware of the danger of frostbite posed by its soft drinks.', C. 'inadmissible, because it is not probative of a fact in issue.', D. 'inadmissible, because it seeks to put into evidence separate, unrelated transactions with a third party.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 333:

'A permanent resident alien applied for a position as a state trooper. A state trooper is a member of the state police force, a law enforcement body that exercises broad police authority throughout the state. The position of state trooper is filled on the basis of competitive examinations taken by all of the applicants. After the resident alien applied for the position, the state authorities refused him permission to take the qualifying examination. The state authorities based their refusal on state statute, which provided: "No person shall become a member of the state police unless he/she shall be a citizen of the United States. "Thus, under this provision, as a prerequisite to becoming a member of the state police, an alien must relinquish his foreign citizenship and become a citizen. In an opinion upholding the validity of the statute, the State Attorney General noted that since police officers fall within the category of important non-elective officials who participate directly in the execution of broad public policy, only citizens of the United States should be qualified to apply for such positions. "At the time the resident alien applied for a position as a state trooper, he was a citizen of a foreign country and not currently eligible for citizenship. As a result of a federal statute, Congress has imposed a five-year residency requirement for the attainment of citizenship. Under this federal law, an alien must reside in this country for a period of five years as a prerequisite before applying for citizenship. At this time, the resident alien had only lawfully been residing in the United States for two years, and thus would not be eligible to apply for naturalization until three years later. If the resident alien brings suit in federal court challenging the constitutionality of the state statute limiting the membership of its state police force to citizens of the United States, the court will most likely declare the statute', A. 'constitutional, because the statute is within the state's plenary power to regulate the health, safety, and welfare of its citizens.', B. 'constitutional, because citizenship bears a rational relationship to the special demands of the police function.', C. 'unconstitutional, because it constitutes a violation of the equal protection clause of the Fourteenth Amendment.', D. 'unconstitutional, because it constitutes a violation of the due process clause of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 334:

'At trial in an action for personal injuries suffered in a traffic accident, the plaintiff first calls the defendant as an adverse party. The plaintiff then calls a witness who was a passenger in the plaintiff's car but who also happens to be the defendant's former employer. On direct examination, the witness testifies to how the accident occurred and also expresses his opinion that the defendant is not a truthful person. Which one of the following areas of questioning is most likely to be held beyond the proper scope of cross-examination?', A. 'In letters to prospective employers, the witness has described the defendant as very honest and dependable.', B. 'The defendant recently filed an action against the witness for breach of contract.', C. 'The plaintiff's injuries were not as serious as the plaintiff is claiming.', D. 'The witness has been falsifying his income tax returns.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: D

Question 335:

'A state fair is held annually in a county on a large tract of state-owned property. In recent years, many outside organizations have entered the fairgrounds and distributed literature and paraphernalia to the many thousands of patrons visiting the fair. State fair officials did not endorse any of these organizations but permitted them to disseminate their materials throughout the fairgrounds without charge. Lately, however, many families attending the fair have complained about being harassed by canvassers from these various organizations. In an effort to protect the safety and welfare of the persons visiting the fair, the state legislature enacted a law prohibiting anyone from selling or distributing materials at the state fair. This new statute provided, however, that groups could pay a \$50 license fee and distribute their literature from enclosed booths. These booths would be set up along the entrance to the fairgrounds and rented to anyone wishing to sell or distribute materials or soliciting money during the fair. The first year that the statute went into effect, approximately 40 groups rented booth space. There were various organizations paying the \$50 license fee. A group of scientists opposed to the use of aerosol spray cans, requested permission to distribute literature at the fairgrounds. The scientists claimed that they simply wanted to warn people of the perils created by the disintegration of the ozone layer from the dispersion of fluorocarbons into the atmosphere. State fair officials offered to lease the scientists a booth at the \$50 fee, but refused to permit solicitation activities outside the booth enclosures. The scientists were unwilling to pay the \$50 license fee and instituted suit in state court seeking a court order permitting them to distribute literature anywhere in the fairgrounds area. Which of the following is the strongest argument insupport of the constitutionality of the statute?', A. 'The statute applies to the limited area of the state-owned fairgrounds, and does not discriminate among the various organizations by way of their political, religious, or commercial viewpoints.', B. 'The statute applies to representatives of popular organizations, as well as to representatives of unpopular organizations, and is a democratic expression of the will of the people because it was adopted by the state legislature.', C. 'The statute is necessary to protect the safety and welfare of persons using a state facility, and does not discriminate among diverse viewpoints since there is an alternative means by which these organizations can reach their audience.', D. 'The statute protects the patrons of a public facility against unwanted invasions of their privacy by restricting the solicitation activities of those organizations that the patrons do not support.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 336:

'A driver had a new car and, as he was carefully driving within the posted speed limit, a girl, aged 11, suddenly darted into the street in front of his car. Although the driver immediately applied his brakes and swerved to avoid the girl, the car hit the girl, fracturing her legs. As the girl was lying in the street awaiting an ambulance, the driver rushed over to her and said: "I'm terribly sorry. This is the first time I ever drove this car. I don't know what happened, but it must have been my fault. Send me all your hospital bills. I'll pay for everything. "When the girl was later released from the hospital, her parents contacted the driver who refused to pay anything. The driver told the girl's mother, "Since your daughter ran into the street, it was her fault. I have witnesses who saw what she did. If I weren't such a nice guy, I'd sue you for the damage to my new car. "If the girl's parents, on her behalf, sue the driver in tort, which of the following is the most accurate statement regarding the driver's post-accident statements?', A. 'The driver's statement regarding his operation of the car, as well as his statement concerning payment of the hospital bills, are both admissible on the issue of negligence.', B. 'The driver's statement regarding payment of the hospital bills is admissible, but his statement concerning his operation of the car is not admissible.', C. 'The driver's statement regarding his operation of the car is admissible on the issue of negligence, but his statement concerning payment of the hospital bills is not admissible in accordance with public policy considerations.', D. 'Neither the driver's statement regarding his operation of the car nor his statement concerning payment of the hospital bills is admissible on the issue of negligence.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 337:

'A defendant has been charged with selling cocaine to a police informant. At trial, the alleged cocaine no longer exists, and the only evidence that the substance sold was cocaine is the informant's testimony that it tasted like cocaine and gave her a cocaine-like sensation. The informant has no formal training in identifying controlled substances. Should the court admit the informant's opinion testimony that the substance was cocaine?', A. 'No, because identification of a controlled substance requires an expert with formal training.', B. 'No, because, without a quantity of the controlled substance for testing, opinion testimony is insufficient to make a prima facie case against the defendant.', C. 'Yes, if the court determines that the informant has sufficient knowledge and experience to identify cocaine.', D. 'Yes, provided there is evidence sufficient to support a jury finding that the informant has sufficient knowledge and experience to identify cocaine.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 338:

'Albert Attorney was a solo practitioner in Littletown who operated a general law practice. In 1990, Albert drafted a document for a client's estate plan that unfortunately violated the rule against perpetuities. Upon the testator's death in 2004, the mistake was discovered. Because of the error, the estate plan was not admitted to probate so the assets were distributed under the state intestacy statute. Gordon Greedy was named as a substantial taker under the estate plan, but did not take under the intestate statute since he was not a relative. The state statute of limitations for professional malpractice is three years. If Gordon sues Albert for professional malpractice in 2005, the best defense Albert can assert is', A. 'The statute of limitations has run, so Gordon's lawsuit is not timely.', B. 'The legal fee for the original estate plan was never paid.', C. 'The rule against perpetuities is too complicated for the average lawyer in the locality of Littletown to understand.', D. 'Gordon was not an eligible taker under the estate plan.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 339:

'A consumer watchdog group presented petitions to the state legislature bearing the signatures of over 10,000 state residents complaining about the recent increases in the cost of cable television. A corporation who provides cable television services successfully persuaded the state legislature to grant it an exclusive right to install cable television lines in all multiple family dwellings in the state, in exchange for the corporation's promise to freeze cable television rates for the next four years. An owner of several large multifamily apartment buildings in the state brought an action in federal district court challenging the constitutionality of the state legislation. The suit claimed that the space used by the corporation when it subsequently installed cable television lines in one of his apartment buildings amounted to a taking without compensation. In this action, the owner will be awarded', A. 'no relief, because easements for utility lines are presumed to be beneficial to the servient estate.', B. 'no relief, because the legislation is merely a regulation of the use of property and not a taking.', C. 'no relief, because the corporation is not a government entity.', D. 'damages for the value of property used by the corporation.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 340:

'A woman was employed as a state trooper. Although the state provides both sexes with equal pay and benefits, the state has adopted a policy that prohibits the assignment of female officers to its special undercover narcotics division. This is a moderate risk position that sometimes involves violent encounters with drug dealers. Since the special narcotics division was first established, five undercover agents have been killed in the line of duty. It is because of the state's concern with the safety and well-being of its female officers that it has adopted such a policy. The woman, who desired to be a member of the narcotics division, filed an application for assignment as a special drug agent. After she was rejected for the position, the woman sued the state in federal court to enjoin enforcement of its stated policy on the grounds that it is unconstitutional. As a matter of constitutional law, which of the following results in this suit is most appropriate?', A. 'Judgment for the woman, because the facts asserted do not demonstrate that the particular classification contained in this policy is substantially related to the advancement of an important state interest.', B. 'Judgment for the woman, because the terms and conditions of state government employment are privileges or immunities of state citizenship that may not be abridged by the state on the basis of gender.', C. 'Judgment for the state, because it is within a state's police power to insulate the terms and conditions of governmental employment.', D. 'Judgment for the state, because the state has articulated a rational basis for this classification and, therefore, a court may not substitute its judgment for that of responsible state officials.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 341:

'Homeowner owns a property in its natural condition with a house on it. There was no fill of any kind on the property. Neighbor, who owns the adjacent property to the East, built a driveway whose western boundary is along the border of homeowner's property. The excavator dug the driveway five feet deep. The land began to subside along the line of excavation and about three feet of homeowner's land fell off into the driveway, making that part of her property useless. Homeowner demanded that neighbor fill in the property to buttress the erosion created. That was not done and the erosion continued to occur. Homeowner sued and asked for an injunction compelling the neighbor to build and maintain a retaining wall. Will the court rule for the plaintiff/homeowner?', A. 'Yes, because excavation is an abnormally dangerous activity and neighbor is absolutely liable for any damages caused by the violation.', B. 'Yes, because every landowner has a right to the lateral support of the soil in its natural state.', C. 'No, because the neighbor did not go onto the adjacent land and confined all excavation to his own land.', D. 'No, the right to lateral support is a common law right that has been abrogated by statute in virtually all states so that the right no longer exists.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 342:

'An accounting professor has been called as a defense expert witness in a white-collar criminal case. He testified that accounting records conclusively demonstrated that the defendant had not committed any type of fraud. On cross-examination of the professor, the prosecuting attorney asked him if he was familiar with a particular treatise. The professor responded affirmatively. The attorney then asked him if the treatise was accepted as authoritative and if he was aware of the conclusions regarding the ability of accountants to detect fraud. The professor responded in the affirmative. The prosecutor now attempts to read the following section of the treatise into evidence: "It is virtually impossible to state with conclusive certainty the existence, or lack thereof, of fraud in the majority of white-collar crime cases, given the sophistication of defendants and the variety of accounting methods available. "On objection by the defendant's attorney, the trial judge will', A. 'overrule the objection and permit the entire treatise to be introduced into evidence.', B. 'overrule the objection and permit only the contradictory statements to be read into evidence.', C. 'sustain the objection, because the statements in the treatise are hearsay not within any recognized exception.', D. 'sustain the objection, because the professor did not rely on the treatise in making his conclusions.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 343:

'A paper manufacturing company contracted with a construction company for the building of a new warehouse. The contract provided that the construction company would be paid upon completion of the warehouse. The contractor finished the warehouse but it had some minor deviations from the plans due to substitution for certain building materials that were not available in the market. The construction company finished working and demanded payment. The paper company refused to pay based on deviations from the specifications. Will the construction company likely prevail in a breach of contract action against the paper company?', A. 'Yes, a company that performs construction work can always collect for what it has done on a job.', B. 'No, the construction company cannot change the specifications and hope to get paid.', C. 'No, the construction company is guilty of fraud and misrepresentation.', D. 'Yes, the construction company has substantially performed the contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 344:

'A contractor and home owner were bargaining on the price for the construction of a new home. The contractor made a number of offers for construction to the home owner including one for \$100,000. Which of the following communications would not terminate the offer so that a subsequent acceptance could be effective', A. 'The home owner asks the contractor if they would be willing to build the house for \$95,000.', B. 'The contractor contacts the home owner and states that the offer is withdrawn.', C. 'The contractor dies before the home owner accepts but the contractor's son intends to continue the business.', D. 'The home owner states "I accept your offer but the price is to be \$97,000."'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 345:

'A homeowner wished to have his house painted. He contacted a number of house painters in his area and asked them to submit bids to do the work. The homeowner received 10 bids. The first nine offered to paint the house for amounts ranging from \$10,000 to \$12,500. The 10th bid was sent by telegram and was supposed to be for \$10,000. However, the telegraph company made a mistake and transmitted the bid as \$1,000. The homeowner immediately accepted the 10th bid, but the 10th painter refused to perform. The 10th painter's best defense in an action for breach of contract by the homeowner would be',
A. 'that the homeowner should have been aware of the mistaken transmission, because of the disparity between its bid and the others.', B. 'that the telegraph company should be liable as an independent contractor.', C. 'that the homeowner was under an affirmative duty to investigate all submitted bids.', D. 'that the mistake made the contract unconscionable.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 346:

'A retailer brought a federal diversity action against a wholesaler, alleging breach of contract and fraudulent misrepresentation. After the parties presented their evidence at trial, the court instructed the jury on the law. Neither party filed a motion for judgment as a matter of law before the case went to the jury. The jury found for the retailer on both claims. After the court entered judgment on the verdict, the wholesaler moved for a new trial and for judgment as a matter of law, arguing that the evidence was insufficient to support the jury verdict on either claim. The court acknowledged that there had been problems with some of the evidence, but it denied the motions. The wholesaler appealed, challenging the sufficiency of the evidence. Should the appellate court consider the wholesaler's challenge?'; A. 'No, because a determination of the sufficiency of the evidence is solely within the jury's province.', B. 'No, because the wholesaler did not raise the sufficiency-of-the-evidence issue in a motion for judgment as a matter of law before the case went to the jury.', C. 'Yes, because the challenge was raised and ruled on by the trial court before the wholesaler filed the appeal.', D. 'Yes, because, as the trial court acknowledged, the wholesaler has strong arguments on the challenge.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 347:

'A corporation, under the authority of a statute of the state, sued to have condemned 1,000 acres of forested land owned by a timber company, which it planned to develop for use as a state recreational area and state game lands. After a hearing, the state court ordered possession of the land surrendered to the corporation, prior to determination of compensation, upon deposit in court of a sum deemed adequate to cover damages that might be awarded. The timber company immediately commenced an action to enjoin the court-ordered sale of its property. Which of the following would be the best ground for upholding the state court's order?', A. 'The power of eminent domain may only be delegated directly to a private enterprise for a public related use or activity.', B. 'The power of eminent domain may only be delegated to a public authority through a legislative determination.', C. 'The injured party has not proved such irreparable injury to use as amounts to a "taking. "', D. 'The Fifth Amendment's power of eminent domain, incorporated by the Fourteenth Amendment as applicable to the states, does not require that payment be made prior to condemnation of the property.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 348:

'A new business contracted with a widget manufacturer for the purchase of 100,000 widgets. The CEO of the new business told the widget maker's manager that a substantial profit hinged on receiving the widgets. The manufacturer discovered it could not produce the widgets due to equipment failures. The business sued the manufacturer for breach of contract, claiming lost profits of \$10 million. The CEO testified to the company's projected sales in detail. A qualified expert supported his lost profit projections; there was no expert testimony by the manufacturer. Will the court allow the company to collect its claimed lost profit damages?'. A. 'No, despite the expert testimony, anticipated profits for a new company are too speculative and are not awarded.'. B. 'No, because the equipment failures were an excusable occurrence that the manufacturer could not foresee.'. C. 'Yes, the lost profits damages were sufficiently proven by the evidence, including expert testimony.'. D. 'Yes, a new company can usually collect its lost profits because it is easier to prove than if the company had many accounts to complicate its projections.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 349:

The police arrested a man for the murder of his live-in fiancée after the woman's dead body was found in the basement of their apartment building. At trial, the prosecution attempted to present the testimony of the victim's out-of-state sister regarding a telephone conversation she had with the defendant. She had called their landline number to talk with her sister on the same day when he had first reported to the police that his fiancée had been missing for five days. The sister had not met the man but had spoken with him briefly a few other times. He told her that her sister "went out all night last night and did not return yet." The prosecution attempted at trial to have the sister testify to the conversation to show the significant discrepancy between his stories to the police and to her. The defense objected, arguing that she couldn't authenticate the conversation because she couldn't identify the speaker as the defendant nor had she ever met him. The prosecution told the court that she felt it was "probably" his voice, which she recollected from the prior talks at the same number. Will the court likely grant the defendant's objection to the testimony?; A. 'Yes, because the sister does not have sufficient experience and knowledge to be able to identify the man's voice and to say that the voice and the defendant were the same person.', B. 'Yes, because the conversation is hearsay and there are no exceptions that would allow it into evidence.', C. 'No, because there was sufficient circumstantial evidence to make a reasonable conclusion that the man she talked to was her sister's fiancée.', D. 'No, because telephone conversations do not need to be authenticated, because there is a presumption that the person talking is the same person who owns the phone number.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 350:

'A defendant was charged with vehicular battery after driving through a red light and crashing into a woman's small convertible. The woman suffered massive internal injuries and lapsed into a coma for several hours after she reached the hospital. The woman's best friend, who was a passenger in the car, miraculously received only a few minor bruises. After the collision, the passenger stayed with the woman trying to comfort her until the ambulance arrived. At trial, the passenger is called to testify. ■■■While on the witness stand, she gazes with sorrow at the woman, who is still wearing a cast on her leg. The passenger testifies that the first thing she remembered seeing after the accident was the woman's bloodied body trapped in the mangled wreckage. The state's attorney then asked the passenger if the woman said anything to her before being taken to the hospital. The passenger answered, "Yes, she told me: ■■■I know I'm dying. Why did he have to run that red light?"Upon objection by the defendant's attorney, the court should rule the passenger's testimony', A. 'admissible, because it is irrelevant that this is not a homicide case.', B. 'admissible, because the woman believed her death was imminent when she made the declaration.', C. 'inadmissible, because of the close relationship between the woman and the passenger.', D. 'inadmissible, because it is hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 351:

'On October 15, an aspiring young actress entered into a written contract with a nationally famous photographer. Their contractual agreement provided that the photographer was to supply the actress with twelve glossy prints "designed to capture and convey the actress as a gifted dramatic actress with varied talents. " Their contract further stipulated "said twelve prints to be delivered on or before November 15; with payment of \$1,500 thirty days thereafter. " Another contractual provision recited that the photographer "guarantees that the prints will be fully satisfactory and delivered on time. "The following day, the photographer accidentally fell down a flight of stairs, and sustained a broken leg. As a result of his injury, the photographer was unable to photograph the actress until October 31. At that time he informed the actress that because of the delay, "I am going to need a few more days beyond November 15 to make delivery. " The actress responded, "Please hurry with the pictures, because I need to submit my promotional portfolio for the leading role in an upcoming movie. "The photographer diligently worked to speed production and delivered the prints to the actress's manager on November 18. After the manager looked over the photographs, she told the photographer, "I'm sure these will be acceptable to my client. " However, the following day the photographer received a telephone call from the actress, who said, "These prints are just awful. They make me look horrible. I'm sending them back to you and not paying anything. Besides, these prints were two days late. "If the actress initiates an action against the photographer for breach of contract, which of the following would be the photographer's best defense?', A. 'The photographs, if subjectively viewed, were not satisfactory.', B. 'The photographs, if objectively viewed, were not satisfactory.', C. 'The photographs were not delivered on time, thereby resulting in a failure of condition precedent to the actress's liability.', D. 'The photographer's injury constituted a temporary impracticability of performance, which excused his duty to perform for a reasonableperiod of time.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 352:

'A woman who was three months pregnant enrolled in a pre-natal and post-natal exercise program at the local gymnasium. The contract signed by the woman was to last for one year and called upon the woman to pay \$2,000 in quarterly payments of \$500. The contract also specified that all fees were non-refundable. Upon signing the contract, the woman made her first payment of \$500 and started classes the next day. The woman attended classes on a regular basis for the next three months. At the end of the three-month period, the woman was involved in an automobile accident. Although she was not seriously injured, her doctor advised the woman that she needed complete rest. Her doctor told her to avoid strenuous activity and advised her to discontinue her pre-natal exercise classes. One week later, the woman received a billing notice from the gymnasium, indicating that her second installment payment of \$500 was past due. She immediately telephoned the manager of the gymnasium and informed him that she would not be attending any further classes because of her accident. Also, the woman said she did not feel obligated to make any additional payments. Which of the following most accurately describes the woman's duty to pay the gymnasium the second installment fee of \$500?', A. 'It would be excused, because of impossibility of performance.', B. 'It would be excused, because the essential purpose of the contract was frustrated.', C. 'It would not be excused, because the contract stipulated that no fees would be refundable.', D. 'It would be not excused, because her covenant to make the installment payment is also enforceable as a condition precedent.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 353:

'In which of the following situations is the defendant's conduct most likely to make him criminally responsible for the victim's death?', A. 'A defendant shot a victim in the head. The victim was then taken to a hospital for treatment of the wound. An earthquake later struck the city, causing the hospital to collapse. The victim was crushed to death in the rubble.', B. 'A defendant and a victim lived in the same apartment building. The defendant knew that the victim was having a love affair with a married woman. One day, the defendant learned that the victim was to be murdered by the married woman's husband. Although the defendant had ample time to warn the victim, he failed to do so. That night, the victim was stabbed to death by the husband.', C. 'A victim, who was a gambler, was heavily in debt to the mob. The defendant, who was a mob enforcer, threatened to kill the victim if he didn't pay up. Frightened, the victim boarded the next airplane flight out of town. The airplane crashed, and the victim was killed.', D. 'A defendant and a victim were driving to work together when the defendant, without provocation, stabbed the victim in the arm. The defendant then pushed him out of the car. The victim fell along the side of the street and fractured his ankle. Unable to move from the roadway, the victim was fatally crushed a half-hour later by a car driven by a drunk driver.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 354:

'A homeowner resides downhill from a metal fabrication facility. She has sued both the owner of the facility and the supplier of a solvent used at the facility. She contends that contaminants, consisting mostly of the solvent, were released into the ground at the facility and have migrated and continue to migrate to her property, contaminating the soil, the groundwater, and her well. She alleges various acts of negligence on the part of the facility owner in causing the release of the contaminants into the ground. She also alleges that employees of the solvent supplier were negligent in frequently the solvent supplier were negligent in frequently spilling some of the solvent onto the ground while filling a rooftop tank at the facility. The solvent supplier has moved for summary judgment, arguing that if there was any contamination, the facility owner and the supplier independently contributed indeterminate amounts to the contamination and that therefore the homeowner cannot show how much damage each has inflicted on her. There is no evidence that the facility owner and the solvent supplier acted in concert. Should the court grant the summary judgment motion?', A. 'No, because concurrent tortfeasors are jointly and severally liable for an indivisible injury.', B. 'No, because the solvent supplier is vicariously liable for damage inflicted by the facility owner.', C. 'Yes, because there is no basis for allocating damages against the solvent supplier. damages against the solvent supplier.', D. 'Yes, because there is no evidence that the facility owner and the solvent supplier acted in concert.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 355:

'A state has recently enacted a statute that provides no person or company may be awarded any state construction contract unless the person or company agrees to hire only citizens of the state. The primary purpose of the statute is to help alleviate the state's high rate of unemployment. Which of the following, if established, is the strongest argument in support of the statute if it is attacked as violating the commerce clause?', A. 'The statute will help racial minorities living in the state obtain gainful employment.', B. 'The state has the highest unemployment rate in the country.', C. 'If the state uses its own taxpayer funds to purchase construction materials, it is responsible for creating demand for the required labor.', D. 'The statute was overwhelmingly adopted by the voters of the state.'

=====

Answer Option 1:
Final Answer: C

Answer Option 2:
Final Answer: C

Answer Option 3:
Final Answer: C

Answer Option 4:
Final Answer: C

Answer Option 5:
Final Answer: C

Answer Option 6:
Final Answer: C

Answer Option 7:
Final Answer: C

Answer Option 8:
Final Answer: C

Answer Option 9:
Final Answer: C

Question 356:

'A man who owned riverfront property sued an upstream factory in federal court for polluting the river, seeking injunctive relief and \$250,000 in damages. The factory moved for summary judgment on the ground of res judicata (claim preclusion), arguing that the man had sued on and lost an identical claim one year before. The court denied the motion. The factory has asked its attorney's advice as to whether it may appeal the court's denial of summary judgment in order to avoid an expensive trial. What advice should the attorney give?', A. 'The factory may appeal if the appellate court finds that the case involves a controlling question of law upon which the courts are divided.', B. 'The factory may appeal if the trial court certifies that there is no just reason for delay.', C. 'The factory may not appeal until after a trial on the merits or other disposition resulting in a final judgment.', D. 'The factory may not appeal, because the denial of summary judgment is a collateral order.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 357:

'A state has the following hit-and-run statute in effect:"Any driver of a motor vehicle (including but not limited to automobiles, trucks, buses, or motorcycles) involved in an accident or collision resulting in injury or death to a human being shall immediately stop his or her vehicle at the scene of such accident or collision, render necessary aid to the injured victim, and furnish the police or other person(s) at the scene with his or her name, address and driver's license. Any violation or noncompliance with said statute shall be punished by imprisonment for not less than three years nor more than seven years. "The defendant was involved in an accident that involved injuries to the other driver. The defendant, however, knowing his license to be revoked and afraid of being arrested, fled the scene. However, the victim was able to write down the license number of the defendant's vehicle, and the defendant was rapidly apprehended and put in jail. The defendant is charged with violating the aforementioned statute. He files a motion to dismiss on the grounds that the disclosure requirement of the statute violates his privilege against self-incrimination. His motion should be', A. 'granted, because the statute makes no provision for Miranda warnings concerning his right to remain silent.', B. 'granted, because the statute requires him to provide incriminating information that can be used against him in a criminal prosecution.', C. 'denied, because the legislative intent in enacting the statute was designed to require disclosure of information to be used primarily in civil litigation.', D. 'denied, because in accordance with public policy considerations, the required disclosures are insufficiently testimonial.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 358:

'A campaign worker for a City Council candidate distributed a flier saying that the candidate was offering transportation to the polls on election day. The flier stated that recipients should come to a nearby storefront on election day, where there would be free food and drink, and other "prizes" for those who voted. Two police undercover agents went to the party, where they agreed to be taken to vote in return for \$50 each. The campaign worker drove the men to their alleged poll location, where the agents arrested him on charges of conspiracy to violate the election bribery laws. The defense filed a motion to dismiss on the basis that it was legally impossible to commit the crime because the agents were not registered to vote in that district and they never intended to allow a crime to be permitted. Is the trial court likely to grant the motion to dismiss?', A. 'Yes, because legal impossibility is a defense to the crime of conspiracy.', B. 'Yes, because he could not be guilty of conspiring with two law enforcement agents who never intended to commit the crime.', C. 'No, because the basis of the conspiracy charge is the agreement to commit the act, along with an affirmative step in that direction.', D. 'No, because when the worker drove the agents to the voting place, he committed the complete crime of bribery and the conspiracy was an element contained within it.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 359:

'A defendant was charged with attempted rape of a victim. The crime allegedly occurred at a party at the defendant's home. During the party, the defendant invited the victim into his bedroom to show her his tattoos. When she entered his bedroom, the defendant ripped off her blouse and threw her onto his bed. He then jumped on the victim and tried to pull off her skirt. When the victim began to scream, some of the guests rushed into the bedroom and pulled the defendant off the victim. At trial, the defendant testified that he wanted to have sexual intercourse with the victim but he believed that she was consenting. The defendant further testified that he had consumed a pint of whiskey earlier in the evening and was intoxicated at the time the incident occurred. If the jury believes that the victim did not consent but also believes that the defendant, in his intoxicated state, honestly believed that she was consenting, the defendant should be found', A. 'guilty, because consent is determined by the objective manifestations of the victim and not the subjective beliefs of the defendant.', B. 'guilty, because voluntary intoxication is no defense.', C. 'not guilty, because he honestly believed that she was consenting.', D. 'not guilty, because his belief that she was consenting was reasonable.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 360:

'A rancher is the owner of a ranch situated upon the top of a mountain. Located below the ranch is a 40-acre farm that is owned by a farmer. There is a stream, which is a non-navigable watercourse, that originates at the top of the mountain and runs all the way down into the valley below. Both the ranch and the farm are within the watershed of the stream. When the farmer purchased the farm in 1974, he began taking water from the stream and used it to irrigate the southern half of his property which he has used as a farm. Prior to 1974, the southern half of the farm had been cleared and placed in cultivation, while the northern half remained wooded and unused except for an occasional hike or gathering of timber for use as domestic fuel. The farmer continued this established pattern of use. Now (January 2010), he is still taking water from the stream and using it to irrigate the southern half of the farm. In 2008, the rancher built a home on the ranch and began taking water from the stream for domestic purposes. During that year there was heavy rainfall, and this caused the stream to run down the mountain at a high water level. The next year, however, there was a drought. As a result, the stream flowed at a very low level. Consequently, there was only enough water to irrigate the farmer's farmland or, in the alternative, to supply all of the rancher's domestic water needs and one quarter of the farmer's irrigation requirements. The mountain is located in a jurisdiction where the period of prescription is 15 years. Inasmuch as the stream is still flowing at a very low level and the rancher is continuing to take water for his personal needs, there is insufficient water to irrigate the farm. As a consequence, the farmer brings an appropriate action to declare that his water rights to the stream are superior to those of the rancher. In addition, the farmer moves to have the full flow of the stream passed to him, notwithstanding the effect it might have on the rancher. If this state follows the doctrine of prior appropriation, judgment should be for whom?', A. 'The rancher, because as an upstream landowner, he would have superior rights to the water than a downstream owner.', B. 'The rancher, because domestic use is superior to and protected against an agricultural use.', C. 'The farmer, because he has obtained an easement by prescription to remove as much water as he may need.', D. 'The farmer, because he has put the water to a beneficial use prior to the rancher's use and has continuously used the water.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 361:

'A man outraged by the recent church decision to clear a famous philosopher of charges of heresy, decided to present a lecture, open to the public, disproving the philosopher's theories. A state statute provides that: "state universities can permit the use of their lecture halls to the public for worthwhile programs of public benefit, upon approval of the school board. "The appropriate school board refused to make a university lecture hall available to the man on the grounds that the proposed lecture was not of worthwhile benefit to the public. As a result, the man brought suit in a state court against the school board and requested injunctive relief requiring the board to allow him the use of the lecture hall. The trial court denied relief and dismissed the suit. The judgment was affirmed by the state appellate court, and is now before the U. S. Supreme Court. In analyzing the state statute, which of the following statements is least accurate?', A. 'The statute is unconstitutionally overbroad, because it may result in the exclusion of protected speech as well as unprotected speech.', B. 'The statute, as applied to the man, does not violate his First Amendment rights because his proposed speech is not political and, therefore, not among the classes of speech that are protected.', C. 'Indirect speech, regulations are only permissible if necessary to serve compelling state interests.', D. 'The statute is a prior restraint on speech, which unconstitutionally vests unfettered discretion in the school board to decide who may use university lecture halls.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 362:

'A college student owns an expensive sports car. His friend called him up one afternoon and asked to borrow his car for a date he had that night. The college student generously lent the car to his friend. On his way home from the date, basking in the memories of a beautiful evening, the friend lost control of the car and hit a pedestrian. As a result of the accident, and after learning that the friend had no money and no insurance, the pedestrian brought suit against the college student to recover for his injuries. He asserted a claim against the college student for negligent entrustment of a vehicle. During his case, the pedestrian introduced evidence that the friend had been in several previous accidents. In his defense, the college student offered the testimony of his girlfriend that the college student frequently lent his car to his friend. The girlfriend further testified that the college student gave his friend permission to use his car only after determining that the friend was a careful and attentive driver. The girlfriend's testimony is', A. 'admissible as evidence of habit.', B. 'admissible as a present sense impression.', C. 'inadmissible, because it goes to the college student's character.', D. 'inadmissible, because she is biased.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 363:

'A defendant, a nurse at a nursing home, is charged with murdering a resident at the home by adding an allegedly lethal substance to the resident's food. At trial, to prove that the substance added to the resident's food could result in death, the prosecutor, without first calling any witnesses, offers to read into evidence several pages from a standard medical treatise that support the prosecution's claim that the substance the defendant added to the food is lethal. Is the evidence offered admissible?', A. 'No, because the treatise excerpts were not offered during the examination of a qualified expert.', B. 'No, because the treatise itself must be introduced as an exhibit.', C. 'Yes, although hearsay, under the learned treatise exception to the hearsay rule.', D. 'Yes, because the lethal nature of the substance is relevant to the defendant's state of mind and intent.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 364:

'Under common law principles, which of the following is not correct regarding the duty owed by a possessor of land towards an undiscovered trespasser?', A. 'No duty for artificial conditions.', B. 'A duty for natural conditions.', C. 'No duty for natural conditions.', D. 'No duty for active operations.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 365:

'A man published a website wherein he billed himself as a crusader for justice and a hero with special powers. He wrote mainly about consumer issues, while acting like a watchdog exposing wrongdoers. He wrote one article about a female preacher with a local church that had no affiliations and only a local blog on the internet. He wrote that she was "conspiring with the devil" to figure out "how to lead people's minds astray" and to live a nice "sheltered role of pure moral superiority at the expense of inferiors" like himself and his readers. He called the woman's fashion Medieval and her hair style was like a bag of "hot wires ready to electrocute anyone who dares come too close." The preacher was not amused, and she filed a defamation action claiming libel per se and demanding damages along with an injunction against the web site. The defendant filed a motion to dismiss. Will the court likely grant the motion to dismiss?', A. 'Yes, because the defendant was expressing opinions more than factual assertions, and opinions in this context are constitutionally protected.', B. 'Yes, because statements about religious beliefs or practices cannot be the subject of private defamation actions.', C. 'No, because the preacher's allegations are based on serious factual distortions that will destroy her career if she doesn't get protection.', D. 'No, because a defamation action cannot be subject to a motion to dismiss. ■■■ the plaintiff is always entitled to present evidence to prove the tort.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 366:

The owner of a state-licensed massage parlor sued the state for arbitrarily canceling its license and prior business permits to conduct a massage parlor at a given location in the city. Due to allegations of illegal activities in other massage parlors not affiliated with this owner, the city canceled the owner's personal license and revoked the business permits. The only information provided was a general notice from the city declaring a new policy on massage parlors that had to be rapidly instituted for the welfare of the community. She sued the city in federal court, claiming that her business had been taken without just compensation in violation of the Fifth Amendment takings clause. She claimed a lack of procedural due process under the Fourteenth Amendment. The court granted a motion to dismiss based on her not having a property interest that was affected, including in the license and permits. She appealed the decision. Will the federal Court of Appeals affirm the lower court dismissal of her case?', A. 'Yes, because there is no right to earning a living under the substantive due process clause.', B. 'Yes, because the state interest in protecting the public from illegal activities required the state action that was taken.', C. 'No, because once the parlor had opened with all the proper permits, it could not be deprived of its licenses for any reason until they were up for renewal.', D. 'No, because she had a property right in her license and permits, which were taken without any procedural due process.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 367:

The state charged the accused with the intentional murder of a former girlfriend. He admitted to killing her, but asserted that he lacked the intent to murder, due to his suffering from a personality disorder complicated by two days of drinking alcohol heavily. The trial judge instructed the jury that "the law presumes that a person intends the ordinary consequences of his voluntary acts." The judge did not tell them that they had a choice or could infer another conclusion; they were told only that the law presumed it. The accused was convicted of depraved heart murder and sentenced to 100 years in prison. On appeal, the appellant argued that the court took the fact-finding task of determining criminal intent out of the jury's hands by in effect ordering them to find intent. The jury could have felt that they were being told that they had no other choice. The state supreme court affirmed the conviction, but the United States Supreme Court granted certiorari. Will the Court likely reverse the conviction?, A. 'Yes, because the wording of the instruction could have been viewed by jurors as a mandatory direction to find that there was intent to murder.', B. 'Yes, because the wording in effect caused the defendant to be a witness against himself by having him intend everything that he did.', C. 'No, because the defendant could raise an argument to rebut the permissible inference created by the jury instruction.', D. 'No, because the instruction was only a presumption that the jury did not have to consider in its deliberations.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 368:

'A woman went to a nearby supermarket late one night. She parked in the store's parking lot, and while walking toward the building two masked males assaulted and raped her. The lot was poorly lit, had no security personnel, and was frequented by gang members. The police had several incident reports in the past 12 months documenting prior criminal activities, including some personal robberies and assaults, in the lot. The store itself had even more reports than the police. The woman sued the store for her injuries, claiming that it breached its duty to make the premises reasonably safe for its customers. Will she likely prevail?', A. 'Yes, a business will be liable for known conditions in the building or adjoining parking areas that are a danger to the personal safety and security of its customers.', B. 'No, the store owes no special duty of care to eliminate crime on the parking lot; it was up to the police to perform that task.', C. 'No, the occurrence of a rape of a customer was not a foreseeable event and the store had no duty to try and discover that such a potential danger could exist.', D. 'Yes, a store owner is the guarantor to every customer that he or she will be protected and safe when walking in the parking lot.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 369:

'A husband and wife owned and operated a grocery store. The grocery store was situated in the first floor of the building in which the husband and wife occupied a second-floor apartment. Late one evening, the defendant was walking past the grocery store when he decided to steal the money he heard had been stashed in a cigar box inside the store. The defendant furtively walked to the rear of the building. He then proceeded to open the gate to the fenced-in back yard. Once inside the back yard, the defendant attempted to pry open the back window of the grocery store. Awakened by the barking of his watchdog, the husband went out onto his second- floor back porch and saw the defendant below. The husband yelled at the defendant. Startled, the defendant turned to run when he noticed a large package lying outside the rear door to the store. The defendant picked up the package, which contained baked bread that had been delivered earlier in the evening, and the defendant then ran off. Which of the following crimes will the defendant most likely be convicted of?', A. 'Larceny.', B. 'Burglary.', C. 'Larceny and attempted burglary.', D. 'Larceny and burglary.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 370:

'In a jurisdiction using the grantor ■■■grantee indices, the following events have occurred in the order listed below:(1) In 1993, a borrower mortgaged a ranch to a mortgage company to secure a note for \$25,000, due on December 31, 1993, with 9V2 percent interest per annum. (2) In 1996, the mortgage company recorded the mortgage on the ranch. (3) In 2007, in a signed writing, which the borrower delivered to his daughter, the borrower promised to convey the ranch to the daughter by a quitclaim deed and pay the mortgage debt when it came due. (4) In 2008, the borrower delivered to the daughter a quitclaim deed that made no reference to the mortgage. If the borrower thereafter defaulted on the mortgage and the mortgage company brought an in personam action against the daughter to recover the amount due on the mortgage debt, the mortgagee will probably', A. 'succeed, because the mortgage company is a third-party beneficiary of the agreement between the borrower and the daughter.', B. 'succeed, because there was an implied delegation of duties to the daughter.', C. 'not succeed, because the daughter did not promise to pay the mortgage debt.', D. 'not succeed, because the law does not permit the mortgagor to delegate duties under this type of a property transfer.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 371:

The police received a report that women dressed as superheroes had robbed a man in his house and stolen many of his valuables. The only way onto or off the island where he lived was a ferry. The last ferry was getting ready to leave for the night when the report came in to the police. Without attempting to get a warrant, the police stopped all the cars waiting for the ferry. In one vehicle, the police noticed three women fidgeting rather nervously. Upon searching their auto, the police found the victim's stolen property hidden under the front seat. The defendants were immediately placed under arrest. At their trial for armed robbery, the defendants move to suppress the use of the property confiscated by the police as evidence. Their motion should be', A. 'granted, because the police did not have a warrant to search their car.', B. 'granted, because the police did not have probable cause to suspect that their car contained evidence of the crime.', C. 'denied, because the police had probable cause to search their car and, under the circumstances, no warrant was required.', D. 'denied, because even though the detention was unlawful, the police had reasonable suspicion to believe that their car contained evidence of the crime since they observed the women fidgeting nervously.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 372:

'A plaintiff was hit and injured by a falling branch on a sidewalk in front of a convenience store. The plaintiff calls a woman to testify. The woman proposes to testify that a witness who is now deceased told the woman that when he was walking past the convenience store one week before the plaintiff was hit by the branch, the witness saw an employee of the convenience store shoveling snow from the sidewalk in front of the store. The woman's testimony is', A. 'admissible, because the witness is unavailable to testify.', B. 'admissible, as relevant for the limited purpose of proving that the convenience store owner retained control over the sidewalk where the accident occurred.', C. 'inadmissible, because it is hearsay not within any recognized exception.', D. 'inadmissible, because of the Dead Man's Statute.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 373:

'A defendant was charged with murder. The killing took place on February 1. At the time that the crime occurred, this jurisdiction required a unanimous verdict of all 12 jury members for a conviction on a capital offense. On November 1, the state legislature enacted a new law requiring a majority vote of seven of 12 jurors to convict on a capital offense. The defendant's trial began on December 1. He was subsequently convicted of murder by an eight- to-four vote. Following the trial, the defendant's attorney filed a motion to set aside the verdict. Which of the following would provide the strongest constitutional grounds to overturn the verdict?', A. 'The ex post facto clause.', B. 'The contracts clause.', C. 'The due process clause of the Fourteenth Amendment.', D. 'The Sixth Amendment right to a fair trial.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 374:

'A company manufactures a popular dandruff shampoo. On the shampoo's box cover is a warning label advising consumers to make a "patch test" before applying. The label states that a "patch test" is necessary because a small percentage of the population may be allergic to the chemicals contained in the product and susceptible to suffering scalp irritation. A Russian immigrant recently moved to the United States from Moscow. The immigrant cannot read or speak English. One day, the immigrant purchased a bottle of the shampoo from a drug store. She looked at the label warning but did not understand it. After throwing away the box cover, she used the shampoo without making a "patch test. " Minutes later, she began experiencing an allergic reaction and scalp irritation. This was followed by hair loss attributed to the shampoo. If the immigrant brings suit against the company for strict products liability, she will most likely', A. 'win, because she suffered injury from her use of the product.', B. 'win, because the manufacturer was aware that a small percentage of the population would suffer an allergic reaction to the shampoo.', C. 'lose, because she didn't read or speak English.', D. 'lose, because she assumed the risk by not making the "patch test. "'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 375:

'A woman took her car to a mechanic to be serviced. After doing a thorough inspection of the car, the mechanic told the woman that her car needed extensive work and that he could do all that was needed for \$1,000. The parties then entered into a written contract to have the car serviced for \$1,000. As the woman remembers it, at the time the written contract was formed, the parties orally agreed that if the car required any additional servicing above that detailed in the contract, it would be included in the \$1,000 fee. The mechanic, however, has no recollection of any such oral agreement. While servicing the car, the mechanic discovered that a belt was severely worn and need to be replaced. The belt replacement was not listed as work to be performed in the written contract. The mechanic telephoned the woman and told her he had found the worn belt and felt he should replace it. The woman told him to do so. When the mechanic was finished, he presented the woman with a bill for \$1,100, representing the \$1,000 called for by the contract and \$100 for the replacement of the worn belt, which is a reasonable amount. The woman refused to pay any more than \$1,000. The mechanic sued the woman to collect the \$100 for the replacement of the worn belt. If the court rules in favor of the mechanic, which of the following is the most likely cause for such a ruling?'. A. 'The writing was construed as a complete integration of the parties' agreement.'. B. 'The writing was construed as a partial integration of the parties' agreement.'. C. 'An implied-in-law contract was created at the moment the mechanic replaced the worn belt.'. D. 'The parties entered into a collateral oral agreement for the replacement of the worn belt that was excludable from the integrated writing.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 376:

'Which of the following powers standing alone cannot support federal law?', A. 'taxing power', B. 'spending power', C. 'necessary and proper power', D. 'commerce power'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 377:

'A college student initiated a criminal case against his former roommate, claiming the former roommate snuck in and removed his state-of-the-art home theater equipment from his house. The college student took the complaint papers that were approved by the prosecution and filed them with a magistrate court. An ongoing police investigation later determined, however, that the college student was a vengeful person not averse to creating stories, and that he and the former roommate had been arguing over several related issues. They also determined that he never had any quality sound or video equipment. The police dropped the prosecution, and the criminal case was dismissed at the preliminary hearing. When the former roommate filed a civil case against the college student alleging the tort of malicious prosecution, will evidence of the student's reputation for dishonesty be admissible and why?'. A. 'Yes, because dishonesty at any time in the past is always relevant to a malicious prosecution complaint.'. B. 'Yes, because even though character evidence is too collateral to be admitted for circumstantial evidence, it is admissible if it is directly at issue in the case.'. C. 'Yes, because reputation evidence, just like most character evidence, is virtually always admissible.'. D. 'Yes, because while most character evidence is not admissible, some is, and reputation evidence is always admissible.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 378:

'Within the last two years, the number of cases coming before the U. S. Supreme Court has quadrupled. Because of this increased work load, the Court has complained that it is unable to properly review all of its cases. As a consequence, Congress formed a committee to conduct a study on improving the functioning and operation of the Court. Based on the committee's recommendations, Congress enacted a statute dividing the Court into two panels. One panel would be assigned to handle criminal cases exclusively, while the other panel would handle all non-criminal matters. Each panel would be composed of four associate justices and a chief justice. According to the new law, the decisions of each panel would be final and not reviewable by any other court or judiciary. Which of the following is the strongest argument against the constitutionality of this federal statute?', A. 'The statute contravenes the requirement in the Constitution that there be one Supreme Court.', B. 'The statute does not fall within the enumerated powers of Congress and is not necessary and proper for the effectuation of those powers.', C. 'Based on the doctrine of judicial supremacy, Congress does not have authority to legislate with respect to the jurisdiction of the Supreme Court.', D. 'Based on the separate sovereignty doctrine, Congress does not have authority to interfere with the procedural machinery of the Supreme Court.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 379:

'A statute in the state makes it a misdemeanor for any motor vehicle to travel to the left of the center line of any two-way highway, road, or street. Late for a business appointment, a businesswoman was driving north on a highway when she decided to pass the car in front of her. As she swung across the center line into the southbound lane, her vehicle collided with a fire engine. As a result of the accident, the fire engine was delayed in reaching an owner's house, which was entirely destroyed by fire. The owner's home was located approximately one mile from the accident scene. If the owner asserts a claim against the businesswoman, he will most likely', A. 'recover the fair market value of his house before the fire.', B. 'recover that part of his loss that would have been prevented if the businesswoman had not hit the fire truck.', C. 'recover nothing, because the businesswoman was not responsible for causing the fire.', D. 'recover nothing, because the traffic statute was not designed to protect against the type of harm that the owner suffered.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 380:

'A bank was robbed by a person wearing a yellow ski mask, goggles, and a fluorescent yellow jumpsuit. Three weeks after the robbery, a defendant was arrested and charged with the crime. At trial, the prosecuting attorney seeks to introduce evidence that the defendant had previously committed a robbery wearing a yellow ski mask, goggles, and a fluorescent yellow jumpsuit. Upon objection by the defendant's attorney, the proffered evidence should be', A. 'admissible as circumstantial evidence that the defendant committed the crime as charged.', B. 'admissible, to show the identity of the defendant.', C. 'inadmissible, because the probative value of the evidence is outweighed by the danger of unfair prejudice.', D. 'inadmissible, because it constitutes improper character evidence.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 381:

'A seller signed an agreement to sell a residential parcel to a prospective purchaser. The agreement required her to convey good and marketable title. The title search revealed an open mortgage from a previous owner to a local bank. It was recorded 25 years ago. The mortgagor could not be found and the bank lost its records. The purchase agreement gave the seller 90 days extra in such a situation to clear title by bringing a quiet title action. The seller did not follow that provision and went to settlement with the bad title and demanded more extra time to file a quiet title action. The buyer decided not to wait and demanded her down payment be returned and that the deal be rescinded. Will litigation most likely favor the buyer's position?', A. 'Yes, because the seller breached the agreement by not following the procedure stated in the purchase agreement.', B. 'No, because the seller always has the right to bring an action for adverse possession against the holder of the open mortgage.', C. 'Yes, because the open mortgage is so old that it would be declared void by all courts.', D. 'No, because the buyer did not act in good faith when it refused to give the seller additional time at the closing.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 382:

'Congress recently passed a law that would grant, for free, federally owned buses to a religious organization. The congressional statute stipulates that the religious organization must use the buses to travel across America to spread the moral message of sexual abstinence to teenagers at school assemblies. Which of the following is the strongest constitutional grounds for invalidating the gift of the buses to the religious organization?', A. 'The gift violates the equal protection rights of secular organizations.', B. 'The gift violates the establishment clause.', C. 'The gift is a taking of federal property without just compensation.', D. 'The gift violates the commerce clause.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 383:

'A state has recently enacted a statute making it a misdemeanor for any person to smoke a cigarette, cigar, or pipe in any restaurant, bar, cafe, or other establishment within the state. A defendant was tried in state court for violating the anti-smoking statute. The prosecution's evidence consisted of testimony regarding the defendant's cigarette smoking at a restaurant. During the prosecution's case-in-chief, they called a witness who testified to a prior conviction of the defendant that had been excluded by the judge in a pretrial hearing. The judge immediately granted a mistrial and excused the jury. The state prosecutor appealed the ruling under a statute that permitted prosecutorial appeals in such circumstances. The state won the appeal, but the prosecutor decided not to re-prosecute the defendant. However, the city attorney from the city in which the restaurant was located then sought to prosecute the defendant for the same incident under the city's anti-smoking ordinance, which was identical to the state statute. The city attorney planned to call as her only witness a man who testified at the defendant's first trial. The defendant moved to dismiss on the grounds that the prosecution of the city charge would violate his rights against double jeopardy. The court should', A. 'grant the motion, because jeopardy attached in the first prosecution.', B. 'grant the motion, because the law and the evidence will be identical at the second trial.', C. 'deny the motion, because the city and the state are separate sovereigns.', D. 'deny the motion, because the judge granted a mistrial.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 384:

'An avid baseball fan learned that a local professional baseball club was conducting a baseball camp for fans who wanted to meet and receive instruction from the club's players. The cost of the two-week camp was advertised for \$2,500, which included meals and housing. The fan, a 54-year-old salesman, forwarded the club a \$50 registration deposit, which reserved him a spot in the baseball camp. Thereafter, the fan received a contract from the club, which all baseball camp attendees were required to sign. The agreement provided that the \$2,500 entrance fee was nonrefundable. According to the agreement, all attendees would receive group instruction during the baseball camp. Consequently, the club's operating costs would not be reduced if one or more of the attendees failed to participate or complete the two-week program. The fan signed the contract and forwarded it with his \$2,500 entrance fee to the club. Two days before the start of the baseball camp, however, the fan died from a heart attack. In a restitutionary action, can the executor of the fan's estate, a surviving brother, recover on behalf of the estate either all or part of the \$2,500 paid to the club?'. A. 'No, but only if the club can show that before the start of the baseball camp it rejected another applicant because of its commitment to the fan.'. B. 'No, because under the terms of the agreement the \$2,500 entrance fee was nonrefundable.'. C. 'Yes, because the club would otherwise be unjustly enriched at the fan's expense.'. D. 'Yes, under the doctrine of frustration of purpose.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 385:

'A creditor instituted a garnishment action against a woman who owed the creditor a back due debt. This was the first action taken, and the creditor did not have a judgment. It served the notice of garnishment on the garnishee, the woman's employer. The employer honored the notice by holding all of the woman's earnings in escrow pending the creditor's lawsuit and entrance of final judgment against the woman. The state where defendant lived and worked had a provision for pre-judgment garnishment, as long as the money was held and not distributed until a judgment was entered. The money would be paid to the woman if a judgment was not entered with the next 120 days. The woman sued the employer and the creditor, demanding release of her earnings. Will the court order the garnishee to release the funds to the woman?', A. 'No, because the state procedure for protecting the woman's money until a judgment is entered is a fair one that comports with procedural due process.', B. 'No, because the state has an interest in protecting the rights of creditors to collect debts through the garnishment procedure.', C. 'Yes, because the only party that has garnishment rights in the United States is the Internal Revenue Service.', D. 'Yes, because the interim freezing of wages without a chance to be heard violates procedural due process.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 386:

'A shopper in a grocery store was injured when she slipped and fell on a puddle of liquid on the floor, causing her serious injuries. She sued the store for damages. She testified at trial that while sitting on the floor trying to gather the strength to get up, she heard a grocery employee asst. manager say to an employee, "I thought I told you to get that mess up!" The grocer's counsel objected on the basis of hearsay to the admissibility of the purported statements of the asst. manager and the other employee. What will the court decide?', A. 'The objection will be overruled because the asst. manager's statement was not hearsay ■■■ it was offered to show that they were aware of a problem on the floor.', B. 'The objection will be sustained because the asst. manager's statement was pure hearsay and she had to be available for cross-examination for the statement to be admissible.', C. 'The objection will be sustained because the statement was irrelevant to whether or not the store was negligent and liable for the shopper's injuries.', D. 'The objection will be overruled because the asst. manager's statement, made in the scope of her duties, was a vicarious admission of the party opponent, the grocery store.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 387:

'A property owner owned a large building in the city. The owner leased the building to a shopkeeper for a period of 20 years at a rental of \$10,000 per month. The leasehold agreement between property owner and shopkeeper provided that the latter was not permitted "to assign this lease to anyone except a corporation with an **AAA**' credit rating from a well-known credit rating company. " One month later, the shopkeeper leased the premises to a corporation that did not have the required credit rating. The shopkeeper-corporation lease was for a period of five years, with a rental of \$15,000 per month, payable by the corporation to the shopkeeper. In addition, the corporation agreed to abide "by all of the terms and conditions of the lease between the property owner and the shopkeeper. "One year later, the corporation leased the premises to a non-profit organization for the balance of the term of the corporation **AAA**shopkeeper lease. The non-profit organization took possession of the said premises the same day that the corporation vacated its occupancy. Pursuant to the corporation **AAA**nonprofit leasehold agreement, the latter was obligated to pay a monthly rental of \$17,500 directly to the corporation. The non-profit organization has a **AAA**' credit rating with the well-known credit rating company. Which of the following is not correct regarding the legal relationship(s) of the various parties?', A. 'Privity of estate and privity of contract exist between the property owner and the shopkeeper.', B. 'Privity of estate and privity of contract exist between the shopkeeper and the corporation.', C. 'Privity of estate, but not privity of contract, exists between property owner and the corporation.', D. 'Neither privity of estate nor privity of contract exists between the property owner and the nonprofit organization.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 388:

'In 1996, a developer purchased a 100-acre tract located in a northern county in a state. Shortly thereafter, the developer prepared a subdivision plan that created 100 one-acre residential building lots on this tract. In 1997, the subdivision plan was recorded with the county recorder's office. During the next few years, the developer sold 60 residential lots to individual purchasers. Each deed specified that every lot designated on the subdivision plan was to be recorded in the county recorder's office. Each deed also provided the following: "No house trailer or mobile home shall be built or maintained on any lot within the subdivision. "In 2003, the developer conveyed the remaining 40 lots to a builder by deed that included language identical to that contained in the first 60 deeds. This deed from the developer to the builder was recorded. By 2008, the builder had sold all of the 40 lots. Each of these deeds identified each lot as being a part of the subdivision, but did not include the clause relating to mobile homes. On January 30, 2009, a buyer, who had purchased one of the residential lots from the builder, placed a mobile home on his property. Which of the following statements is LEAST accurate with respect to the buyer's deed?', A. 'The covenant prohibiting mobile homes ran with the land as far as the builder, but not as far as the buyer.', B. 'The covenant prohibiting mobile homes could be enforced by any subdivision lot owner.', C. 'The buyer should have had constructive notice of the restriction against mobile homes.', D. 'All subsequent grantees of the builder would be in privity of estate.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 389:

'A purchaser orally agreed with the seller to buy seller's house for \$100,000. The purchaser gave the seller a written offer and a post-dated check for 5% of the price. Before the seller signed the offer form or deposited the check, he received an offer of his full asking price of \$120,000 from another party. The seller called the purchaser and called the deal off. The purchaser sued for specific performance on the basis that the oral understanding, along with the written offer and the check, constituted an enforceable agreement. Will the purchaser likely prevail?', A. 'Yes, because there was an oral agreement and the check for the down payment was evidence of consideration being paid.', B. 'No, because the offer was not accepted ■■■ prior to an acceptance the seller had the right to sell to anyone.', C. 'Yes, because the buyer and seller had a meeting of the minds evidenced by their oral understanding, the check and the written offer.', D. 'No, because specific performance does not apply in a residential real estate transaction.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 390:

'A student lent his classmate his car to attend a concert at a theater. Before going to the theater, the classmate drove to a dealer's home to buy some marijuana. The dealer lived approximately two miles from the theater. After picking up the marijuana, the classmate then drove to the concert. As he was driving to the concert, the classmate smoked two marijuana cigarettes so that he could be "high" for the show. While the car was parked outside the theater, through no fault of the classmate, it was struck by another car and damaged. Repairs will cost \$750. The driver of the vehicle that struck the student's car fled the scene and cannot be identified. If the student asserts a claim against the classmate for the damage to the student's car, the plaintiff will recover', A. 'the value of the car before it was damaged because the car was damaged while under the classmate's dominion and control.', B. 'the value of the car before it was damaged because the classmate used the car for a purpose other than that for which it was lent.', C. 'the cost of repairing the car because the car was damaged while under the classmate's dominion and control.', D. 'nothing, because the classmate was not negligent in causing the car's damage.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 391:

'One day, while visiting a plastic surgery clinic for a routine Botox treatment, a patient received an excessive dose of Botox from a new medical assistant on the staff. Her face frozen in a grotesque grimace, she demanded to speak to the doctor. The doctor said, "Listen, why don't you go over to the emergency room and send the bills to me? I'll take care of your medical expenses. " The patient subsequently sued the doctor for negligent hiring of the medical assistant and for damages. At trial, she proposes to call the doctor's administrative assistant, who was present during her conversation with the doctor. The patient wants the administrative assistant to testify to the doctor's offer to pay her medical bills. The doctor's attorney objects. The trial judge should', A. 'sustain the objection, because the patient's medical records are the best evidence of the doctor's negligence.', B. 'sustain the objection as an offer to pay the medical bills.', C. 'overrule the objection, because the evidence is relevant as to the question of the doctor's negligent hiring.', D. 'overrule the objection, because an offer to pay medical bills is an inferential admission.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 392:

'Client thinks she has been slandered. What of the following is not true about slander?'. A. 'It is spoken defamation.'. B. 'Plaintiff has to prove special damages, unless it falls into slander per se.'. C. 'The statement does not have to be published if it constitutes slander per se.'. D. 'There are four slander per se categories.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 393:

'A man and a woman were competing in an illegal drag race. Both of them were driving over the speed limit but were otherwise driving very carefully. However, when a tire on the woman's car suddenly blew out, she lost control of her car and crashed, injuring a pedestrian. The pedestrian later sued the man, because the woman had no insurance or assets. Will the pedestrian be likely to prevail in that action?', A.

'No, because the man did not cause the injury.', B. 'No, because the man was driving very carefully.', C. 'Yes, because the man and the woman were acting in concert in a dangerous activity.', D. 'Yes, because the man was exceeding the speed limit. ■■'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 394:

"The operator of a hot dog stand sent the following purchase order to a bakery: 'We are expecting an increase in business over the upcoming holidays. Please ship immediately 36 dozen 10-inch hot dog buns at your current list price of \$6 per dozen. 'The day after receiving the purchase order, the bakery shipped 24 dozen 10-inch hot dog buns and 12 dozen 8-inch hot dog buns. The owner of the bakery had instructed his staff to include a message that the bakery did not have enough 10-inch hot dog buns to fill the order, so they were including the 8-inch hot dog buns as an accommodation. However, the shipping department forgot to ■■■include the message with the shipment. Which of the following is the most accurate statement regarding the operator's legal rights following receipt of the hot dog buns?', A. 'The operator may either accept or reject all of the hot dog buns upon seasonable notice to the bakery, but it cannot accept only the 10-inch hot dog buns without the bakery's approval.', B. 'The operator may either accept or reject all of the hot dog buns, or accept any commercial unit and reject the rest, but must give the bakery seasonable notice of either total or partial rejection.', C. 'The operator may either accept or reject all of the hot dog buns, or accept the 10-inch buns and reject the 8-inch buns, but it cannot accept any combination of the hot dog buns.', D. 'The operator may either accept or reject all of the hot dog buns, or, provided the bakery gives seasonable notice that the shipment was made for accommodation only, the operator may accept any combination of hot dog buns and reject the rest.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 395:

'Fernandez is planning to attend an auction of the assets of Cross & Black, one of his major competitors who is liquidating. In the conduct of the auction, which of the following rules applies?', A. 'Such a sale is without reserve unless the goods are explicitly put up with reserve.', B. 'A bidder may retract his bid at any time until the falling of the hammer.', C. 'The retraction of a bid by a bidder revives the previous bid.', D. 'If the auction is without reserve, the auctioneer can withdraw the article at any time prior to the fall of the hammer.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 396:

'A partnership conveyed a general warranty deed representing a vacant parcel of land to the purchaser. In the deed, the grantee and her assigns were required by covenant to share proportionately in the paving of a road that abutted the property. The grantee conveyed the property to a married couple by special warranty deed that did not contain any of the conditions of the covenant regarding paving the new road. The buyers did not have an attorney and did not do a title search. When the road was completed, the married couple buyers refused to pay the share that was demanded of them. The original sellers of the parcel sued the couple in an equity claim without a jury. The judge ruled that the couple had to pay their share of the paving. On appeal, will the appellate court affirm the trial judge's order?', A. 'Yes, this is a covenant running with the land because it was intended to apply to the first purchaser's heirs and "assigns".'. B. 'Yes, because a landowner is in any event responsible for her share of improvements to any abutting private roads.'. C. 'No, because the general warranty of the original sellers did not apply beyond the first purchaser.'. D. 'No, because the paving requirement had to be placed in the deed to the married couple and it was not.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 397:

'A longshoreman fell to his death through an open hatch on the deck of a ship. The longshoreman was an employee of a company that had contracted with the ship's owner to load and unload the ship. The fall occurred at night, when loading work was over for the day, and there was no reason for the longshoreman to have been near the hatch. A negligence action was filed against the ship's owner for the death of the longshoreman. In that action, the owner has moved for summary judgment and has provided un rebutted evidence that it is customary for the crews of ships to open the hatches for ventilation after the longshoremen have left the ships. How should the court respond to the motion?', A. 'Deny the motion and submit the case to the jury with instructions that the custom is relevant but not conclusive on the issue of negligence.', B. 'Deny the motion and submit the case to the jury with instructions that the ship's owner should win if the longshoreman was improperly near the hatch.', C. 'Deny the motion, because the probability of serious injury caused by falling down an open hatch clearly outweighs the burden of keeping the hatch closed.', D. 'Grant the motion, because the custom should be considered conclusive on the issue of negligence.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 398:

'New York State has a criminal statute making it illegal to knowingly interfere with the operation of government with malicious intent. Corry is a computer hacker, who shut down the New York government's website by infecting it with a virus. The virus entered the electronic mail of users and mailed itself to every address listed in each user's e-mail address book every two hours. The website was crippled for the last week of January. The state passed a law in February clarifying that knowingly infecting the state's internet server with a computer virus met the definition of interference in the statute. During the subsequent criminal trial against Corry in March, the state asked for a jury instruction based on the statutory computer virus clarification. The defense objects to the instruction. How should the state court judge rule?', A. 'Reject the instruction, based on ex post facto.', B. 'Reject the instruction as a violation of due process.', C. 'Admit the instruction, because the law was passed before the prosecution was initiated.', D. 'Admit the instruction, as a bill of attainder.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 399:

'A contractor learned that a city intended to open a new grammar school and was going to ask for bids to construct the school. The contractor decided to submit a bid to do the construction. The contractor contacted all of the subcontractors she had worked with in the past, informed them of the specifics of the school construction project, and asked each to submit a bid for the work they would be requested to perform. An insulation company submitted a bid of \$25,000 to do the required insulation work in the new school. Based on that and other subcontract bids, the contractor prepared a general bid and submitted it to the city. Three days after the contractor submitted the bid to the city, the insulation company notified the contractor that it had overbooked its workforce and would be unable to perform the insulation work. The next day, the city notified the contractor that she had won the bid to build the school. The contractor was forced to find another company to do the insulation work. The other company charged the contractor \$30,000 to do the insulation. Which of the following arguments best supports the claim for \$5,000 by the contractor against the insulation company?', A. 'The contractor had made an offer to the insulation company that the latter accepted when it submitted its bid.', B. 'The insulation company had made an offer that the contractor accepted by using the insulation company's bid in computing the bid it submitted to the city.', C. 'The insulation company's bid was an offer that it was obligated to hold open, because the insulation company and the contractor were merchants.', D. 'An option contract was created, because the contractor used the insulation company's bid in computing the bid it submitted to the city and notified the insulation company of that fact.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 400:

Osgood is the record owner of Desertacre, a 100- acre tract of farmland in California's Coachella Valley. Osgood inherited the property from his father and farmed the land until 2006, when he reached the age of 70. He then decided to retire and move to Scottsdale, Arizona. At that time, Osgood conveyed Desertacre to Cutler "for his use during his natural life. "After taking possession of the property, Cutler executed a mortgage on Desertacre in the amount of \$100,000. In 2009, Osgood died and in his will, the testator devised Desertacre to his son, Desmond, with remainder to Deirdre. The will provided that Desmond and Deirdre took Desertacre "subject to Cutler's mortgage. "At the time of Osgood's death, Desertacre had a market value of \$300,000. When Desmond learned of the devise, he was hesitant about taking title to Desertacre because he did not want to incur any indebtedness. Assume that Cutler is still alive and in possession of the tract. With respect to the mortgage, Desmond will be', A. 'liable for the mortgage, because he is the devisee under the terms of Osgood's will.', B. 'liable for the mortgage, because the property was devised subject to the mortgage.', C. 'not liable, because there was no assumption of the mortgage.', D. 'not liable, because he did not personally grant the mortgage.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 401:

'A criminal actor committed the crime of solicitation. Which of the following does not apply to solicitation?', A. 'It is an agreement between two or more to commit a crime.', B. 'It is solicitation of another to commit a felony.', C. 'No act is needed other than the solicitation.', D. 'Withdrawal is generally not a defense.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 402:

The police interrogated a suspect regarding a series of burglaries. The suspect had attention deficit disorder, dyslexia and an IQ of 72. Prior to beginning they read a list of Miranda rights to him on a form that the suspect had in front of him. After the reading, he initialed each paragraph indicating he understood. At the bottom of the form was an express written waiver of the Miranda rights, which he signed. He had been interrogated in the past and was familiar with the procedure. During the four hours of interrogation he was given bathroom breaks, coffee, and a sandwich. At the end of the process, he made a logical and seemingly cogent confession to all of the burglaries in a taped statement. The defendant later moved to suppress the confession, arguing that he was coming down from drugs at the time and was intellectually unable to understand and comprehend the nature of the warnings or the waiver. What is the most likely decision of the court under the totality of the circumstances?', A. 'The outward signs all indicate that the suspect understood the procedure and gave a voluntary confession despite his disabilities.', B. 'There are too many questionable deficiencies in the suspect's ability to understand what was going on and the confession must be suppressed.', C. 'He was too confused to understand what was going on and the confession was coerced by the persistence of the police.', D. 'The signing of a written waiver of Miranda rights is always proof that the suspect gave a voluntary confession.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 403:

'A company offered to sell several loads of landscaping stones at a specified price and itemized terms. The offeree sent a notification to the offeror stating, "We have received your offer to sell landscaping stone per specified terms this date." The offeror shipped the goods upon receiving that notification. On the date of shipment, the offeree posted an acceptance form with slight modifications to the terms. After the goods arrived, the offeree called the offeror's manager and told him that the company was unable to accept the offer at this time, he was shipping the goods back, and to "ignore any paperwork we sent."

The offeror sued the offeree for breach of contract. Who will prevail?', A. 'The offeror will prevail because the posting of the acceptance finalized a contract between the parties.', B. 'The offeree will prevail because it never accepted the offer on the same terms specified.', C. 'The offeror will prevail because it shipped the goods when it received the first acceptance.', D. 'The offeree will prevail because it rejected the offer when it called the offeror's manager.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 404:

'If a regulation does amount to a taking, then what must the government do?', A. 'Pay just compensation for the property', B. 'Terminate the regulation and pay damages that occurred while regulation was in effect', C. 'Pay double damages if not addressed in 30 days.', D. 'a or b'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 405:

'A homeowner contracted in writing with a kitchen contractor to renovate her kitchen for \$25,000, "subject to the homeowner's complete personal satisfaction." The contractor replaced the cabinets, flooring, and countertops and then sought payment from the homeowner. The homeowner paid the contractor only \$20,000, truthfully saying that she did not like the finish on the cabinets and was therefore not satisfied. If the contractor sues the homeowner for the balance of the contract price, will the contractor be likely to prevail?', A. 'No, because a condition to the homeowner's obligation to pay was not satisfied.', B. 'No, because the contractor breached his duty of good faith and fair dealing by supplying unsatisfactory materials.', C. 'Yes, because the homeowner breached the covenant of good faith and fair dealing by rejecting the cabinets without justification.', D. 'Yes, because the homeowner was the first party to breach the contract.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 406:

'As part of his defense to a murder charge, a defendant offered testimony that he was committing a bank robbery in another state on the day that the victim was killed. The testimony is', A. 'admissible as not hearsay.', B. 'admissible as an admission.', C. 'admissible as a declaration against interest.', D. 'admissible as then-existing state of mind.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C. 'admissible as a declaration against interest.'

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 407:

'In her request for jury instructions on the defense of duress, a defendant argued that she should have the burden of producing some evidence of duress, but the prosecution should be required to disprove duress beyond a reasonable doubt. The trial court denied the defendant's request and instead instructed the jury that the defendant had the burden of proof to establish the defense of duress by a preponderance of the evidence. After she was convicted by the jury, the defendant claims on appeal that the jury instructions regarding duress violated the due process clause. Were the jury instructions correct?', A. 'No, because the prosecution bears the burden of proof beyond a reasonable doubt on all elements and defenses produced at trial by a defendant.', B. 'No, because the jury instruction impermissibly shifts the burden of proof to the defendant.', C. 'No, because the defense of duress is no longer a recognized defense in federal prosecutions, although it was recognized at common law, and is recognized in most state courts.', D. 'Yes, because the defense has the burden of proving the defense of duress by a preponderance of the evidence.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 408:

'A producer of widgets contacted a manufacturer of boxes about the possibility of purchasing specially designed boxes for shipping the widgets to customers. The producer sent the manufacturer a sheet containing the dimensions of the boxes' needs, as well as the logo to be placed on each box. After negotiations, the parties entered into a written contract whereby the manufacturer agreed to supply the producer with as many of the boxes as the producer may require up to a maximum of 10,000 per month. Later that day, the producer telephoned the manufacturer and said that they were running a one-time promotion and expected to sell an unusually large number of widgets. Therefore, for the first month only, they would need 15,000 boxes. The manufacturer agreed to this request. The manufacturer's oral agreement to supply the producer with the 15,000 boxes for the first month would most likely be held', A. 'enforceable.', B. 'unenforceable, because their written contract on the same date was the final integration of the terms of their agreement.', C. 'unenforceable, because the agreement was violative of the parol evidence rule.', D. 'unenforceable, because there was inadequate consideration to support the manufacturer's unilateral promise.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 409:

'In an attempt to promote safe sex a foundation began sending condoms in the mail. Thousands of Americans became incensed and objected to this type of unsolicited advertising. A group of people started a nationwide campaign against the use of condoms. This new organization also started a strong lobbying movement to have Congress pass legislation prohibiting the distribution of condoms by using the U. S. postal system. Assume that the lobbying effort was successful, and Congress passed a law prohibiting any unsolicited advertising for condoms to be distributed through the U. S. postal system. The foundation has challenged the constitutionality of this federal statute. The best argument against the constitutionality of this law is which of the following?', A. 'The statute is invalid because it violates the First Amendment protection of commercial free speech.', B. 'The statute is invalid because it unduly burdens interstate commerce.', C. 'The statute is invalid because it violates the Fifth Amendment right of privacy.', D. 'The statute is invalid because it violates the equal protection clause of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 410:

'A homeowner, his daughter, and his sister are the owners of three contiguous lots in the city. A downward slope exists from the homeowner's land to the sister's land. The homeowner's and daughter's lots were in an unimproved natural state. The sister, however, had lived for 10 years in a house that she had built on her property. The daughter, in preparation for building a house on her lot, carefully excavated an area eight feet deep for the purpose of building a basement. The daughter completed construction of her house and macadamized an area for use as a driveway without changing the former contours of the land. Shortly thereafter, the sister began to make complaints to the daughter about the flooding of her basement, which she claimed had been previously free of water. The sister then built a concrete wall three feet along her border with the daughter to prevent the flow of rain water running onto her land from the daughter's property. This caused the surface water to stand and become stagnant on the daughter's land. The daughter demanded that the sister remove the wall, and upon the sister's refusal, the daughter brought an appropriate action to compel removal. The most likely result is', A. 'the sister must remove the wall because she has no right to obstruct the flow of such surface water.', B. 'the sister must remove the wall at the daughter's expense.', C. 'the sister may leave the wall without being liable to the daughter for money damages.', D. 'the sister may leave the wall, but she will be liable to the daughter for money damages.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 411:

'A minor-plaintiff suffered permanent head injuries as a result of being hit by a car driven by a defendant. The plaintiff's father commences this action as a parent in his own right and on behalf of his son. At trial, the plaintiff's attorney called the only witness to the accident, the plaintiff's friend, aged seven. The friend was four years of age at the time of the accident. It was determined that the friend lacked the capacity to perceive and relate the accident at the time it actually occurred. The court should rule that the friend would be', A. 'competent to testify, because he had personal knowledge of the accident.', B. 'competent to testify, because a seven-year-old is presumed to be chronologically mature.', C. 'incompetent, because he lacked the capacity to perceive and relate the accident at the time of its occurrence.', D. 'incompetent, because all children under the age of 10 are deemed incompetent to testify.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 412:

'A defendant is on trial for false pretenses. He is charged with selling worthless stock in a dummy corporation to unwitting investors. The defendant is alleged to have masterminded a scheme wherein he set up a nonexistent corporation that never conducted business. The victims were sent prospectuses containing false financial data, which induced them to purchase stock in the phony corporation. At trial, the prosecution seeks to introduce into evidence proof that the defendant had set up 10 other so-called dummy corporations that never existed. This evidence is', A. 'admissible, to show defendant's character trait for dishonesty.', B. 'admissible, to show his intent to defraud.', C. 'inadmissible, because character cannot be proved by specific instances of misconduct.', D. 'inadmissible, because the evidence is not relevant.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 413:

'A landlord, the owner of a two-story dwelling house, leased it completely furnished to a tenant for a 10-year period. Toward the end of the seventh year of the term, a violent storm blew off several of the roof shingles. The tenant noticed a leak through the roof where the shingles had blown off, but didn't make any repairs. A month later, a severe rain storm occurred, and water leaked through the roof, causing damage to the valuable parquet floors in the two rooms below. Before the term of his lease ended, the tenant discovered that the landlord had not paid his taxes on the property, so he purchased the property through a sheriff's sale. The tenant refuses to make any further rental payments on the property. If the landlord brings suit against the tenant for payment of rent in arrears, he would most likely', A. 'succeed, because the tenant is estopped to deny the landlord's title.', B. 'succeed, because of his security interest in the property.', C. 'fail, because the purchase by the tenant vitiated any further contractual obligations.', D. 'fail, because the landlord was under a duty to keep the demised premises in reasonably good repair.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Error with subject_matters/professional_law_test/prompts_9_414.json: 'user'

Question 415:

'A construction contractor brought a breach of contract claim in federal court against a homeowner who had hired the contractor to build an apartment over an existing garage. The action turned on the scope of the work covered by the contract. The contractor and the homeowner were the only witnesses at the bench trial, and they strongly disagreed about the scope of the work. At the end of the trial, the judge stated findings of fact on the record but never issued a written opinion. Neither party objected to the findings. The judge found in favor of the homeowner, and the contractor appealed. Is the appellate court likely to overturn the findings?', A. 'No, because the appellate court must give due regard to the trial judge's opportunity to determine witness credibility.', B. 'No, because the contractor failed to object to the findings when the judge stated them in open court.', C. 'Yes, because a judge must set forth findings of fact in a written opinion or memorandum of decision.', D. 'Yes, because there were disputed issues of fact at trial.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 416:

'A state on the eastern seaboard has a long stretch of scenic, ecologically unique, and relatively unspoiled seacoast. Most of the coastline is privately owned by persons who have permanent or vacation residences on their coastal lands. A man purchased a two-acre tract of littoral (i. e. , coastal) land in the state. When the man bought the property, there was a narrow concrete walkway (about 20 feet in length and 5 feet in width) adjoining the land. The walkway, which was designed to provide pedestrian access to the beach, was owned by the State Coastal Commission. When the man moved into his beach house, he noticed that the walkway was rarely used. As a result, the man decided to enclose the walkway and construct a paddle ball court over the entire area. He did so without notifying the State Coastal Commission. He has continued to use this area in excess of the period required for adverse possession. In an appropriate action brought by the man to establish title to the walkway area, which of the following must he establish if he is to prevail?', A. 'Real property interests can be abandoned by a governmental entity without an official vote.', B. 'Lack of use of the walkway by the state created an irrevocable license in him.', C. 'Real property interests can be lost by a state by adverse possession.', D. 'Due to a defect in the chain of title, the state does not own this piece of land.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 417:

'A plaintiff sued a department store for injuries she sustained when she slipped and fell in the store. At trial, the plaintiff proposes to testify that, when the store manager rushed to the scene, he said to the plaintiff, "I'm so sorry about the water on the floor there, but don't worry ■■■the store will pay for the ambulance and your hospital bill." The store's attorney objects. How should the court rule on the admissibility of the store manager's testimony?', A. 'The testimony is admissible in its entirety as the statement of an opposing party.', B. 'The testimony about the water is an admissible statement of an opposing party, but the rest of the testimony is inadmissible as an offer to pay medical expenses.', C. 'The testimony is inadmissible in its entirety, because it is hearsay not within any exception.', D. 'The testimony is inadmissible in its entirety, because the manager's statement is in the context of an offer to pay medical expenses.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 418:

'A defendant was indicted for engaging in a fraudulent investment scheme. At the criminal trial, the prosecutor called a witness who had participated in the scheme with the defendant. The witness testified about the operation of the scheme and was cross-examined by the defendant's attorney. The case resulted in a mistrial. An investor who was allegedly defrauded by the scheme has now brought a civil action against the defendant. She seeks to introduce the witness's testimony from the criminal trial. The witness has testimony from the criminal trial. The witness has moved to a foreign country. Is the witness's testimony in the criminal trial admissible in the civil action?', A. 'No, because the burden of proof in a criminal action is different from the burden of proof in a civil action.', B. 'No, because the parties are not identical in the two actions.', C. 'Yes, because it is prior testimony of an unavailable declarant.', D. 'Yes, but only if the investor demonstrates that she was unable to obtain the testimony of the witness by deposition.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 419:

'A collector owned a rare 16th-century tapestry. The collector contracted in writing to sell the tapestry to a tapestry dealer for \$100,000. The contract stipulated that delivery would be "F. O. B. at the dealer's shop," with payment to be made one week after tender. When the dealer received the tapestry, he noticed that it had been damaged in transit. The dealer immediately contacted the collector and notified him that he was rejecting the tapestry because it had ripped apart and was becoming unwoven. The collector told the dealer that he would get back to him with re-shipping instructions. The collector did not make any further contact with the dealer. After four weeks, the dealer then sold the tapestry to a buyer for \$120,000. If the collector sues the dealer for damages, the collector should recover', A. '\$120,000, for conversion.', B. '\$108,000, because the dealer is entitled to a reasonable sum not exceeding 10% on the resale.', C. '\$100,000, which is the contract price.', D. '\$20,000, which covers the difference between the contract price and the sale price.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 420:

'A popular singer expressed interest in performing in a theater producer's musical production. The producer and the singer agreed that there would be no enforceable contractual obligations between them until they had entered into a final, signed contract. They then began negotiating the terms of the contract. While the parties were negotiating, the producer began to spend money on the production. When the parties were unable to agree on the terms of a the parties were unable to agree on the terms of a final contract, the producer made reasonable but unsuccessful efforts to hire another singer before abandoning the production. If the producer sues the singer, what will he likely recover?', A. 'Expectation damages in the form of the profits that the production would have made if it had been performed.', B. 'Reliance damages in the form of the actual expenses the producer incurred while negotiating with the singer.', C. 'Restitution for any harm done to the producer's reputation when the production was abandoned.', D. 'Nothing, because it was not reasonable for the producer to expect to be reimbursed for expenses incurred when he knew that the singer was not obligated until there was a final, signed agreement.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 421:

'A woman was married to a very wealthy man who had a generous life insurance policy. Deciding that she had had enough of married life, and desiring to spend more time with her boyfriend, she began to plan an early and unexpected demise for her husband. The woman devised a scheme whereby she would contaminate her husband's guacamole with a poisonous substance called strychnine. To facilitate her plan, she enlisted the help of her boyfriend. At first, the boyfriend adamantly refused to go along with her scheme, but when the woman threatened to break off their relationship, he reluctantly agreed. The boyfriend, a pre-med student, got the strychnine from the pharmacy by telling them that he was using it for an experiment with rats. The boyfriend then gave the strychnine to the woman, who sprinkled it in her husband's guacamole. The husband died from the poisoning. A statute in the jurisdiction provides: "Any intentional and premeditated killing or one occurring during the perpetration of a felony, is murder in the first degree. Murder in the second degree is murder with intent to cause serious bodily harm. Manslaughter is an unlawful killing due to recklessness. " Assault with intent to kill or to cause serious physical injury is a felony in the jurisdiction. There are no separate felonies relating to adulterating food or poisoning. The most serious crime for which the boyfriend can properly be convicted is', A. 'first-degree murder.', B. 'second-degree murder.', C. 'manslaughter.', D. 'no crime.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 422:

'A customer is suing a car dealer for selling him a salvaged vehicle that the car dealer had represented as being brand new. A few weeks before trial, the car dealer approached his sister and said, "Sis, I need some sympathy. I sold a salvaged vehicle to a customer, and now he's suing me. I didn't mean any harm by it. I inspected the vehicle and everything. " Unknown to either the car dealer or his sister, the sister's boyfriend was at the front door and overheard this conversation. When the time for trial came around, the car dealer left the country and refused to attend the trial, telling his attorney to handle it. The customer's attorney attempted several times to secure the car dealer's attendance at trial, but was unsuccessful. At trial, the sister's boyfriend is called to testify about the conversation he overheard. On objection by the car dealer's attorney, the court will most likely rule the testimony', A. 'admissible as a statement of then-existing mental or emotional condition.', B. 'admissible as a declaration against interest.', C. 'admissible as a statement of present sense impression.', D. 'inadmissible as hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 423:

'The most likely contract to be classified under the Uniform Commercial Code (UCC) is a contract for', A. 'A common carrier delivering a new computer.', B. 'Crops and timber to be severed from the property next summer.', C. 'The purchase of a commercial property building.', D. 'The sale of an intangible asset.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 424:

'A husband and wife were shopping at a local department store when the wife saw a dress that she especially liked. The wife, who weighed more than 300 pounds, was unable to find a size large enough to fit her. She then saw a store clerk and asked if the store carried the dress in her size. The clerk looked at the wife and said, "You look like a hippopotamus, and I'm sorry, but we don't carry this dress in the hippo size. " Another customer in the store overheard the comment and began to laugh. The wife became very upset and hurried out of the store. If the wife asserts a tort action against the department store based upon the clerk's actions, the wife will', A. 'win, because the statement was overheard by another customer.', B. 'win, because the clerk's conduct was extreme and outrageous.', C. 'lose, because the clerk was merely stating an opinion.', D. 'lose, because the wife only suffered hurt feelings.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 425:

'A tenant lived in a small apartment building that was owned by a landlord. In July, the landlord was killed in an accident. In August, the tenant brought an action against the administrator of the landlord's state. The tenant alleged that he and the landlord had a contract under the terms of which the landlord was supposed to pay him \$50 a week to mow the lawn and perform small maintenance repairs for the other tenants. He claimed that the landlord had not paid him for the past six months. He testified that there was a written contract and that the landlord kept the only copy of it in his home. At trial, he called the landlord's accountant to testify about the contract. The accountant testified that she had seen the contract. She further testified about the terms of the contract, consistent with the tenant's testimony. She testified that the contract, along with many other documents pertaining to the landlord's business, had most likely been destroyed when the landlord's business office was robbed a few months earlier. The trial judge should rule that the accountant's testimony is', A. 'admissible as secondary evidence under the circumstances.', B. 'admissible as a written admission by the party opponent.', C. 'inadmissible under the Dead Man's Statute.', D. 'inadmissible, because the accountant's testimony is not the best evidence.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 426:

'A man worked as a clerk in a gourmet coffee shop. His friend often stopped by the shop to chat with the man while the man was working. One afternoon, while the friend was visiting the shop, the man needed to use the bathroom. There were no customers in the shop at that moment, so the man asked the friend to watch the store for him while he went in the back to use the bathroom. The friend agreed to do so. While the man was in the bathroom, a customer came into the store. She wanted to purchase some freshly ground coffee. The shop had a grinding machine that customers could use. The customer selected a bag of coffee beans and then took it to the grinding machine. She was unsure how to start the machine, so she asked the friend for help. The friend tried to show the customer how to use the machine, but he was not familiar with how it worked, and he gave the customer erroneous instructions. The customer tried to follow the friend's instructions, but this led to her getting her finger pinched and cut by the machine. If the customer asserts a claim against the coffee shop company for her finger injury, the customer will most likely', A. 'prevail, because the company would be vicariously liable for the man's unauthorized actions.', B. 'prevail, because the friend's negligence would be imputed to the company.', C. 'not prevail, because the man acted outside the scope of employment by entrusting the supervision of the shop to his friend.', D. 'not prevail, because the company is not liable for the friend's negligence.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 427:

'A man participated in a bank robbery as the driver of the getaway vehicle. The other conspirators assured him there would be no injuries or killings, but while in the bank they killed two people. Pursuant to the state's felony murder rule, the getaway driver was convicted of first degree murder, and sentenced to death. After exhausting his appeals, the United States Supreme Court agreed to hear his case. He argued that he did not intend to kill and was not even present. What is the most likely holding of the Supreme Court?', A. 'It is constitutional for a state to authorize the execution of an individual who participates in a robbery in which another robber takes life.', B. 'A conviction of first degree murder justifies the execution as long as aggravating circumstances are found to exist.', C. 'The felony murder rule is unconstitutional and the defendant's conviction must be reversed.', D. 'The execution of the defendant constitutes cruel and unusual punishment under the Eighth Amendment and cannot be allowed.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 428:

'One evening, a defendant was at a party and offered to sell an ounce of marijuana to a partygoer. The partygoer agreed to purchase the marijuana and gave the defendant \$200. In return, the defendant handed the partygoer a bag containing what appeared to be marijuana. At the time of the transaction, the defendant knew that the bag did not contain marijuana but, instead, was oregano. The defendant is guilty for which, if any, of the following crimes?', A. 'Solicitation and attempted sale of narcotics.', B. 'Attempted sale of narcotics and false pretenses.', C. 'False pretenses.', D. 'Solicitation, attempted sale of narcotics, and false pretenses.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 429:

'A repairman repaired damaged electrical power lines and replaced old, worn-out equipment whenever necessary for the local municipal electrical company. After a violent tornado had ripped through the city, the electrical company was busily trying to restore electrical power to its customers. The morning after the storm, the repairman was perched on a ladder trying to repair a high-voltage power line. As he was removing the cover of the transformer box, the ladder suddenly slipped on the wet ground, even though it had been properly fixed into position. The repairman struggled to maintain his balance and, luckily, the ladder came to rest against the transformer box. A pedestrian, who was walking on the street below, saw the repairman's predicament and began to climb the ladder to aid him. As the pedestrian was ascending the ladder, his foot slipped, and he fell to the ground. His fall caused the ladder to jar loose the transformer box, which in turn sent the repairman falling to the pavement. The repairman and the pedestrian both suffered serious injuries. If the pedestrian asserts a claim against the electrical company for his injuries, he will most likely', A. 'prevail, because he was attempting to rescue the repairman.', B. 'prevail, because a public utility company is strictly liable in tort.', C. 'not prevail, because he was negligent in climbing the ladder.', D. 'not prevail, because the repairman was not negligent in not affixing the ladder properly.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 430:

'On Monday, a man told a gardener, "I am having a party on Sunday and I want my house to look good. If you will promise to mow my lawn by Saturday, I will pay you \$50. " On Friday, the gardener arrived at the man's home just as the man was leaving for work and began to mow the man's lawn. The man said nothing to the gardener but drove off as he saw the gardener unloading his lawn mower. When the man arrived home from work that evening, he noticed that only half of his lawn had been mowed. He then found a note from the gardener slipped into his mailbox. The note said:"Sorry, but I ran out of gas to power the lawn mower and did not have time to buy more gas to finish the job. I'm taking the weekend off, but I will be back Monday morning to finish the job. "If the man brings suit against the gardener for breach of contract, who is likely to prevail?', A. 'The gardener, because he never accepted the offer made by the man.', B. 'The gardener, because he offered to cure the defective performance by finishing the job on Monday morning.', C. 'The man, because the gardener's part performance necessarily implied an acceptance and a promise that he would render complete performance.', D. 'The man, because under the doctrine of equitable estoppel, the gardener's part performance was evidence of his intent to honor the entire contract.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 431:

'Police officers had probable cause to believe that drug dealing was routinely taking place in a particular room at a local motel. The motel manager authorized the officers to enter the room and provided them with a passkey. Without obtaining a warrant, the officers knocked on the room's door, announced their presence, and told the occupants that they would like to speak with them. The officers then heard yelling and repeated flushing of the toilet. They then used the passkey and entered the room, where they saw the occupants dumping drugs into the toilet. The occupants of the room were charged with drug dealing and have moved to suppress the drugs. Should the court grant the motion to suppress?', A. 'No, because exigent circumstances justified the officers' entry.', B. 'No, because the motel manager consented to the officers' entry.', C. 'Yes, because exigent circumstances cannot excuse the lack of a warrant.', D. 'Yes, because the officers cannot benefit from exigent circumstances that they created.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 432:

'A plaintiff alleges in a lawsuit against a store that he purchased a hot dog with chili that gave him food poisoning and caused him excruciating pain. The store offers into evidence certified copies of court proceedings revealing that the plaintiff has filed three similar lawsuits in the last 18 months against other convenience stores, claiming food poisoning resulting from the purchase of food from those stores. These copies should be ruled', A. 'inadmissible, because of the best evidence rule.', B. 'inadmissible, because they are irrelevant to the present claim.', C. 'inadmissible, because there is the danger of undue prejudice to the plaintiff, which outweighs the probative value of the evidence.', D. 'admissible, because they establish a pattern of similar actions.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 433:

'A retiree lived in a single-family dwelling in the city. Adjacent to his home was a vacant lot that measured 100 feet by 175 feet. The lot, which the retiree owned, was situated on the corner of Davis Street and University Way. The tract measured 100 feet along Davis Street and 175 feet along University Way. The retiree executed a deed purporting to convey the vacant lot to his lifelong friend for the consideration of \$28,000. After escrow, the deed was delivered to the friend, who immediately filed it with the county recorder's office. The recorded instrument described the property conveyed as "all the tract of land beginning at the northwest corner of Davis Street and University Way; thence west along Davis Street 100 feet; thence north 175 feet; thence west 100 feet; thence south 175 feet along University Way to the place of beginning. " Three months after his conveyance to the friend, the retiree died intestate. His heirs have now filed an appropriate action contesting the friend's title to the vacant lot. Which of the following statements is most accurate concerning the outcome of this suit?', A. 'The retiree's heirs will prevail because metes and bounds, rather than streets, are appropriate boundary descriptions.', B. 'The friend will prevail because equity will not permit forfeiture for a mere technicality.', C. 'The outcome will depend on whether the tract of land was plotted as a lot in a subdivision.', D. 'The outcome will depend on whether the last call (175 feet along University Way) prevails over the third call (west 100 feet).'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 434:

'A woman had been spreading rumors around town that a defendant was a shoplifter. After the defendant learned about these rumors, she was furious and decided that she would teach the woman to keep her mouth shut. Late that night, the defendant went over to the woman's house with the intent to punch her in the mouth. When the defendant arrived at the woman's home, she peered in the bedroom window and saw the woman asleep in bed. The defendant proceeded to pry open the bedroom window and climbed inside. The defendant then grabbed the woman and punched her in the face and hurriedly fled from the home. The force of the blow fractured the woman's jaw. If the defendant is subsequently prosecuted for burglary, she will most likely be found', A. 'guilty, because she broke into the woman's home at night with the intent to commit a felony therein.', B. 'guilty, because the woman suffered a broken jaw as a result of the blow inflicted by the defendant.', C. 'not guilty, because the defendant did not intend to seriously injure the woman.', D. 'not guilty, because the defendant did not intend to commit a felony at the time of the breaking and entry.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 435:

Two brothers who were in need of money approached their wealthy uncle's housekeeper and asked her to poison him. The brothers would inherit the uncle's estate when he died. The housekeeper agreed, but on the condition that they would pay her \$10,000 from their inheritance. After the brothers agreed to her demand, the housekeeper decided to place some cyanide in the uncle's tea one morning. As the housekeeper was preparing the tea, the uncle was visited by his personal physician. When the housekeeper was ready to serve the tea, the uncle asked her to fix some tea for his physician also. The housekeeper did so and then carefully set the tea on the table so that the uncle's cup was facing him. However, when the physician reached over to get some sugar, he inadvertently took the uncle's cup with the cyanide and drank it. Seconds later, the physician died from the poison. Which of the following crimes are the brothers guilty of?', A. 'Conspiracy to commit murder of their uncle only.', B. 'Conspiracy to commit murder of their uncle and the physician.', C. 'Conspiracy to commit murder of their uncle, and murder of the physician.', D. 'Solicitation, conspiracy to commit murder of their uncle, and murder of the physician.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 436:

'In his will, a veterinarian devised his home "to my friend to whom I am everlastingly grateful for the devoted care she has lavished on my prize Pomeranians, but if ever my dogs who survive me shall fail to receive proper care, then to my beloved son and his heirs, if he be living and own any dogs, otherwise to the American Society for the Protection of Animals." Assuming that the Rule against Perpetuities is in effect in this jurisdiction, which of the following statements is correct regarding the son's interest under his father's will?', A. 'It is a contingent remainder.', B. 'It is an executory interest of a shifting type.', C. 'It is an executory interest of a shifting type that is void under the Rule against Perpetuities.', D. 'It is an executory interest of a springing type that is void under the Rule against Perpetuities.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 437:

'A city has adopted the following ordinance which provides:"Section 1: It shall be unlawful for any person, group, or organization to hold a meeting of 50 persons or more in any city park without first securing a city permit;Section 2: The application shall specify the day and hours for which the permit is sought. The fee shall be \$10 per hour, with a maximum fee of \$50;Section 3: Permits shall be issued on a first come basis; provided that the chief of police shall deny any application if, after hearing the applicant, it is his considered judgment that the meeting would create serious traffic congestion. "An anarchist planned to hold an antigovernment protest demonstration at a city square. Although his previous antigovernment protest rallies attracted fewer than 15 demonstrators, he decided to apply for a permit pursuant to the city ordinance. After meeting with the anarchist, the chief of police denied his permit application because he believed that the demonstration would incite the protestors and threaten imminent violence or serious disorder. On October 4, the anarchist and his fellow demonstrators staged their antigovernment protest at a city park. The rally attracted only about 17 protestors and was conducted peacefully. As the anarchist was making his final remarks to the gathering, the city police arrived at the park and arrested him and his fellow demonstrators, charging them with violating the city ordinance. In a subsequent action by the anarchist in state court challenging the constitutionality of Sections 1 and 2 of the city ordinance, the court will most likely rule these sections', A. 'constitutional, because a state may regulate the communicative impact of speech related conduct.', B. 'constitutional, because the aforementioned sections are within the ambit of the state's police power.', C. 'unconstitutional, because the statute is vague and overbroad.', D. 'unconstitutional, because the statute is a content based regulation of speech.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 438:

'A state university was the scene of campus protests against nuclear weapons. A group of students painted purple a statue of the university's founder in protest to the university's federally subsidized nuclear weapon experimental studies. The leader of this group of students was a first-year student from a neighboring state who established residency in the state after beginning classes. The group leader had been the recipient of a \$5,000 annual grant from the state to finance his education. However, the aid was withdrawn because of a state statute, which provided: "Any student attending a state university who engages in disruptive campus activities will not be eligible for state aid. "The group leader was married to a fellow student. However, in light of his involvement in defacing the statue and the loss of his state aid, his wife left him. At that time, the group leader received a tax bill for \$150. This tax was imposed uniformly by the city on all individuals over 19 years of age, with the exception that full-time female college students were exempted. The tax notice stated that his wife, 22 years of age, qualified for the exemption, and there was no bill enclosed for her. Subsequently, the group leader moved in with his new girlfriend and began making arrangements to secure a divorce. However, the group leader was not able to obtain a divorce, since he had not fulfilled the 12-month residency requirement as imposed by state law. In an action by the group leader against the state challenging the constitutionality of the state statute regarding disruptive campus activities in order to regain his \$5,000 annual grant, the court will most likely declare the statute', A. 'constitutional, because it promotes a compelling state interest.', B. 'constitutional, because it is a proper exercise of state action designed to regulate the activities of state university students.', C. 'unconstitutional, because it is vague and overbroad.', D. 'unconstitutional, because it is discriminatory on its face.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 439:

'A man was on trial for murder. Following a recess, the man was in the hallway outside the courtroom speaking with his attorney. During their conversation, the man said, "So what if I killed him, big deal. " The man's statement was overheard by the presiding judge as he was walking down the corridor to the rest room. The judge then informed the prosecuting attorney of the man's comment. After trial is reconvened, the prosecutor calls the judge as a witness to testify to what he heard the defendant tell his attorney. Upon objection by defendant's attorney, may the judge be called as a witness?', A. 'No, because the man's statement was a confidential communication and protected under the attorney-client privilege.', B. 'No, because a judge may not testify in a matter over which he or she is presiding.', C. 'Yes, because a judge has a duty to disclose incriminating evidence to the prosecution.', D. 'Yes, because the man's statement was not a confidential communication.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 440:

'A large privately owned and operated shopping mall is open to the public and includes small shops, major department stores, and restaurants that are located around a pedestrian area. It also has several movie theaters, an ice-skating rink, a small amusement park, and a branch of the local public library. The mall is advertised as "a small town with a big-town feel." During shopping hours, a group of 10 protesters gathered in the pedestrian area near the entrance to a department store to denounce the sale of animal fur products in that store. The protesters were peaceful and did not interfere with traffic into or out of the store, but they carried signs and vocally communicated their message to people walking in the area. Mall management quickly broke up the protest and required the protesters to leave the mall. The protesters have sued the mall, claiming that their right to freedom of speech guaranteed by the First and Fourteenth Amendments was violated. Should the protesters prevail?', A. 'No, because the mall is private property, and there was no state action to which the freedom of speech guarantees of the First and Fourteenth Amendments apply.', B. 'No, because the prohibition of protests adjacent to the entrance of a department store during shopping hours is a constitutionally proper limitation on the time, place, and manner of speech.', C. 'Yes, because the mall is functionally equivalent to a town and, therefore, its actions are subject to the Constitution's guarantees of freedom of speech and assembly.', D. 'Yes, because the mall's restriction on the protesters' speech was broader than necessary to ensure proper access to the department store.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 441:

'An elderly woman was riding in an elevator from her apartment on the 12th floor to the lobby. When the elevator stopped on the fifth floor, a man entered the elevator smoking a cigar. The man was standing in front of the elderly woman on the elevator when the woman tapped him on the shoulder. When the man turned around, the woman pointed to the "No Smoking" sign and said, "Excuse me, sir, would you mind putting that cigar out?" The man indignantly responded by inhaling heavily on his cigar, and then he blew a big puff of smoke into the woman's face. When the elevator stopped on the next floor, the man then departed. If the woman brings a civil suit against the man for battery, who will prevail?', A. 'The woman, because the smoke touched her face.', B. 'The woman, because she had a reasonable basis for fearing that the man would attack her.', C. 'The man, because he did not touch the woman.', D. 'The man, because his conduct was annoying but did not inflict any bodily injury on the woman.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 442:

'A partnership purchased five acres of unimproved land for purposes of residential development. A state law was subsequently passed requiring the city to prepare a general plan governing both land use and open-space development. The city's plan, with new density requirements, effectively limited development of the five-acre lot to a total of one to five single family residences. The partnership sued the city, asking for a declaratory judgment that the city had taken its property without just compensation in violation of the Fifth and Fourteenth Amendments. The partnership lost at the local and appellate levels. The United States Supreme Court agreed to hear the case ■■■ what did it decide?', A. 'This was illegal spot zoning that was unconstitutional.', B. 'This was an unlawful taking without prior notice and therefore unconstitutional.', C. 'The ordinance allows for up to five residences and therefore it is constitutional.', D. 'The law was a violation of the ex post facto clause of the U.S. Constitution.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 443:

'A homeowner hired a painter to paint his house for \$10,000. The day before the painter was to begin work, he decided to go on vacation for a month. The painter telephoned a handyman who had done painting work for the painter in the past, and asked if he would be willing to paint the homeowner's house for him. The painter said that if the handyman would paint the house, the handyman could keep the \$10,000 that the homeowner promised to pay. The handyman agreed. The next day, the handyman went to the homeowner's house to begin the painting job. The homeowner had already left for work, so the handyman began to paint the house. When the homeowner arrived home that evening, he saw the handyman painting his house. Confused, the homeowner asked the handyman why he was doing the painting instead of the painter. The handyman told the homeowner of the arrangement he had with the painter. Although the handyman was only 50% finished with the painting, the homeowner told the handyman to immediately get off his land, so the handyman left. If the handyman brings an action against the homeowner, he will most likely', A. 'recover for unjust enrichment.', B. 'recover under the doctrine of substantial performance.', C. 'not recover, because his arrangement with the painter was not in writing.', D. 'not recover, because there was no contract between the handyman and the homeowner.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 444:

'A city has undergone a massive redevelopment project aimed at remodeling and beautifying the downtown area. Recently the city council passed an ordinance prohibiting the placement of any sign with dimensions larger than six feet on the exterior of any commercial building. Furthermore, signs within the guidelines of the ordinance could only relate to advertising the business of the property's occupant. The intended purpose of the ordinance was to advance the municipality's interests in traffic safety and aesthetics. An owner of an office building in the newly developed section of town, placed a 10-foot sign on the outside of his building endorsing his brother's political candidacy. The city council has ordered the owner to remove the sign from his building, but he has refused to take it down until after the election. If the owner challenges the city ordinance, the most likely result is that he will', A. 'prevail, because the ordinance violates his freedom of speech.', B. 'prevail, because such a time, place, and manner restriction on private property is discriminatory and overbroad.', C. 'not prevail, because although commercial speech is protected by the First Amendment, it is subject to greater regulation than other forms of protected speech.', D. 'not prevail, because the ordinance is rationally related to a legitimate state interest.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 445:

'In which of the following situations would the defendant not be guilty of homicide?'. A. 'A defendant came into a bar looking for a fight. He walked up to a victim, tapped him on the shoulder and said, "You bother me. Get out of here. " The victim ignored him, and the defendant proceeded to punch the victim in the face and stab him in the arm with a knife. The victim thereupon took out a knife that had been concealed in his pocket and stabbed the defendant in the right arm. The defendant, fearful that the victim would stab him in the heart, took out a gun and shot the victim to death.'. B. 'A defendant was home in bed with a fever one night, and all the lights in his house were off. A victim, who was scouting the neighborhood that night for a house to burglarize, broke into the defendant's house through the basement window and went upstairs to the bedrooms to look for jewelry. The defendant, who was not aware that someone else was in the house, was startled when he saw the victim walk past his room toward the stairs leading to the outside doorway. The defendant pulled out a pistol from under his pillow when he saw the victim and shot him to death.'. C. 'A defendant started a joke about the victim's brother. When word got to the victim about the defendant's joke, the victim became incensed. He rushed to the defendant's home, broke open the door and found the defendant preparing dinner in the kitchen. He immediately said, "I'm going to kill you. " The defendant knew that the victim had been convicted of attempted murder several years ago, and he cringed when the victim took out a gun and pointed it at him. The defendant could have easily darted for the open front door and evaded the victim but, instead, he suddenly pulled a knife from the kitchen wall, lunged at the victim, and stabbed him to death. Unknown to the defendant, the victim's gun was not loaded.'. D. 'A defendant was a reporter for a newspaper and was sent on assignment to another state to cover the story of a mining disaster. He was sitting in his hotel room one evening, trying to get a message to his editor, when a victim knocked at the door. The defendant opened the door, and the victim announced a robbery. The defendant took a lamp from the night table and threw it at the victim. The victim was momentarily stunned, and the defendant then pulled a gun out of his own suitcase and shot the victim to death.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 446:

'In 1980, an attorney purchased an 80-acre tract in a rural county. The 80-acre tract included the family home, an exquisite mansion built in 1929 by a wealthy industrialist. For many years, the closest town to the tract had been in the grips of economic decline. However, in 1988 and 1989, several large corporations built plant facilities in the local area. By the early 1990s, prosperity had burst upon the area. To take advantage of the real estate boom, the attorney divided the 80-acre tract into 160 lots. By 1995, the attorney had sold 90 lots to various individual buyers. Each deed contained the following provisions:"It is an express covenant and condition that the property hereby conveyed shall not be used for other than single-family residences. ""The grantor hereby covenants for himself, his heirs, successors, and assigns to insert a similar restriction in all deeds to lots now owned by grantor in the 80- acre tract. "In 1996, the county board of supervisors purchased from the attorney 30 lots within the 80-acre tract. The board, which had the power of eminent domain, planned to construct a new county pest-control office on the property. The deed of conveyance from the attorney to the county board of supervisors made no mention of the aforesaid restrictions contained in the deeds to other lot owners in the 80-acre tract. The attorney ■■■county deed, however, did contain a provision, which stated:"The grantee hereby covenants for itself, its successors, and assigns that this conveyance is made in lieu of the exercise of the power of eminent domain. "Thereafter, the county enacted a zoning ordinance whereby the 30 lots were rezoned to permit the construction of a pest-control office building. When the county started construction, all the other lot owners in the 80-acre tract brought suit to enjoin the building plan or, in the alternative, to recover damages. If the county board of supervisors, the named defendant, prevails on both counts, it will be because', A. 'the power of eminent domain is the equivalent of the power to zone.', B. 'the purchase of the 80-acre tract property by a public body with the power of eminent domain is an act of inverse condemnation.', C. 'the abrogation of the right to enforce the restrictive covenant is not a compensable taking.', D. 'restrictions on the use of land can be enforced only against a buyer whose deed contains the restrictions.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 447:

'An investor from State A filed an action against his State B stockbroker in federal court in State A. The summons and complaint were served at the stockbroker's office in State B, where the process server handed the documents to the stockbroker's administrative assistant. The stockbroker has answered the complaint, asserting the defense of improper service of process. Assume that both states' requirements for service of process are identical to the requirements of the Federal Rules of Civil Procedure. Is the court likely to dismiss the action for improper service of process?', A. 'No, because service was made on a person of suitable age found at the stockbroker's place of employment.', B. 'No, because the stockbroker waived her claim for improper service of process by asserting it in her answer.', C. 'Yes, because an individual defendant may not be served by delivering process to a third party found at the defendant's place of employment.', D. 'Yes, because the process of State A courts is not effective in State B.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 448:

'A sporting goods shop contracted with a publisher to buy, for sale in its store, 1,200 posters featuring a professional golfer. During production, the image of the golfer was inadvertently reversed and the right-handed golfer appeared to be left-handed. When the posters were delivered on the date provided in the contract, the sporting goods shop noticed the discrepancy, which had no provable significant impact on the effectiveness of the poster. In the opinion of the shop management, however, the posters did not look as good as they had in the catalog from which the shop had ordered them. Is the sporting goods shop legally entitled to reject the posters?', A. 'No, because the nonconformity does not materially alter the value of the posters to the sporting goods shop.', B. 'No, because the publisher must be given an opportunity to cure the nonconformity before the sporting goods shop can reject the posters.', C. 'Yes, because the posters do not conform to the contract.', D. 'Yes, because the publisher has breached an implied warranty of fitness for a particular purpose.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 449:

'A merchant's irrevocable written offer (firm offer) to sell goods', A. 'Must be separately signed if the offeree supplies a form contract containing the offer.', B. 'Is valid for three months.', C. 'Is nonassignable.', D. 'Can not exceed a three-month duration even if consideration is given.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 450:

'As part of an externship program conducted by his law school, a law student went to work for a lawyer as a clerk. After six months, the lawyer was very impressed with the law student's work. He called the law student into his office and told him, "I know you were only to work for me for six months in exchange for credit in your law school externship program. However, I'd like you to stay on as a clerk. I'll pay you \$25 an hour for any work you do for me between now and the bar exam. In addition, if you put in a minimum of 10 hours per week during that time, I promise to hire you full-time as an associate when you pass the bar exam. " The attorney then reduced this agreement to writing, which both he and the law student signed. The law student continued to work for the lawyer throughout the rest of his law school career and while he was studying for the bar exam. During that time, the law student always worked a minimum of 10 hours per week. While the law student was awaiting the results of the bar exam, his uncle passed away and left him a large apartment building. The law student decided he did not want to practice law but wanted to spend all of his time managing the apartment building. He told his roommate, a fellow law student who was awaiting his bar results, about his plans and told the roommate he would assign to the roommate the right to be hired by the lawyer as an associate, in exchange for \$100. The roommate paid the \$100 to the law student, who then executed a written assignment of the right to be hired by the lawyer as an associate. The roommate passed the bar exam, but the lawyer refused to hire him as an associate. Which of the following is the most accurate statement regarding the legal effect of this assignment?', A. 'The lawyer would be required to recognize the validity of the assignment so that the roommate would be entitled to be hired as an associate.', B. 'The lawyer would be required to recognize the validity of the assignment, but would be entitled to demand adequate assurances of performance from the roommate as to the latter's willingness and professional capacity to perform satisfactory work.', C. 'The lawyer would not be required to recognize the validity of the assignment of rights, because a contract to make a future assignment of a right is not an assignment.', D. 'The lawyer would not be required to recognize the validity of the assignment, because neither the rights nor the duties under a personal service contract are properly assignable.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 451:

'An owner sold his home to a purchaser, who moved into the property. The purchaser paid the property taxes but she failed to record the deed. She remained in open possession of the property. The original owner then attempted to sell the property five years later to another purchaser who did not know of the prior conveyance. The second purchaser performed a title search, checking the public records for deeds and saw that title was in the name of his seller. The search included obtaining a standard tax lien certificate, which showed that someone other than the titled owner had been paying the taxes for the past several years. He did not look into who had possession of the property, but went ahead with the closing, paid the purchase price, and recorded a warranty deed in the recorder of deeds office. The first purchaser found out about the sale and quickly recorded her warranty deed, but this was not done until about three months after the second purchaser's deed had already been recorded. The first purchaser also brought a quiet title action to have the court declare that she had superior ownership and title. Which of the two purchasers will win title to the property in a race-notice jurisdiction and why?', A. 'The first purchaser wins because the second purchaser had constructive notice from the title search that someone else might be in possession, which triggered a duty to further investigate.', B. 'The second purchaser will prevail because he recorded his deed first.', C. 'The first purchaser will prevail because she paid the taxes on the property, and the tax lien certificate was legally treated the same as a recorded deed.', D. 'The second purchaser wins because the first purchaser had to record her deed within five years in order to make it legal in a race-notice jurisdiction.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 452:

'A federal agency has been established for the purpose of stabilizing, supporting, and protecting farm income and prices. The agency is authorized to enter into and carry out such contracts or agreements as are necessary in the conduct of its business. An export company entered into a contract with the federal agency to transport a variety of goods to foreign countries. Thereafter, the federal agency suspended the export company pending an investigation into possible misuse of official inspection certificates relating to commodities exported to a foreign country. During an investigation relevant to the charge, the president of the export company presented information to the federal agency. Subsequently, the president was charged with violation of a federal statute that states:"It is a felony for any person in a matter within the jurisdiction of a federal agency to knowingly make a false statement. "At the president's trial, the government presented evidence to show that he falsified bills of lading and embezzled over \$500,000 of surplus commodities for export. The president testified that he did not know that he was dealing with a federal agency and, hence, the federal government would have jurisdiction over his company's export contract with the federal agency. As to the significance of the president's ignorance, the court should instruct the jury that it may convict the president', A. 'if it finds that the president knew that he was doing business with a federal agency.', B. 'if it finds that the president was aware that he might have been doing business with a federal agency.', C. 'if a reasonable person would have been aware that he might have been doing business with a federal agency.', D. 'even if there was no reason the president should have known that he was doing business with a federal agency.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 453:

'A woman hired a builder to build a house according to certain plans and specifications prepared by the woman's architect. The agreed upon price was \$250,000, with construction to be completed within four months. Two weeks after the building contract was formed, the builder contacted a lumber yard to purchase wood necessary for the construction of the house. The builder and the owner of the lumber yard entered into a valid written agreement whereby the lumber yard was to supply the necessary lumber in exchange for \$10,000, payable by the builder within 30 days. One week later, a fire destroyed a good portion of the lumber yard's supply of lumber. As a result, the lumber yard refused to supply lumber to the builder. The builder was unable to find another supplier of lumber and therefore notified the woman that he would be unable to complete her building on time. If the woman sues the owner of the lumber yard for breach of contract, will she prevail?', A. 'Yes, because by operation of law the woman is an equitable assignee of the builder's claim against the owner of the lumber yard for breach of contract.', B. 'Yes, but only if the builder's contract with the owner of the lumber yard was not discharged by the fire.', C. 'No, because privity of contract does not exist between the woman and the owner of the lumber yard.', D. 'No, because the woman is only an incidental beneficiary of the contract between the builder and the owner of the lumber yard.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 454:

'A woman owned land that abutted a public highway to the south. A neighbor owned the land immediately to the north. The neighbor's predecessor had received an easement from the woman's predecessor in title to cross the woman's land for access to the public highway. This access was desired even though the neighbor and his predecessor had other access to public roads. Recently, the woman erected a large solar collector on a portion of her land subject to the easement, even though the woman has other power resources. The location was essential to acquire the maximum sunlight. However, by erecting the collector there, the woman effectively cut off the neighbor's ability to use the easement. The local zoning code permits the use of solar collectors. The neighbor immediately sued to compel the woman to remove the solar collector. Must the solar collector be removed?,' A. 'No, because the neighbor has other means of access.', B. 'No, because the zoning code permits the use of solar collectors.', C. 'Yes, because the easement remains valid.', D. 'Yes, because the woman has other power resources.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 455:

'One morning in a Laundromat, a defendant approached a man and said, "If you don't pay me \$500 by July 2, I'll beat you to a pulp. " A week later, on July 2, the defendant met the man at a local bar and demanded the money. The man handed the defendant the \$500. After receiving the money, the defendant then punched the man in the stomach and hurriedly left the bar. Under modern statutory law, the defendant will most likely be found guilty of which of the following crimes?', A. 'Extortion and battery.', B. 'Extortion and robbery.', C. 'Assault and battery.', D. 'Assault and robbery.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 456:

"Two law students were having lunch one afternoon when the first student said to the second, 'I'm thinking of selling my car. ' The second student replied, 'I might be interested in buying your car if the price is reasonable and I can convince my parents to float me a loan. ' The first student then grabbed a piece of paper and wrote the following on it: 'I will sell you my car for \$1,000. In exchange for \$1 received this day, I agree that you can have one month from today's date to decide whether to accept this offer. 'The first student then signed the paper and handed it to the second student. The second student handed a one dollar bill to the first student and left. One week later, the second student succeeded in obtaining a \$1,000 loan from his parents. He then telephoned the first student to accept the offer. Upon hearing the second student say hello, and before the second student could accept the offer, the first student said, 'I've changed my mind. I do not want to sell my car. 'Can the second student still accept the first student's offer?', A. 'No, because \$1 is inadequate consideration.', B. 'No, because the first student's statement was unequivocal notice that he no longer wished to contract with the second student.', C. 'Yes, because the first student's letter formed a valid option.', D. 'Yes, based on the principal of promissory estoppel.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 457:

'In a criminal prosecution the government must prove that the defendant affixed a rubber-stamp containing his signature to certain fraudulent letters mailed to the victim. The defendant denied that he stamped the letters. There were no witnesses to the defendant stamping the letters. The prosecution attempted to present a co-worker to testify that defendant maintained sole control of the stamp and used it once daily at 3 p.m. to sign all outgoing letters, and then immediately returned it to his safe. The co-worker would testify that he saw the defendant using the stamp in that habitual manner over a period of many years. The defense objected because this did not prove that the defendant's practice was followed on the dates in question. Under the Federal Rules of Evidence, what will the court rule?', A. 'The testimony is inadmissible because evidence of habit is not admissible in a criminal case under the Federal Rules of Evidence.', B. 'The testimony is inadmissible because evidence of prior habit will only distract the jury from deciding whether the defendant actually acted that way on the specified dates.', C. 'The testimony is admissible because it proves that the defendant was the only person who could have used the stamp.', D. 'The testimony is admissible because habit and routine practice are admissible under the Federal Rules of Evidence.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 458:

'Alice owned Greyacre, a one-acre piece of property, in fee simple. Alice sold the property to Barbara who moved into the only residence on the land. Barbara neglected to record the deed, and three years later, Alice conveyed the same property to Charlene who immediately filed the deed she received from Alice. Greyacre's jurisdiction has a race-notice statute and a tract index system. If an action is filed for title to the property, the likely outcome would be for', A. 'Alice, since her ownership was first in time and she was of record.', B. 'Barbara, because Charlene had notice of the prior conveyance between Alice and Barbara.', C. 'Barbara, because she was the first to record her deed.', D. 'Charlene, because she was the first to record her deed.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 459:

'A wife and her husband were having dinner at a restaurant when the wife excused herself to go to the bathroom. The restaurant was owned and operated by a chef. As the wife was walking past a table where another customer was seated, she slipped and fell on an egg roll that had been lying on the floor for quite some time, although the chef was unaware that it had fallen onto the floor. When she fell, her head struck a serving tray that was located in the aisle. The fall caused the wife to suffer a severe concussion. The customer knew that the egg roll was on the floor, and although he could have done so, he did not warn the wife. If the wife asserts a claim against the chef for the injuries she suffered from the fall, she will most likely', A. 'recover, because the egg roll on the floor constituted an unsafe condition of the premises.', B. 'recover, because the egg roll was on the floor for a substantial period of time before the accident.', C. 'not recover, because the chef did not know that the egg roll was on the floor.', D. 'not recover, because the customer could have prevented the injury by warning the wife of the presences of the egg roll.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 460:

'A farmer owned a tract of land in a state that has a notice recording statute and follows the title theory of mortgages. There were two farms situated on the property, one farm on the eastern half and one farm on the western half of the property. The farmer recorded a general warranty deed conveying the property to his son. Two years later, the son obtained a mortgage, secured by the farm property, in favor of his friend. The friend promptly recorded the mortgage. Twenty years later, the son sold the property to an investor by a general warranty deed, with the investor assuming the friend's mortgage. The following year, the investor subdivided the property and sold the western farm to a developer, while retaining the eastern farm. There was no mention of the mortgage in the general warranty deed between the investor and developer. The developer was unable to rezone the property to build houses as he had planned, so the developer sold the western farm to a florist. The conveyance to the florist made no mention of the friend's mortgage. Three years later, the florist entered into a contract with a rancher, pursuant to which the rancher would purchase the western farm for \$75,000. The closing date for the deal was set for January 15. Assuming that on January 10, the rancher conducted a title search that revealed the friend's mortgage on the property, which of the following is correct?', A. 'The rancher would be entitled to rescind the real estate contract with the florist immediately.', B. 'The encumbrance renders title to the western farm unmarketable.', C. 'The mortgage would only encumber the eastern farm, not the western farm, because the investor's partition of the property created a joint tenancy.', D. 'The encumbrance would not entitle the rancher to rescind the real estate contract until closing on January 15.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 461:

'A pedestrian is suing a defendant for injuries she suffered to her leg when the defendant ran the pedestrian over with his motorcycle. On cross- examination of the pedestrian's physician, the defendant's attorney asked him whether or not the pedestrian had told him that the leg that she claimed was injured had been permanently stiff as a result of a former field hockey injury the pedestrian suffered in high school. Upon objection by the pedestrian's attorney, the trial judge should', A. 'sustain the objection, as hearsay not within any recognized exception.', B. 'sustain the objection, as violative of the physician-patient privilege.', C. 'overrule the objection, as a statement made for the purpose of diagnosis or treatment.', D. 'overrule the objection, as a statement against interest.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 462:

'A law school professor was hired to teach a bar review course. The professor taught the course in three cities. After conducting the sessions, the professor submitted an expense report to the owner of the bar review course. Her expense voucher included a \$225 travel expenditure to a fourth city where the professor had attended a symposium unrelated to the bar review course. The professor also submitted the \$225 travel expenditure to the administrator for the faculty at the law school where she teaches. The dean of the law school had previously approved the professor's appearance at the symposium. The owner paid the professor for the symposium-related expenditure but indicated that the expense item was improperly billed to his company. The professor was indicted for false pretenses. In her defense, she contends that the double billing was the result of a bookkeeping error. Her defense should be', A. 'valid, if her mistake was reasonable.', B. 'valid, if she didn't know that the billing to the bar review company included the symposium expenditure.', C. 'invalid, if her bookkeeping error was unreasonable.', D. 'invalid, because white-collar crime imposes absolute criminal liability.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 463:

'A state law provides some funding for public schools on a per-student basis from general state revenues, which primarily come from the state income and sales taxes. The law also provides that all other public monies used to support public schools in the state come from locally levied real estate taxes. This results in a large disparity in per-student funding among the state's many public school districts because some districts have higher property values per student than other districts. Public school students who claim to be disadvantaged by this school funding law have challenged the law solely on the ground that it violates the Fourteenth Amendment's equal protection clause. Which of the following best states the burden of persuasion in this action?', A. 'The state must demonstrate that the law is necessary to vindicate a compelling state interest.', B. 'The state must demonstrate that the law is rationally related to a legitimate state interest.', C. 'The students must demonstrate that the law is not rationally related to any legitimate state interest.', D. 'The students must demonstrate that the law is not substantially related to an important state interest.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 464:

'A developer leased with an option a 250-acre property from a widow who retained the right to live in a farmhouse on the land until her death. At her death, developer had a two-year option to buy for \$100,000. Shortly after her death, the farmhouse was destroyed by a fire. The developer sent a letter almost two years later in which it exercised the option. The estate refused to sell. The developer brought suit on the option and for the first time claimed a \$20,000 credit for destruction of the farmhouse. The court in equity granted the developer's claim and ordered a sale for \$80,000. The estate of the widow appealed. Will the appellate court affirm the equity court's ruling and order the \$20,000 credit to the developer for the loss of the house?', A. 'Yes, under equitable conversion the seller is trustee for the buyer and is responsible for the risk of loss.', B. 'Yes, the developer had an equitable ownership interest in the property when it exercised its option and the seller must compensate for loss to that interest.', C. 'No, the buyer acquired no equitable interest in the land or buildings until it exercised the option right before it expired; the court will order the sale at the full price without credit.', D. 'No, the buyer gets no credit for the house because it was renting the land at the time of the fire and it is responsible for waste.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 465:

'A pedestrian was walking down the sidewalk past a building that was being painted. A ladder used by the painters fell and struck the pedestrian, causing an injury to his shoulder. In an action by the pedestrian against the painting company based on the theory of negligence, which of the following is the most accurate statement regarding the burden of proof?', A. 'The pedestrian must prove beyond all reasonable doubt that the painting company was negligent.', B. 'The pedestrian must prove by a preponderance of the evidence that the painting company was negligent.', C. 'The painting company must prove by a preponderance of the evidence that it was not negligent.', D. 'There is a rebuttal presumption of negligence on the part of the painting company under the doctrine of res ipsa loquitur.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 466:

'A woman owns a tract of land located in a state in the Midwest. On June 1, 2005, the woman sells to a husband and wife an undivided one-half interest in this land for \$100,000 (the entire consideration being paid by the husband). The deed to the husband and wife reads as follows: "To (husband) and (wife) and their heirs as tenants by the entirety, and not as joint tenants, and not as tenants in common. "On June 1, 2006, the woman sells her remaining interest in the tract of land to the husband and his brother for \$125,000 (the husband pays \$80,000 of the purchase price, and the brother pays the balance). The deed to the husband and the brother provides: "To (the husband) and (the brother) and their heirs as joint tenants and not as tenants in common. "The husband conveys to his cousin all his right, title, and interest under the two deeds from the woman. The husband then dies. The brother then dies. The cousin is thus the owner of', A. 'an undivided one-third interest in the land.', B. 'an undivided one-quarter interest in the land.', C. 'an undivided one-half interest in the land.', D. 'an undivided three-quarters interest in the land.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 467:

The head coach of the local high school football team was also employed as a physical education teacher at the high school. It was a late autumn afternoon, and the football team was practicing for its upcoming game against its archrival. While the team was practicing, the skies darkened as a storm approached. Minutes later, it began to rain heavily. Even though the storm intensified, the coach did not stop the practice because he had no reason to believe the storm presented a danger to his players. Suddenly, a bolt of lightning struck and killed the team's star player. This jurisdiction has abolished governmental immunity, and a school board may be sued as a private entity. If the player's parents bring a wrongful death action against the coach and the high school board, will they prevail?', A. 'Yes, because the player was injured while engaged in a school activity.', B. 'Yes, because under the circumstances the coach would be strictly liable.', C. 'No, because the coach was not negligent by continuing the practice.', D. 'No, because lightning is an act of God.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 468:

'A developer was the owner of a 300-acre tract of land that was located in a rural county. Over the course of time, she developed the property into a residential subdivision. A four-lane public highway ran along the northern boundary of the residential subdivision. When the residential subdivision was first plotted, the developer constructed a private road along (and including) the western boundary of the subdivision. This private road was used only for the benefit of the owners who purchased lots in the subdivision. A homeowner owned a 20-acre tract immediately outside of the residential subdivision, which was situated just below the public highway and immediately adjacent to the west side of the private road. The homeowner's property was divided into two 10-acre parcels: Parcel 1 was the northern half and bordered along the public highway; Parcel 2 was the southern sector and abutted a river. In 1997, the homeowner conveyed Parcel 1 to a man by warranty deed. No encumbrances were mentioned in the deed. Six months later, the homeowner conveyed Parcel 2 by warranty deed to a woman. Both the man and the woman promptly recorded their deeds with the County Recorder's Office. Assume that no part of Parcel 2 adjoins a public road. Consequently, the woman constructed an access road connecting her property to the private road. After the woman used the private road for approximately two months, a teacher who was an owner within the residential subdivision, ordered the woman to discontinue using the private road. In an appropriate action by the teacher against the woman to enjoin the use of the private road, the woman will', A. 'win, because there is an easement by estoppel over the private road.', B. 'win, because there is an implied easement appurtenant over the private road.', C. 'lose, unless the private road is the only access road by which woman can gain ingress and egress to her property.', D. 'lose, because she has no legal right to travel over the private road.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 469:

'An owner of land entered into a month-to-month lease with a chemical company. At first, the company stored raw materials and finished products on the leased land. Later, the company began recycling chemical waste at the property. There was a substantial release of toxic chemicals into the environment. The EPA ordered a clean-up of the property against the owner and the chemical company. The landowner defended the proceedings, claiming it did not know what the chemical company was doing. What will the court decide?', A. 'The landowner is responsible under federal law regardless of whether it had knowledge or participated in the release of hazardous substances.', B. 'The court dismissed the action against the owner because federal law does not include innocent landowners in the regulatory scheme.', C. 'The court dismissed the action because liability for environmental hazards cannot be imposed simply because the owner has a contractual relationship with the offending tenant.', D. 'The court imposed liability on the landowner because he had a duty to inspect the property to determine what the tenant was doing there.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 470:

'On January 1, an employee is hired to work for an employer for one year at a weekly salary of \$500. After six months the employee is fired. In determining what rights the employee has against the employer, the agreement between the employer and the employee may best be interpreted as', A. 'an entire contract.', B. 'a divisible contract.', C. 'an installment contract.', D. 'neither divisible nor entire.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 471:

'A company owns and operates a chemical plant that manufactures paraquat, an herbicide used primarily as a weed killer. The plant is located in a rural area in the southwestern part of the state. In its production of paraquat, the company emits putrid smelling fumes throughout the surrounding countryside. Although the fumes are harmless to health, they are rank and highly offensive. Despite extensive research by the company to alleviate the problem, there is no known way to manufacture paraquat without discharging malodorous fumes into the air. An owner of a large dairy farm that is adjacent to the plant finds the foul-smelling herbicide fumes to be extremely unpleasant and totally objectionable. The owner brings an action based on private nuisance against the company and seeks to enjoin the manufacture of paraquat at the chemical plant. Which of the following facts, if proven, will be most helpful to the company's defense?', A. 'Federal, state, and local agencies approved the design of the plant and equipment used to produce paraquat.', B. 'The company has a contract with the federal government whereby it supplies 80 percent of its paraquat production to the Drug Enforcement Agency, which uses the herbicide as a marijuana eradicator.', C. 'The company commenced the manufacture of paraquat at the plant before the owner acquired the land and built his dairy farm.', D. 'Paraquat is the only herbicide that can safely and effectively kill marijuana, which, if not controlled, poses a serious drug-enforcement problem.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 472:

'A defendant was prosecuted for murder. At trial, the prosecutor called a police detective to testify. The detective, who questioned the defendant at the station house after his arrest, testified that the defendant initially declared his innocence. The detective further testified that when given the opportunity to take a lie detector test, the defendant refused. The defendant's attorney did not object to the detective's testimony. The defendant was convicted and sentenced to prison. The defendant, who is now represented by a new attorney, appeals, claiming that it was error to admit the detective's testimony. The appellate court should find', A. 'plain error, because the trial court should have acted on its own motion to order reference to the lie detector test stricken.', B. 'plain error, because admission of the detective's testimony violated the defendant's privilege against self-incrimination.', C. 'harmless error, because the defendant's trial attorney failed to preserve the argument by timely objection.', D. 'harmless error, because the defendant's statements were admissions.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 473:

'A state-funded military institute accepts only male students. The college-level school has a renowned history of producing military and government leaders. It is known for having a uniquely rigorous form of military training that builds strong character forged in the tribulations of adversity and military discipline. A woman with excellent scholastic and athletic achievements applied for admission and was turned down. She brought an injunctive action in federal court claiming a denial of equal protection guaranteed by the Fourteenth Amendment. The state offered to develop a parallel military school for women that would not be as physically demanding or as confrontational. Facilities and faculty would not be equal to the men's institute because of initial budgetary restraints. In light of U.S. Supreme Court precedent, what should the federal district court rule?', A. 'There is no equal protection problem when the state offers a parallel program of education to women.', B. 'There is no equal protection problem because the unique attributes of a men-only vigorous military training program is constitutionally justified in not allowing women.', C. 'There is a denial of equal protection because the "parallel" program does not provide the same rigorous military training or the full spectrum of benefits.', D. 'This may be a violation of the civil rights laws against gender discrimination but it has nothing to do with a denial of equal protection.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 474:

'A watch manufacturer has an agreement with a watch wholesaler in which the wholesaler agrees to purchase all of the watches made each month by the manufacturer, within an estimated number of 1000 to 1500 watches per month. Although the agreement worked well at 1,000 watches per month, the manufacturer expanded its plant capacity and produced 2500 watches per month. The wholesaler could no longer pay for that volume of watches. The manufacturer sued the wholesaler to compel it to buy its full output each month as required by the contract. will the court likely grant the manufacturer's request?'

A. 'No, because the expansion is a disproportionate increase in product that exceeds contractual estimates and cannot be handled by the buyer.', B. 'Yes, because doubling the size of the output contract is not unreasonable and is only 500 more the top estimated limit.', C. 'Yes, a doubling of the output contract in these circumstances meets a good faith standard and is reasonable.', D. 'No, because a change of more than 10% is considered to be unreasonable and the basis for a breach of contract.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 475:

'In which of the following situations is the defendant most likely to be found guilty of manslaughter rather than murder?', A. 'Not intending to kill, a defendant hits a person over the head with a pipe. As a result, the person dies from head injuries.', B. 'Not intending to kill, a defendant throws a large chunk of ice off an overpass onto a busy freeway below. The chunk of ice crashes through a windshield, killing a driver.', C. 'Not intending to kill, a defendant kidnaps a victim and takes her to a remote area of the desert. The defendant then drives off, leaving victim alone in the sweltering heat after the ransom is not paid. The next day, the victim dies from exposure because she is unable to reach the nearest town eight miles away.', D. 'Not intending to kill, a defendant punches a victim in the face, causing the victim to fall backwards and strike his head on a curb, killing him.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 476:

'In 1996, an investor purchased a 100-acre tract located in a northern county of a state. Shortly thereafter, the investor prepared a subdivision plan that created 100 one-acre residential building lots on this tract. In 1997, the subdivision plan was recorded with the county recorder's office. During the next few years, the investor sold all 100 residential lots to individual purchasers. Each deed specified that every lot designated on the subdivision plan was to be recorded in the county recorder's office. Each deed also provided the following: "No lot shall be used except for residential purposes. " By 2009, the area surrounding the subdivision was rezoned for commercial and business uses. One of the lot owners now decides to operate a small beauty parlor in the basement of her home. In an action by the homeowners in the subdivision to prevent such commercial use, the court will most likely hold that', A. 'the residency restriction is no longer enforceable because of the change in the character of the neighborhood surrounding the development.', B. 'the residency restriction is no longer enforceable because the area surrounding the development was rezoned for commercial use.', C. 'the residency restriction is enforceable, thus preventing any commercial use.', D. 'the operation of a beauty parlor would not constitute a violation of the residency restriction.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 477:

'A teacher is the owner in fee simple of a seven-acre quarry, on which he maintains a dwelling house for himself and his family. Adjoining the quarry to the west is a 10-acre ranch, owned by a librarian. In order to gain access to the highway, the teacher has been granted an easement to cross over the ranch using the road along the ranch's southernmost boundary. The teacher has recently purchased a 12-acre farm, which abuts the ranch, but is not appurtenant to the quarry. Directly north of the farm is the ranch and directly west is the highway. The teacher has begun constructing a farmhouse on the farm and is using the existing easement (across the ranch) to gain access to the 12-acre farm. The teacher has never received permission from the librarian to use the road across the ranch to gain access to the farm. In an appropriate action by the librarian to enjoin the teacher from using the existing easement to gain access to the farm, the plaintiff will most likely', A. 'succeed, because the teacher is making use of the servient tenement beyond the scope and extent of the easement as it was originally created.', B. 'succeed, because the teacher has no right to use the servient tenement in connection with a tract of land that is not part of the dominant tenement.', C. 'not succeed, because the teacher has an easement by necessity.', D. 'not succeed, because the teacher has a right to use the easement in a manner not inconsistent with the rights of the owner of the servient tenement.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 478:

'A defendant has been charged with committing the armed robbery of a convenience store. During the defendant's case-in-chief, the defendant called several character witnesses to testify as to his good character. As part of the prosecution's rebuttal, the defendant's ex-wife was called to testify that during their marriage the defendant had a violent temper, beat her frequently, and once threatened her with a knife. The ex-wife's testimony should be ruled', A. 'admissible, because it is relevant to the crime charged.', B. 'admissible, because the defendant opened the door by introducing evidence of his good character.', C. 'inadmissible, because the defendant will be able to prevent the testimony using the spousal testimony privilege.', D. 'inadmissible, because character evidence may not be introduced in this manner.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 479:

'While dining together one night in a crowded restaurant, Billy-Joe confesses to his wife Bobbie-Sue, "Before we were married, I shot a man while robbing his castle." Police detective Larry Lawman overhears the conversation and arrests Billy-Joe. At Billy-Joe's murder trial, Bobbie-Sue is called by the prosecution and asked about Billy-Joe's statement. Which objection will the judge be most likely to sustain?', A. 'Hearsay.', B. 'Marital Communication Privilege.', C. 'Specific instances of conduct cannot be proved by extrinsic evidence.', D. 'None, because the statement is admissible.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 480:

'A recent law school graduate was hired by a bar review course, under an oral agreement, as an editorial consultant. Her job responsibilities included preparing new course outlines, proofreading and grading student homework assignments. The bar review course agreed to pay the graduate a starting salary of \$2,500 a month. Three months later, the graduate was approached by the regional director of the bar review course, who handed her a newly published 60-page booklet entitled "Employment Manual. " He instructed the graduate to read the manual and indicated that it contained important information concerning company policy considerations and employee benefits. When the graduate returned home that evening, she started to read the manual. After reading about 30 pages, the graduate became tired and went to sleep. She never got around to reading the rest of the manual. Six months later, the graduate received a termination notice from the bar review course. The notice indicated that the graduate was being fired for insubordination because she had complained about the poor quality of the bar review course's materials and refused to work overtime grading papers. Following her dismissal, the graduate brought suit against the bar review course for breach of contract. Which of the following, if true and provable, would furnish the bar review course with its best defense?', A. 'All other bar review course employees worked overtime whenever requested to do so.', B. 'When the graduate accepted employment with the bar review course, the company never made any promises regarding job security or duration of employment.', C. 'The materials in the bar review course had recently been reviewed by the American Bar Association's Committee on Legal Education and had received "high acclaim." ', D. 'The second page of the bar review course manual contained a paragraph stating that all policies, guidelines and employee benefits are "purely gratuitous and not intended to create any ongoing contractual obligation. "

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 481:

'A developer is the owner of a parcel of land in fee simple absolute (the record title is also in the developer). The parcel of land is and has been unpossessed land. Assume that each person listed below as the grantee in a deed paid value and took without actual notice of any facts that would defeat her title and without knowledge of any facts that would put her on inquiry, both at the time she took her deed and at the time she recorded it. The following conveyances, each by a general warranty deed, take place in the order listed: An artist conveys to a bartender; the developer conveys to the artist; the artist conveys to a counselor; the bartender conveys to a dentist; the counselor conveys to an engineer. No deed was recorded until after the artist-to- counselor deed was executed and then before the execution of any other deed, the order of recording was as follows: developer to artist; artist to bartender; artist to counselor. The bartender-to-dentist deed and counselor-to- engineer deed were each recorded immediately after their respective executions. The owner of the parcel of land in a notice jurisdiction is', A. 'the bartender.', B. 'the counselor.', C. 'the dentist.', D. 'the engineer.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 482:

'A retiree was the record title owner in fee simple absolute of a 100-acre farm. In 1998, the retiree devised the property to his daughter and his friend as joint tenants with right of survivorship. The next year, the daughter executed a deed to a co-worker as follows:"I hereby convey all of my right, title, and interest in the northeast quarter of the farm to the co-worker and his heirs. "Thereafter, the daughter borrowed \$100,000 from a lender, and a promissory note was executed as evidence of the debt. In 2008, the daughter defaulted on the loan, and the lender, as judgment creditor, levied upon and sold to his nephew on execution sale all of "(the daughter's) right, title and interest in the south half of the farm. " In December 2009, the daughter died intestate, leaving her husband as her sole surviving heir. Who owns the farm?', A. 'The friend and the co-worker are tenants in common of the northeast quarter of the farm; the friend and the husband are tenants in common of the northwest quarter of the farm; and the friend and the nephew are tenants in common of the south half of the farm.', B. 'The friend and the co-worker are tenants in common of the northeast quarter of the farm; the friend is the owner in fee of the northwest quarter of the farm; and the friend and the nephew are tenants in common of the south half of the farm.', C. 'The friend and the co-worker are tenants in common of the northeast quarter of the farm; the friend and the husband are tenants in common of the northwest quarter of the farm; and the nephew is the owner in fee of the south half of the farm.', D. 'The friend and the co-worker are tenants in common of the northeast quarter of the farm; and the friend is the owner in fee of the remaining three-quarters of the farm.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 483:

'A defendant was waiting in line to enter a movie theater when he noticed a free movie pass on the ground. The pass had a space where the owner of the pass needed to write in his name. The defendant waited until he got to the cashier's window and presented the pass, seeking a free admission to the movie, and claiming that he received it as a birthday present from a friend. The cashier told him that the passes were invalid unless the holder's name was entered on the pass. The defendant wrote his name on the pass, gave it to the cashier, and was admitted to the theater. The defendant is guilty of', A. 'larceny.', B. 'false pretenses.', C. 'forgery.', D. 'no crime.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 484:

'Needing a new supply of basketballs for the upcoming season, a basketball coach placed an order with a sporting goods store to purchase 25 regulation basketballs. Since the season was scheduled to begin on November 1, the coach stated that he needed the basketballs delivered no later than October 15. The sporting goods store said it would deliver the basketballs by that date. On October 10, one of the sporting goods store's employees was moving items in the warehouse and accidentally destroyed a container of basketballs. As a result, the owner of the sporting goods store telephoned the coach on October 11 and said, "We had an accident in our warehouse yesterday, and as a result we do not have enough basketballs to fill all of our orders. Therefore, I won't be able to deliver your basketballs on October 15. However, I have contacted our supplier to see if they can rush a delivery of basketballs to us. Although I can't promise it, I should be able to deliver the basketballs you ordered by October 20. " The coach replied, "No problem. I think I'll be able to get by until then. " When the coach failed to receive the basketballs on October 20, he sent the following e-mail to the sporting goods store:"I must have the basketballs no later than October 23. " The e-mail was received and read the same day by the owner of the sporting goods store. If the sporting goods store fails to deliver the basketballs to the coach on October 23, will the coach be entitled to cancel the contract?', A. 'Yes, provided both parties are viewed as being merchants.', B. 'Yes, provided that the three-day notice afforded the sporting goods store a reasonable time in which to perform.', C. 'No, because the coach's October 11 statement effectuated a waiver of any condition of timely delivery.', D. 'No, because the sporting goods store, by its October 11 statement, did not promise to deliver the basketballs by October 20.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 485:

'A college student and a man got into a fight at a bar while playing pool. The college student allegedly started the fight when he struck the man in the head with a pool cue after the man sank a game-winning shot. At the college student's trial for assault, the prosecution called one of the college student's classmates to testify. The classmate offered to testify that the next day at class, he approached the college student and said, "It was wrong of you to start a fight with the man over a game of pool," at which point, the college student bowed his head and walked away. The classmate's testimony is', A. 'admissible as part of the res gestae.', B. 'admissible as an admission.', C. 'inadmissible as hearsay not within any recognized exception.', D. 'inadmissible as self-serving.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 486:

'A company created a drug to lower high blood pressure. The President issues an executive order prohibiting the shipment and sale of the drug within the United States. Under this executive order, federal agents are empowered to prosecute all interstate shippers and sellers of the drug. The President claims that he is acting upon conclusive evidence that the drug causes cervical cancer in laboratory monkeys. This executive order is', A. 'valid, because the President has the authority to ensure that laws are faithfully executed.', B. 'valid, because the President has the authority to impose economic regulations unless overruled by Congress.', C. 'invalid, because it is an unauthorized extension of executive power.', D. 'invalid, because the President does not have the power to regulate interstate commerce.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 487:

'A construction worker was working at the construction site of a new building. An open elevator, which had been installed in the building by the elevator manufacturer, was used to haul workers and building materials between floors. While the worker was riding the elevator, it stalled between floors due to a manufacturing defect in the elevator. The worker called for assistance and was in no danger, but after waiting 15 minutes for help, he became anxious and jumped 12 feet to get out. He severely injured his back when he landed. In an action by the worker against the elevator manufacturer to recover for his back injury, is the worker likely to obtain a judgment for 100% of his damages?', A. 'No, because such risks are inherent in construction work.', B. 'No, because the worker was not in danger while on the stalled elevator. while on the stalled elevator.', C. 'Yes, because the elevator stalled due to a manufacturing defect.', D. 'Yes, because the worker was falsely imprisoned in the stalled elevator.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 488:

'Four people own a property, and they agree to convey to an adult child of one of them. There is a purchase money mortgage on the property for which the four signed a promissory note as security. The loan was not satisfied at the time of the conveyance. The conveyance is a deed in fee simple to the adult child. The adult child then takes over the mortgage payments. The adult child stops making the payments and conveys the property to a bona fide purchaser who does not do a title search. The purchaser sues his grantor to get an order compelling him to pay the mortgage and remove the lien from his property. Will the court more than likely grant the motion to dismiss made by the defendants?', A. 'Yes, that is the risk the purchaser took; he cannot go to closing without a title search and a title company making arrangements for payment of the outstanding mortgage by the seller at closing.', B. 'Yes, because the court can only force the original four owners to clear the mortgage by paying it in full.', C. 'No, the court will order the original four owners to come into court and defend on behalf of the adult child, who has no legal responsibility for the mortgage.', D. 'No, the court will order the adult child to resume paying on the mortgage and to obtain a loan to pay it off within a reasonable time.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 489:

'A boat owner was sailing his boat at sea when a storm advisory was suddenly issued. The boat owner was navigating his craft toward shore when heavy rain and wind gusts began to rock the boat. Unable to reach his own slip, the boat owner docked his boat on a pier owned by a resident who lived in a nearby house. The resident objected to the boat owner's entry onto his private property. The boat owner explained that due to the storm it would be highly dangerous to be at sea. He requested permission to temporarily dock his boat until the storm subsided. The resident refused and cut the rope tying the boat to the dock. As a result, the boat drifted out to sea. The boat was battered by the rocky waves and high winds. Trying to prevent the boat from capsizing, the boat owner fell and broke his leg. The boat was extensively damaged in the storm, as well. The boat owner has sued the resident, seeking to recover damages for his personal injury, as well as damage to the boat. The boat owner should', A. 'recover for the damage to the boat, but not recover for his personal injury.', B. 'recover for his personal injury, but not recover for the damage to the boat.', C. 'recover both for damage to the boat and for his personal injury.', D. 'not recover for either damage to the boat or his personal injury.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 490:

'On February 1, an owner of six vacation cottages in a resort area hired a painter to paint all six cottages for \$50,000. The contract stipulated that no money would be due until the owner's caretaker approved the work done by the painter. The painter completed the painting of all six cottages. Two days after the painter had finished the painting, a wildfire destroyed the six cottages. Although the caretaker had inspected four of the cottages to his approval, he had not inspected the other two cottages prior to their destruction. Which of the following is the LEAST accurate statement with respect to the caretaker's approval of the painting of the cottages?'. A. 'The owner would only be obligated to pay for the painting of the four cottages that the caretaker approved.'. B. 'The caretaker's approval of the painting of the two cottages destroyed by the wild fire would be excused.'. C. 'The owner would be obligated to pay for the painting of all of the cottages.'. D. 'The impossibility of securing the caretaker's approval would render the owner absolutely liable for all of the painting.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 491:

'A female patient at a federal hospital reported that a male nurse sexually assaulted her. The man was arrested. At trial the prosecution offered evidence that the man was convicted of two prior sexual assault charges against two other women, both occurring about two years earlier. The allegations and the man's modus operandi in those convictions were almost identical to the instant case. Defense counsel objected to the evidence on the basis that its highly prejudicial effect outweighed its probative value. Based on the Federal Rules of Evidence, what will the court most likely rule regarding this issue?', A. 'The evidence is too prejudicial and must be excluded.', B. 'The evidence is inadmissible because it is not relevant to the present charges and has a low probative value.', C. 'The evidence is admissible because present public policy strongly favors the apprehension and prosecution of sexual predators.', D. 'The evidence is admissible due to the factual similarity with the present charge, which gives the evidence strong probative value.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 492:

'A bicycle company manufactured a bicycle that it sold to a retail bicycle dealer, which in turn sold it to a purchaser. Shortly thereafter, while the purchaser was riding the bicycle along a city street, he saw a traffic light facing him turn from green to amber. He sped up, hoping to cross the intersection before the light turned red. However, the purchaser quickly realized that he could not do so and applied the brakes, which failed. To avoid the traffic that was then crossing in front of him, the purchaser turned sharply to his right and onto the sidewalk, where he struck a pedestrian. Both the pedestrian and the purchaser suffered injuries. The pedestrian asserted a claim based on negligence against the bicycle company. At trial, it was found that the brake failure resulted from a manufacturing defect in the bicycle, and that the bicycle company failed to conduct a reasonable inspection that would have led to the discovery of the existence of the defect. Will the pedestrian prevail?', A. 'Yes, because the bicycle company placed a defective bicycle into the stream of commerce.', B. 'Yes, because the defect could have been discovered through the exercise of reasonable care by the bicycle company.', C. 'No, because the pedestrian was not a purchaser of the bicycle.', D. 'No, because the purchaser was negligent in turning onto the sidewalk.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 493:

'A man and a woman were arrested and charged with bank robbery. After receiving Miranda warnings, both requested an attorney. Following their arrests, the man and the woman were placed in separate jail cells. The next day before arraignment, the man asked a police officer if he could see his friend, the woman. The man was taken to the woman's jail cell and allowed to talk to her. Neither defendant knew that the police had placed a listening device in the woman's jail cell. As a result, their conversation was being overheard and recorded by the police. The police planted the listening device without first securing a warrant. While they were together, the man told the woman not to admit to anything because they could beat the charges with the help of a good lawyer. At trial, the prosecution sought to introduce the man's incriminating statement into evidence. The man's attorney has filed a motion to exclude. The motion should be', A. 'denied, because the defendants did not have a reasonable expectation of privacy.', B. 'denied, because the statement did not violate the man's Fifth Amendment privilege against self-incrimination.', C. 'granted, because both defendants requested an attorney before engaging in their conversation.', D. 'granted, because the police did not secure a warrant before installing the listening device.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 494:

'A writer sent a four-page synopsis of an idea for a new television series to a Hollywood producer. He sent it in response to an ad for new ideas in an industry publication. He discussed it with the producer's assistant in a phone call, and mentioned his expectation of compensation. She said, "Well, of course, we always pay for a writer's work." She said she would go over it with her boss to see if he liked it. Several months later, the writer saw a casting call for a new series. The plot and characters were nearly identical to those described in his synopsis. He sued the producer for breach of contract. The producer defended by arguing that there was no contract. What is the likely ruling of the court?', A. 'The court will rule that there is an express contract because there was a meeting of the mind and mutual assent to the basic terms.', B. 'The court will rule that there was an implied in fact contract between the parties based on the conduct that they manifested.', C. 'The court will rule that there was no consideration specifically mentioned and under those circumstances, the law viewed the synopsis as a gift to the producer.', D. 'There were too many terms left out for this to be a contract, and it was too indefinite for the court to imply what the terms might have been.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 495:

'A defendant was arrested and charged with forgery for unlawfully signing her ex-husband's signature on his pay check. Before trial, the defendant entered into plea bargain negotiations with the prosecution. During the course of these negotiations, the defendant sent a letter to the prosecuting attorney in which she stated: "I don't want to go to jail, so if you recommend a suspended sentence, I'll plead guilty and admit that I forged my ex-husband's signature on the check. " Subsequently, the plea bargain negotiations fell through. Shortly thereafter, the defendant was arrested and charged with forging her ex-husband's signature on his next pay check. She has denied culpability regarding the second forgery charge. At trial for the alleged second forgery, the prosecution seeks to introduce the letter the defendant sent to the prosecution during her earlier plea bargain negotiations. The defendant's attorney objects to the admissibility of the letter. The trial court judge should rule the letter is', A. 'admissible as evidence of the defendant's propensity for committing the crime.', B. 'admissible as an admission.', C. 'inadmissible, because it was written during the course of plea bargain negotiations.', D. 'inadmissible, because specific instances of misconduct are not admissible in a criminal case.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 496:

'A landowner was the record title owner of a three- acre tract of land. In order to finance the purchase of the property in 2005, the landowner borrowed \$100,000 from the bank, which secured the loan with a mortgage that amortized principal and interest payments over a 15-year period. The bank promptly recorded the mortgage. This jurisdiction has the following recording statute in effect:"Any unrecorded conveyance or mortgage is invalid as against a subsequent bonafide purchaser for value without notice who records first. "In 2006, the landowner subdivided the property into three one-acre lots. He sold lot 1 to his friend for \$75,000. The following year, the landowner sold lot 2 to his brother for \$60,000. The landowner continued to reside on lot 3. When the landowner sold lots 1 and 2 to the friend and the brother, the deeds did not make any reference to the original mortgage between the landowner and the bank. In 2009, the landowner was laid off from his job and went into default on his mortgage payments. The bank is now about to institute foreclosure proceedings. Which of the following most accurately states the rights and obligations of the parties?', A. 'The bank can foreclose only on lot 3 because ownership to that parcel is retained by the landowner, the original mortgagor.', B. 'The bank has the option of foreclosing on parcels 1, 2, or 3 because the mortgage covered the entire three-acre tract.', C. 'The bank must first foreclose on lot 3, and if the proceeds are insufficient, then the mortgagee may foreclose against lots 1 and 2 in the inverse order of their alienation.', D. 'The bank can foreclose on lot 3, but not on lots 1 and 2 unless the friend and the brother assumed the mortgage when they purchased their land from the landowner.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 497:

'An engineer signed a two-year contract to serve as the chief safety engineer for a coal mine at a salary of \$7,000 per month. The position required the engineer to work underground each workday. After one week on the job, the engineer became very ill. He requested testing of the mine air system, which revealed the presence of a chemical agent to which the engineer had a rare allergic reaction. The engineer promptly quit. The coal mine then hired a qualified replacement for the remainder of the engineer's contract at a salary of \$7,500 per month. Assume that no statute or regulation applies. If the coal mine sues the engineer for breach of contract, is the coal mine likely to recover damages?', A. 'No, because an at-will employee has the right to terminate an employment contract.', B. 'No, because the risk to the engineer's health excused his nonperformance of the contract.', C. 'Yes, because the coal mine acted in good faith in mitigating the effect of the engineer's failure to finish the contract term.', D. 'Yes, because the mine is reasonably safe for most people.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 498:

'A farmer purchased a new pickup truck from a local automobile dealership. A few weeks later, the farmer was using the truck to haul a load of supplies to his farm. As he drove down a small hill toward an intersection with a stop sign, he applied the brakes, but they failed to work, and the truck did not slow down. The farmer could not stop for the stop sign. He saw a pedestrian crossing the street at the intersection and tried to steer around him, but was unable to do so. The pickup truck struck the pedestrian and seriously injured him. If the injured pedestrian asserts a negligence claim against the auto dealership that sold the truck to the farmer, and if it is conclusively proven that the brake failure resulted from a manufacturing defect in the car, will the pedestrian prevail?'. A. 'No, because the pedestrian was not a purchaser or user of the truck.'. B. 'No, if the farmer was negligent in being unable to steer around and avoid hitting the pedestrian.'. C. 'Yes, because the auto dealer placed a defective car into the stream of commerce.'. D. 'Yes, if the defect could have been discovered through the exercise of reasonable care by the auto dealer.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 499:

'A plaintiff brought an action against a defendant for personal injuries resulting from a car accident in which the defendant's car, negligently driven by his cousin, struck the telephone booth in which the plaintiff was resting. Liability is based on a statute making owners of automobiles liable for the negligent actions of those driving with the consent of the owner of the vehicle. The plaintiff offered into evidence the testimony of his doctor that the plaintiff had said to the doctor, when consulting the doctor for treatment, that he felt pain in his back immediately after the accident, and that pain persisted. The trial court should rule this testimony', A. 'admissible as a spontaneous declaration.', B. 'admissible under the hearsay exception of declaration of present bodily condition.', C. 'inadmissible as hearsay not within any recognized exception.', D. 'inadmissible as conclusions.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 500:

'A buyer contracted with a seller to purchase 10,000 bushels of soybeans at market price. The soybeans were to be delivered in 90 days. Two days after the soybean contract was made, the buyer and the seller entered into another contract under which the buyer agreed to purchase 10,000 bushels of wheat from the seller at market price. Before the time for delivery of the soybeans, the seller notified the buyer that it would not deliver the wheat because the seller's wheat supplier had refused to extend additional credit to the seller and therefore the seller had no wheat available for the buyer. Which of the following statements best describes the effect of the seller's repudiation of the wheat contract on the buyer's rights under the soybean contract?', A. 'It gives the buyer the right to demand assurances that the seller will perform the soybean contract.', B. 'It gives the buyer the right to terminate the soybean contract, because of the doctrine of soybean contract, because of the doctrine of dependent covenants.', C. 'It gives the buyer the right to terminate the soybean contract, because the buyer does not have to deal with a party that breaches a contract.', D. 'It has no effect on the buyer's rights, because the two contracts are entirely separate.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 501:

'A purchaser filed a federal diversity action against a seller, alleging breach of contract. The seller answered the complaint and included as a separate defense an allegation that the purchaser had brought and lost a similar contract claim against a different seller three years earlier, and that this history represented a pattern of filing frivolous lawsuits. The purchaser believes that the earlier lawsuit was factually completely different from the current one and is therefore irrelevant. What is the purchaser's best response to the seller's answer?', A. 'File a reply that includes a denial of the separate defense.', B. 'Move for sanctions against the seller for asserting a frivolous defense.', C. 'Move to amend the complaint to add allegations about the differences between the lawsuits.', D. 'Move to strike the separate defense as irrelevant.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 502:

'A heavyset man with long red hair robbed a liquor store. Thereafter, a man was arrested and charged with the armed robbery. At the man's trial, the owner of the liquor store was called to testify. He admitted that he was unable to identify the man, who now had a shaven head, as the robber. The prosecuting attorney then handed the owner six photographs. He proposed to testify, over defense objections, that he had previously told the prosecuting attorney that picture #4, admittedly a picture of the man before he shaved his head, was a picture of the person who robbed his store. The owner's proffered testimony should be adjudged', A. 'admissible as a prior identification by the witness.', B. 'admissible as past recollection recorded.', C. 'inadmissible, because it is hearsay not within any recognized exception.', D. 'inadmissible, because it is a violation of the man's right of confrontation.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 503:

The President and sole stockholder of a small business negotiated to sell the business to an individual investor. The parties met and signed a "Letter Agreement", which set forth the price, down payment amount, financing terms, the assets to be included, and a host of other pertinent details. The final closing date was not stated, but the purchasers left a down payment of \$20,000 with the seller. The letter stated that the terms comprised their essential agreement, but that a formal document would be drafted by the parties' attorneys. Before that happened, the seller returned the check and refused to perform. The investor brought an equity action for specific performance to compel the sale. The equity court ruled that there was a complete and binding contract that must be specifically performed. Will the appellate court likely affirm the lower court's decision?', A. 'No, because closing date was left out and the attorneys were supposed to compose the final contract with all of the remaining details put in.', B. 'No, because this type of letter is basically a "gentlemen's agreement" that is not intended to be legally binding.', C. 'Yes, because a letter of intent is legally binding if it sets forth the price, describes the business and is signed by both parties.', D. 'Yes, because where the letter contains all of the essential terms required for a contract, it will be enforced as a contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 504:

'A city sent a certified notice by U.S. mail to a homeowner telling the owner that the property was listed for a foreclosure sale for failure to pay real estate property taxes. The post office quickly returned the notice to the city as being "unclaimed." The city decided that the notice was sufficient, and sold the property. The owner had been out of the country and did not claim his certified mail. When he found out he sued the city on the basis that there was insufficient notice. Will the owner succeed in having the foreclosure declared void by the court?', A. 'No, because the sending of certified notice to the property's address was reasonably calculated to reach him, which satisfies due process concerns.', B. 'No, because the owner knew that he wasn't paying his taxes and that constituted de facto notice that that his property was subject to governmental taking.', C. 'Yes, because in most circumstances an "unclaimed" notification is insufficient to satisfy the demands of due process.', D. 'No, because the city had a right to expect that an owner will leave his property in the hands of someone who will notify him if his interest is in jeopardy.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 505:

The police suspected a woman of dealing in stolen credit cards. An undercover police officer knocked on the woman's door and told her that he was willing to pay for usable credit cards. When the woman asked if he was a police officer, the officer replied, "No," giving her a false name and saying, "You can call Harvey ■■■he'll vouch for me." The woman admitted him to her house. After she left the room to call Harvey, the officer lifted some papers off a desk and underneath discovered three credit cards bearing different names. He seized the cards, and when the woman returned, he arrested her. The woman has moved to suppress the evidence seized on the ground that her Fourth Amendment rights were violated. Should the court grant the motion to suppress?, A. 'No, because it was immediately apparent that the cards were stolen.', B. 'No, because the woman assumed the risk that the officer would seize items in plain sight.', C. 'Yes, because the woman's rights were violated when the officer lifted the papers.', D. 'Yes, because the woman's rights were violated when the officer obtained entry by deceit.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 506:

"The state has the following statutes regarding liquor sales in effect:"Section 1212. Whoever sells intoxicating liquor to any person who is intoxicated or inebriated is guilty of a misdemeanor. This section shall not apply in the case of sales of intoxicating liquor by a hotel, motel, or inn to any person registered and resident as a guest in such hotel, motel, or inn for consumption upon the premises thereof. ""Section 1213. It shall be unlawful for any vendor with a valid state liquor license to sell intoxicating beverages on Sunday. Anyone in violation of this section shall be guilty of a misdemeanor and fined not less than \$100 or more than \$1,000. "The state authorities have regularly enforced the aforementioned dram shop statute and "blue law" prohibiting Sunday liquor sales. At 12:30 a. m. on Sunday morning, a customer entered a liquor store and purchased a bottle of wine. The clerk who made the sale, thought the time was 11:30 p. m. Saturday night because that was the time shown on the store's wall clock. Unknown to the clerk, the clock was malfunctioning and was running an hour behind. Thus, the clock displayed the wrong time when the clerk sold the wine to the customer. When the clerk made the sale, the customer did not appear to be visibly inebriated. After making the purchase, the customer drank the entire bottle of wine. He then drove off in his car and struck a pedestrian, injuring him. At the time of the accident, the customer was intoxicated from drinking the wine. If the pedestrian asserts a claim against the liquor store, will the plaintiff prevail?, A. 'Yes, because the liquor store was negligent per se by selling the wine in violation of the "blue law" prohibiting Sunday liquor sales.', B. 'Yes, because the accident would not have occurred but for the sale of the wine to the customer.', C. 'No, because the purpose of the "blue law" prohibiting Sunday liquor sales was not to prevent accidents caused by drivers driving while intoxicated.', D. 'No, because the clerk did not violate the dram shop statute, and his violation of the "blue law" resulted from the clock's malfunctioning.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 507:

'A state has a statute prohibiting the sale of cigarettes to any person under the age of 17. Violation of the statute is a misdemeanor punishable by a fine not less than \$500 or more than \$5,000 The state courts have interpreted this statute as a public welfare offense requiring no particular mental state for its violation. As such, this is a strict liability crime whereby culpability is imposed on a defendant for doing the proscribed act. The defendant, a recovering alcoholic, worked as a cashier at a drug store. Late one night while the defendant was working alone, he got the urge to have a drink. He opened a bottle of rum that the store sold and soon began drinking. A short time later, the defendant became inebriated and passed out. Not long thereafter, a 15-year-old girl entered the store to purchase a package of cigarettes. She took a box off the shelf and went to the cashier's counter to pay for them. Seeing the defendant lying on the floor, unconscious, the girl left the exact price for the cigarettes on the countertop and left the store. If the defendant is prosecuted for violating the state statute, he should be found', A. 'guilty, because the offense does not require any mental state.', B. 'guilty, because the defendant's intoxication was voluntary.', C. 'not guilty, because the defendant was unconscious.', D. 'not guilty, because the defendant's employer is vicariously liable for the violation that occurred.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 508:

'A stockbroker became despondent because the economy was terrible and all of his clients had lost substantial amounts of money on their investments. The stockbroker decided to end his life by jumping off a bridge. He walked to the middle of the bridge, climbed over the railing, stood on the tiny ledge on the edge of the bridge, and prepared to jump. A taxi driver who happened to be crossing the bridge at that moment saw what the stockbroker was doing. The taxi driver slammed on his brakes, jumped out of his taxi, started running toward the stockbroker, and yelled, "Don't do it!" Pleased to hear that someone cared about him, the stockbroker changed his mind about committing suicide and decided that he wanted to live. At that moment, however, the stockbroker started to lose his balance, and his feet began to slip off the small, grimy ledge of the bridge. Just as the stockbroker started to fall, the taxi driver reached him and grabbed the back of his jacket. The taxi driver hung on tightly to the jacket and nearly was pulled over the side of the bridge, but he managed to hang on. Using every bit of strength he could muster, the taxi driver pulled the stockbroker back up and onto the bridge. The stockbroker was relieved to have been saved from falling. Unfortunately, the taxi driver suffered a severe injury to his back from the strain of hanging on to the stockbroker and pulling him back up onto the bridge. A statute in the jurisdiction makes attempted suicide a crime. If the taxi driver asserts a claim against the stockbroker to recover damages for his injuries, will he prevail?', A. 'No, because the stockbroker did not intend to harm anyone other than himself.', B. 'No, because attempted suicide was a criminal offense in the jurisdiction.', C. 'Yes, because the stockbroker put himself in a position of peril.', D. 'Yes, because he succeeded in saving the stockbroker's life.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 509:

'A city has enacted an anti-noise statute that "prohibits amplification devices operated in public places which emit loud and raucous noises. " The municipality passed the law to protect the quiet and tranquility of its residents and to avoid distractions to traffic. A high school student was driving in his car and listening to punk music on his car stereo system, which included a set of 12-inch subwoofers mounted in the rear. As the student drove past the high school, he turned up the volume to its highest level. A police car drove alongside the student and, hearing the loud and raucous music; the police officers arrested the student and charged him with violating the anti- noise statute. Before the student was brought to trial, the highest court in the state ruled the statute unconstitutional as vague and overbroad. As a result, the charges against the student were dropped, and his case was dismissed. Thereafter, the district attorney's office decided to prosecute the student for violating a state attempt statute. The attempt statute provided that legal impossibility was no defense. Thereupon, the student was charged with attempting to violate the anti-noise statute. At trial, the student took the stand to testify on his own behalf. He testified that when he was arrested, he had purposely turned up the stereo to its highest level because his favorite song was playing. Will the student be found guilty of violating the attempt statute?', A. 'Yes, because he possessed the requisite intent.', B. 'Yes, because dismissal of the initial charge was not a final judgment and, therefore, double jeopardy does not attach.', C. 'No, because double jeopardy precludes prosecution for attempt after the initial prosecution was dismissed.', D. 'No, because a defendant cannot be retried for attempted commission of a crime that has been ruled unconstitutional by a state's highest court.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 510:

'A man offered to sell his barbecue to his neighbor for \$100. After receiving the man's offer, the neighbor responded, "Let me think it over. " The man then said, "If you say so. " The next day, the man sold the barbecue to his brother for \$100. Thereafter, the neighbor decided to accept the man's offer, but learned from a reliable source that the barbecue had been sold to the brother. If the neighbor sues the man for breach of contract, judgment for', A. 'the man, because the offer to the neighbor terminated when the neighbor learned of the sale to the brother.', B. 'the man, because there was no consideration to keep the offer open for an extended period of time.', C. 'the neighbor, because the offer became irrevocable for a reasonable time when the man allowed the neighbor to "think it over. "', D. 'the neighbor, because, he is a merchant.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 511:

'A woman was employed as a sales clerk at a department store. She worked in the women's lingerie section. One evening around closing time, the woman took a diamond necklace from a cabinet in the jewelry section of the department store and wrapped it in tissue paper. The woman then surreptitiously stuffed the necklace in a shopping bag, intending to remove it when she left the store. Moments later, the store owner approached the woman and told her she needed to stay late in order to do inventory. While the woman was completing inventory, the owner discovered the necklace and called the police. The woman is most likely guilty of', A. 'attempted larceny.', B. 'larceny.', C. 'false pretenses.', D. 'embezzlement.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 512:

'A plaintiff sued a defendant in connection with the dissolution of a partnership they had formed to run a parcel delivery service. They had relied on a business attorney in establishing the business. After the business failed, the plaintiff and the defendant disagreed about their respective obligations. At trial, both have hired new counsel. The plaintiff calls the business attorney to testify to representations the defendant made in meetings she had with the plaintiff and the business attorney. The defendant objects to the business attorney's testimony, invoking the attorney-client privilege. Should the court uphold the defendant's privilege claim?', A. 'No, because the business attorney's professional relationship with the plaintiff and the defendant has ended.', B. 'No, because the plaintiff and the defendant consulted the business attorney jointly.', C. 'Yes, because either the plaintiff or the defendant may block disclosure of statements made during such meetings.', D. 'Yes, because either the plaintiff or the defendant may claim the privilege on behalf of the partnership.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 513:

'A grain broker specializes in exotic grains for the growing organic-food market. Using his network of contacts across the globe, he is able to find sources for almost any kind of grain, grown anywhere in the world, to be shipped anywhere in the world. Last year, an organic food co-op asked the grain broker to find quinoa for them. The grain broker said, "I'll do it. It'll cost you market rate plus the commission. " The grain broker found the quinoa and had it shipped to the co-op at a cost of \$15 per bushel plus a 20% commission. The co-op paid \$15 per bushel plus an 8% commission. The grain broker brought suit, claiming that the appropriate commission was 20%. The grain broker introduced business records and other documentary evidence establishing that he normally charges a commission of between 10% and 20% for grains, with a higher commission for more exotic grains. The owner of the co-op called another grain broker, a competitor of the plaintiff, to testify. The witness testified that he never charges more than an 8% commission when asked to locate exotic grains for his customers. The trial judge should rule this testimony', A. 'admissible as evidence of customary business practices in the community.', B. 'admissible as a proper lay opinion.', C. 'inadmissible as hearsay.', D. 'inadmissible as irrelevant.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 514:

'A musician owned a summer cottage on the lake. A neighbor, an adjoining land owner, started a sand business, which required him to do heavy hauling of sand, rocks, dirt, and other materials on his property. The neighbor's excessive excavating in the course of conducting his sand removal business causes the collapse of a large storage building on the musician's property. If the musician brings an action to recover damages for the collapse of his storage building, the musician will probably', A. 'be successful if he can prove that the neighbor was negligent in his excavations.', B. 'be successful, because the neighbor would be strictly liable for his removal of lateral support.', C. 'not be successful, because the neighbor could not be held liable for damage to an artificial structure such as a storage building.', D. 'not be successful, because an adjacent land owner is under no affirmative duty to laterally support his neighbor's land.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 515:

'One afternoon, police officers observed a man and a 14-year-old girl smoking marijuana together. They arrested the man and charged him with the separate offenses of (1) possession of a controlled dangerous substance, and (2) contributing to the delinquency of a minor. The girl was also arrested and charged with being an accomplice to the crime of contributing to the delinquency of a minor. At trial, the girl's best defense is that', A. 'smoking marijuana does not necessarily make her an accomplice to the crime.', B. 'the man, the adult principal, must be convicted before any prosecution can be maintained against a minor.', C. 'a minor cannot be prosecuted for an adult crime.', D. 'since the statute was designed to protect minors, the girl cannot be prosecuted as an accomplice.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 516:

'Late one night, co-defendants broke into a warehouse and proceeded to load the large crates of appliances onto their truck. As they were leaving, one of the co-defendants inadvertently threw his cigarette butt into a refuse pile of old cardboard boxes and papers. Soon afterward, the refuse ignited into a small fire. Although the co-defendants had time to douse the fire without any danger to themselves, neither did so. Instead, they climbed into the truck and fled. Meanwhile, the fire quickly spread, engulfing the entire warehouse in flames. At common law, the co-defendants should be found guilty of', A. 'burglary and arson.', B. 'larceny and arson.', C. 'larceny only.', D. 'burglary, larceny, and arson.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 517:

'A patient domiciled in State A sued a surgeon domiciled in State B in a federal court in State A, alleging claims for malpractice. The surgeon moved to dismiss the action for lack of personal jurisdiction. The court denied the motion and set discovery cutoff and trial dates. The surgeon has appealed the denial of the motion. Should the appellate court hear the merits of the surgeon's appeal?', A. 'No, because the appellate court lacks jurisdiction over the appeal.', B. 'No, because the district court's decision on jurisdiction is final.', C. 'Yes, because a contrary appellate decision could terminate the action.', D. 'Yes, because the surgeon's personal- jurisdiction challenge raises a constitutional question.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 518:

'A state law provides for an award of damages against anyone who publishes the name of a rape victim. Pursuant to that law, a woman sued a local newspaper in state court after the newspaper identified her as a rape victim. The state trial and appellate courts rejected the claim, holding that the state law was invalid under both the state constitution and the First Amendment of the U.S. Constitution. The state supreme court affirmed, holding specifically: "We think that this well-intentioned law very likely violates the First Amendment of the federal Constitution. We need not, however, decide that issue, because the law assuredly violates our state constitution, which provides even greater protection to the right of the press to report the news." The woman petitioned for review in the U.S. Supreme Court. Is the U.S. Supreme Court likely to review the state supreme court judgment?', A. 'No, because the First Amendment prohibits the imposition of liability for the publication of truthful information.', B. 'No, because the judgment of the state supreme court rests upon an adequate and independent state-law ground.', C. 'Yes, because the supremacy clause does not permit a state to create rights greater than those conferred by the federal Constitution.', D. 'Yes, because the U.S. Supreme Court's appellate jurisdiction extends to cases arising under federal law.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 519:

'A son loaned his father a large sum of money. The father signed a 10-year promissory note and secured the note with a mortgage on his farm. The mortgage was promptly recorded. The next year, the father died intestate. The father's heirs were the son and his two sisters. The sisters first learned of the mortgage just after their father died. The sisters now assert that the son, their brother, holds the mortgage for their benefit as well as for himself because as a tenant in common with his sisters, he has a fiduciary duty toward them. There are no applicable statutes. Are the sisters correct?', A. 'No, because the mortgage was granted before the tenancy in common was created.', B. 'No, because the three siblings took the farm as tenants in common rather than as joint tenants with right of survivorship.', C. 'Yes, because a fiduciary relationship exists among tenants in common.', D. 'Yes, because their three interests are equal.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 520:

'A motorist was traveling at 5 miles per hour when she became distracted, and negligently tapped the rear of another vehicle. A passenger in the struck vehicle had a rare medical condition that made her highly vulnerable to any slight physical impact or intrusion. The minimal impact caused the passenger to lightly bump her shoulder against the door, which triggered her rare immunosuppressant disease to surface. The passenger became permanently incapacitated from the impact. She sued the negligent motorist for all of her injuries. A physician submitted a report stating that the collision was a substantial factor in causing the disability. Has the plaintiff stated a claim for relief under prevailing legal principles?', A. 'Yes, because in the law of negligence the defendant takes the plaintiff "as he finds her."', B. 'No, because the motorist is only liable for foreseeable injuries that are not of psychological origin.', C. 'No, because the victim's psychosomatic reaction is usually held to be malingering under the law.', D. 'Yes, because the victim in this case is called a "predictably unpredictable plaintiff."'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 521:

'If there is a conflict between a congressional act and a valid treaty, how is it resolved?'. A. 'The congressional act always prevails', B. 'The valid treaty always prevails', C. 'The last in time prevails', D. 'The president decides'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 522:

'A statute passed by both houses of Congress and signed by the President authorizes a federal agency to select a site for and to construct a monument honoring members of the capitol police force killed in the line of duty. The statute appropriates the necessary funds but provides that the funds may not be expended until both houses of Congress have adopted a concurrent resolution, not subject to presentment to the President, approving the agency's plans for the monument's location and design. Is the provision requiring further congressional approval before expenditure of the funds constitutional?', A. 'No, because decisions regarding the placement and design of government-owned structures are an exclusively executive function with which Congress may not interfere by any means.', B. 'No, because the provision amounts to an unconstitutional legislative interference with an executive function.', C. 'Yes, because Congress may attach reasonable conditions to its appropriation of funds to executive departments, and its special interest in the members of its own police force makes the provision a reasonable condition.', D. 'Yes, because the provision is part of a statute that was passed by both houses of Congress and signed by the President.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 523:

'Mary, a wealthy St. Petersburg widow, executed her first and only will on May 15, 1990 and died on August 18, 1990. Her will provided that her estate be divided equally between her only child, Joan, and the Salvation Army of Largo. How will Mary's estate actually be distributed?', A. '100% to Joan.', B. '100% to Joan if she files a timely petition requesting that the devise to the Salvation Army be avoided.', C. '50% to Joan and 50% to the Salvation Army.', D. '50% to Joan and the income from the remaining 50% to Joan for life, remainder to the Salvation Army, if Joan files a timely petition protesting the devise to the Salvation Army.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 524:

'A condominium development consists of two buildings, one with balconies attached to each unit, and one withno balconies. For safety concerns, the condominium association amended the covenants and restrictions to prohibit future sales of balcony units to families with minor children. The amendment did not affect families with children already living in balcony units. The amendment was promptly recorded. The condominium association had a valid covenant providing that all sales had to be approved by the association. Subsequent to the effective date of the amendment, the owner of a balcony unit contracted to sell it to a family with minor children. Before the closing, the association told the buyers that because they had minor children, they could not buy the unit. The association further told the buyers that numerous units were available in the building without balconies. After receiving this notification, the buyers complained to a fair housing agency, claiming that the amendment was unenforceable because it violated federal fair housing laws. Is there reasonable cause to believe that a violation has occurred?', A. 'No, because families with children are allowed to purchase units in the building without balconies.', B. 'No, because the amendment is based on legitimate safety issues.', C. 'Yes, because families with children are already living in units with balconies.', D. 'Yes, because families with children cannot be segregated within the condominium development.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 525:

'An orange grove and a grapefruit grove are two parcels abutting each other. A citrus grower owns the orange grove in fee simple and maintains both his dwelling house and the business he operates on the orange grove. He has a right of way, granted by a written agreement, across the grapefruit grove for crossing the grapefruit grove on foot, by bicycle, or automobile. A farmer is the owner of the grapefruit grove. The citrus grower's property interest in the use of his right of way across the grapefruit grove may best be described as a (an)', A. 'license.', B. 'easement in gross.', C. 'easement appurtenant.', D. 'prescriptive easement.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 526:

'A manufacturer of snowmobiles produced one model, Model 1A, which was a very popular snowmobile. On each of the Model 1A snowmobiles produced, the manufacturer installed a speed-regulating device that prevented the snowmobiles from exceeding 50 m. p. h. The manufacturer distributed the snowmobile through wholesalers and retailers across the country. In its sales brochures and advertising materials, the manufacturer advises all of its distributors against making any modifications on snowmobiles without first conferring with the manufacturer's staff of engineers. The operator of a shop in a mountain community had the exclusive right to distribute Model 1A snowmobiles in the area. Amid complaints from previous buyers regarding Model 1A's speed limitations, the operator removed the speed regulators from all the Model 1A snowmobiles in stock. A buyer purchased from the operator one of the Model 1A snowmobiles that had the speed regulator removed. One day, the buyer was driving the Model 1A snowmobile through a snow-covered field, at speeds in excess of 70 m. p. h. The snowmobile hit a snow-covered rock, causing the buyer to lose control of the snowmobile, crash into a tree, and suffer serious injuries. If the buyer institutes a strict liability in tort action, he will most likely recover against', A. 'the manufacturer only.', B. 'the manufacturer, even though it was unaware of the removal of the speed regulator.', C. 'the operator only.', D. 'both the manufacturer and the operator.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 527:

'A carpenter was driving home one night after a long day of work. He was driving his car north toward an intersection. There were stoplights at the intersection. The light for the carpenter was green, so the carpenter proceeded to drive through the intersection. A bus entered the intersection from the west and slammed into the carpenter's car. The carpenter was seriously injured in the crash and missed several weeks of work while recovering from the injuries. Which of the following facts or inferences, if true, would be most helpful in an action by the carpenter against the driver of the bus?', A. 'The bus driver had received three speeding tickets in the past.', B. 'The carpenter's car was in good condition, and it had passed a safety inspection just a week before the accident.', C. 'The traffic signal at the intersection had been inspected the day before the accident and found to be functioning properly.', D. 'The bus driver was operating the bus without a driver's license in violation of the State Motor Vehicle Code.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 528:

'A seller and a buyer signed a contract of sale for improved real property. The contract contained a financing contingency for a certain percentage of the purchase price. The buyer obtained the requisite financing from a bank. At the closing, the buyer executed a note to the seller for a portion of the purchase price, which note was not secured by a mortgage. The buyer then executed a second note, secured by a mortgage to executed a second note, secured by a mortgage to the bank, applying the bank loan proceeds to the purchase price of the property. The bank had actual knowledge of the prior note to the seller. The bank promptly recorded its mortgage. The buyer is now in default on both notes. There is no applicable statute. Which party has priority?', A. 'The bank, because its loan satisfied the financing contingency in the contract of sale.', B. 'The bank, because its note is secured by a purchase money mortgage.', C. 'The seller, because the bank had actual knowledge of the seller's note.', D. 'The seller, because he retained a vendor's lien that was first in time.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 529:

'A state statute provides that an illegitimate child may not inherit from his father's property. The state law, however, does permit illegitimate children to inherit from and through their mothers. A man died intestate, leaving neither spouse nor any children other than an illegitimate son. The man's wife and his daughter died one year later in a motor vehicle accident. The illegitimate son filed suit in an appropriate court alleging that the state statute, which bars an illegitimate child from sharing in his father's estate is invalid, and that he should be declared the lawful heir of the man's estate. In challenging the validity of the state statute, will the illegitimate son prevail?', A. 'Yes, because most state laws that discriminate against illegitimate children have been invalidated to ensure that a state's concern over illicit relationships is not the basis for punitive measures against the product of such a relationship.', B. 'Yes, because he has been deprived of property without due process, since his fundamental right to inherit has been compromised without a compelling state need.', C. 'No, because a state may promote the just and expeditious disposition of property at death by denying intestate succession to all illegitimate children.', D. 'No, because discrimination against illegitimate children is not suspect and, therefore, the law does not violate the equal protection clause if it is substantially related to a legitimate state interest.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 530:

'A resident of a state owned a large tract of virgin forest. The resident conveyed this tract "to the people of the state in fee simple so long as said tract shall remain in its natural state (with exception for recreational, scientific, or educational purposes). "Under state law, conveyances of real property to "the people" of the state are deemed to vest title in the state regarded as a legal entity, and custody over such property resides in an appointed official known as the director of environmental resources. The director granted a logging company the privilege to cut timber on a remote portion of the tract, together with incidental easements of way. The right of the logging company to cut and sell the timber that was to be cleared from the tract would be an example of a (an)', A. 'license.', B. 'easement appurtenant.', C. 'easement in gross.', D. 'profit-a-prendre.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C. 'easement in gross.'

Answer Option 9:

Final Answer: D

Question 531:

'A contractor agreed to remodel a homeowner's garage for \$5,000. Just before the parties signed the one-page written contract, the homeowner called to the contractor's attention the fact that the contract did not specify a time of completion. The parties orally agreed but did not specify in the contract that the contractor would complete the work in 60 days, and then they both signed the contract. The contract did not contain a merger clause. The contractor failed to finish the work in 60 days. The homeowner has sued the contractor for breach of contract. Is the court likely to admit evidence concerning the parties' oral agreement that the work would be completed in 60 days?', A. 'No, because the court must ascertain the meaning of the agreement from the terms of the written contract.', B. 'No, because the oral agreement was merely part of the parties' negotiations.', C. 'Yes, because the contract is ambiguous.', D. 'Yes, because the time limit is an additional term that does not contradict the partially integrated written contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 532:

The city installed a sewer line across a residential subdivision. The city acquired a valid easement for construction of the sewer from the development company that owned the subdivision. One year later a buyer purchased a house within the subdivision. Unknown to the buyer, the sewer line ran across his property, approximately 10 feet beneath the foundation of his home. The deed that the buyer received from the grantor, the development company, made no mention of the easement. Ten years after the buyer purchased his house, a crack in the sewer line caused water to leak into the buyer's basement. The flooding resulted in extensive damage to his home. The city has abolished governmental immunity. In an appropriate action by the buyer against the city to recover damages, the plaintiff will probably', A. 'not prevail, because the sewer line was installed before the buyer purchased the property.', B. 'not prevail, because the city had acquired a valid easement for the sewer line.', C. 'prevail, only if the sewer line was negligently maintained.', D. 'prevail, because under the circumstances, the sewer line constituted a public nuisance.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 533:

'After lengthy negotiations, a buyer and seller signed a written contract for the sale of ten thousand pounds of "quality salmon" for \$50,000. Upon delivery, the buyer was surprised to find an assortment of pacific wild salmon, domestic salmon raised in captivity, and mixed east coast salmon. In prior discussions, the parties agreed on all pacific wild salmon for fulfillment of the order, and none of the other inferior types were discussed. Does the parol evidence rule apply to preclude the buyer's testimony regarding what kind of salmon the parties' intended by the term "quality salmon" in the written contract?', A. 'No, the parol evidence rule does not apply to preclude testimony in cases such as this one where the testimony would explain what the parties meant by the terms they used.', B. 'Yes, the parol evidence rule applies to preclude the testimony because the testimony would add to or contradict the final signed writing.', C. 'No, the parol evidence rule does not apply because the contract was reduced to writing.', D. 'Yes, the parol evidence rule applies to preclude the testimony because the terms of the contract were not recorded and preserved at the time of signing the contract.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 534:

'A retiree owned a building in a city. Several years ago, an artist, in a signed writing, entered a three- year lease agreement with the retiree. The artist agreed to pay \$800 monthly rent for the third-floor apartment in the retiree's building. The original three-year term had long since expired, but the artist has continued to pay his rent, and the retiree continued to accept it. The building became infested with rats after a restaurant was opened in the adjacent building. The artist could not tolerate the rats and served notice on the retiree that he was moving to another city and has not been heard from since. At common law, what remedy was available to the retiree before she accepted the first rental payment after the end of the initial three-year period?', A. 'Eviction of the artist for non-payment of rent.', B. 'Recovery of the difference between the lease price and the fair market value of the leasehold for a year.', C. 'Recovery of double the rent prorated on a monthly basis for the number of months the artist was on the premises beyond the three- year period.', D. 'Require that the artist move out immediately or be held responsible for three years' rent.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 535:

'On September 1, a manufacturer of portable drinking fountains mailed to a drinking fountain retailer a signed offer that stated: "Have 200 drinking fountains available at \$100 each for October delivery. Be advised that this offer will remain open until October 1." On September 30, the retailer mailed the following letter, which was received by the manufacturer on October 1: "Your offer is hereby accepted, but request delivery of 100 drinking fountains in October and 100 in November." However, on September 29, the manufacturer sent a fax to the retailer revoking its offer, which was received the same day. This revocation is', A. 'valid, because the retailer had not changed its position in reliance on the September 1 offer.', B. 'valid, because there was no consideration to support an option contract.', C. 'not valid, because the retailer had 90 days in which to accept.', D. 'not valid, because the manufacturer gave assurance that the offer would remain open until October 1.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 536:

'There is a newcomer who joins a small town in the middle of nowhere, where she gets a job as a city employee. The city manual requires that newcomers pay a higher contribution to the city's employee betterment fund for the first three years of employment. Newcomer refuses to pay a higher contribution than other employees, whereupon she is terminated. Can she make a successful equal protection argument to fight for her job?', A. 'No, she is not a member of a suspect class as there cannot be a "class-of-one" in the employment law context.', B. 'No, the request for the contribution was not unreasonable and cannot support an equal protection argument.', C. 'Yes, she can claim a class of one who is being discriminated against.', D. 'Yes, she can claim membership in a group of newcomers who are coming and are being treated differently than everyone else, even if she is the only newcomer she knows of at this time.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 537:

'A husband and wife were about to leave on vacation for one month. They thought it would be a great idea to have new carpeting installed in their home while they were away. They contacted a reputable carpeting company, which offered to do the job for \$7,000. The husband and wife agreed, gave a set of house keys to the carpeting company, and left on vacation. A week later, the carpeting company discovered that they had overbooked their installation staff and could not finish all of the jobs for which they had contracted. The carpeting company contacted a workman whom they had used before, and told him about the job they were to perform for the husband and wife. The workman agreed to do the installation in exchange for the payment from the husband and wife. When the husband and wife returned from vacation, they were happy with the work and sent a check for \$7,000 to the carpeting company, which deposited the check. If the workman now seeks to recover for services he performed, he will', A. 'recover against the husband and wife only.', B. 'recover against the carpeting company only.', C. 'recover against either the husband and wife or the carpeting company.', D. 'not recover, because he was not in privity of contract.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 538:

'On February 15, a company that manufactures metal sidings for home exteriors received the following order from a builder: "Please ship 300 sheets of 1/4-inch refabricated aluminum siding. Delivery by April

1. "On March 8, the company shipped 300 sheets of 1/2-inch refabricated aluminum siding, which were received by the builder on March 10. The following day, the builder sent the following fax to the company: "Be advised that your shipment is rejected. Order stipulated 1/4-inch sheets. " This fax was received by the company, but the builder did not ship the nonconforming aluminum sheets back to the company. Did the builder properly reject the shipment delivered on March 10?', A. 'Yes, because the aluminum sheets were nonconforming goods.', B. 'Yes, because the company did not notify the builder that the 1/2-inch sheets were for accommodation only.', C. 'No, because the builder waived its right to reject the nonconforming goods by not returning them promptly to the company.', D. 'No, because the company could accept the builder's offer by prompt shipment of either conforming or nonconforming goods.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 539:

'An entrepreneur from State A decided to sell hot sauce to the public, labeling it "Best Hot Sauce." A company incorporated in State B and headquartered in State C sued the entrepreneur in federal court in State C. The complaint sought \$50,000 in damages and alleged that the entrepreneur's use of the name "Best Hot Sauce" infringed the company's federal trademark. The entrepreneur filed an answer denying the allegations, and the parties began discovery. Six months later, the entrepreneur moved to dismiss for lack of subject-matter jurisdiction. Should the court grant the entrepreneur's motion?', A. 'No, because the company's claim arises under federal law.', B. 'No, because the entrepreneur waived the right to challenge subject-matter jurisdiction by not raising the issue initially by motion or in the answer.', C. 'Yes, because although the claim arises under federal law, the amount in controversy is not satisfied.', D. 'Yes, because although there is diversity, the amount in controversy is not satisfied.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 540:

'A state criminal law prohibits the publication of any description of the details of the execution of any prisoner who is sentenced to death by the courts of the state. Although the law allows a specified number of reporters to observe an execution, only the prison warden's official statement that the prisoner was "executed as provided by law" at a certain time and date may be published. The purpose of the law is to protect the public, particularly children, from the details of executions. After a particular execution was mishandled, causing the prisoner to suffer, a newspaper in the state published a story describing the event in detail. The story was written by the newspaper's reporter, who was permitted to observe the execution but did not promise prison officials that he would report only the warden's official statement. A prosecutor subsequently filed charges against the newspaper for publishing the details of the execution in violation of the state law. Is this prosecution constitutional?', A. 'No, because the prosecution seeks to punish the publication of lawfully obtained, truthful information about a matter of public significance, without adequate justification.', B. 'No, because the reporter did not promise prison officials that he would report only the warden's official statement about the execution.', C. 'Yes, because publication of the details of such events might cause psychological damage to some children.', D. 'Yes, because the newspaper should have brought an action to test the validity of the law before publishing the reporter's story.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 541:

'A woman is engaged in the retail sale of widgets throughout the United States. On March 7, the woman sent the following purchase order to a manufacturer of widgets: "Promptly ship 1,000 widgets, catalogue #B4-IEU, at the current wholesale price to our warehouse. Thank you for your attention to this matter. "This order was received by the manufacturer on March 9. The next day, the manufacturer replied by fax: "Your order has been received. Shipment date will be March 12. Price \$50 for each widget delivered. Be advised that these are the last widgets, under catalogue #B4-IEU, that we can deliver, since this variety is no longer being manufactured. "Upon receipt of the fax, the woman immediately sent the following fax: "Cancel our previous order for 1,000 widgets under catalogue #B4-IEU. Price too high. "Assume \$50 per widget was the current wholesale market price. Was an enforceable contract in effect between the woman and the manufacturer?', A. 'No, because the woman's order was too indefinite to constitute an offer, since it didn't contain a price term.', B. 'No, because even if the woman's order was a valid offer, it was effectively revoked prior to acceptance.', C. 'Yes, because the woman's order created a valid option contract.', D. 'Yes, because the manufacturer's fax of March 10 constituted an acceptance of the woman's offer.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 542:

'A criminal defendant was convicted at a jury trial of several counts of fraud. At sentencing the court made additional factual findings, based on a preponderance of the evidence, that resulted in the addition of a 10-year enhancement to the sentence, which was over and above the maximum provided for by the jury's verdict. Defense counsel objected that the judge-made enhancement was unconstitutional and denied his right to a jury trial on that issue. Does counsel have a valid constitutional argument?', A. 'No, sentencing laws widely authorize the sentencing court to engage in fact-finding that is based on a preponderance of the evidence.', B. 'No, it has never been decided that a defendant has a right to be judged on proof beyond a reasonable doubt.', C. 'Yes, judicial fact-finding that increases the maximum sentence over what the jury's verdict allows is unconstitutional.', D. 'Yes, it is unconstitutional for a court to use its discretion to fashioning a defendant's sentence.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 543:

'Recently, Congress enacted a statute requiring all boat owners to register their boats with a newly created federal boat registry. Among the purposes of the statute are the prevention of theft of boats in coastal waters and the protection of the rights of individual boat owners throughout the United States. Congress enacted the statute despite the fact that all states require boat owners to register their craft with the state department of motor vehicles. In addition, there is uncontradicted evidence that most stolen boats are kept or resold in the state in which the theft occurred. Nonetheless, an increasing number of boats are transported to other states and other countries for resale. Is the statute likely to be held constitutional?', A. 'No, because most stolen boats remain within the state in which they were stolen.', B. 'No, because the registration of boats is a matter reserved to the states by the Tenth Amendment.', C. 'Yes, because Congress could determine that the transportation of stolen boats affects interstate commerce.', D. 'Yes, because Congress has the power to regulate property for the general welfare.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 544:

'A woman leased a condo from the owner for a period of one year. After six months, the owner gave the woman a written option to purchase the condo for \$100,000 before the expiration of the lease. With the owner's approval, the woman spent \$10,000 to have the kitchen remodeled to her personal specifications. One month before the end of the lease, the owner notified the woman that he was revoking the option to purchase the condo. One week later, the woman delivered a written notice of acceptance of the option, but the owner refused to sell. If the woman initiates suit for breach of contract, which of the following is her strongest argument that an enforceable contract was formed between her and the owner?'. A. 'Because the woman had until the expiration of the lease to accept the offer, the owner's revocation would be ineffective.'. B. 'Because the owner was a merchant, the written offer was irrevocable for a period not exceeding three months.'. C. 'Because the owner's offer invited a return promise as acceptance, the woman manifested her intent to accept by remodeling the kitchen.'. D. 'After the woman paid to have the kitchen remodeled, an option contract resulted, because the owner knew the woman was relying on the offer to her detriment.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 545:

The police were at the scene of an accident, assisting injured victims and clearing traffic. One car stopped in traffic was creating a distraction by blasting rap music. A police officer told the driver to turn it down, which he did. While explaining this, the officer spotted a handgun next to the driver on the seat. State law allowed the carrying of a concealed or unconcealed weapon. The officer ordered him out of the car for safety concerns. The officer drew her gun and pointed it at him as he got out, threatening to shoot him if he was not compliant. Other officers approached with weapons drawn. The driver was put on the ground and handcuffed. Drugs were found inside the car and he was charged with drug possession. He filed a motion to suppress, claiming a Fourth Amendment violation. What is the most likely decision of the court?, A. 'The driver was acting erratically by blasting music in the middle of an auto accident investigation, and when a gun was spotted this justified a custodial interrogation and a search of the car.', B. 'The officer had a right to separate the driver from the gun, and the ensuing procedures and search were reasonably calculated to protect the officers and the other motorists.', C. 'The officer in effect overreacted to the initial purpose of the stop, and initiated an arrest procedure without probable cause to do so, and thus the drugs will be suppressed.', D. 'The drugs will be suppressed because the officer had no right to order the driver out of the car simply because a legal weapon was observed on the seat.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 546:

'While on vacation, two friends went scuba diving in the ocean. Each of them was equipped with a spear gun, which they planned to use to kill tuna. As they were swimming, both men saw what appeared to be a large fin entangled in a nearby coral reef. Simultaneously, they shot their spear guns at the projecting wing-like figure. Unbeknownst to either of the friends, it was not a fish but rather another scuba diver. The victim was struck and slightly wounded by one of the spears. The victim asserts a claim for damages against the two friends. At trial, the judge should instruct the jury to rule', A. 'in favor of both defendants if no evidence is presented showing who actually shot the spear that injured the victim.', B. 'against both defendants jointly unless one of them proves that he did not shoot the spear that struck the victim.', C. 'against each defendant for one-half of the amount of damages, because they both acted independently and not jointly.', D. 'against each defendant for one-half of the amount of damages, because they both shot their spear guns simultaneously.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 547:

'A buyer purchased a new convertible from an automobile dealership. A few weeks later, the buyer began smelling a pungent gasoline odor in the vehicle. The buyer immediately took the car to the dealership and told the service manager what was wrong. The service manager indicated that he would take care of the problem and contact the buyer when the car was ready. The next day, the buyer was informed that the problem had been corrected and the car was available for pickup. The buyer then went to the dealership, took possession of his car, and drove off. After traveling about five miles, the buyer again smelled gasoline fumes. Irritated that the problem had not been corrected, the buyer decided to drive back to the dealership. As he was doing so, the car suddenly exploded, and the buyer suffered third-degree burns over 90 percent of his body. A subsequent investigation revealed that the explosion was caused by a defective gas tank that had ruptured. This produced a gasoline leak that was ignited by sparks from the car's underbody. A reasonable inspection would have disclosed the defective gas tank. The trouble the buyer had described to the service manager was indicative of such a problem. If the buyer asserts a claim against the manufacturer of the convertible for damages for his injuries, will the buyer prevail?', A. 'Yes, if the dealership should have replaced the gas tank.', B. 'Yes, because the buyer's injury was caused by the defective gas tank.', C. 'No, if the buyer should have realized the gasoline smell presented a hazardous condition and stopped the car before the explosion occurred.', D. 'No, unless the gas tank was defective when the car left the manufacturer's plant.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 548:

'During a federal grand jury investigation into money laundering, a man's business and tax records were subpoenaed by the government. The man invokes his Fifth Amendment privilege against self-incrimination to prevent production of the records in his possession. The court would most likely', A. 'compel production of the records, because the Fifth Amendment is inapplicable.', B. 'order a preliminary hearing to determine if the man has grounds to invoke the Fifth Amendment.', C. 'permit the man to exercise his Fifth Amendment privilege, since such records may have the same incriminating effect as testimony.', D. 'admit the records under the business records exception to the hearsay rule.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 549:

'Under which of the following situations would the defendant not be guilty of the attempted crime at common law?', A. 'A defendant wanted to receive the proceeds from her insurance policy on her home. After a careful examination of her policy, she decided that the best way for her to collect would be to stage a cooking accident in her own home and have the structure burn down. She decided that bacon would be the best way to do it because all of the extra grease in the pan could easily catch on fire. After cooking the bacon, the defendant left the flame on and left her home. Unbeknownst to the defendant, she left the window open and a breeze blew out the pilot. When the defendant returned home, she found that there was no fire. She was arrested and charged with attempted arson.', B. 'A defendant was dancing with his girlfriend at a local club when she collapsed in his arms. The defendant then carried his girlfriend to his car and engaged in sexual intercourse with her. Although the defendant believed that his girlfriend was intoxicated, she had, in fact, died of a heart attack while dancing. The defendant is charged with attempted rape.', C. 'After a preliminary examination, a defendant informed a patient that she was two months pregnant. Although the defendant knew that abortions were illegal in this jurisdiction, he agreed to perform an abortion on the patient, anyway. During the operation, it was discovered that the patient was not pregnant. The defendant is charged with attempt to perform an illegal abortion.', D. 'A defendant called his friend to obtain some marijuana. The friend told the defendant that he had some for sale. Believing that his friend had some high-quality marijuana, the defendant purchased an ounce of the substance, which he did not know was actually oregano. While the defendant was smoking the oregano on the street corner, a police officer arrested him and charged him with attempted illegal use of a controlled substance.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 550:

'A sister and brother own a ranch as joint tenants. If the sister transfers her interest by quitclaim deed to her friend without the brother's knowledge, what interest, if any, does the friend have in the ranch?', A.

'No interest.', B. 'An undivided one-half interest with right of survivorship.', C. 'An undivided one-half interest without right of survivorship.', D. 'A lien against the entire property.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 551:

'A state recidivist statute made it a felony punishable by life imprisonment without parole to be convicted for the fifth time of any form of criminal theft involving goods or money of \$100 or more. A man's record showed four prior convictions for nonviolent crimes involving theft or bad checks, each one pertaining to property or cash in excess of \$100 but not in excess of \$500. On the fifth conviction, after conviction of passing a \$100 bad check, the court sentenced him to life without parole under a repeat offender statute. He challenged the sentence and the statute based on the Eighth Amendment prohibition against cruel and unusual punishment. The U.S. Supreme Court granted certiorari. Will the Court likely invalidate the sentence on these facts?', A. 'Yes, because the gravity of the sentence is disproportionate to the seriousness of the crime, none of which involved bodily injury, and there is no possibility of parole.', B. 'Yes, because life imprisonment can never be an appropriate punishment for criminality that does not take human life.', C. 'No, because theft and passing bad checks has become a national emergency warranting tough remedial action to protect the economy, institutions and persons being victimized.', D. 'No, because it is improper for the courts to attempt to interject their value judgments into a state's ostensibly reasonable legislative sentencing schemes.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 552:

'In a prosecution of a defendant for receiving stolen property, an informer testified that the defendant sold him a stolen stereo, which the defendant knew had been stolen. During direct examination, the informer testified that he was unemployed but sometimes worked part-time as a substitute teacher. On cross-examination, the defendant's attorney asked the informer if he had recently filed an application to become a police officer. The informer responded affirmatively. The defendant's attorney then asked the informer the following question: "Isn't it true that you hope that by acting as an undercover agent, the police department will overlook the fact that you had two misdemeanor convictions for possession of marijuana?" The prosecuting attorney immediately objected. The trial judge should rule that the defendant's attorney's inquiry concerning the informer's hopes and misdemeanor convictions is', A. 'improper, as evidence of conduct not related to truthfulness.', B. 'improper, as relating to convictions of crimes not punishable by imprisonment in excess of one year.', C. 'proper, as tending to show the informer's bad character for truthfulness.', D. 'proper, as relevant to the informer's possible bias.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 553:

'On May 1, a homeowner and a painter entered into a contract whereby the painter was to paint the homeowner's home in exchange for \$10,000. The contract stated: "The painting is to be done during the month of June, and payment is to be made within one week after the painting is completed. The rights under this contract are not to be assigned. "The painter started the painting on June 1. On June 10, the painter assigned to his nephew the right to receive payment on the painter's contract with the homeowner. Which of the following statements is most accurate with regard to the painter's assignment to his nephew?', A. 'The homeowner would not be obligated to pay the nephew, since the contract was nonassignable.', B. 'Since personal service contracts of this nature are nonassignable, the homeowner would be under no duty to pay the nephew.', C. 'The assignment would constitute a novation, relieving the homeowner of liability.', D. 'The assignment would be irrevocable if it were reduced to writing and signed by the painter.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 554:

'Police officers had probable cause to believe that a man had committed a series of armed bank robberies with an accomplice. The officers obtained a valid arrest warrant for the man and went to his house to arrest him. The officers found the front door ajar and could hear a radio playing inside. They knocked on the door, identified themselves as police officers, and stated that they had a warrant. Getting no response, the officers entered the house. After the officers called the man's name several times and again identified themselves as police officers, the man emerged from the basement and was arrested. The officers went into the basement to look for the accomplice. They opened a closet door and found cocaine in plain view. They did not find the accomplice. The man was indicted for cocaine possession. He has moved to suppress the cocaine as evidence on the ground that it was obtained in violation of the Fourth Amendment. Should the court grant the motion to suppress?', A. 'No, because the officers discovered the cocaine during a lawful protective sweep of the house looking for the man's accomplice.', B. 'No, because the search was incident to the man's arrest.', C. 'Yes, because the officers did not have a search warrant.', D. 'Yes, because the officers did not have probable cause to believe that cocaine would be in the closet.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 555:

'In a written contract, a seller agreed to deliver to a buyer 1,000 widgets at a stipulated price of \$10 each, FOB at the seller's place of business. The contract stipulated that "any party who wishes to assign this contract must have the written consent of the other party. " On March 1, the seller placed the widgets on board a cargo vessel that was destined to transport the widgets to the buyer. On March 2, the buyer received the following telegram from the seller:"Please be advised that the widgets are in transit. In addition, I hereby assign all my rights under our contract to our creditor. "The buyer did not consent to the assignment. The next day, the ship carrying the widgets sank in a violent storm, destroying its entire cargo. If the creditor brings an appropriate action against the buyer, the former will most likely recover', A. 'nothing, because the buyer never assented to the assignment.', B. 'nothing, because the buyer never received the widgets.', C. 'the contract price of\$10,000.', D. 'the difference between the contract price and the market value of the widgets.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 556:

'One morning, a woman telephoned her next-door neighbor and asked if she could borrow her car. The woman explained that her car was being serviced and would not be ready for a couple of days. The woman told her neighbor that she had a doctor's appointment that afternoon and would return the car immediately afterwards. The neighbor agreed and gave the woman permission to use her car. As the woman was driving to her doctor's office, she collided with another car. As a result of the accident, the other driver brought suit against the woman and the neighbor to recover for her personal injuries. The other driver asserted a claim against the neighbor for negligent entrustment of an automobile and charged the woman with negligent operation of a motor vehicle. In her case-in-chief, the other driver called a witness to testify to three incidents of careless driving on the woman's part during the past six months. The trial judge should rule the testimony', A. 'admissible as circumstantial evidence that the woman was negligent on this occasion.', B. 'admissible, because the witness had personal knowledge of the woman's poor driving record.', C. 'admissible against the neighbor as evidence of the woman's lack of fitness.', D. 'inadmissible, because specific acts are not admissible except to rebut evidence of good character.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 557:

'During a baseball game, a spectator watching the game started taunting one of the players for striking out. Annoyed by the taunts, the player started an argument with the umpire. When the umpire told the player to be quiet and go back to his team's bench, the player became enraged and savagely attacked the umpire, hitting him in the head with a bat. The spectator who had taunted the player was overcome by humiliation and horror at what occurred, because he was a good friend of the umpire. The spectator suffered no physical injury, but experienced severe nervous shock and brooded over the incident for months. If the spectator asserts an action for intentional infliction of emotional distress against the baseball player, the spectator will', A. 'win, because the player's conduct was extreme and outrageous.', B. 'win, because he was present and witnessed the attack.', C. 'lose, because he was partly responsible for causing the attack to occur.', D. 'lose, because the umpire was not an immediate family member of the spectator.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: A

Question 558:

'A man, his nephew, and his son are the owners of three contiguous lots in the city. A downward slope exists from the man's land to the son's land. The man's and the nephew's lots were in an unimproved natural state. The son, however, had lived for 10 years in a house that he had built on his property. In 2009, the man planted trees and shrubbery on his land along the boundary of the nephew's lot. In 2010, the nephew, in preparation for building a house on his lot, carefully excavated an area eight feet deep for the purpose of building a basement. The side of the excavation closest to the man ■■■ nephew boundary suddenly collapsed, and a quantity of the man's soil, trees, and shrubbery fell into the hole. The nephew hauled away the debris. In an appropriate action by the man against the nephew to recover for the damage to his land, judgment should be for whom?', A. 'The nephew, if he was conducting the excavation work non-negligently.', B. 'The nephew, because he was under no duty to support the man's land in its improved state.', C. 'The man, because a landowner is entitled to support of his land in its natural condition.', D. 'The man, because a landowner has an absolute right to have his land supported by the neighboring land.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 559:

'A 20-year-old student at a state university enrolled in the university's R. O. T. C (Reserve Officers' Training Corps.) program. As part of her R. O. T. C. training, the student was required to spend three weeks at a camp for Marine Corps. summer field exercises. While at the camp, the student was given a new synthetic helmet to wear during her basic training. An agency purchased the new high-technology helmets for the Army and Marine Corps. to replace the old "steel pot" headgear worn for decades by U. S. soldiers. These new synthetic helmets were manufactured by a corporation and were made of Kevlar, an extremely tough fiber material with high energy-absorbing qualities that made it stronger in some ways than steel. When the student received her helmet from the Marine Corps. , it was packaged in the original carton supplied by the corporation. On the box, there was a picture that depicted an off-duty marine wearing the helmet while riding a bicycle. One afternoon after training, the student decided to take a ride on her bicycle. Believing that it could be used as a bicycle helmet, the student decided to use it for that purpose. During the ride, the student hit a deep pothole that caused her to be thrown headfirst from the bicycle. As she was flying through the air, the strap from her helmet came loose, and the helmet fell off her head. The student landed on a lawn and was temporarily knocked unconscious. She suffered serious head injuries. If the student asserts a claim against the corporation to recover damages for her injuries, she will most likely', A. 'prevail, because under the doctrine of res ipsa loquitur negligence can be inferred from the fact that the helmet came off the student's head.', B. 'prevail, because the original package depicted a picture of a cyclist wearing the helmet.', C. 'not prevail, because the student was not using the helmet for its intended purpose.', D. 'not prevail, because the helmet had been properly designed by the corporation for its intended use by the Army and Marine Corps.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 560:

'A driver and passenger were driving to work in the former's automobile one morning. As they were traveling at a speed of 20 m. p. h. (which was within the posted speed limit), the passenger suddenly pointed to an overturned vehicle along the side of the highway and said, "Look at that car upside down. " The driver turned to look at the overturned vehicle. As he was looking toward the side of the road, the driver failed to see an abandoned vehicle with a flat tire in the highway about 200 feet in front of his approaching auto. Seconds later, the driver crashed into the rear of the abandoned auto and was injured. The jurisdiction has a relevant comparative negligence statute in effect. If the driver asserts a claim against the owner of the abandoned auto, the most likely result is that the driver will', A. 'recover all of his damages, because the defendant created a dangerous condition.', B. 'recover only a portion of damages, because the abandoned auto was in plain view.', C. 'recover nothing, because he had the last clear chance to avoid the collision.', D. 'recover nothing, because the passenger's act was a supervening cause.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 561:

'A man who was reportedly a renowned art thief was on trial for stealing several Picassos from a museum. The paintings had been recovered and were in the courtroom. The prosecution presented a professor of art history to authenticate each piece. The defense objected on the basis that the museum curator where the paintings were housed had to identify if these were in fact the paintings that were stolen. Assuming that others will testify to the fact of the burglary, is the court likely to reject this witness as being qualified to authenticate the paintings in question, and why or why not?', A. 'Yes, because art works and other physical evidence must be authenticated by their official custodian.', B. 'Yes, because an outside person may be able to partially authenticate the painting but he can't say whether it is the one that was in the museum or that was stolen.', C. 'No, granting the objection will simply waste the court's time if the court has to bring in the museum curator and go through hoops to authenticate the paintings.', D. 'No, because the authentication can be accomplished in several different ways that will verify that it is the genuine piece of art in question.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 562:

'An on-duty Police Officer hears breaking glass and a blaring alarm, and sees Stan run out of a darkened liquor store at 3 a.m. Stan runs around the corner, out of Officer's view, and hops into a car. Officer sees Stan drive away and pursues, lights flashing. Stan pulls over and Officer arrests him. Officer sees nothing in the passenger compartment, but pops the trunk and finds cash and a baseball bat. Stan's motion to suppress the cash and baseball bat as evidence will likely be', A. 'Denied, because the Officer had probable cause to search the trunk.', B. 'Denied, because a search incident to a valid arrest in an automobile always includes the trunk of the automobile.', C. 'Granted, because the trunk area was out of the range of Stan's control.', D. 'Granted, because the arrest was illegal and therefore the evidence is considered to be fruit of the poisonous tree.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 563:

'One year ago, while driving through an intersection, the defendant's car collided with the plaintiff's car. The plaintiff sued, claiming that the defendant ran a red light. In her case-in-chief, the plaintiff testified that immediately after the accident, a bystander, who was a local resident, screamed at the defendant, "You jerk. . . you drove through the red light. " In his case-in-chief, the defendant now calls a police accident investigator to testify that the plaintiff told him that she "didn't see the color of the light when she entered the intersection because she was dialing a number on her cell phone. "The investigator's testimony should be', A. 'admitted, because the plaintiff's inconsistent statement has bearing on her credibility.', B. 'admitted, because the accident investigator gathered the information in the course of his official duties.', C. 'excluded, because the defendant failed to lay a foundation, thus not giving the plaintiff an opportunity to deny or explain her statement.', D. 'excluded, because the plaintiff's statement to the investigator is hearsay.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 564:

'Cooper is suing March for money damages. Because he believes portions of March's deposition are highly favorable to his case, Cooper's attorney intends to read parts of the deposition at trial instead of calling March to the stand. March objects to Cooper's use of the deposition at trial. What is the court's likely ruling?', A. 'Cooper may use the deposition at trial, but, if requested, he must read all parts that in fairness ought to be considered with the part introduced.', B. 'Cooper may use the deposition at trial, but only to contradict or impeach March's prior inconsistent statements or pleadings.', C. 'Cooper may not use the deposition at trial, as March is able to testify and no exceptional circumstances exist.', D. 'Cooper may not use the deposition at trial, as this would make March his witness and immune to impeachment.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 565:

'A federal statute governing food stamp fraud makes it a crime to knowingly acquire or possess food coupons in a manner not authorized by the statute or the regulations. A grocery store owner purchased discounted food stamps from an undercover agent, and was arrested for violating the statute. At trial, the store owner claimed that the government must prove that he had the specific intent to commit a crime. The government contended it only had to show that he knowingly acquired food stamps, and that this was not a specific intent crime. The trial judge adopted the government's interpretation, and the store owner was convicted. His appeal made it all the way to the U.S. Supreme Court. Will the Court likely reverse or affirm the conviction and why?', A. 'Conviction reversed, because a store owner is exempt from the statute, which applies only to consumers who use food stamps illegally.', B. 'Conviction reversed, because the better interpretation is that mens rea is included, and the owner must know his conduct is in violation of the criminal laws.', C. 'Conviction affirmed, because the meaning of knowingly does not connote that there must be specific knowledge by the actor that what he is doing is illegal.', D. 'Conviction affirmed, because the modern trend of the law is to recognize criminal liability without mens rea or specific criminal intent.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 566:

'A state has enacted a criminal statute prohibiting the mailing of obscene materials to any person. The owner of a publication company was prosecuted and convicted of violating the state obscenity law by mailing adults sexual literature that appealed to their prurient interests. During the owner's trial, the judge instructed the jury that determining if the mailed materials were obscene depended in part on whether they were offensive to the average or normal person under contemporary community standards, and that the community standards test must be considered in light of the fact that many children reside in the community. Furthermore, the judge instructed the jury that in determining whether the materials were obscene, it could also consider evidence of pandering, or whether the materials were marketed purposely to appeal to the recipients' prurient interest in sex. The owner appealed her conviction, alleging a denial of her First Amendment rights. Which of the following is the strongest argument why the appellate court should reverse the owner's conviction?', A. 'The method by which materials are marketed or advertised is not probative of whether they are obscene.', B. 'It is an unconstitutional invasion of privacy for the government to interfere with the content of closed mailings intended for the private use by consenting adults.', C. 'Under the First Amendment, the community's standards for children may not be applied in determining what constitutes obscenity for adults.', D. 'Obscenity is to be determined by applying national standards, not contemporary community standards.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 567:

'A train pulled into a busy station. Some passengers got off the train, and others got on. A few moments later, a train conductor shouted, "All aboard!" to indicate that the train was about to depart the station. At that moment, a man, carrying a large cardboard box, came running through the station toward the train "Wait for me!" he shouted as he ran toward the train. The man with the box reached the edge of the platform, next to the train, just as the train started to move. The man hesitated, unsure of whether he should give up or go ahead and jump onto the train even though it was moving. A railroad worker, who happened to be standing next to the train, decided to be helpful. He said, "You can make it," and gave the man a shove toward the open door of the train. The man stumbled and dropped the box that he was carrying. Instantly, the box made a loud screeching noise. The box contained powerful fireworks, and the impact of the box hitting the ground had caused a large rocket to ignite. The rocket flew out of the box and shot across the train station, glancing off the ceiling and finally crashing into a wall of a small coffee shop on the far side of the train station, about 150 feet from the train. The rocket's collision caused a shelf on the wall to fall. A large container of coffee that was on the shelf fell and hit a customer who was sitting in the shop and enjoying a cup of coffee. The coffee shop customer suffered an injury to her shoulder as a result of being hit by the container of coffee. If the coffee shop customer asserts a negligence claim against the railroad, which of the following elements of her claim will the plaintiff be unable to satisfy?', A. 'Duty.', B. 'Breach.', C. 'Cause-in-fact.', D. 'Proximate or legal causation.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 568:

'A young woman joined a social media service that provided networking with other business persons and entities nationwide. The woman discovered that the service was selling her personal profile information, and the information pertaining to thousands of other members, to third party purchasers for tracking of their Internet activities and buying habits. In her class action breach of contract action against the service, she alleged two theories of damages. First, she contended that she and the class members suffered "embarrassment and humiliation" from the disclosure, and second, that she and the others must be compensated for the market value of the information seized. Will the court likely recognize these allegations as sufficient to state a claim for breach of contract?', A. 'Yes, because the service breached the duty of good faith inherent in every contract.', B. 'Yes, because these are common types of damages that are authorized in breach of contract cases.', C. 'No, because Internet laws protect absolutely all communications and downloads of this nature as part of the service's guaranteed scope of free speech rights.', D. 'No, because humiliation is not an item of damages in a breach of contract case, and the unauthorized collection of personal data does not establish an economic loss.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 569:

'A city filed eminent domain proceedings in order to obtain 40 beach houses fronting a particularly attractive stretch of shoreline. As part of an elaborate plan to increase the city's tourist trade and revive the local economy, the city planned to sell the beach houses to a company that would demolish the houses and build a luxury hotel in their place. The owners of the beach houses have challenged the city's exercise of eminent domain, contending only that the city's plan is unconstitutional. Will the owners of the beach houses be likely to prevail?', A. 'No, because a property owner can challenge an exercise of eminent domain only on the ground of the sufficiency of the compensation.', B. 'No, because the planned sale to the private developer to increase the tourist trade qualifies as a public use.', C. 'Yes, because a public entity cannot seize the property of one person in order to transfer that property intact to other private parties.', D. 'Yes, because the city's action would deprive the owners of all economic use of their property.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 570:

'A landlord, the owner of a large, high-rise apartment building in the city, leased a three-bedroom apartment in the building to a husband and wife. The written lease agreement specified that rent should be paid at a rate of \$2,000 per month and provided that the tenants were required to pay two months rent initially, of which one half, or \$2,000, should be held by the landlord as a security deposit. In addition, the lease contained the following provision: "The duration of this lease shall be month-to-month and either party may have the right to terminate on thirty (30) days notice. "The lease agreement did not specify whether notice of termination must be in writing, but it did provide that the deposit could be applied, at the landlord's option, to unpaid rent and to reimbursement for damage done by the tenant(s) to the apartment or the fixtures attached thereto. On January 1, the husband and wife paid the landlord \$4,000 and moved in. The tenants then paid the \$2,000 rent on the first of each of the months of February, March, and April, and all rents were duly accepted by the landlord. On February 1, the city enacted a housing code applicable to all multiple dwellings in the city. A provision of that code required that in "any building having a main or central entrance that is open and accessible to the public directly from a public street, a doorkeeper shall be maintained on duty at all times. " Although the landlord's building has such an entrance, the landlord failed to comply with the requirement. On March 15 and again on April 1, the husband and wife lodged complaints with the city's housing authority relating to the landlord's failure to hire a doorkeeper in violation of the code regulation. On April 5, the landlord orally gave notice to the tenants that he was terminating the lease and demanded that they vacate the premises by May 5. No damage was done to the apartment, furnishings, or fixtures. There is no statute applicable to cover any landlord ■■■tenant dispute except those related to housing and building codes. In the landlord's action to evict, the husband and wife have contested the landlord's right to terminate on May 5. If the tenants prevail, it will probably be because', A. 'there was no damage to the apartment, furnishings, or fixtures.', B. 'the statute of frauds requires that the notice of termination be in writing.', C. 'the jurisdiction recognizes that retaliatory actions are a defense.', D. 'the husband and wife have the option to apply their \$2,000 deposit to cover May's rental.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 571:

'A nephew was short of cash and was waiting for his elderly aunt to die. His aunt was currently in the hospital on a ventilator. Her condition was terminal, and the nephew could not wait to get his hands on his inheritance. One night, his girlfriend demanded that he buy her an engagement ring or she would break up with him. Out of time, the nephew went to the hospital and broke into the cabinet where the drugs were kept. Unbeknownst to the defendant, a nurse in the hospital, the nephew injected 1,000 mg's of a powerful muscle relaxant into the IV bag bound for his aunt's room. Ten mg's is the prescribed dosage of the muscle relaxant. The defendant, unaware of the IV's lethal capability, attached the new bag to the aunt's IV drip. The aunt's death was swift, and attempts to revive her were futile. The nephew celebrated his inheritance with a bottle of Champagne with his girlfriend. Unfortunately for the nephew, his aunt had changed her will some months prior to this, and all the aunt's money was left to her dog. If the defendant is prosecuted for administering the IV, she will most likely be found', A. 'guilty, as a principal in the first degree.', B. 'guilty, as a principal in the second degree.', C. 'guilty, as an accessory after the fact.', D. 'not guilty.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 572:

'A debtor owed a creditor \$12,000 under a promissory note. Under the applicable statute of limitations, a suit to collect on the promissory note had to have been filed by September 30 of last year. On June 1 of this year, the creditor received a letter from the debtor stating, "I shall pay you \$5,000 on July 1 in full satisfaction of what I owe you. " However, the debtor failed to make the payment on July 1. If, on August 1, the creditor brings suit against the debtor and the debtor asserts the statute of limitations as an affirmative defense and refuses to pay the creditor anything, which of the following accurately states the creditor's legal rights against the debtor?', A. 'On June 1 the creditor became entitled to a judgment against the debtor for \$5,000 only.', B. 'On July 1, not June 1, the creditor became entitled to a judgment against the debtor for \$5,000 only.', C. 'On July 1, not June 1, the creditor will be entitled to a judgment against the debtor for \$12,000.', D. 'The creditor is not entitled to anything, on either June 1 or on July 1.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 573:

'A husband is charged with the murder of his wife. The prosecution alleges that on December 17, the husband murdered his wife by giving her a massive injection of succinylcholine while she was asleep. Succinylcholine is a drug used in small quantities by anesthesiologists as a muscle relaxant. The prosecution claims that the fatal dose given to the wife so totally relaxed her lung muscles that she suffocated. Further allegations claim that the husband's principal motive was to collect his wife's \$500,000 life insurance policy under which he was the named beneficiary. The defense called the physician who signed the wife's death certificate as its first witness. The defendant's attorney asked her, "Is it not true that the cause of death was a heart attack?" The physician answered in the negative and stated that the cause of death was unknown. The husband's attorney then assailed her testimony as a recent fabrication and asked her if she had not stated at the coroner's inquest that the cause of death was a heart attack. The prosecution immediately objected to this question. The trial judge should rule that this question is', A. 'objectionable, because a party may not impeach its own witness.', B. 'objectionable, because the husband's attorney did not lay a proper foundation.', C. 'unobjectionable, because a party may impeach its own witness by a prior inconsistent statement.', D. 'unobjectionable, because the physician's testimony at a proceeding that occurred shortly after the death would be more reliable.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 574:

'A first-class passenger on an airplane flight from Atlanta to Chicago was seated next to a middle-aged salesman who was returning home after attending a business convention in Atlanta. The passenger, who was extremely exhausted after a long and hectic day, tried to sleep during the flight but was constantly being annoyed by the salesman. Once the flight departed, the salesman started ordering drinks of Scotch and water from the flight attendant, and became inebriated. When the passenger refused to talk to him, the salesman became very abusive to the passenger. Although there were many empty seats available on the plane in the first-class section, the passenger decided to remain seated next to the salesman. Finally, after the flight attendant had served the salesman his tenth drink of Scotch, he became belligerent and punched the passenger in the mouth. The passenger's two front teeth were knocked loose and she suffered a cut lip. If the passenger asserts a claim against the airline based on negligence, she will most likely', A. 'prevail, because, as a first-class passenger, she was owed a special duty of care by the airline.', B. 'prevail, because the flight attendant should have been aware that her conduct caused an unjustifiable risk of harm.', C. 'not prevail, because the airline is not vicariously liable for the tortious conduct of its passengers.', D. 'not prevail, because the passenger assumed the risk by not moving to another seat away from the salesman.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 575:

'A police department filed a complaint charging Bill with the sale of narcotic drugs in violation of a state statute and obtained a valid warrant for his arrest. Two police officers went to Bill's house, a two-story colonial. After knocking at the door, they were admitted by Bill's brother, Mark. One of the policemen showed Mark the arrest warrant and asked if he was Bill. He replied that he was Bill's brother and that he was staying at his brother's house while Bill was away on a business trip. The police officer then asked Mark for some identification. Mark was only able to produce an out-of-state driver's license. The other policeman then became suspicious and proceeded to frisk Mark. During the pat-down, the police officer found the following letter, which read:"Dear Mark,If you could get rid of your brother permanently, we could be together forever. With love,your favorite girl."Nervously, Mark then agreed to allow the policemen to search the house. The officers conducted an extensive two-hour search of the house and found nothing of interest to them. As they were leaving, one of the police officers walked over to a parked car in the driveway of the house and noticed that the car's trunk was slightly open. When he looked in the trunk, the police officer discovered Bill's body. If Mark's attorney files a motion to suppress the introduction of the letter into evidence, the court should rule that the evidence is', A. 'admissible, because it was on the person, or in the presence of the person, who was later arrested.', B. 'admissible, because it was obtained pursuant to a valid search.', C. 'inadmissible, because the letter was obtained as a result of a non-consensual search and seizure.', D. 'inadmissible, because the letter was the fruit of an illegal search and seizure.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 576:

'A mechanic agreed in writing to make repairs to a landscaper's truck for \$12,000. The mechanic properly made the repairs, but when the landscaper tendered payment, the mechanic refused to deliver the truck unless the landscaper promised to pay an additional \$2,000. The customary charge for such work was \$14,000. Because the landscaper needed the truck immediately to fulfill existing contractual obligations, and because no rental trucks of the same type were available, the landscaper promised in writing to pay the mechanic an additional \$2,000. The mechanic then delivered the truck. Will the mechanic be able to enforce the landscaper's promise to pay the additional \$2,000?', A. 'No, because the landscaper had no reasonable alternative but to yield to the mechanic's wrongful threat.', B. 'No, because the mechanic exerted undue influence over the landscaper with respect to the modification.', C. 'Yes, because the landscaper could have obtained possession of the truck through legal action rather than by agreeing to the increased payment.', D. 'Yes, because the modified contract price did not exceed a reasonable price.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 577:

'A state owned and operated an electric power system, which included a nuclear power plant. In order to ensure the availability of sites for the disposal of spent fuel from the nuclear power plant, the state refused to supply electric power to out- of-state purchasers residing in states that would not accept spent fuel from the plant for storage or disposal. Assume that no federal statute applies. Which of the following is the strongest argument that the state's action is constitutional?'. A. 'A state may condition the sale to out-of-state purchasers of any products produced in that state on the willingness of those purchasers to bear the fair share of the environmental costs of producing those products.'. B. 'The generation of electricity is intrastate by nature and therefore subject to plenary state control.'. C. 'The state itself owns and operates the power system, and therefore its refusal to supply power to out-of-state purchasers is not subject to the negative implications of the commerce clause.'. D. 'The state's action is rationally related to the health, safety, and welfare of state citizens.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 578:

'A landlord owned an apartment which he leased to a college senior for a three-year term beginning December 1, 2007, for a monthly rental of \$1,000 to be payable on the first of each month. After the college senior resided in the apartment for six months, he assigned his interest in the premises to a college junior on June 1, 2008. The college junior paid the rental on the apartment for two months and then assigned his interest to a college sophomore. The sophomore took possession on August 1, 2008 and paid the rental for August but did not pay the rental for the next three months of occupancy. Then on December 1, 2008 the college sophomore assigned the premises to a college freshman who took possession but didn't pay any rental to the landlord during the period of his occupancy from December 1, 2008 to April 1, 2009. On April 5, 2009, the landlord brings an action against the college freshman to recover the outstanding rent that is due on the premises. The freshman is most likely liable for', A. '\$8,000. 00', B. '\$7,000. 00', C. '\$5,000. 00', D. '\$4,000. 00'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 579:

'A staff assistant for a state agency was convicted in federal court of taking bribes from a foreign government for the purpose of influencing an upcoming vote on a waterworks bill. He was sentenced to probation. The staff assistant had served in the agency long enough to become fully qualified for his pension upon retirement under the terms of an agreement between the pensions board and the union. The staff assistant retired and immediately started receiving monthly pension checks. Subsequently, the governor signed into law an act, which provided in part:"Section 8. Any member of a state agency's staff who is convicted of . . . bribery . . . shall not beentitled to receive any retirement or other benefit or payment of any kind from the state . . . Such conviction shall be considered a breach of the staff member's employment contract. "The staff assistant received a letter from the state which stated that pursuant to this new act the state is immediately discontinuing pension benefit payments to you on account of your bribery conviction. The staff assistant contacted an attorney, who challenged the discontinuance of benefits on the grounds that the new law was unconstitutional. To counter one of the attorney's possible arguments regarding the unconstitutionality of Section 8 of the act, the state's best rebuttal would be that', A. 'the staff assistant was afforded an opportunity to express his views about the new legislation at public hearings, prior to the enactment of the statute.', B. 'deprivation of pension benefits is not cruel and unusual punishment.', C. 'a letter sent through ordinary mail is sufficient notice to satisfj due process for discontinuation of pension benefits.', D. 'it is implicit that one of the conditions of the state's contract of employment with a state agency staff member is that he shall not engage in bribery.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 580:

'A defendant was charged with attempting to possess and distribute narcotics. The defendant was arrested after allegedly trying to purchase several kilos of heroin from an undercover government agent. At trial, the undercover agent testified about the defendant's efforts to arrange the drug transaction. The defendant's defense, on the other hand, consisted entirely in attacking the undercover agent's credibility. During his summation, the prosecuting attorney, over defendant's objections, stated that he had produced the only witness who was willing to take the stand and testify to what occurred at the meeting when the undercover agent arrested the defendant. Based on the undercover agent's uncontradicted testimony, the prosecuting attorney urged the jury to convict the defendant. The defendant was convicted and, on appeal, argued that the judge erred in permitting the prosecutor's statement. The defendant's conviction should be', A. 'reversed, because the prosecutor's remarks constituted improper comment about the defendant's right to testify.', B. 'reversed, because the prosecutor's remarks were not proper rebuttal to defense attacks on the undercover agent's credibility.', C. 'affirmed, because it is immaterial; the probative value of the defendant's failure to testify is outweighed by the danger of unfair prejudice.', D. 'affirmed, because the prosecutor had the right to express the strength of the evidence he had pursued.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 581:

'A debtor owed a creditor \$15,000 on a debt that had been discharged by the debtor's bankruptcy the previous year. The debtor wrote a letter to the creditor stating that he would pay the creditor \$10,000 received from the proceeds of the sale of his house in payment of the discharged debt. One week later, the debtor learned that the person who had contracted to buy his house reneged on the deal. As a result, the debtor refused to pay anything to the creditor. If the creditor sues the debtor for breach of contract, he should be entitled to recover', A. 'nothing.', B. '\$10,000. 00', C. '\$10,000, only if the debtor is successful in suing the person who had contracted to buy his house.', D. '\$15,000. 00'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 582:

'A recent law school graduate applied for a legal position with a law firm. A senior partner in the law firm contacted a professor at the law school seeking information about the graduate's qualifications. The professor replied, "Don't be misled by that ■■■A' I gave the graduate in entertainment law. I later found out that he had obtained the grade by cheating. "The graduate soon received a letter from the law firm notifying him that he was not suitable to become a member in the prestigious tradition of the firm. After the graduate received the rejection letter, he phoned the senior partner to inquire why he was not suitable for employment. The senior partner told him what the professor had said and then stated, "We do not hire cheaters who are dumb enough to get caught. "The graduate brings suit against the professor for defamation for falsely charging the graduate with being a cheater. If the professor pleads truth as a defense, he should not be permitted to introduce evidence that shows that', A. 'the graduate did, in fact, cheat on an examination in the entertainment law class.', B. 'another professor told him that the graduate had cheated on an admiralty law final examination.', C. 'the findings of the law school indicated that the graduate had submitted a plagiarized paper in a moot court brief.', D. 'the reputation among the graduate's fellow classmates was that he frequently cheated on law school examinations.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 583:

'A famous comedian was acting as guest host of a popular late-night television talk show. Also appearing on the show was a professional football player. During the course of the television show, the comedian continually referred to the player as a "bench warmer." Angered by the comedian's insults, the player told him on the telecast, "Listen, I am a starter, not a bench warmer." The football player sued the comedian for slander. At trial, the football player calls a witness who saw the show in question to describe what he had heard on the broadcast. The comedian's attorney objects, claiming that the witness's testimony would be hearsay. The trial judge should', A. 'sustain the objection, because the witness's testimony is not the best evidence.', B. 'sustain the objection, because the witness does not have firsthand knowledge whether the comedian was reading from a script.', C. 'overrule the objection, because defamatory statements aren't hearsay.', D. 'overrule the objection, because the witness is qualified to render a lay opinion as to what he heard.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 584:

'A doctor was the owner of 1,500 acres of undeveloped timberland. In September 1989, the doctor executed a warranty deed conveying the timberland property to a dentist in fee simple. The dentist recorded immediately in the Grantor ■■■Grantee Index. Then in April 1990, the dentist conveyed the same tract to a buyer in fee simple by warranty deed. The buyer paid full market value and recorded the deed at once in the Grantor ■■■Grantee Index. The land in question had never been occupied, fenced, or cleared except that between the years 1986 ■■■2010, a mining company, one mile from the property, regularly drove trucks over a cleared path pursuant to a 1986 agreement with the doctor. The agreement, which was duly recorded, provided that "the parties expressly agree and the doctor promises that the doctor and his successors shall refrain from obstructing the said described pathway across the doctor's land, which the mining company and its successors may perpetually use as a road, in consideration of which the mining company and its successors will pay the sum of \$700 per annum. "In 1990, after the conveyance from the dentist, the buyer informed the mining company that he would no longer honor the 1986 agreement permitting the mining company to use the pathway. The mining company brought an action for specific performance. Judgment should be for', A. 'the mining company, because their property interest would "run with the land. "', B. 'the mining company, because the possessor of a servient interest would prevail against subsequent owners.', C. 'the buyer, because the mining company's interest was extinguished by the subsequent conveyance.', D. 'the buyer, because there was no privity of estate between the buyer and the mining company.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 585:

'A veterinarian was the owner in fee of a 50-acre tract of farmland. The veterinarian contracted to sell her property to an investor for \$300,000. The parties signed a written land-sale agreement that provided for 30 monthly installment payments of \$10,000 each. According to the terms of the sale agreement, the veterinarian would deliver a warranty deed to the investor upon payment of the last installment. In accordance with state law, the farmland's land-sale agreement was properly recorded. After making the first 10 installment payments, the investor discovered that there was an unrecorded mortgage on the farmland. The veterinarian, who is the mortgagor, has regularly made her mortgage payments and is not in default. This jurisdiction has the following recording statute in effect: "No conveyance or instrument is good as against any subsequent purchaser for value and without notice, unless the same be recorded prior to subsequent purchase." After the investor learned of the outstanding mortgage, he discontinued making further installment payments to the veterinarian. The investor alleged that the veterinarian was in breach of the land-sale agreement due to the existence of the unrecorded mortgage. The investor sues the veterinarian for breach of contract. If judgment is rendered in favor of the veterinarian, it will be because', A. 'the installment land-sale agreement is a security device.', B. 'although the land-sale agreement is actually a mortgage, it does not impair the investor's right of redemption.', C. 'the prior mortgage has no legal effect on the investor's rights under the installment land-sale agreement.', D. 'the time for the veterinarian, as seller, to deliver marketable title has not yet arrived.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 586:

'A buyer expressed interest in purchasing an industrial air-conditioning system manufactured by the seller. The parties agreed orally on a price of \$100,000 for the system, but continued to negotiate over several points. When all matters regarding the air-conditioning system were finally settled, the parties signed a written agreement. It provided that the price for the system, which would be delivered on June 1, would be \$110,000. The written agreement, a lengthy form contract, did not contain a merger clause. The seller delivered the system on June 1, but the buyer refused to pay more than \$100,000, citing the earlier oral agreement as to price. The seller sued the buyer for the additional \$10,000 under the written agreement. Is the court likely to admit the evidence of the orally agreed price of \$100,000?', A. 'No, because the buyer assumed the risk of any mistake as to price.', B. 'No, because the oral price term would contradict an express term in the written agreement.', C. 'Yes, because the oral price term is relevant to whether the writing should be reformed.', D. 'Yes, because the written agreement did not contain a merger clause.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 587:

'An owner-retailer in a small shopping center entered into a sale-leaseback arrangement with an investor. The retailer stayed in possession and became the lessee for the next 25 years with monthly payments and various obligations regarding maintaining the property. The retailer had to pay most of the expenses on the property, and had options for further extensions but not to purchase the property back. Within a few years, lessee's business grew and he wanted to tear down one of the buildings and attach a new building to his store. The investor refused to consent. Lessee filed suit asking for an order compelling compliance. Will the court likely order the investor to comply with the lessor's demands?', A. 'No, it will preclude the lessee from making such drastic changes without the investor's consent.', B. 'Yes, the lessee will be able to make the improvements without the investor's consent but the improvements will belong to the investor.', C. 'No, because in every sale-leaseback agreement, there is a clause guaranteeing that the lessee cannot make improvements without the written consent of the investor.', D. 'Yes, because the lessee's equity interest surpasses the investor's interest, giving the lessee the right to make improvements.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 588:

'Over the last several years, the economy of a state has substantially changed. The state's economy used to be based solely on heavy industry. However, the state legislature approved legalized gambling within the state. As a consequence, many casinos and new hotels were built and the state's economy boomed. These moves were often induced by the granting by the state of special tax benefits for the construction of new casinos and hotels under state statutes. Recently, however, neighboring states have legalized gambling and offered greater tax incentives to the gaming industry. As a result, many of the casino and hotel owners have begun to leave the state. The unemployment and social welfare benefits the state has had to pay have substantially increased, burdening the remaining casinos, and also making it difficult for the state to lower its taxes to remain competitive with other states. On account of this predicament, the state legislature passed, and the governor duly signed, an emergency bill into law. According to the statute, the state imposed a one cent tax on the playing of any slot machine in any gambling casino. Since virtually all the slot machines required a payment of either a dime, quarter, or dollar, the imposition of this tax required a major costly adaptation on each slot machine to allow for the deposit of the additional one cent tax. Although many casino owners have complained about the tax, their only alternative is to absorb the tax themselves and lose one cent per game. As a consequence of the tax, fewer slot machines are purchased in the state by the casino owners. No manufacturer of slot machines is located in the state. Which of the following constitutional provisions provide the strongest ground to attack the validity of the state tax bill?', A. 'The commerce clause.', B. 'The equal protection clause of the Fourteenth Amendment.', C. 'The due process clause of the Fourteenth Amendment.', D. 'The privileges and immunities clause of Article IV, Section 2.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 589:

'Justin's estate sues Polly for wrongful death. The estate calls Officer Friendly as a witness who interviewed Polly right after the event. Officer will testify that Polly said, "Oops, I was cleaning my pistol and it went off and shot Justin. I sure was negligent!" Is Officer's testimony admissible?', A. 'Yes, statement against interest.', B. 'No, hearsay without an exception.', C. 'Yes, admission by party.', D. 'No, opinion on an ultimate issue that must be left for the jury.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 590:

'A third-year law student was the captain of the law school rugby club. One evening, the student and a few of his rugby teammates were drinking beer at a local pub. They were worried that the rugby club would be forced to disband because the law school had withdrawn its sponsorship. While the student was discussing the problem with his teammates, the owner of the tavern approached the players. The owner indicated that he was interested in sponsoring the rugby club because he felt it would help business at the pub. During their ensuing discussion, the owner agreed to sponsor the rugby club. The parties then orally agreed that the owner "would pay for all the usual sponsoring fees" incurred by the club. The owner had understood the agreement to mean that he would pay for the rugby shirts and supply the keg of beer following each "home" game that the rugby club played. Conversely, the student thought that the owner would be reimbursing the team for (a) the shirts, (b) the keg of beer (following "home" games), as well as (c) transportation expenses for "away" games and (d) equipment expenses (balls, etc.). Assume that it was the customary practice of the rugby teams in the community to have the sponsors pay for (a) the shirts and (b) beer only. Before the rugby club was to play its first game under the owner's sponsorship, which of the following is the most accurate statement regarding the legal relationship between the parties?', A. 'A contract exists on the terms understood by the owner.', B. 'A contract exists on the terms understood by the student.', C. 'A contract exists on the terms that are customary for the other teams in the community.', D. 'No contract exists.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 591:

'In which of the following situations would the defendant most likely be found NOT GUILTY of robbery?'. A. 'In a dark alley, a defendant approached the victim and said, "Give me the gold ring on your finger or I'll shoot you with this gun. " The victim gave him the ring. However, the ring really belonged to someone else, as the victim was just borrowing it for the evening to impress his girlfriend. In addition, the gun that the defendant had in his possession was really a water pistol.'. B. 'A defendant broke into a house and took a stereo system. After he had placed the system in his car and was about to leave, the homeowner came home and saw him. She raced to the car and started to hit the defendant through the open window in an attempt to get her stereo back. The defendant punched her in the nose and drove away with the system.'. C. 'A defendant was walking behind a shopper in a mall when he suddenly reached for her gold chain, pulled it from her neck, and ran away into the crowd. The shopper suffered a slight cut on her neck where the chain broke.'. D. 'A defendant picked the lock on an apartment door. The noise startled the tenant, who had been sleeping. The defendant overpowered the tenant, tied him up, and forced him to disclose where he kept his money. The tenant told the defendant to look in the kitchen cabinet, which he did. The defendant found \$120 in cash, took the money, and left the apartment.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 592:

'At the close of all the evidence in a jury trial, Defendant moves for a directed verdict. After much argument, the court denies the motion. Subsequently, the jury returns a verdict for Plaintiff. The day after the jury returns its verdict, the court enters judgment for Plaintiff. One week later, Defendant moves to set aside the verdict and have judgment entered in accordance with its motion for directed verdict. In the motion, Defendant raises arguments that were not raised at trial. Plaintiff's counsel objects to the court even hearing the motion to set aside the verdict. Should the court consider the motion?', A. 'Yes, because Defendant has raised new grounds.', B. 'Yes, because Defendant had ten days after the jury returned its verdict within which to move to set aside the verdict.', C. 'No, because the court denied the motion for directed verdict rather than reserving ruling.', D. 'No, because the court entered final judgment for Plaintiff before the motion to set aside the verdict was filed.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 593:

'A boyfriend and his girlfriend were attending a house party. While the party was in progress, a few teenagers from the neighborhood vandalized some of the cars parked outside the house. They broke the headlights and stole the battery from the boyfriend's car. When the party ended, the boyfriend and his girlfriend left the house and got into his car. The boyfriend, who was about to drive his girlfriend home, was unaware of what had happened. He tried to start the car, but it wouldn't turn on. Two police officers, who were parked outside the house, watched the boyfriend as he tried to start the car. They then approached the boyfriend and charged him with attempting to violate a local ordinance making it a misdemeanor to drive at night without headlights. The boyfriend's best defense to the charge is', A. 'factual impossibility.', B. 'mistake of fact.', C. 'entrapment.', D. 'no requisite intent.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 594:

'A man and a woman are tennis partners who play regularly. Last January, the man slipped and fell while restocking grocery shelves at work. The man is suing the grocery store for damages, claiming that he suffers from pain in his back and legs as a result of the accident. At trial, the woman testified that five days prior to the accident, the man told her, "I can't complete the tennis match because of pains in my back and legs. "The trial judge should rule this testimony', A. 'inadmissible as hearsay.', B. 'inadmissible as opinion testimony.', C. 'admissible as a proper lay opinion.', D. 'admissible as a statement of bodily condition.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 595:

'An inexperienced bicycle rider took her new bike for a test run. At an intersection, she could not stop for a red light and went into the intersection, where she slipped off the bike. While attempting to remount it, a car coming into the intersection with a green light ran her over, causing severe injuries. The car driver was distracted by his cell phone and received a careless driving ticket from the police. The woman filed a claim for damages, asserting that the car driver was negligent per se. She claimed that a finding of negligence per se prevented the driver from asserting comparative negligence under a state statute. Will the trial court likely grant the woman's motion to preclude the man's attempted comparative negligence defense?', A. 'Yes, because the driver had the last clear chance to avoid the accident, which abrogates the comparative negligence law.', B. 'Yes, because negligence per se is a final judgment of total negligence against the driver and it cannot be modified or rebutted.', C. 'No, because the common law doctrine of negligence per se does not abrogate the defendant's right to apportion fault under the comparative negligence statute.', D. 'No, because she entered the intersection knowing it was a red light, thereby putting herself voluntarily and knowingly in danger, and she assumed the risk.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 596:

'A homeowner executed a deed by which he conveyed his home and surround property for a consideration of one dollar, receipt of which was acknowledged, "to my daughter for life, then to my aunt for life, but if my aunt moves to another state, to my sister for the life of my aunt, then to the heirs of my aunt if my aunt does not move to another state, and to the heirs of my sister if my aunt does move to another state. " This deed was promptly recorded. During the daughter's lifetime, the aunt's interest may best be described as a', A. 'contingent remainder.', B. 'shifting executory interest.', C. 'vested remainder subject to complete divestiture.', D. 'vested remainder subject to partial divestiture.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 597:

'A patient was admitted to a hospital. He had driven his car despite being intoxicated. As a result, he crashed the car into a tree and suffered a broken nose. After a doctor reset the broken nose, the patient was transferred to a room in the west wing of the hospital. In extreme pain, the patient asked the nurse for a painkiller. Without seeking the doctor's approval, the nurse administered an injection of morphine, which the nurse should have known to be an excessive dosage. The patient died an hour after the injection; the cause of death was a morphine overdose. The nurse's injection of morphine to this patient would most likely constitute', A. 'a cause-in-fact, but not a legal cause of the patient's death.', B. 'a legal cause, but not a cause-in-fact of the patient's death.', C. 'a cause-in-fact and a legal cause of the patient's death.', D. 'neither a legal cause nor a cause-in-fact of the patient's death.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 598:

'A woman acquired land by a deed that contained the following language in the grantee section: "to [the woman], her heirs and assigns, provided, however, that said grantee may not transfer any interest in the land for 10 years from the date of this instrument." Two years later, the woman contracted to sell the land to an investor for a price based on a recent appraisal. When the investor's title search revealed the above language in the grantee section of the deed to the woman, the investor refused to close the transaction. The contract was silent as to the woman's title obligation. The woman has sued the investor for specific performance. Who is likely to prevail?', A. 'The investor, because the woman cannot sell the land during the 10-year period specified in the deed.', B. 'The investor, because the woman's heirs did not join in the contract.', C. 'The woman, because the contract did not obligate her to provide marketable title.', D. 'The woman, because the deed's restraint on transfer is void as a matter of law.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 599:

'After the murder of his brother, a man published the following notice in the local newspaper: "REWARD Any person who supplies information leading to the arrest and conviction of the murderer of my brother will be paid \$10,000." An amateur detective, without knowledge of the reward notice, began investigating the matter as a result of his own curiosity kindled by the sensationalism surrounding the brother's murder. One week later, the detective secured information that led to the arrest and later conviction of the murderer. During the murder trial, the detective found out about the reward and demanded the \$10,000 from the man. In an action by the detective to recover the \$10,000 reward, he will', A. 'succeed, because his apprehension of the murderer created a contract implied in law.', B. 'succeed, because he was unaware of the offer.', C. 'not succeed, because he did not have knowledge of the reward.', D. 'not succeed, because his investigation was not a bargained-for exchange.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 600:

'A defendant charged with homicide had a long and tortured history of mental illness. He related several outrageous paranoid fantasies to the authorities and was sent to a mental hospital for evaluation of his ability to stand trial. The doctors reported that the only hope to restore the defendant to relative normalcy where he could stand trial was to administer widely-used anti-psychotic medicine. The man was also a danger to himself and others, and the medicine was in his medical best interests. The defendant asserted that the administration of drugs against his will would violate his liberty interest to substantive due process. Will the court likely order that the defendant should be involuntarily administered the anti-psychotic medications?', A. 'Yes, the administration of medications to render the defendant capable of standing trial, without serious side effects, is an important governmental interest, and even more so in a homicide case.', B. 'Yes, the individual has no right to be protected from involuntary medical treatment when he is in custody of federal authorities.', C. 'No, the individual has an absolute constitutional right to be free from intrusion of medications into his system against his will.', D. 'No, the involuntary administration of medications to a criminal defendant is considered to be cruel and unusual punishment in violation of state and federal constitutional protections.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 601:

'A father lived with his son, who was an alcoholic. When drunk, the son often became violent and physically abused his father. As a result, the father always lived in fear. One night, the father heard his son on the front stoop making loud obscene remarks. The father was certain that his son was drunk and was terrified that he would be physically beaten again. In his fear, he bolted the front door and took out a revolver. When the son discovered that the door was bolted, he kicked it down. As the son burst through the front door, his father shot him four times in the chest, killing him. In fact, the son was not under the influence of alcohol or any drug and did not intend to harm his father. At trial, the father presented the above facts and asked the judge to instruct the jury on self-defense. How should the judge instruct the jury with respect to self-defense?', A. 'Give the self-defense instruction, because it expresses the defense's theory of the case.', B. 'Give the self-defense instruction, because the evidence is sufficient to raise the defense.', C. 'Deny the self-defense instruction, because the father was not in imminent danger from his son.', D. 'Deny the self-defense instruction, because the father used excessive force.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 602:

'In 1954, a devoted conservationist, was the owner of a tract of undeveloped land. In that year, the conservationist conveyed the tract "to my aunt in fee simple, provided, however, that the grantee agrees that neither she nor her heirs or assigns shall ever use the property for any commercial purpose. If any portion of said tract is used for other than residential purposes, then the grantor or his successors in interest may re-enter as of the grantor's former estate. " This deed was properly recorded. The applicable recording statute in effect in this jurisdiction provides, in part, "No deed or other instrument in writing, not recorded in accordance with this statute, shall affect the title or rights to, in any real estate, or any devisee or purchaser in good faith, without knowledge of the existence of such unrecorded instruments. "The aunt developed the tract into a residential subdivision between 1960 and 1969. This 100-acre tract was divided into single acre lots, all of which were sold during the same decade. Single-family residential dwellings were constructed on all of the lots except four, which were sold to an investor in 1968. The deed to the four lots contained the same restriction as stipulated in the deed between the conservationist and the aunt. In 1980, a bank acquired the investor's four lots in a foreclosure proceeding, and in the same year sold the property to a woman. The deed to the woman made no mention of the restriction. If the woman seeks to construct a service station on her parcel of land, which of the following arguments, if true, would offer her the best chance of implementation?', A. 'The restriction against residential use is void as violative of the Rule against Perpetuities.', B. 'The commercial development surrounding the property has made the deed restriction unenforceable.', C. 'When the woman purchased the property from the bank, the deed did not contain any mention of the restriction.', D. 'The jurisdiction in which the tract is located approved a zoning ordinance permitting the commercial development of the area surrounding the woman's property.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 603:

'While relaxing at poolside one Sunday afternoon, a homeowner was struck by a golf ball driven by a 14-year-old boy who was playing the ninth hole at the local golf course. The fairway for the ninth hole was 65 feet wide and 437 yards long, with a dogleg in an easterly direction. Between the fairway and the homeowner's property was a "rough," containing brush and low-lying trees. The boy had hit a towering shot down the middle of the fairway that deflected off a tree and struck the homeowner in the head. The homeowner brought suit against the boy for his injuries suffered when he was hit by the golf ball. At trial, the boy offered uncontested evidence that golf balls from the golf course regularly traversed onto the homeowner's property two to three times a day. Which of the following statements is most accurate regarding the boy's liability for trespass?', A. 'The boy is not liable, because he did not intentionally cause the golf ball to traverse onto the plaintiff's property.', B. 'The boy would be liable for the unpermitted intrusion of the golf ball onto the plaintiff's property.', C. 'Because the plaintiff should have reasonably anticipated that living next to a golf course would result in stray golf balls landing on his property, the boy would not be held liable.', D. 'Because the golf ball did not substantially interfere with the plaintiff's use and enjoyment of his land, the boy would not be held liable.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 604:

'The United States Congress passed, and the President signed, a law called the "American Morality Leadership Act" which limits the amount of makeup that women or men can wear in public and precludes the wearing of short dresses. Men over 65 must wear only brown or grey attire, while those under 65 must wear button down dress shirts with neckties, except for when they are exercising or working physically. The Act has other restrictions and specifications for dress and grooming mandates for men and women. A class action was filed to challenge the Act based on a constitutional attack. Which argument listed below more closely reflects the constitutional argument that is most likely to succeed in court?', A. 'The law is unconstitutional because it violates Title VII of the Civil Rights Act.', B. 'The law is unconstitutional because it is primarily discriminatory against women's rights.', C. 'The law is unconstitutional because it violates procedural due process.', D. 'The law is unconstitutional because it infringes on fundamental rights of the individual.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 605:

The seller owned a home that was listed for sale. The basement flooded whenever it rained heavily ■■■ there were marks along the entire basement wall that showed the level of the flood waters, and there were thin but distinct lines in the wall that were actual cracks in the foundation. The seller painted most of the interior of the house, including the basement walls, and plastered the fracture lines, which obliterated the flood marks and fracture marks. A buyer purchased the home after inspecting the basement and seeing no signs of flooding. After the first heavy rain the problem was revealed. Can the buyer sue the seller for damages or to set the sale aside?', A. 'No, the buyer always buys a used home "as is."', B. 'No, the seller has no duty to reveal defects in the property.', C. 'Yes, the seller has a duty to make adequate disclosure of the known facts with respect to material defects.', D. 'Yes, the seller is a guarantor that there are no major structural defects.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 606:

'On May 19, a telephone operator for the local telephone company received a call in which a male voice said: "I want to report that the downtown sporting arena is going to be blown up tonight. " The caller then hung up. The line on which the call was made was a line owned by a woman. Immediately after receiving the call, the telephone operator reported the threatening conversation to the police. About half an hour later, during which time she had handled a number of other calls, the telephone operator received a call from a police officer who was at the woman's home. He asked her to listen to a voice. After she did, the officer asked the telephone operator if she could identify it. The telephone operator responded that she was positive that it was the voice of the person who had made the threat. As a result of the telephone operator's identification, the woman's boyfriend was arrested and charged with the crime of terrorist threatening. As a consequence of the arrest, the boyfriend lost his job and suffered embarrassment and ridicule in the community. At trial, however, the telephone operator's identification proved to be erroneous, and the boyfriend was exonerated. In a defamation action for slander by the boyfriend against the telephone operator and the telephone company, he will most likely', A. 'succeed, because the telephone operator's erroneous identification constituted slander per Se.', B. 'succeed, because the telephone operator's erroneous identification resulted in the loss of his good reputation in the community.', C. 'not succeed, because the telephone operator's erroneous identification was made without actual malice.', D. 'not succeed, because the telephone operator's erroneous identification was protected by a qualified privilege for statements made in the public interest.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 607:

'A screenwriter had just finished a screenplay for a romantic comedy. After reading the screenplay, a movie studio decided to option the screenplay for production. A lawyer for the movie studio negotiated an agreement with the screenwriter whereby the movie studio would pay the screenwriter \$5,000 for the rights to the screenplay, and 10 percent of the gross receipts earned by the distribution of the movie, should the studio decide to film the screenplay. Both sides signed the agreement. Two weeks later, the screenwriter was at a birthday party for a close friend when she discovered she had forgotten to purchase a gift for her friend. She quickly grabbed a piece of paper and wrote on it: "I promise that my friend is entitled to 5 percent of the proceeds I will receive for the distribution of the movie to be made from my screenplay." The screenwriter then signed the paper, placed it in an envelope, and handed it to the friend. The promise to pay 5 percent of the proceeds to the friend may best be interpreted as a (an)', A. 'equitable lien.', B. 'conditional assignment.', C. 'irrevocable assignment.', D. 'gratuitous assignment of future rights.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 608:

'A teenage girl was babysitting a two-year-old baby. She took the baby in a stroller to the public park, as she often did. On this day, she negligently "nodded off" for just a few seconds on a park bench with the stroller next to her. She felt some movement and snapped awake to see a man taking the baby from the stroller. The man was large and menacing-looking. The babysitter, who is thin and petite, froze and did not put up a struggle as the man stated, "I will kill you if you move." The babysitter did scream and call for help as the kidnapper fled with the child. Within a few yards he tripped and dropped the baby on its head. The baby died at the hospital of massive head injuries. Is it probable that the prosecutor will charge the babysitter with a crime, and if so, what will be the charge?'. A. 'Yes, this is felony murder in that the babysitter's unacceptable behavior was committed during the commission of the kidnapping felony.'. B. 'No, the babysitter did not commit a criminal act under the circumstances ■■■ her negligence was not gross enough to rise to the level of criminality and she had no criminal intent.'. C. 'No, because she did not do anything wrong in dozing off and she had no duty to protect the baby at the expense of her own life.'. D. 'Yes, she would be charged with negligent homicide because it was foreseeable that if she fell asleep for even just a few seconds, the baby would likely be kidnapped and killed.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 609:

'George was charged with the murder of a well-known criminal. The victim was found shot to death in his car. The only witness to the shooting was the victim's pet parrot, which was found hovering over the victim's body repeating over and over, "George don't. . . George don't." To prove the identity of the victim's killer, the prosecution has a witness testify that about the time of the murder, he was in the area and heard the victim's parrot calling George's name. The best objection to the testimony is that it is', A. 'hearsay', B. 'irrelevant', C. 'opinion testimony', D. 'self-serving.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 610:

'A man and a woman owned adjoining pieces of land. The man moved a giant magnolia tree from another section of his property and had it replanted on his property at a spot just 10 feet from the woman's property. At that time, the woman protested that by locating the tree so close to her land, the man was increasing the risk of injury to the woman's greenhouse, in which the woman cultivated prizewinning flowers. Hurricanes are quite common in the area. Several years after the replanting of the tree, in the midst of a hurricane, the tree fell on the woman's greenhouse, destroying rare and valuable plants valued at \$25,000. The woman asserted a claim against the man to recover damages for the harm caused by the tree falling on the greenhouse. During trial, the only evidence the woman presented was that the hurricane uprooted the tree, causing it to fall onto her property, and thereby resulting in the damage as claimed. At the end of the woman's case, the man moved for a directed verdict. The man's motion will most likely be', A. 'granted, because the woman did not produce any evidence to show that the man was negligent.', B. 'granted, because the woman's damages resulted from an act of God.', C. 'denied, because hurricanes were common in the area.', D. 'denied, because the trier of fact may still infer liability for trespass.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 611:

'Over the years, a coin collector had amassed a large and valuable collection. On May 1, the collector sent the following letter to a retailer who had long coveted the collector's coin collection: "I've decided to part with my coin collection. Since you've always been interested in purchasing my collection for your store, I'll sell you my entire collection for \$50,000. You have until May 15 to make up your mind." The retailer received this letter on May 3. On May 10, without notifying the retailer, the collector sold her coin collection to a novice collector, for \$60,000. The next day, the collector sent a letter to the retailer, regretfully informing him that she had sold the coin collection. This letter was received by the retailer on May 13. However, on May 12, the retailer read an article on the internet, published by a reputable site that reports coin collecting news, concerning the collector's sale of her coin collection to the novice collector. After reading the article, the retailer immediately sent an e-mail to the collector accepting her offer to buy the coin collection. This e-mail was read by the collector that same afternoon, May 12. In all likelihood was the retailer's e-mail to the collector on May 12 effective as an acceptance?', A. 'Yes, because the collector's May 11 letter did not effectuate a revocation, since it was not received by the retailer until May 13.', B. 'Yes, because consideration is not necessary under the UCC for the creation of a sale of goods contract.', C. 'No, because the collector's sale of the coin collection on May 10 terminated the retailer's power of acceptance.', D. 'No, because the retailer's reading the article on the internet on May 12 terminated the retailer's power of acceptance.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 612:

'A man hosted several friends at his home for dinner. Two of the guests got into an argument, and one of them got up from the table and lunged at the other with a large hunting knife. The host stepped in with a baseball bat and hit the attacker in the chest with it, preventing the imminent contact by the attacker with his target. The blow knocked the attacker down and caused several broken ribs. The injured guest sued the host for aggravated assault and battery. Is the court likely to grant the host's motion to dismiss the claim for failure to state a sufficient claim for relief?', A. 'Yes, because the host had the privilege of "defense of others."', B. 'No, because the host's use of force was excessive under the circumstances.', C. 'Yes, because the host has the privilege of host immunity.', D. 'No, because the host escalated the conflict by getting involved.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 613:

'A professor was the record owner in fee simple absolute of a 30-acre tract of land located in a small town. The professor made a conveyance thereof in these words, "I hereby convey my 30-acre tract to both my friend and my co-worker as joint tenants with right of survivorship. "Two years after making the conveyance to the friend and the co-worker, the friend executed a mortgage on the 30-acre tract of land to a bank to secure a loan. One year after executing the mortgage, the friend died intestate, leaving his uncle as his only heir. At the time of the friend's death, the indebtedness had not been paid to the bank. The jurisdiction in which the 30-acre tract of land is located recognizes a title theory of mortgages. In an appropriate action, the court should determine that title to the 30-acre tract of land is vested', A. 'in the co-worker, with the entire interest subject to the mortgage.', B. 'in the co-worker, free and clear of the mortgage.', C. 'half in the co-worker and half in the uncle, with both subject to the mortgage.', D. 'half in the co-worker, free of the mortgage, and half in the uncle, subject to the mortgage.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: D

Question 614:

'A man and a woman agreed that the woman would rob a bank and that the man would steal a car beforehand for the woman to use as a getaway vehicle. The man stole a car and parked it two blocks from the bank. He left the car key under the floor mat with a note saying that he wanted nothing more to do with the scheme. The next day, the woman robbed the bank and ran to the spot where the man had said he would leave the stolen car. She then escaped in the car and disappeared. She never shared any of the money with the man. In a jurisdiction that has adopted the bilateral requirement for conspiracy, can the man properly be convicted of conspiring with the woman to rob the bank?', A. 'No, because the man received no benefit from the robbery.', B. 'No, because the man withdrew from the conspiracy.', C. 'Yes, because the robbery was successful due in part to the man's actions.', D. 'Yes, because there was an agreement to rob the bank and an overt act in furtherance of the agreement.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 615:

'A taxicab driver stopped at a convenience store to buy a snack. While he was handing his money to the store clerk at the cash register, a police officer entered the store. The taxi driver had received several traffic tickets from the police officer, and he felt that the police officer had been very rude to him. Seeking to gain some revenge, the taxi driver immediately began to taunt and berate the police officer, calling him a variety of profane and insulting names. The police officer was going through a series of personal difficulties and was feeling very emotionally fragile. As the taxi driver's insults rained down on him, the police officer suddenly snapped. He whipped out his gun and fired a shot at the taxi driver. The bullet missed the taxi driver but hit the store clerk, who was standing behind the taxi driver. The clerk survived the shooting but suffered a gunshot wound to his shoulder. In an action by the injured clerk against the taxi driver to recover for his personal injuries, plaintiff will most likely', A. 'recover, because the taxi driver's conduct was the proximate cause of the clerk's injuries.', B. 'recover, because it was foreseeable that the taxi driver's conduct would result in the clerk being shot.', C. 'not recover, because the shooting was not a foreseeable consequence of the taxi driver's conduct.', D. 'not recover, because the police officer intended to shoot the taxi driver, not the store clerk.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 616:

'A law student contacted a tutor about the possibility of hiring the tutor to help the law student prepare for his upcoming finals. The tutor sent the law student a copy of the tutor's standard tutorial agreement. The agreement stated that the tutor's rate was \$50 per one-hour session. The law student then telephoned the tutor and said, "This agreement looks fine to me. I'd like you to give me 10 sessions over the next 10 days. " The tutor replied, That will be fine. Fill in 10 sessions on the agreement, sign it, and bring it to me tomorrow when we have our first session. " The student then said, "I want you to really push me to do my best. In fact, if I get an A in any class I'll pay you an additional \$100 for each A. "The next day, the law student brought the signed agreement to the tutorial session. The tutor conducted all 10 sessions. Two weeks later, when the results of the finals were released, the law student excitedly called the tutor and exclaimed, "Thank you so much I just found out that I received two A's and two B's in my classes!" The tutor then sent the law student a bill for \$700. Two days later the tutor received a check from the law student in the amount of \$500. Included with the check was a note which read, "You taught me contract law very well. I now know that I am not obligated to pay you the additional \$200 for the A's, because that was just a gratuitous promise. " On the back of the check the law student typed the following:"Endorsement of this check by payee constitutes surrender of all claims against me arising out of our tutorial arrangement. "In need of money, the tutor endorsed and cashed the check. What is the probable legal effect of the tutor's endorsement of the check?", A. 'It constituted a discharge of a liquidated claim.', B. 'It constituted an accord and satisfaction of an unliquidated claim.', C. 'Part payment of a liquidated claim would not constitute a discharge of the entire amount due.', D. 'Part payment of an unliquidated claim does not constitute sufficient consideration for the discharge of the entire claim.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 617:

'A husband and a wife are filing for divorce. At issue is the market value of the house they own. During the divorce proceedings, the husband's lawyer calls a neighbor to testify that the market value of the home exceeds \$100,000. She states that her testimony is based on an estimate contained in an appraisal report that she saw. The appraisal had been prepared at the husband's request by a well-known real estate company in the area. Upon objection by the wife's attorney, the neighbor's testimony will be held', A. 'admissible as proper lay opinion.', B. 'admissible, because she had firsthand knowledge of the estimate contained in the appraisal report.', C. 'inadmissible, because it involves a privileged communication between husband and wife.', D. 'inadmissible, because the neighbor has not been shown to be an expert on real estate market values.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 618:

'A man owned a four-story apartment building. The man borrowed \$125,000 from his friend to make improvements. As consideration for the loan, the man executed a promissory note for \$125,000 payable to the friend in one year and secured by a mortgage on the apartment building. The mortgage was dated January 1, 2008, and was recorded January 2, 2008. Thereafter, on February 1, 2008, the man executed a deed absolute on the apartment building and named the friend as grantee. This deed, although absolute in form, was intended only as additional security for the payment of the debt. In order to make judicial foreclosure unnecessary and to eliminate the right to redeem, the man then delivered the deed to an escrow agent in escrow with instructions to deliver the deed to the friend if the man failed to pay his promissory note at maturity. On January 1, 2009, the man failed to pay the note when it came due. The next day, the escrow agent delivered the deed to the apartment building to the friend. The friend then properly recorded this deed on January 3. One week later, on January 10, the friend conveyed the apartment building by warranty deed to an investor for the purchase price of \$200,000. On January 12, the man tendered the \$125,000 balance due to the friend, which he refused to accept. The man now brings an appropriate action against the friend and the investor to set aside the conveyance and to permit the redemption of the property by the man. Which of the following best states the man's legal rights, if any, in his action against the friend and the investor?', A. 'The man has no rights against the investor, but the man does have an action for redemption against the friend for the value of the property.', B. 'The man has no rights against the friend, but the man does have an action for redemption against the investor for the value of the property.', C. 'The man has the option of seeking redemption against either the friend or the investor for the value of the property, but the man cannot set aside the conveyance.', D. 'The man has no rights against either the friend or the investor because he defaulted on the promissory note.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 619:

Two friends were members of a fraternity at their college. During homecoming weekend, the fraternity held a big party, which was widely attended by students and alumni. At the party, the two friends were horsing around when the first friend pulled out a revolver. He gave the revolver's cylinder a spin, put the barrel of the gun to the second friend's head and, intending to scare the second friend, said, "Hey, man, let's play Russian roulette. " The second friend, who had consumed a fifth of bourbon, was very intoxicated. Thinking that the gun was unloaded, the second friend responded, "Sure, dude. " The first friend then pulled the trigger. The gun just made a clicking sound as the hammer fell on an empty chamber of the cylinder. The two friends both laughed and continued partying. Unbeknownst to the second friend, the first friend had placed bullets in two of the revolver's six firing chambers before making his challenge. The next day, the second friend found out that the gun was, in fact, loaded when the first friend pulled the trigger. If the second friend asserts a tort action against the first friend, he will most likely', A. 'prevail, because the first friend intended to place the second friend in apprehension.', B. 'prevail, because there was a substantial certainty that the second friend would be placed in apprehension.', C. 'not prevail, because the second friend was unaware that the gun was loaded.', D. 'not prevail, because the second friend consented to participate in the Russian roulette game.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 620:

'An employee was hired under a written contract to work for an employer for five years at a monthly salary of \$1,500. In addition, the employment contract provided that the employer would pay the employee an annual bonus "to be determined by the employer within two weeks after the year's profits have been ascertained." At the end of the first year, the business showed a net profit of \$50,000. Accordingly, the employer and the employee agreed that the employee should receive a bonus of \$5,000. This amount was subsequently paid to the employee. At the end of the second year, the business realized a net profit of \$10,000. Once the profit had been calculated, the employer telephoned the employee and offered him a second-year bonus of \$1,000. The employee refused and demanded a bonus of \$2,000. The employer refused the employee's demand and immediately terminated his employment. Following his dismissal, the employee brought suit for breach of contract against the employer. Which of the following is the most accurate statement?', A. 'The employee has a cause of action against the employer to recover a bonus for the second year in an amount to be determined by the court.', B. 'The employer is excused for his obligation to pay a bonus, because of the unforeseen downturn in business during the second year.', C. 'The employee is not entitled to any recovery, because employment contracts are generally terminable at will.', D. 'The employee is not entitled to a bonus, but the employee can sue for loss of wages.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 621:

'A supermarket signed a contract with a bakery to provide the supermarket with 100 loaves of whole wheat bread per week for 12 consecutive weeks. The loaves were to be delivered on the first day of each week, with payment to be made within four days of delivery. For the first four weeks, the bakery delivered loaves to the supermarket and the supermarket made the appropriate payments. When the fifth delivery arrived, the supermarket discovered that the shipment contained 80 whole wheat loaves and 20 sourdough loaves. The manager of the supermarket immediately called the bakery to complain about the shipment. The operator of the bakery apologized and offered to send 20 loaves of whole wheat bread within 24 hours. What is the probable legal effect of the operator's conversation with the manager with regard to the fifth shipment?', A. 'The supermarket would have the right to reject the fifth shipment and cancel their contract.', B. 'The supermarket would have the right to reject the fifth shipment, but would be held liable for the remaining deliveries.', C. 'The supermarket would not be entitled to reject the operator's offer to "cure. "', D. 'The supermarket would have a right to "cover" by purchasing substitute loaves of bread.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 622:

'Late one evening, a police department received a telephone call from an unidentified woman who reported hearing loud shrieks and screams from a neighboring home. The caller furnished the police with the address where the disturbance was taking place. When the police arrived at the home, they discovered the homeowner, bludgeoned to death. The murder weapon was a blood-stained baseball bat found near the victim's body. A subsequent investigation revealed that the homeowner had recently been separated from her husband who had since moved to another city. After questioning several of the victim's friends and relatives, the police concluded that the husband was a prime suspect in the murder. Thus, two detectives went to question the husband about the killing. When they arrived at his apartment, the detectives persuaded the landlord to let them into his apartment. Finding no one inside, they searched the apartment. Before leaving, the detectives took a box of cereal, which they planned to use for a fingerprint comparison. The prints from the cereal box matched those found on the baseball bat. The police provided the grand jury investigating the murder with the fingerprint comparison. The husband is subsequently subpoenaed to testify before the grand jury. Before his scheduled appearance, the husband files a motion to suppress evidence of the fingerprint comparison, contending that the evidence was illegally obtained. His motion should be', A. 'granted, because the warrantless search of the husband's apartment was unconstitutional.', B. 'granted, because the grand jury is barred from considering illegally obtained evidence.', C. 'denied, because the exclusionary rule has not been extended to grand jury hearings.', D. 'denied, because the landlord had the apparent authority to authorize the search of the husband's apartment.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 623:

'A homeowner entered into a contract with an insurance company to purchase a fire insurance policy for her new home. The policy provided that the insurance company promised to pay up to \$500,000 if the said house was destroyed by fire or fire-related explosion, while the homeowner promised to pay a quarterly premium of \$400. The homeowner failed to make the last two quarterly payments before her house burned to the ground. The insurance company refused to pay the homeowner for the loss because of her failure to make the last premium payments. In an action by the homeowner against the insurance company to recover for the loss of her house, the homeowner's best theory of recovery is that', A. 'although she failed to make the last two premium payments, there was a bargained-for exchange.', B. 'the insurance company's duty to pay was not expressly conditioned on the homeowner's duty to make the payments.', C. 'the insurance company was under an independent duty to pay for the loss.', D. 'the homeowner did not receive notice of cancellation.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 624:

'Congress has recently enacted a statute designed to prevent price gouging of gasoline by private retail sellers. To help administer the new statute Congress created a seven-member agency, four members of which were appointed by the President, two by the Senate, and one by the Speaker of the House. The agency was authorized to issue rules interpreting regulations prescribed under existing federal law. It was also authorized to issue "cease and desist" orders after hearings against private retail sellers of gasoline who "intentionally engaged in price gouging. " In this regard, violations of the cease and desist orders were made punishable by fine and/or imprisonment. Which of the following is the strongest constitutional argument against the authority of this agency?', A. 'Congress may not delegate to the agency power to make interpretations of existing federal laws.', B. 'Congress may not delegate to the agency power to make "cease and desist" orders, the violation of which is punishable by imprisonment.', C. 'Congress may not delegate enforcement of a federal law in any governmental body other than the U. S. Attorney General or the courts.', D. 'Congress may not retain the power to appoint even a minority of members of such an agency.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: A

Question 625:

Two years ago, a developer conveyed title to a lot to a woman by warranty deed. The woman purchased an owner's policy of title insurance before the an owner's policy of title insurance before the closing. Because of an error by the title insurance company, the title commitment and title policy failed to list a county tax lien encumbering the lot as an exception to coverage. Last year, the woman conveyed the lot for a bargain price by a quitclaim deed to a friend, who paid cash, did not conduct a title search, and did not purchase title insurance. Subsequently, the county began proceedings to foreclose the tax lien, and the friend filed a claim with the woman's title insurance company, demanding that the company reimburse her for the tax lien amount. Is the title insurance company obligated to pay the friend's claim?', A. 'No, because the friend is not a named insured on the title insurance policy.', B. 'No, because the title insurance policy expired when the woman conveyed the lot to the friend.', C. 'Yes, because the tax lien was not listed as an exception on the title insurance policy.', D. 'Yes, because the woman is liable to the friend for breach of the covenant against encumbrances, and the title policy should cover the friend's potential loss.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 626:

'According to usual practice, a long-time regular customer left her car at an auto mechanic's shop with written instructions to "check and tune up the engine; make sure the brakes are good and working; examine the tires; also, check and repair all major systems because I am driving cross country next week." She did not see the mechanic or discuss with him the price or other details. When she picked up the car, there was a bill for \$5,000 on the dash board. All of the services and parts were workmanlike, not defective and pertained to the areas in the instructions. She refused to pay, claiming that there was no agreement and that the mechanic should have called for advance approval. Can she be held responsible for contractual services performed?', A. 'No, because there is always an implication that the provider must get permission before doing work not approved.', B. 'Yes, because the circumstances and past practice established an implied-in-law contract based on mutual assent.', C. 'No, because a contract cannot be based on implications and guess work.', D. 'Yes, because the circumstances, including prior practice, showed intent to contract and a meeting of the minds.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 627:

'An avid baseball fan wanted to purchase tickets for an upcoming baseball game being held at the local stadium. He contacted the stadium's ticket sales office, which advised him that all tickets were to be placed on sale at the stadium at 9:00 a. m. the following day. The fan, who was employed as a bricklayer, realized that he could not leave work to purchase the tickets. Consequently, the fan telephoned his next-door neighbor and asked him if he would be interested in going to the stadium to purchase the baseball tickets. The neighbor told the fan that he would be happy to purchase the tickets for him and that he (the neighbor) also wanted to buy tickets for himself. However, the neighbor said that his car had broken down and that he did not have available transportation to get to the stadium. The fan suggested that he could lend his car to the neighbor. The neighbor agreed, and the following morning the two men met in front of the fan's home. The fan gave the neighbor the keys to his car and also money with which to buy his baseball tickets. Thereafter, the neighbor drove the fan's car to the stadium where he purchased the tickets for the fan and (using his own money) also bought a set of tickets for himself. The fan had instructed the neighbor to return the car to the fan's home after his trip to the stadium. After the neighbor left the stadium, however, he decided to visit a friend in a town located 120 miles from his home. As the neighbor was driving toward the town, an automobile crashed into him, causing significant damage to the fan's car. The cost of repairing the fan's car was determined to be more than the retail value of the auto. In an action by the fan against the neighbor to recover damages resulting from the accident, the fan will most likely', A. 'recover nothing, because the neighbor was on a joint venture when the accident occurred.', B. 'recover the cost of repairing the car.', C. 'recover the retail value of the car.', D. 'recover, because the neighbor was negligently operating the auto at the time of the accident.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 628:

'A defendant is on trial for robbery. The defendant's attorney plans to call a witness. Nine years earlier, the witness had been convicted of misdemeanor battery. The defendant's attorney has filed a motion disallowing the prosecution from questioning the witness regarding this prior conviction. The motion will likely be', A. 'granted, as a matter of right.', B. 'granted, because the prejudice to the defendant substantially outweighs the probative value of admitting the witness's conviction.', C. 'denied, because the credibility of a witness may be attacked by any party.', D. 'denied, because a period of less than 10 years has elapsed since the date of conviction.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 629:

'A state enacted a statute making it illegal to knowingly sell, purchase, or in anyway distribute any form of tobacco to a minor. Violation of the statute was a misdemeanor punishable by a \$500 fine and up to 30 days in jail. After the statute's enactment, a defendant sold a pack of cigarettes to a girl who was 17 years of age. Before selling the product to the girl, the defendant carefully examined the girl's driver's license, which indicated that she was, in fact, 17 years old. The defendant nevertheless made the sale because he erroneously believed the age of majority to be 17. The defendant is subsequently charged with violation of the statute, and his mistake is honestly held to have been made. Such a mistake should', A. 'not prevent his conviction, because mistake of the law is no defense.', B. 'not prevent his conviction, because the crime imposes absolute criminal liability.', C. 'result in his acquittal, because he took reasonable steps to ascertain the girl's age.', D. 'result in his acquittal, because he did not possess the requisite mens rea.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 630:

'A state recently enacted a statute requiring the following of all firms that do business with and for the state (defined generally as selling goods or providing services to the state, its agencies, or subdivisions):

■ ■ Such businesses must purchase insurance only from insurance companies chartered in the state and thus be subject to regulation by the state insurance commissioner; ■ ■ In hiring any unskilled laborers for employment in connection with state business, preference must be given to citizens of the state; ■ ■ Nonresident aliens shall be prohibited from engaging in any state related business activities; ■ ■ All buildings constructed for the state must have roofs composed of adobe, which is composed of yellow silt or clay deposits found only in the state. The proposed statute's preamble recites that its provisions will ensure: ■ ■ responsible insurance coverage for all those who do business with the state; ■ ■ an increased standard of living for the citizens who comprise the state's labor force; ■ ■ the lowest possible expenditures by the state government; and ■ ■ a beautiful, uniform aesthetic decor for all new state buildings. In evaluating the constitutionality of the state statute under the Supremacy Clause of Article VI, which of the following would be most relevant?', A. 'The number of aliens presently residing in the state.', B. 'The necessity for the enactment of this particular statute.', C. 'The treaties and immigration laws of the United States.', D. 'The overall unemployment rate in the United States.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 631:

'A 15-year-old boy was killed during a gang fight. Two days after his funeral, the boy's mother saw a television program about gang violence and was shocked to see video of herself weeping over the boy's body. The video had been shot by the television reporting team while the boy's body was still lying on a public street. The mother suffered severe emotional distress as a result of seeing the video. If the mother sues the television station for invasion of her privacy and that of her son, will the mother be likely to prevail?', A. 'No, because a person has no right to privacy after his or her death.', B. 'No, because the street was open to the public and the subject was newsworthy.', C. 'Yes, because the mother did not give permission to have the video used in the program.', D. 'Yes, because the mother suffered severe emotional distress as a result of viewing the video.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 632:

'A customer in a restaurant ordered a bowl of the restaurant's famous homemade Manhattan clam chowder. While eating the chowder, the customer broke a tooth on a pebble in the soup, which a reasonable inspection would not have discovered. When the customer complained to the restaurant's owner, the owner admitted that the chowder was not, in fact, homemade, but that it had been poured from a can of chowder purchased from a wholesale distributor of food products. In a strict liability action by the customer against the restaurant, he will most likely', A. 'recover, if a reasonable consumer would not expect the presence of such a pebble in the chowder.', B. 'recover, but only if the restaurant had received prior notice of the defective condition of the soup.', C. 'not recover, because a reasonable inspection of the soup would not have disclosed the existence of the pebble.', D. 'not recover, because the soup would not constitute an unreasonably dangerous product when it was served to the customer.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 633:

'A property owner owned a 30-acre tract of land located on the outskirts of a community. After prosperity burst upon the community, the property owner subdivided the property into 30 lots and built townhouses on each of the lots. After selling all 30 of the lots, the various homeowners formed a homeowners' association. Thereafter, the homeowners' association adopted a Declaration of Covenants, which provided, inter alia, that each homeowner was required to pay an annual assessment charge to be used 'for the promotion of the health, safety, and welfare of residents within the subdivision and for the enhancement of education, social life, and community welfare. "The homeowners' association then properly and legally assessed each homeowner an assessment charge of \$750. An owner of a townhouse in the subdivision refused to pay the assessment. The townhouse owner was experiencing financial problems and claimed that she couldn't afford to pay the \$750. As a result, the president of the homeowners' association sent the townhouse owner the following letter:"Article 1 of the Declaration of Covenants requires all homeowners to pay their annual assessment charge on the first day of January for the said year. Because of your failure to make this payment, the homeowners' association shall have the right to collect the amount due by action of law. Your prompt attention to this matter is greatly appreciated. "Three weeks elapsed, and the president of the homeowners' association did not receive any response from the townhouse owner. He then wrote her a second letter that stated:"Before it institutes legal action, this is the homeowners' association's final demand for your \$750 assessment charge. It is unfortunate that deadbeats like you ruin our community. "A copy of this letter was mailed to the other29 residents of the development. The presidenteven sent a copy of the letter to the editor of thecounty newspaper, which had a circulation of20,000 subscribers. In its next edition, the countynewspaper published the president's letter on itseditorial page. If the townhouse owner sues the president for defamation, she will probably', A. 'not prevail, because the president was acting to protect a legitimate public interest.', B. 'not prevail, because the statement involves only an expression of opinion.', C. 'prevail, because the president obviously acted with malice by sending the letter to the newspaper.', D. 'prevail, because the language of the president's letter would be highly offensive to reasonable persons.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 634:

'A vintner owned a vineyard in fee simple absolute. The deed by which the vineyard was conveyed to her was properly recorded. The vintner sold the vineyard to a husband and wife as tenants in common, who did not record the warranty deed by which the vintner conveyed the vineyard to them. The husband subsequently sold and conveyed his undivided one-half interest in the vineyard to a friend. The friend promptly recorded his deed. Some time later, the vintner purported to convey the vineyard to a farmer, for valuable consideration. The farmer, who had no actual knowledge of any previous conveyances of the vineyard, recorded her deed. The jurisdiction maintains alphabetical grantor and grantee indices. The applicable recording statute provides, "Every conveyance of real property is void as against any subsequent purchaser of the same property (or any part thereof) in good faith and for a valuable consideration, whose conveyance is first duly recorded. " None of the various grantees of the vineyard has entered into possession in a manner that would put anyone on inquiry notice as to their interest therein. Who owns the vineyard?', A. 'The friend, because he recorded his deed before the farmer recorded.', B. 'The friend and the wife, because the friend's deed would put the farmer on inquiry notice as to the wife's interest in the vineyard.', C. 'The farmer, because the husband's friend deed is outside the farmer's chain of title.', D. 'The friend and the farmer, as tenants in common.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 635:

'A state has recently released medical statistics showing that the number of new AIDS cases within the state has quadrupled from the preceding year. In 2008, the state reported that 2,250 people were diagnosed as being stricken with the AIDS virus. However, in 2009 the state confirmed that over 9,000 new persons contracted the deadly virus. In an effort to improve the health care of AIDS patients in the state, the Legislature has enacted a law providing public funds to assist privately owned hospitals. According to the law, every hospital in the state would receive \$5,000 annually for each AIDS patient who was admitted to that hospital, and whose period of hospitalization exceeded one week. Although this bill was initially opposed by several churches and other organizations, the state's legislature re-drafted the bill in a compromise effort to appease the opposition. In its final re-draft, the bill provided that the \$5,000 annual subsidy "would not be paid to any hospital performing abortions. "Which of the following is the strongest argument against the constitutionality of the state's statute?', A. 'The statute violates the establishment clause of the First Amendment, as incorporated into the Fourteenth Amendment, by adopting the controversial views of particular churches on abortion.', B. 'The statute violates the Fourteenth Amendment by conditioning the availability of public funds upon the recipient's agreement to act in a way that makes more difficult the exercise by others of their fundamental constitutional rights.', C. 'The statute violates the equal protection clause of the Fourteenth Amendment by denying nonAIDS patients the same subsidy benefits as those received by AIDS patients.', D. 'The state will be unable to show it is advancing a legitimate governmental interest.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 636:

'Owner owned two adjoining lots. There was a building located on both lots that was separated by a party wall. The building was called a "twin" home, i.e., it was divided into two separate residential units. However, the front entrance was located entirely on one of the lots; there was a door through the party wall that the occupants of the adjoining residence used to access their home. Owner sold the lot on which the stairway was located to the buyer, and owner continued to reside in the remaining part of the building. The deed did not contain a reservation of a right to use the doorway. The parties later disputed whether owner could continue to use the entrance that was located on the lot that he sold. What will a court most appropriately decide regarding the rights of the disputing parties?', A. 'The owner retained an implied right to an exclusive license by necessity to use the doorway.', B. 'The buyer can prevent access to owner because the deed was defective in not reserving a right to use the doorway.', C. 'The court will automatically order a new deed be drafted containing court-ordered language that includes a reservation of rights.', D. 'The court will conclude that an implied easement is created by law for the benefit of owner to use the doorway.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 637:

'A patient was in the hospital to be treated for an illness. The patient's doctor prescribed a mild anesthetic drug, to be given to the patient intravenously, to reduce the pain being experienced by the patient. The patient was supposed to receive a saline solution containing 18. 5 milligrams of the drug. A nurse arranged to have a pharmacy technician prepare the solution and drug, and then the nurse administered the solution and drug to the patient. The solution that was administered to the patient contained 185 milligrams of the drug, rather than just 18. 5. Shortly after receiving the drug, the patient had a heart attack and died. The doctor, nurse, and pharmacy technician were all employed by the hospital. If the patient's family brings a wrongful death claim against the hospital, which of the following must the family prove in order to recover damages?', A. 'The family must identify which of the three hospital employees involved ■■■the doctor, nurse, and pharmacy technician ■■■was actually responsible for the mistake in the dosage of the drug.', B. 'The family must prove the specific negligent act that resulted in the wrong dose of the drug being administered.', C. 'The family must show that hospital administrators were negligent in hiring or supervising one or more of the employees involved.', D. 'The family must prove that the patient would not have died if given 18. 5 milligrams of the drug.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 638:

'Congress passed a federal statute that prohibited all "indecent" and "patently offensive" broadcasts on the Internet. The purpose of the statute was to protect children from accessing pornographic materials. The law imposed a blanket prohibition on any communications that could be accessed by children and which might contain the feared material. A group of Internet publishers filed an action to have the law declared unconstitutional and unenforceable. They proved that many instances of artistic expression and non-prurient broadcasts could fall within the wide parameters of the law. The government argued that its interest in protecting children outweighed the other considerations, and that millions of parents who are now afraid to access the Internet would use the service because the new law made it safe for children. What will the Supreme Court decide?', A. 'The law violates the First Amendment because it does not precisely regulate the content of speech and can be broadly applied to eliminate free speech for adults.', B. 'The law is a precise and narrow proscription that applies only to pornographic materials and its wording will be approved because it is necessary to protect children.', C. 'The law is constitutional because it is a reasonable exercise of the police power of the federal government.', D. 'The law is unconstitutional because it invades the absolute right to privacy that adults expect to be protected when using the Internet.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 639:

'One morning, an employee arrived at work and found his boss passed out on the floor of his office. The employee determined that his boss was not breathing, immediately rendered CPR to his boss, and succeeded in reviving him. The employee then called the paramedics, who took the boss to the hospital. Two week later, the boss returned to work. Grateful for the employee's quick action in saving his life, the boss said to the employee, "You'll have a job with me for life." Which of the following best characterizes the legal relationship between the boss and the employee on that date?', A. 'As per the boss's oral promise, the employee had an enforceable lifetime employment contract.', B. 'The boss had a duty to pay the employee reasonable compensation for saving his life, based upon a contract implied-in-fact.', C. 'The employee's act of saving the boss's life was sufficient past consideration to render enforceable the boss's subsequent promise.', D. 'Since the employee gratuitously rendered assistance to the boss, there was insufficient consideration to support the boss's subsequent promise to provide the employee with lifetime employment.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 640:

'Buyer is purchasing a bicycle based on the salesperson's understanding of buyer's goals and seller's knowledge. What kind of warranty might this be considered?', A. 'Warranty of Fitness for Particular Purpose.', B. 'Warranty of Merchantability', C. 'Express', D. 'Implied'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 641:

'A nephew brings an action against the administrator of his uncle's estate based upon a contract for services rendered in the management of his uncle's property. In order to rebut the presumption that the services rendered were gratuitous, since the nephew was a relative of his uncle, the nephew called his sister-in-law as a witness. Assume that this jurisdiction has a relevant Dead Man's Statute in effect. The sister-in-law testified that she had lived in the nephew's house, knew his uncle, and that she was familiar with the uncle's handwriting. The nephew's attorney asked her to look at a letter and to tell the court whether it was written by the uncle. Upon objection by the attorney for the administrator of the estate, the trial judge would most likely', A. 'sustain the objection, because the sister-in-law is not a handwriting expert.', B. 'sustain the objection, because of the Dead Man's Statute.', C. 'overrule the objection, because the letter qualifies as a past recollection recorded, an exception to the hearsay rule.', D. 'overrule the objection, because an authenticating witness need not be an expert if familiar with the handwriting of the person in question.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: B

Question 642:

'A state has recently enacted a statute wherein aliens are prohibited from owning any commercial real estate within the state. Subsequent to the statute, a lawful resident alien enters into a contract with another lawful resident alien to purchase the latter's office building. Assume that both resident aliens join in a declaratory judgment action to test the validity of the state statute in federal court. The court should rule that', A. 'the state has the burden of proof to show that there is a compelling state interest to support the statute.', B. 'the burden of proof is on the resident aliens to show that there is no compelling state interest to support the statute.', C. 'the resident aliens do not have standing.', D. 'either resident alien has standing, but not both.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 643:

'A defendant is on trial for kidnapping. The victim has testified that one of the kidnappers referred to the other as "Speed." The prosecutor calls a jail employee to testify that, while the defendant was in jail awaiting trial, other inmates addressed the defendant as "Speed." Is the jail employee's testimony admissible?', A. 'No, because it is hearsay not within any exception. exception.', B. 'No, because it is substantially more prejudicial than probative.', C. 'Yes, as circumstantial evidence that the defendant was one of the kidnappers.', D. 'Yes, to corroborate the truthfulness of the victim.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 644:

'A used car dealer needs to disclaim any implied warranty of merchantability. Which of the following is not considered an effective way of making a full disclaimer of the implied warranty?', A. 'By stating in the contract that there is no "implied warranty of merchantability".', B. 'By stating in writing that the vehicle is sold "as is."', C. 'By setting forth an express disclaimer that is clear, on the point, and conspicuous.', D. 'By limiting the amount to the value of the vehicle sold.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 645:

'A person was taking a long hike on a trail through a forest in a state park. As the hiker came around a bend in the trail, he suddenly saw a hunter standing next to the trail, looking in the other direction. The hunter was holding a rifle. The hunter turned, causing the rifle to be pointed at the hiker. The hiker felt sure that he was going to get shot, but the gun did not go off. The hiker asserts a claim for assault against the hunter. In his action, the most likely result is that the hiker will', A. 'recover, because the hunter's rifle was pointed directly at him.', B. 'recover, because the hunter's decision to carry the gun was voluntary.', C. 'not recover, unless the hunter intended to scare the hiker.', D. 'not recover, if the hunter did not intend to shoot the hiker.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 646:

'A homeowner was planning to construct a new pool in her back yard. She hired a well-known pool contractor to design and construct the pool. The contractor, in turn, hired a subcontractor to dig the hole and plaster the pool area. After the subcontractor completed his job, the contractor then hired an electrician to install the heater and wiring for the pool. While the electrician was performing his work, the wiring became disjointed and had to be replaced at a substantial expense to the homeowner. If the homeowner sues the electrician in tort to recover the damages she suffered because of this occurrence, will the homeowner prevail?', A. 'Yes, if the wiring became disjointed because the electrician's plans departed from established standards in the electrical industry.', B. 'No, unless the electrical wiring that became disjointed was defective.', C. 'No, if the electrician used his best professional judgment in performing the electrical work.', D. 'No, unless the homeowner knew that the contractor had hired the electrician to perform the electrical work.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 647:

'As a result of the increasing northward movement of the population from a nearby city, a town enacted a zoning ordinance restricting present and future land use in the town to single family dwellings, except in the downtown commercial shopping area, and except for a small area in which multifamily dwellings not over 40 feet in height were permitted. In addition, all new construction or exterior modifications of existing buildings required prior approval of an aesthetic control board. The zoning ordinance defined the term "family" in the context of single family dwellings to mean only one or more persons related by marriage, blood, or adoption, thereby excluding unrelated, unmarried persons from residing in a single residence unit. The enabling legislation contained the following provision:"This enactment is necessary to preserve the physical and social homogeneity of this community, and preserve and protect the quality of life of its citizens. "A town resident owns a single family residence with five bedrooms. Prior to the enactment of the zoning ordinance, the resident leased the premises on a month-to-month basis to a boyfriend and girlfriend and three other male law students. The five individuals are all unmarried and attend the nearby law school. The resident now brings suit to enjoin enforcement of the ordinance against himself. Which of the following is the most accurate statement regarding the constitutionality of the zoning ordinance provision that prohibits unrelated, unmarried persons from residing in a single family residence?'. A. 'The zoning ordinance provision would be declared unconstitutional as violative of the due process clause of the Fourteenth Amendment.'. B. 'The zoning ordinance would be declared unconstitutional as violative of the equal protection clause of the Fourteenth Amendment.'. C. 'The zoning ordinance provision would be declared unconstitutional as violative of the resident's rights under the contract clause.'. D. 'The zoning ordinance provision would be upheld as constitutional under the state's police power.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 648:

'An orange grove and a vineyard are adjoining tracts of land located in a county. In 2006, a farmer purchased the orange grove, a 10-acre tract, in fee simple absolute. The vineyard, a 20-acre tract situated to the north of the orange grove, was owned by a rancher in fee simple absolute. A remote predecessor of the farmer had granted to a shepherd a way for egress and ingress across the orange grove under such terms and circumstances that an easement appurtenant to the vineyard was created. This right-of-way was executed by deed and properly recorded. The shepherd, however, never made any actual use of the right-of-way. In 2010, the rancher conveyed the vineyard to the farmer. The next year, the farmer conveyed the vineyard by deed to an investor for a consideration of \$200,000, receipt of which was acknowledged. Neither the rancher ■■■farmer deed nor the farmer ■■■ investor deed contained any reference to the easement for right-of-way. The investor has now claimed that she has a right-of-way across the orange grove. The farmer, on the other hand, has informed the investor that no such easement exists. Assume that the orange grove abuts a public highway. The only access to that public highway for the vineyard is across the orange grove. If the investor initiates an appropriate action to determine her right to use the right-of-way across the orange grove, she should', A. 'prevail, because an easement by implication arose from the farmer's conveyance to the investor.', B. 'prevail, because once an easement is properly recorded, it remains in effect ad finem until expressly released.', C. 'not prevail, because any easements were extinguished by merger when the farmer acquired a fee simple in the vineyard.', D. 'not prevail, because the deed of conveyance from the farmer to the investor failed to contain any mention of the right-of-way.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 649:

'A widower was the owner in fee of a 10-acre quarry. On August 1, the widower handed his friend a deed conveying the quarry to his niece and said to the friend, "Give this to my niece. " Unknown to the widower, the niece was in Africa. The next week, the friend properly recorded the deed with the Recorder's Office. One month later, the widower died, and in his will he devised the quarry to his daughter. Thereafter, the niece returned from Africa, and a dispute arose between the niece and the daughter regarding ownership of the quarry. In a suit to quiet title to the quarry, the court ruled in favor of the niece. The ruling was most likely based upon which of the following?', A. 'There was an effective "causa mortis" gift.', B. 'The delivery was effective when the widower handed the deed to the friend.', C. 'The delivery was effective when the friend recorded the deed.', D. 'The deed was recorded before the devise was effectuated.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 650:

'A buyer purchased a new van from a car dealer. Two weeks later, the buyer was driving to work when the brakes suddenly failed. The buyer tried to stop the van for a red light, but the brakes failed to operate. As a consequence, the buyer drove through the red light and collided with a car driven by a woman. Subsequently, the woman asserted a claim against the buyer to recover for the injuries she suffered in the accident. At trial, the only evidence offered by the plaintiff concerning the cause of the accident was the testimony of an engineering expert. He testified that a manufacturing defect had caused the brakes to suddenly fail. Based on the facts stated above, a motion by the buyer to dismiss at the end of the woman's case should be', A. 'granted, because the woman presented no evidence that the buyer was negligent.', B. 'granted, because the woman was neither the user nor the consumer of the defective product.', C. 'denied, because the buyer had a non-delegable duty to maintain the brakes in a safe condition.', D. 'denied, because the buyer is strictly liable for injuries caused by a manufacturing defect in an auto that he had purchased.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 651:

'A 12-year-old boy decided to play a practical joke. Knowing that his parents were giving a dinner party that evening, the boy filled a bucket with ice-cold water and balanced it on the partially open door of the guest bedroom, thinking that his father would take the guests' coats there to put them on the bed. The boy then went off to play at a friend's house. The boy's father decided to keep all the guests' coats in the hall closet instead of putting them in the guest bedroom. Later that evening, one of the guests mistakenly wandered into the guest bedroom while searching for a bathroom. As the guest opened the door, the bucket fell and hit his head, causing a severe cut that required a dozen stitches. If the guest sues the boy for negligence, the most likely result is', A. 'the boy wins, because a child's conduct cannot be negligent.', B. 'the boy wins, because the guest unreasonably assumed the risk of entering an unfamiliar room rather than asking for directions to the bathroom.', C. 'the boy loses, because this "practical joke" posed a risk of severe harm and, therefore, the boy had a duty to exercise as much care as a reasonable adult.', D. 'the boy loses, because he did not act with the amount of care that one would expect from a 12-year-old child.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 652:

'In 1940, a state conveyed to a man a tract of land by deed that was immediately recorded. The man died a widower in 1990, devising all of his real property to his son. The will was duly probated shortly thereafter. In 2005, the son conveyed the tract of land to a friend. This deed was not recorded until after the son's death in 2009. The son's will, duly probated following his death, named the friend as sole legatee and devisee of the son's entire estate. In 2008, the son mortgaged the tract of land to the bank. The mortgage instrument, which was recorded in 2008, recited that it was subordinate to a mortgage on the same land given by the son to a rancher in 1988 and recorded in 1988. In that instrument, the son purported to grant the rancher a mortgage on the tract of land. All of the deeds mentioned in the aforementioned transactions are general warranty deeds. In addition, the State of Baden has a notice-type recording statute and follows a title theory for mortgages. What is the probable legal effect of the son's mortgage agreement in 2008 with the bank?'. A. 'The mortgage would be invalid, because the son conveyed his interest in the property to the friend in 2005.'. B. 'The mortgage would be invalid, because the first mortgage in 1988 would take precedence over the second mortgage.'. C. 'The mortgage would be invalid, unless the mortgagee bank had knowledge of the prior conveyance to the friend.'. D. 'The subsequent mortgagee, the bank, would prevail as against the prior conveyee (the friend), who failed to record before the mortgage was effectuated.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 653:

'A plaintiff files suit in federal district court against a lawnmower manufacturer, alleging strict liability, negligent manufacture, and breach of warranty. The suit is to recover damages for injuries suffered by the plaintiff when his gasoline-powered lawnmower exploded, while the plaintiff was mowing his front lawn. At trial, the plaintiff calls a man who witnessed the explosion to testify as an eyewitness. The witness suffers from a mental illness that affects his perception of reality. Which of the following is true regarding the witness's mental condition?', A. 'It disqualifies him from testifying', B. 'It maybe proved to impeach him as a witness', C. 'It has no bearing on either his competence or his credibility.', D. 'It must not be referred to because it is unfairly prejudicial.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 654:

'An actress went to a plastic surgeon for removal of an abnormal growth on her right cheek. Under a written contract, the plastic surgeon agreed to surgically remove the growth for \$1,000. As the actress subsequently recalled, just before signing the agreement the parties orally agreed that if any additional medical procedures were required during surgery, they would be included in the \$1,000 fee. The plastic surgeon, however, has no recollection of any such oral agreement. As agreed, the surgery was performed on an outpatient basis at the plastic surgeon's office. She applied a localized anesthesia that enabled the actress to remain conscious during surgery. While the operation was being performed, the plastic surgeon noticed another growth on the actress's neck. As the plastic surgeon subsequently recalled, she informed the actress about the growth and recommended that it be removed as well. According to the plastic surgeon's account, the actress orally agreed to have the growth removed for an additional \$500. The actress has no recollection of any such oral agreement. The plastic surgeon performed both removal procedures satisfactorily. Following the surgery, the actress paid the plastic surgeon \$1,000, but refused to pay any additional money for the removal of the second growth. After unsuccessfully attempting to collect the \$500, the plastic surgeon brought suit against the actress to recover the additional fee. At trial, the plastic surgeon objected to the introduction of testimony regarding any oral agreement made before the written contract was signed. By the same token, the actress objected to the introduction of testimony concerning any oral agreement made during surgery. Will the plastic surgeon be entitled to recover the additional \$500 if both offerings of parol evidence are admitted and believed?',

A. 'No, because the oral agreements contradict each other; neither would be enforceable under the so-called knock-out rule.', B. 'No, because in removing the growth from the actress's neck, the plastic surgeon performed a legal duty already owed her that was neither doubtful nor the subject of an honest dispute.', C. 'Yes, because the oral modification of the prior writing was fair and equitable in view of circumstances not anticipated by the parties when the writing was executed.', D. 'Yes, because the actress would be unjustly enriched by not paying the additional \$500, and injustice can be avoided only by enforcement of her oral promise.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 655:

'Congress enacted a statute aimed at "countries assisting or furnishing aid or support to nations or movements engaged in hostilities with the United States. " Section 5 of that act authorized and directed the Treasury Department "to issue orders barring entry into the United States any category of goods the sale of which in the United States is likely to improve the economic or balance of payments posture of an assisting country. " The Secretary of State was authorized by Section 6 to define "assisting countries. " Pursuant to Section 5, the Treasury Department issued a regulation, which provided in part that:"Imports of the following categories of goods from assisting countries are hereby prohibited: ■❏. (c) Bulk shipments for resale within the United States of books, pamphlets, flags, decorations or other symbols, excepting, however, scientific, technical, and literary works intended for scholarly purpose. . . "The State Department designated a foreign country, as an "assisting country," on the basis of its determination that medical supplies collected by public donation in this country had been sent to another country currently engaged in hostilities with the United States. As a consequence, the Treasury Department issued an order barring practically all products and goods from this foreign country into the United States. A distributor of state and foreign flags, has had a lucrative contract with the foreign country for the importation and sale of their flags in the United States. However, because of the Treasury Department's order, the foreign country is now barred from importing any of its flags into the United States. In an appropriate federal court, the distributor brings a suit against the Secretary of State and the Treasury Department to set aside the order barring the foreign country's imports on the grounds that it is inconsistent with the principles of our constitutional form of government. Which of the following is the most proper disposition of the distributor's suit by the federal court?', A. 'Suit dismissed, because the distributor does not have standing to bring this action.', B. 'Suit dismissed, because there is no adversity between the distributor and the defendants.', C. 'Suit dismissed, because it presents a nonjusticiable political question.', D. 'Suit dismissed, because it presents a moot issue.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 656:

The owner of a meatpacking company was charged under a state criminal code prohibiting the sale of contaminated meat. The state's highest court has construed the code as imposing strict and vicarious liability to the extent allowed by the federal Constitution. The evidence at trial established that the owner's company had sold contaminated meat that had sickened hundreds of consumers. It further showed, however, that the owner had been out of the country when the meat was sold and had had no reason to know that any of the meat was contaminated. The jury convicted the owner, and the court sentenced him to a large fine and probation. On appeal, the owner has challenged the sufficiency of the trial evidence. Should the appellate court uphold the conviction?', A. 'No, because there was insufficient proof of the owner's actus reus.', B. 'No, because there was insufficient proof of the owner's mens rea.', C. 'Yes, because an appellate court cannot second-guess a jury's verdict.', D. 'Yes, because the evidence was sufficient to support the jury's verdict.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 657:

'A highway patrol officer stopped a driver for speeding and found that her license was suspended. He arrested her for driving while under suspension and secured her in the rear seat of the squad car. He then searched the car where he found several bags of cocaine inside a coat that was setting on the rear seat; he arrested her for possession and possession with intent to deliver cocaine. Prior to trial, the driver moved for suppression of the cocaine. Is it likely that the trial court will grant the suppression motion?', A. 'Yes, it must be suppressed because this was an unreasonable, warrantless search.', B. 'No, the motion will be denied because the search was permissible as incident to a proper arrest.', C. 'No, the motion will be denied because the initial traffic stop was legal and everything that flowed therefrom was a reasonable step to search for crime.', D. 'Yes, the motion will be granted because a search of a vehicle requires a search warrant unless there are exceptional exigent circumstances.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 658:

'A criminal defendant was convicted of robbery and sentenced to ten years in prison, starting on Jan. 1, 2000. Sec. 204 of the state penal code provided for early release for good behavior, and under that provision he would have been granted supervised release as of Jan. 1, 2007. On Feb. 1, 2006, the state legislature repealed Sec. 204 and passed Sec. 205a. It reduced the good time credits for anyone convicted from that date onward, and also for anyone in prison as of the date of the section's passage. The new release date was calculated to be Jan. 1, 2009. The criminal defendant brought a habeas corpus action arguing that Sec. 205a was an unenforceable ex post facto law as to him. The state courts turned him down saying that good time credit was a privilege and not a vested right. The case ultimately came before the U.S. Supreme Court. Did the Supreme Court invalidate Sec. 205a as an unconstitutional ex post facto law?', A. 'No, because good time credits were an act of grace that could be taken away at any time.', B. 'Yes, because it retrospectively increased the punishment over what was in effect when the offense was committed.', C. 'Yes, because the legislature does not have the authority to pass a law that decreases good time credits for prisoners.', D. 'No, the criminal defendant did not have a vested right in the early release date.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 659:

'A husband came home early from work one day. He walked to the bedroom and, upon opening the door, saw his wife and another man in bed together. Visibly upset, the husband told the other man to leave. As the man was reaching for his pants, he pulled out a gun, fearing that the husband was about to attack him. When the husband saw the gun, he jumped on the man and angrily twisted his neck, breaking it and killing him. The husband is guilty for which, if any, of the following crimes?', A. 'Murder.', B. 'Voluntary manslaughter.', C. 'Involuntary manslaughter.', D. 'No crime.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 660:

'A state's constitution reserves to the people of each municipality in the state the power of referendum with respect to all questions that the municipality is authorized to control by legislation. A real estate developer applied for a zoning change to permit construction of a convalescent home on land he owned in a city within the state. While the application was pending, the city charter was amended by popular vote so as to require that any changes in land use agreed to by the city council be approved by a 55% vote in a referendum. The city planning commission and the city council both approved the proposed zoning change. However, the real estate developer's subsequent application for approval for a proposed home on the grounds was rejected because the rezoning action had not been submitted to a referendum. In an action brought in state court seeking a judgment declaring the city charter amendment invalid, the court will most likely declare the amendment', A. 'unconstitutional, as violation of the real estate developer's due process rights.', B. 'unconstitutional, as an unlawful delegation of legislative power to a regulatory body.', C. 'constitutional, as a valid exercise of the city's police power.', D. 'constitutional, as a valid exercise of a power reserved by the people to themselves.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 661:

'For many months, a buyer had been negotiating with a man for the purchase of a tract of land. Finally, on August 18, 2009, the buyer and the man entered into a real estate sales contract that provided in part: "I, (the man), agree to convey good and marketable title to (the buyer) 60 days from the date of this contract." The stated purchase price for the tract was \$175,000. On October 11, 2009, the buyer phoned the man and told him that his title search indicated that a third party, not the man, was the owner of record of the property. The man responded that, notwithstanding the state of the record, he had been in adverse possession for 21 years. The statutory period of adverse possession in this jurisdiction is 20 years. The next day the buyer conducted an investigation that revealed that the man had, in fact, been in adverse possession of the tract for 21 years. At the time set for closing, the man tendered a deed in the form agreed in the sales contract. The buyer, however, refused to pay the purchase price or take possession of the tract because of the man's inability to convey "good and marketable title." In an appropriate action by the man against the buyer for specific performance, the vendor will', A. 'prevail, because he has obtained "good and marketable title" by adverse possession.', B. 'prevail, because the man's action for specific performance is an action in rem to which the third party is not a necessary party.', C. 'not prevail, because an adverse possessor takes title subject to an equitable lien from the dispossessed owner.', D. 'not prevail, because the buyer cannot be required to buy a lawsuit even if the probability is great that the buyer would prevail against the man.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 662:

'A 73-year-old widower owned a 40-acre farm. The widower had two children, a son and a daughter. After the daughter married, she and her husband lived on the farm in a small cottage. From 1985 to 1989, the daughter and the husband helped the widower farm and maintain the property. The widower, whose health was deteriorating, needed the services of the daughter and her husband in order to continue to live on the farm. In December 1989, the daughter told the widower that she and her husband were planning to move out of state. Worried that he could not survive without their help, the widower said to the daughter, "Please don't ever leav. e. I'm totally dependent on you and your husband. If you stay and continue to care for me and help with the farming, the farm will be yours when I die. " The daughter turned down a job offer in a neighboring state and decided to do as the widower requested. For nine years, the daughter cared for her father while her husband handled most of the farming operations. In 1998, the widower died intestate with the daughter and the son as his only surviving heirs. The period required to acquire title by adverse possession in the jurisdiction is seven years. In an appropriate action to determine the legal and equitable rights of the daughter and the son, respectively, in the farm, the result will depend upon the application of the principles of and exceptions to the', A. 'statute of frauds.', B. 'parol evidence rule.', C. 'law for adverse possession.', D. 'doctrine of resulting trusts.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 663:

'A defendant was driving his car recklessly at a high rate of speed through a residential neighborhood. He was traveling at a speed of over 100 M. P. H. when he lost control of the car and jumped a curb, striking a woman who was walking along the sidewalk. As a result of the collision, the woman suffered severe internal injuries and fractured both legs. She was hospitalized for 11 months and became permanently disabled. If the defendant is charged with attempted murder, he should be found', A. 'guilty, because a person is presumed to intend the natural and probable consequences of his acts.', B. 'guilty, because criminal liability is predicated upon the defendant's willful and wanton disregard for the safety of others.', C. 'not guilty, because the defendant did not intend to kill the woman.', D. 'not guilty, because he lost control of the vehicle.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 664:

The owner of a drug store hired an independent contractor to renovate the store. Among other things, the renovations included installing a new front door made of plate glass. The contractor purchased the door from a glass door company. The sales representative of the glass door company told the contractor and the owner that plate glass was "super safe" and could withstand considerable pressure. The contractor installed the door, completed the other renovation work, and the store reopened for business later that same month. A few weeks later, a shopper and her 9-year- old son went to the drug store to purchase some merchandise. As they approached the store, the son was skipping ahead of his mother. Until he was within a few steps of the door, he thought it was open. When he realized it was, in fact, closed, he slowed down and, while still "going faster than walking," pushed his hand against the handle to push open the door. His hand slipped off the handle and, at the same time, there was a "kind of exploding noise. " Due to a defect, the glass shattered and broke, cutting the son's hand and wrist. A subsequent inspection revealed that the glass door had been negligently installed by the contractor. If the shopper, on behalf of her son, asserts a claim against the glass door company based on strict products liability, the plaintiff will', A. 'prevail, because the glass door was defective.', B. 'prevail, because the sales representative represented the plate glass as being "super safe. "', C. 'not prevail, because the contractor negligently installed the plate glass door.', D. 'not prevail, because the son negligently pushed open the glass door.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 665:

'A developer built a mini-mall in the city. In order to finance the construction of the mall, the developer obtained a \$500,000 commercial loan from a bank. The loan was secured by a mortgage that contained an after-acquired property clause that provided: "(The developer) hereby covenants that the terms of this mortgage shall apply to all after-acquired property which said mortgagor shall hereafter acquire; and Mortgagee-bank's security interest in such after- acquired property shall take priority over all other parties claiming an interest in such property. "The bank duly recorded this mortgage on August 15, 2007. On September 6, 2008, the developer purchased a four-story office building in a nearby city. The building was in need of much renovation. To finance the improvements, the developer borrowed \$250,000 from his friend. As consideration for the loan, the developer executed a promissory note for \$250,000, payable to the friend in 10 years and secured by a mortgage on the office building. This mortgage was dated September 9, 2008 and recorded the following day. During the early part of 2009, the developer experienced serious financial setbacks and failed to make the monthly mortgage payments to the bank and the friend. After the developer went into default on both loans, the bank instituted a foreclosure action on both the mini-mall and the office building. The friend intervened, claiming that his security interest in the office building took priority over the after-acquired rights claimed by the bank. This jurisdiction maintains a grantor ■■■grantee index and has the following recording statute in effect: "An unrecorded mortgage, deed, or other instrument is invalid as against a subsequent mortgagee or bona fide purchaser for value without notice. "In determining which security interest in the office building should be given priority, the court should hold in favor of', A. 'the bank, because its mortgage was recorded prior in time.', B. 'the bank, because the after-acquired property clause in its mortgage is enforceable and takes priority over the friend's subsequent security interest.', C. 'the friend, because the bank's prior recorded mortgage is outside the friend's chain of title.', D. 'the friend, because an after-acquired property clause is void against public policy and cannot encumber real estate subsequently acquired by the mortgagor.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 666:

'A man and a woman worked for an armored car company, picking up and delivering cash from banks and businesses. They figured out a plan to fake a holdup and robbery of the man's armored car. After faking the holdup, they planned to purchase a boat with the proceeds and travel to a remote island to deposit the money in a bank account there. The police got wind of the plan before it could be carried out, and the man and the woman were charged with conspiracy. At trial, the prosecution wants to introduce a letter from the man to the woman before the robbery in which the man wrote: "Dear woman, I hope our plan for the heist works. If it does, we'll have a giant pile of bills to divide between us. (signed) the man" Before the contents of the letter can be admitted into evidence, the prosecution must', A. 'have an expert witness identify the man's signature as genuine.', B. 'bring the original letter into court.', C. 'demonstrate the relevance of the letter.', D. 'present evidence of the authenticity of the letter.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 667:

'Regarding a deposition in a civil suit, which of the following is/are true? I. A deposition of a person against whom another person contemplates filing an action may be compelled by the party contemplating the action, without leave of court, before the action is filed. II. A deposition of the defendant in an action may be taken by the plaintiff without service of a subpoena on the defendant. III. A deposition may be taken even though all the testimony secured by it will be inadmissible at the trial.', A. 'II only.', B. 'I and II only.', C. 'II and III only.', D. 'I, II, and III.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 668:

'A defendant was arrested and charged with involuntary manslaughter for causing a vehicular homicide. A grand jury was convened, and various witnesses were subpoenaed. At the grand jury, a witness was asked the following question by the prosecuting attorney: "Is it not true that 20 minutes after the accident you told the police that the defendant's car went through the red light?" He answered, "Yes. "The defendant was also subpoenaed to appear before the grand jury. The defendant was represented by counsel at the grand jury hearing. During questioning he was shown the witness's statement from his testimony. No objection was made to the introduction of the witness's statement. At the defendant's trial, the prosecuting attorney seeks to introduce into evidence the witness's statement from the deposition taken at the grand jury hearing. The defendant's attorney objects to this proffer of evidence. The objection at trial will be', A. 'granted, because the statement is hearsay not within any recognized exception.', B. 'granted, because the questioning of the witness was leading.', C. 'denied, because the defendant's attorney did not object at the grand jury hearing that the witness's testimony was hearsay.', D. 'denied, because the defendant's attorney did not object at the grand jury hearing that the questioning of the witness was leading.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 669:

'A man was under custodial interrogation as a suspect in the murder of a child. The police initially gave him a written list of his Miranda rights. They told him to read the list out loud, which he did. They then asked him if he understood the right to remain silent and to have a lawyer present and he nodded affirmatively. He refused to sign the writing but did not ask for an attorney. During the next three hours they interrogated him and got few answers; he was largely silent but did respond at times with a "no" or "yes" or a nod of the head. Then one of the detectives asked him if he was ready to ask God for forgiveness for killing the child. His eyes welled with tears and he said "yes." This opened further questioning leading to his admission of guilt. He would not sign a written confession or a waiver of the right to remain silent. He was arrested for murder and moved to suppress the confession. Will the court suppress the confession as being involuntarily given?', A. 'No, the circumstances indicate that he understood that he could stop the questioning and get a lawyer but he did not do so.', B. 'No, whenever a written list of Miranda warnings is given to a suspect and he doesn't ask for a lawyer, this is proof that the suspect fully understands his rights.', C. 'Yes, the confession must be suppressed because he was questioned for over three hours, making anything he said essentially involuntary.', D. 'Yes, the use of religious deception to get a suspect to admit to crime renders the confession involuntary.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: A

Question 670:

'A person who was traveling checked into a hotel for the night. While he was watching television in his hotel room, a thief picked the lock on the hotel room door, entered, hit the traveler over the head, and stole his wallet. The traveler, who suffered a concussion, was hospitalized for three days. The lock on the hotel room door fully complied with a local ordinance that prescribed minimum security standards for hotel locks. If the injured traveler asserts a claim against the hotel for damages for his injury and loss of his wallet, the traveler will', A. 'prevail, if the lock was defectively designed.', B. 'prevail, because he was a business visitor on the hotel's property.', C. 'not prevail, because the thief's act was an intervening cause.', D. 'not prevail, if the hotel used reasonable care in selecting the lock.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 671:

'A graduate from law school had decided against taking the bar exam. Her mother, who had always dreamed of having a child who was a lawyer, told the graduate, "It would mean a lot to me if you at least gave the bar exam a try. Tell you what; if you will devote the next two months to studying for the bar exam and then take the exam, I'll give you \$2,000. And if you pass I'll give you an additional\$2,000. " The graduate replied, "You've got a deal! I'm going to get started studying today!" The graduate's uncle was present when this conversation took place. After the mother had left the room, the uncle said to the graduate, "I want you to know that if anything ever happens to your mother, I'll pay you as per your mother's promise. "The graduate spent the next two months studying diligently for the bar exam. When the graduate returned home after taking the exam, she received the tragic news that her mother had died suddenly. At the mother's funeral, the uncle approached the graduate and told her that he did not believe that he was obligated to pay anything to the graduate. The graduate passed the bar exam and wishes to collect from the uncle. The uncle's promise to the graduate would constitute', A. 'an enforceable promise, binding the uncle as a surety.', B. 'an unenforceable promise, because the graduate's mother had a pre-existing duty to pay the graduate.', C. 'a voidable promise as violative of the statute of frauds.', D. 'a void promise at the time of inception.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 672:

'A 15-year-old boy was sledding down a pathway through a wooded area of land owned by a woman. The boy had frequently used the pathway for sledding in the previous months. The path, made of concrete, led through the woods from a public highway to a pond in the rear of the woman's property. The pathway was used for sledding and the pond for skating by the residents of the neighboring areas, without the consent of the woman. Furthermore, the woman failed to post any signs forbidding trespassing. After the boy had been sledding down the pathway for approximately three hours one morning, he lost control of the sled, and steered it into a tree. The boy suffered serious injuries in the crash. If a suit is brought on the boy's behalf against the woman for the boy's personal injuries, the plaintiff will', A. 'recover, under the "attractive nuisance" doctrine.', B. 'recover, because the woman knew or should have known of the frequent trespasses.', C. 'not recover, because the boy was a trespasser.', D. 'not recover, because a 15-year-old boy should have realized the risk.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 673:

'Collection of a debtor's \$2,000 debt to a creditor was barred by the applicable statute of limitations. The debtor sold and delivered his car to a buyer under a written agreement, signed by the buyer, in which the buyer promised to pay the \$2,000 purchase price to the creditor "in satisfaction of [the debtor's] debt to [the creditor]."' Can the creditor recover the \$2,000 from the buyer?', A. 'No, because payment of the \$2,000 to the creditor would undermine the statutory public policy against enforcement of stale claims.', B. 'No, because the creditor's rights as an intended beneficiary are subject to any defenses available to the contracting parties between themselves.', C. 'Yes, because the buyer's promise to pay \$2,000 to the creditor is enforceable by the creditor regardless of whether the debtor was legally obligated to pay the creditor anything.', D. 'Yes, because the buyer's promise to pay \$2,000 to the creditor revived the uncollectible debt.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 674:

'On February 1, a man conveys his orchard to a gardener, and the gardener duly records the conveyance. The following day, the gardener conveys the property to a landscaper; she does not record her deed. Then on February 4, the gardener executes an identical conveyance of the orchard to a friend. The friend gives the gardener a check for \$100,000 for the property and records the conveyance, even though he has actual knowledge of the prior conveyance to the landscaper. The landscaper, however, records her deed on February 6. The friend then conveys his interest in the farm to an investor, who gives a purchase price of \$115,000 to the friend. On February 5, the investor purchases the farm without notice of the conveyance to the landscaper and duly records the deed. Suppose that the jurisdiction in which the property is located has a pure race statute as their deed recordation law. Under these circumstances, which of the aforementioned parties would ultimately prevail?', A. 'The investor.', B. 'The landscaper.', C. 'The friend.', D. 'The gardener.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 675:

'A federal statute authorizes a federal agency to issue rules requiring that state legislatures adopt laws of limited duration to reduce water pollution from gasoline-powered boat motors. The purpose of these rules is to assist the agency in attaining the clean water standards required by the statute. After the agency issued such rules, several states filed an action challenging the rules on the sole ground that they are unconstitutional. Should the court uphold the constitutionality of the agency's rules?', A. 'No, because the federal government may not compel a state legislature to enact into state law a federally mandated regulatory program.', B. 'No, because the Tenth Amendment grants states immunity from all direct federal states immunity from all direct federal regulation.', C. 'Yes, because the rules serve an important purpose, and the requirements they impose on the states are only temporary and do not excessively interfere with the functioning of the state governments.', D. 'Yes, because the supremacy clause of Article VI requires states to enforce federal law.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 676:

'What kind of damages put the nonbreaching party into as good a position as if the other party had fully performed?', A. 'Nominal', B. 'Punitive', C. 'Rescission', D. 'Compensatory'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 677:

'In 1998, a landowner owned a 30-acre tract located just inside the city. The tract included the family home, a decaying antebellum mansion complete with tennis courts, stables and a smaller second house that was once occupied by tenants who farmed the city. The second house, however, had long been vacant as a result of the economic decay of the surrounding area. Prosperity burst upon the city in 1999, and the landowner began selling acre lots in the tract. By 2006, the landowner had sold 25 acres, retaining five acres that included the antebellum mansion, tennis courts, stables, and the former tenants' house. On May, 19, 2007, the landowner entered into a valid written contract with a buyer. According to the terms of their agreement, the landowner agreed to sell and convey his remaining interest in the tract for a consideration of \$500,000. The land sale contract provided a closing date of November 19, 2007 and stipulated that "time was of the essence." On July 2, 2007, a fire destroyed the antebellum mansion. The landowner had the mansion insured for \$450,000 against fire loss and collected that amount from the insurance company. At the closing on November 19, the buyer tendered a cashier's check for \$50,000 and demanded a deed conveying a fee simple interest in the property. Conversely, the landowner tendered a deed of conveyance and demanded the full purchase price of \$500,000. The buyer refused the landowner's demand. In an appropriate action for specific performance against the buyer, the landowner demanded \$500,000. If the landowner prevails, which of the following is the best rationale for the outcome?', A. 'The fact that the antebellum mansion was insured for \$450,000 is irrelevant.', B. 'The landowner and the buyer each had an insurable interest in the property.', C. 'The doctrine of equitable conversion has been abolished.', D. 'The doctrine of equitable conversion requires such a result.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 678:

'A builder sold a new house to a buyer for use as the buyer's residence. The buyer paid 10% of the purchase price and financed the rest by executing a promissory note and purchase money mortgage to the builder. A year later, the buyer missed several mortgage payments to the builder and became unable to make payments to the builder and became unable to make payments. During that year, property values in the neighborhood declined substantially. The builder suggested that the buyer deed the house back to the builder to settle all claims and avoid the costs and other disadvantages of foreclosure. The buyer deeded the house back to the builder. Does the builder now own fee simple title to the house?', A. 'No, because the deed back to the builder constitutes a disguised mortgage.', B. 'No, because the owner of a personal residence cannot waive the right to foreclosure.', C. 'Yes, because of the doctrine of equitable redemption.', D. 'Yes, because the transaction was reasonable and fair under the circumstances.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 679:

'A landowner conveyed 50 acres of his orchard to a farmer. The deed contained the following covenants:(1) seisin, (2) right to convey, and (3) against encumbrances. When the landowner conveyed the property to the farmer, there was an outstanding mortgage. The farmer took possession, and shortly thereafter, threatened with foreclosure, he paid off the mortgage with interest. The farmer now sues for breach of covenant against encumbrances. The court will most likely allow', A. 'recovery for the amount in principal and in interest thereon from the time of the mortgage payment.', B. 'recovery for only the principal that the farmer paid on the mortgage.', C. 'recovery for the measure of value between the value of the land with and without such an encumbrance.', D. 'no recovery.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 680:

'A college student was walking home from a party. He had been drinking alcohol at the party and was very intoxicated. Local police officers stopped the student and questioned him. When he refused to answer any of their questions, the police put the student in the back seat of a police car. The police left the student in the back seat of the police car for approximately one hour, and then released him. If the student asserts a claim against the police for false imprisonment, he will most likely', A. 'prevail, unless the police made a valid arrest.', B. 'prevail, if he consented to the confinement because he was intoxicated.', C. 'not prevail, because police cannot be held liable for false imprisonment.', D. 'not prevail, because the student suffered no harm.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 681:

'A woman sued a man for personal injuries that she suffered when she was struck by the man's car. The man's car hit the woman as she was walking across the street. Immediately after the accident, the man ran over to the woman and said, "I know I was driving fast, but you weren't paying attention where you were walking. Anyhow, I'm willing to pay all your medical expenses. "At trial, the woman calls an eyewitness to the accident. The eyewitness proposes to testify that he heard the man tell the woman, "I know I was driving fast. " The man's attorney objects. If the eyewitness's testimony is admitted, it will most likely be because the proffered evidence is', A. 'admissible as an opinion.', B. 'admissible as an admission.', C. 'admissible as a present sense impression.', D. 'admissible as a declaration against interest.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 682:

'Billy was charged with grand theft. The trial began on a Thursday afternoon. The jury was empaneled, sworn and released for the day. Since Friday was the Fourth of July, the judge asked the jurors to return on Monday. The trial began again on Monday morning at 8:30. By late evening the judge had instructed the jury. Due to the lateness of the hour, the jurors were sequestered for the evening to allow them to get an early start the next morning. The jurors returned Tuesday morning and were unable to reach a verdict. Unable to reach a verdict, the trial judge allowed the jurors to go home that evening. On Wednesday morning, the jury assembled and returned a verdict of guilty. On appeal, which of the following is Billy's strongest issue for seeking a reversal?', A. 'The fact that the jurors did not begin to consider evidence until several days after they were empaneled.', B. 'The fact that the jury was allowed to go home after being sworn.', C. 'The fact that the jury took several days to return a verdict.', D. 'The fact that the jury was allowed to go home after they began deliberations.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 683:

'A child was playing with a ball in the front yard of his family's home. He accidentally threw the ball too far, and it hit a neighbor's new car. The neighbor was enraged and threatened to kill the child. The child ran inside his house and told his mother what had occurred. Although the child was only mildly upset by the incident, the child's mother was extremely distressed. She suffered an emotional breakdown and needed months of therapy to recover. If the mother sues the neighbor for the mental anguish suffered, she will', A. 'recover, even though she was not present when the threat was made.', B. 'recover, because she would not have suffered the emotional trauma had it not been for the neighbor's threat to her child's life.', C. 'not recover, because she was not present when the threat was made.', D. 'not recover, because the neighbor did not touch her child.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 684:

'After a party where the adults all drank alcohol, with everyone having at least six beers, they started up a game of baseball. The host supplied the bats, balls and gloves. An argument arose at home plate after a controversial call by the umpire, who was inebriated like all of the other participants. The host of the party became enraged at the umpire's decision and hit him in the face, breaking his nose. The umpire pressed charges when he became sober, and the authorities charged the host with criminal battery. At trial, the defense raised the defense of voluntary intoxication, arguing that the host lacked the mentality to form an intent to commit a criminal battery. Will the defense of voluntary intoxication be successful under these facts?', A. 'Yes, criminal battery is a specific intent crime to which voluntary intoxication may be asserted as a defense.', B. 'Yes, voluntary intoxication is always at least a partial defense to any crime that requires mens rea.', C. 'No, the host was grossly negligent in allowing a group of drunk men to play a dangerous game of hardball, which precluded him from the benefit of the defense.', D. 'No, criminal battery in this case is a general intent crime and the defense of voluntary intoxication is not available.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 685:

'A husband and wife own a piece of land as tenants by the entirety. When there were marital problems, wife secretly conveyed her interest in the real estate to her youngest son from a prior marriage so that he would always have a place to live. Wife died and the husband filed to evict his stepson. According to the majority view among the states, can the stepson prevail by asserting his deed from his mother?'. A. 'Yes, the entireties ownership was severed by the valid deed from mother to her son, and son now owns one-half of the property as tenants in common with the husband.'. B. 'Yes, the son became a tenant by the entireties with his mother's husband upon his mother's death.'. C. 'No, the mother's deed was a nullity because the entireties estate can only be broken with the consent of both parties; the husband became the sole fee simple owner on wife's death.'. D. 'No, a mother cannot convey a real estate interest to a son without getting the approval of all of her children.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 686:

'Police received reliable information that a homeowner had a stolen x-brand stereo in his possession. The detectives then submitted an affidavit to a neutral magistrate setting forth sufficient underlying circumstances for the issuance of a search warrant. Making a determination of probable cause, the magistrate issued a warrant for the x-brand stereo at the homeowner's address. The police arrived at the homeowner's dwelling, showed him the warrant, and came inside. In the living room, they noticed a y-brand stereo, which had the serial number removed. Upon further inspection, the police determined that the stereo had been stolen from a local electronics store during a recent burglary. Thereupon, the police placed the homeowner under arrest and instructed him to remain seated in the living room while they searched the rest of the home. One of the officers proceeded to the basement where she found the stolen x-brand stereo. She then decided to search the upstairs and came upon a stolen z-brand stereo in the homeowner's second-floor bedroom. The homeowner was subsequently prosecuted for receiving stolen property. At trial, the homeowner moves to prevent introduction of the stereos into evidence. His motion should be granted with respect to', A. 'the y-brand stereo.', B. 'the z-brand stereo.', C. 'the y-brand and the z-brand stereos.', D. 'none of the stereos.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B. 'the z-brand stereo.'

=====

Answer Option 8:

Final Answer: B. 'the z-brand stereo.'

=====

Answer Option 9:

Final Answer: C

=====

Question 687:

'A fish seller agreed to sell 800 pounds of a very rare sushi to a wholesale buyer. However, the seller agreed with his associate that they would obtain 800 pounds of white fish instead, and tint the white fish with food colors to give it the appearance of the exotic sushi. The real sushi is about 10 times the value of the whitefish. The buyer had signed a contract with the fish seller to purchase the sushi. The seller's associate purchased the white fish and brought it back to seller's fish store to perform the coloring process. When the two men were mixing the colors but before they added it to the fish, an undercover FBI agent who worked on the premises and had recorded some of their discussions, arrested them for conspiracy and attempted criminal fraud. The accused filed a motion to dismiss the attempted fraud charge, arguing that they had not gone far enough for an attempt under the general principles of criminal attempt. Considering those principles, is the trial court likely to grant the motion to dismiss the attempt charge?', A. 'Yes, because the law of attempt requires more substantial action toward the completion of the crimes than the accused men accomplished under these facts.', B. 'Yes, because the fish would have to be delivered to the buyer and payment received from him for there to be a completed attempt.', C. 'No, because the act of purchasing the fish and taking it to seller's facility with the criminal intent to color it is sufficient proof of criminal attempt to allow the case to go to the jury.', D. 'No, because the agreement to commit criminal fraud by the two co-conspirators, combined with the act of mixing the colors, constituted sufficient proof of an attempt to commit the crime.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 688:

'A man who owned a business believed that one of his employees was stealing computer equipment from the business. He decided to break into the employee's house one night, when he knew that the employee and her family would be away, to try to find and retrieve the equipment. The man had brought a picklock to open the employee's back door, but when he tried the door, he found that it was unlocked, so he entered. As the man was looking around the house, he heard sounds outside and became afraid. He left the house but was arrested by police on neighborhood patrol. What is the man's strongest defense to a burglary charge?', A. 'The back door to the house was unlocked.', B. 'The burglary was abandoned.', C. 'The house was not occupied at the time of his entry.', D. 'The man did not intend to commit a crime inside the house.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 689:

'A very drunk man was sitting in a bar drinking. A businessman customer came and sat beside him. They did not know each other. The businessman had slightly grazed against the drunk man's body. "Man, are you trying to kill me or something?" said the very drunk man. The businessman did not think anything of it, since he had barely grazed the drunkard. The drunk continued to bully the businessman, calling him made-up names, and saying things that were nonsensical to the businessman and to others at the bar who were listening to the drunk's boisterous and irrational rants. The drunk then took a gun out of his pocket and shot the businessman, killing him. At trial, the defense argued that the man could not form the specific intent to premeditate for first degree murder. Which of the following crimes is the defendant most likely guilty of under these facts?', A. 'Voluntary Manslaughter', B. 'First Degree Murder', C. 'Second Degree Murder', D. 'Involuntary Manslaughter'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 690:

'A person owned property next to a highway. After raking leaves on his property into a large pile, the landowner loaded the leaves into several large metal barrels so that he could burn the leaves. Before starting the fire, the landowner telephoned the local weather bureau to determine which direction the wind would be blowing. Because a highway was located on the southern edge of his property, he was aware that it would be unsafe to burn the leaves if the wind was blowing in that direction. The weather bureau, however, indicated that the wind would be gusting in a northerly direction. Shortly after the landowner set the leaves on fire, the wind current unexpectedly shifted and started gusting in a southerly direction. As a consequence, the smoke and ashes blew over the highway, resulting in poor visibility. Moments later, a motorist was driving his automobile on the highway in a westerly direction. The posted speed limit was 45 m. p. h. , although the driver was traveling about 55 m. p. h. The driver could not see the highway clearly and crashed his vehicle into a median strip. If the driver asserts a claim against the landowner, the most likely result is', A. 'the landowner will prevail, because the driver was driving in excess of the speed limit.', B. 'the landowner will prevail, if his decision to burn the leaves was reasonable under the circumstances.', C. 'the driver will prevail, if the smoke from the burning leaves prevented him from clearly seeing the roadway.', D. 'the driver will prevail, because the landowner will be strictly liable for causing the accident.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 691:

'A 10-year-old girl decided to go sledding during a heavy snow and ice storm. She planned to go sledding down Hill Street, a steep and winding thoroughfare. Hill Street, which was located around the corner from the girl's home, was a popular sledding site because of its precipitous incline. The girl's parents had given her permission to sled down Hill Street. On the way to Hill Street, the girl met a classmate, who was 12, and asked if she wanted to join her. The classmate agreed, and the two girls walked to the top of Hill Street together. There, the youngsters mounted the sled. The girl was sitting in front and controlling the steering mechanism while the classmate was behind her. They started their descent at a relatively good speed. As they were about halfway down the road, they approached the intersection of Hill Street and Maple Drive. A driver, who was driving his car along Maple Drive, entered the intersection at the same time as the girls on the sled. When the classmate saw the driver's auto cross into their path, she shouted to the girl to fall off the sled. The girl became frightened and refused to jump off. Just before the sled collided with the car, the classmate pushed the girl off the sled. Her push caused the girl to fall and break her leg. The classmate couldn't get off the sled in time and was struck and injured by the driver's car. If the girl's parents, on behalf of their daughter, assert a claim against the classmate to recover damages for the girl's broken leg, will they prevail?', A. 'No, if the classmate believed that the girl was in imminent peril when she pushed her off the sled.', B. 'No, unless the classmate acted unreasonably when she pushed the girl off the sled.', C. 'No, if the driver was driving negligently.', D. 'No, because the classmate had the girl's implied consent to act in an emergency.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 692:

'A manufacturer of electric motors formerly produced motors that utilized as a coolant a chemical substance that was later discovered to be highly toxic. During its manufacturing operations, the manufacturer negligently allowed quantities of this substance to leak into the soil. The Environmental Protection Agency (EPA) ordered that the premises, now owned by an appliance repair shop, be decontaminated. This order, and the subsequent cleanup efforts, received a high level of attention in the local media. An employee of the appliance repair shop has sued the manufacturer in negligence for damages for emotional distress. The employee claims to have suffered the distress as a consequence of learning that she has been exposed for five years, while employed by the appliance repair shop at the premises affected by the EPA order, to the toxic contamination that has existed there. Her complaint does not allege that her emotional distress is severe, that the manufacturer's conduct was extreme and outrageous, or that she has suffered any physical consequences. In that action the manufacturer has filed a motion to dismiss for failure to state a claim upon which relief may be granted. What is the manufacturer's best argument in support of that motion?', A. 'The repair shop employee's emotional distress is not alleged to be severe.', B. 'The complaint does not allege that the manufacturer's conduct was extreme and outrageous.', C. 'The complaint does not allege that the repair shop employee suffered any physical consequences.', D. 'The repair shop employee's proper remedy is in a claim against the repair shop, the occupier of the premises during the period of her alleged exposure.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 693:

'A woman needed to have her microwave repaired. She contacted the local handyman, who said he could repair the microwave for \$100. The woman readily agreed and delivered the microwave to the handyman, who promised to have it ready in two weeks. One week later, the handyman realized that he had so much work to do that he would not be able to repair the microwave on time. He then took the microwave to a repair store. The repair store agreed to repair the microwave for \$80 within one week. The owner of the repair store that contracted with the handyman was unaware that the woman actually owned the microwave. If the repair store fails to repair the microwave, which of the following is the most accurate statement?', A. 'The woman has a cause of action against the repair store only.', B. 'The woman has a cause of action against the handyman only.', C. 'The woman has a cause of action against both the repair store and the handyman.', D. 'The woman has no cause of action against either the repair store or the handyman.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 694:

'A defendant was arrested for the armed robbery of a liquor store. The defendant was taken directly from the scene of the crime in a patrol car to the police station where he was placed, still handcuffed, in an interview room. He waited for about an hour, and a detective finally came in. The detective gave the defendant his Miranda warnings, and the defendant agreed to sign the waiver and speak to the detective. The defendant then confessed to the robbery. Which of the following allegations would be LEAST helpful in suppressing his statement?', A. 'Before the defendant gave the statement he was refused permission to use the bathroom.', B. 'The defendant had a private lawyer on retainer at the time he gave his statement.', C. 'The defendant's arrest was not based on probable cause.', D. 'The defendant could not speak English, and the warnings were given in English.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 695:

'Seller has a contract that specifies a delivery point. What kind of a contract is this?', A. 'F.A.S. Contract', B. 'Destination contract', C. 'Shipment contract', D. 'F.O.B. Contract'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 696:

'On his 21st birthday, a son enlisted in the army. As he was about to leave for eight weeks of basic training, his father said, "I will buy you a new car at the end of basic training if you promise me not to take illegal drugs or drink alcohol while at basic training. " The son replied, "You can order the new car right away. I promise not to take illegal drugs or drink alcohol, as you requested. "At the end of basic training, the son was given a leave and returned home. His father asked, "Did you abide by your promise not to take illegal drugs or drink alcohol?" The son replied, "Yes, Father. " The father then told the son that he had already ordered the new car and that it would be available for delivery within one month. One week later, the son received the tragic news that his father had died suddenly. At the funeral, the executor of the father's estate told the son that he did not feel compelled to give the son the newly arrived car. In a suit against the executor of the father's estate to recover the new car, the son will', A. 'succeed, because the son's promise to refrain from drinking alcohol provided sufficient consideration.', B. 'succeed, because the son's promise to refrain from taking illegal drugs and drinking alcohol provided sufficient consideration.', C. 'not succeed, because the father's promise was only a conditional gift.', D. 'not succeed, because the father's promise was void.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 697:

'On August 1, a mother hired a photographer to take a series of photographs of her two-year-old daughter. The written contract called for the photographer "to produce a minimum of six acceptable photographs by August 15. " In exchange, the photographer was to be paid \$200. Which of the following is the LEAST accurate statement with regard to the photographer's taking of the photographs?', A. 'By entering into the contract as written, the photographer assumed the risk that the mother would fail to cooperate in arranging for the taking of the photographs.', B. 'The mother was under an implied duty to act in good faith to reasonably cooperate with the photographer in arranging for the taking of the photographs.', C. 'An implied condition of the photographer's duty of performance was that the mother reasonably cooperate in arranging for the taking of the photographs.', D. 'The mother's refusal to cooperate reasonably in arranging for the taking of the photographs would excuse the photographer from further obligation under the contract and also give the photographer a right of action against the mother for breach of contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 698:

The owner of a soon-to-open resort complex entered into an agreement with an electrician to install lighting fixtures on the walking paths located on the resort property. The contract stipulated that the work had to be completed by December 1 (the anticipated opening date for the resort), and that the electrician would be paid \$5,000 upon completion of the job. Before accepting the job, the electrician had inspected the property and determined that 500 lighting fixtures would be needed to adequately light the pathways. By November 15, the electrician had installed 150 lighting fixtures. That evening, the owner inspected the property and discovered that the lighting fixtures installed by the electrician did not provide adequate lighting. The next day, the owner immediately discharged the electrician and hired a lighting specialist to complete the installation work at \$20 per fixture. The lighting specialist installed the remaining 350 fixtures, completing the work on December 1. The electrician filed suit against the owner. If it is determined that the owner was legally justified in discharging the electrician, which of the following is the electrician's proper measure of recovery?, A. '\$7,000. 00', B. '\$3,500. 00', C. 'Quantum meruit for the reasonable value of his services rendered in installing the 150 fixtures.', D. 'Nothing, because the electrician did not complete performance of the entire job.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 699:

'A rancher owned a 2,000-acre cattle ranch in a remote section of the state. For some time the rancher's cattle had been seized upon by roaming packs of wolves. In order to protect his livestock from these attacks, the rancher erected a fence around his property. In addition, the rancher installed electrical wiring on the fence. The wiring transmitted an electric current, which would emit a shock upon contact with the fence. Although the voltage was calculated to frighten animals away from the fence, it was of such low intensity that it posed no risk of injury to a human being, even a small child. Consequently, the rancher did not post any notice of the electrical wiring device. One day, a cowboy was riding his horse along the outskirts of the rancher's property, when a gust of wind blew his hat onto the fence. The cowboy, who had undergone major heart surgery, wore a pacemaker. When the cowboy touched the top of the fence to retrieve his hat, the electric current short- circuited his pacemaker, resulting in the cowboy's death by electrocution. In a wrongful death action by the cowboy's estate against the rancher, the installation of the electrical wiring device would most likely constitute', A. 'the legal cause of the cowboy's death, but not the cause-in-fact.', B. 'the cause-in-fact of the cowboy's death, but not the legal cause.', C. 'the legal cause and the cause-in-fact of the cowboy's death.', D. 'neither the legal cause nor the cause-in-fact of the cowboy's death.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 700:

'Congress enacts a statute that makes Pennsylvania Avenue a one-way street. Congress has enacted the statute solely for the purpose of enabling members of Congress to travel back and forth to the Capital without being tied up in heavy traffic each day. Before Congress enacted this law, the Washington, D. C. , City Council had previously passed an ordinance designating Pennsylvania Avenue as a two-lane street. Which of the following is the most accurate statement regarding the constitutionality of the federal statute designating Pennsylvania Avenue a one-way street?', A. 'It is valid because Congress has exclusive power over the District of Columbia.', B. 'It is valid because it is a proper exercise of Congress's enumerated property power.', C. 'It is invalid because the Washington, D. C. , City Council has exclusive power over the public thoroughfares within the District of Columbia.', D. 'It is invalid because it is a discriminatory burden on interstate commerce.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 701:

'A state imposes a graduated income tax upon net income calculated under federal law. Section 22 of the city's reform act of 2010, which is to become effective on January 1, 2010, provides: "Any parent or guardian financially responsible for the education of his ward may claim a direct tax credit against his income tax liability equal to the amount of tuition of a child or children of high school age who does not attend a public high school. " Other provisions define "tuition" very broadly but limit the credit to tuition paid to schools meeting the educational requirements as determined by the state. On December 1, 2009, the parents of two students who attend a public high school in the state sue for a declaratory judgment and injunction in federal court, claiming that Section 22 violates the establishment clause of the First Amendment. The federal court will most likely', A. 'dismiss the action, because the suit involves a political question.', B. 'dismiss the action, because the plaintiffs lack standing as taxpayers.', C. 'dismiss the action, because the issues are not ripe.', D. 'dismiss the action, because the issues being litigated are moot.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C.

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C. 'dismiss the action, because the issues are not ripe.'

=====

Question 702:

'A defendant was arrested and charged with conspiracy to receive stolen property. At his arraignment, the defendant was represented by counsel. He was then released after posting bond. Following his release, the defendant resumed his job as a bartender at a local bar. Three weeks before the defendant's scheduled trial, an informant entered the bar. After a few drinks, the informant began conversing with the defendant, who was on duty at the time. Unknown to the defendant, the man was a paid police informant. During the course of their conversation, the informant told the defendant that he had read about his arrest in the newspapers and questioned the defendant about the names of his accomplices. Unsuspectingly, the defendant made some admissions, which the informant then passed on to the prosecuting attorney. At trial, the prosecution tried to introduce into evidence the defendant's admissions. The defendant's motion to exclude this offer of proof will most likely be', A. 'denied, because the defendant's statements were voluntary.', B. 'denied, because the defendant assumed the risk that his confidence in the informant was not misplaced.', C. 'granted, because the defendant's Sixth Amendment right to counsel was violated.', D. 'granted, because the defendant's Fifth Amendment privilege against self-incrimination was violated.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 703:

'A farmer conveyed 100 acres of his farm to a landscaper. The deed contained the following covenants: (1) seisin, (2) right to convey, and (3) against encumbrances. Subsequently, the landscaper conveyed the property to a buyer by warranty deed. However, the buyer is later evicted by a woman because of paramount title. The buyer now brings suit against the farmer for breach of covenants in the deed.

Judgment should be for', A. 'the buyer, because the covenants contained in the deed run with the land.', B. 'the farmer, because no privity of estate exists between the buyer and the farmer.', C. 'the buyer, but only for the covenants of seisin and right to convey.', D. 'the farmer, because the covenants are personal in nature and do not run with the land.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 704:

'A new gang member, hoping to impress the gang's leader, pointed a gun at a pedestrian and ordered her to give him her expensive watch, which she did. The gang member then tossed the watch to the gang leader, who was standing nearby. Although totally surprised by this act, the gang leader put the watch in his pocket. The pedestrian ran away. What crime did the gang leader commit?', A. 'Accessory after the fact to robbery.', B. 'Accomplice to robbery.', C. 'Conspiracy to commit robbery.', D. 'Receiving stolen property.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 705:

'An investor owned a four-story office building located in downtown. The building was old and badly in need of renovation. To finance the improvements, the investor borrowed \$125,000 from his friend. As consideration for the loan, the investor executed a promissory note for \$125,000 payable to the friend in one year and secured by a mortgage on the building. The mortgage was dated January 1, and was recorded January 2. Thereafter, on February 1, the investor executed a deed absolute on the building and named the friend as grantee. This deed, although absolute in form, was intended only as additional security for the payment of the debt. In order to make judicial foreclosure unnecessary and to eliminate the right to redeem, the investor then delivered the deed to his nephew in escrow with instructions to deliver the deed to the friend if the investor failed to pay his promissory note at maturity. On January 1 of the following year, the investor failed to pay the note when it came due. Thereupon, the nephew, in accordance with the escrow instructions, delivered the investor's deed on the office building to the friend, which the friend promptly and properly recorded. Two weeks later, the investor tendered the \$125,000 indebtedness to the friend. When the friend refused to accept it, the investor brought an appropriate action to set aside and cancel the deed absolute and to permit the redemption of the building from the friend. Conversely, the friend counterclaimed to quiet title and argued that the deed absolute was intended as an outright conveyance upon default. The court should enter a judgment that will grant the relief sought by', A. 'the investor, but only if the investor can establish that the mortgage takes precedence over the deed absolute because it was executed earlier in time.', B. 'the investor, because the deed absolute did not extinguish his right of redemption.', C. 'the friend, because the deed absolute effectuated an outright conveyance that extinguished the redemption interest sought to be retained by the investor.', D. 'the friend, because the investor is estopped to deny the effect of the deed absolute in conjunction with the escrow arrangement.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 706:

The owner and operator of a pizza restaurant entered into a written contract with an employee that provided that the employee would be employed as manager of the restaurant for a period of three years. The contract provided that the owner was to pay the employee a salary of \$2,000 per month, payable one-half to the employee and one-half to the employee's elderly mother. The contract further stipulated that "the monies due hereunder shall not be assignable. "When the mother learned of this contract, she wrote a letter to the owner stating, "Kindly pay the amounts due me under your contract with my son directly to the nursing home, where I am presently a patient. " During the first year of the contract, the owner paid \$1,000 per month to the employee and \$1,000 per month to the nursing home. After one year, another pizza restaurant opened across the street, creating competition. During the next few months, business steadily declined. As a result of the loss in business, the owner informed the employee that unless he agreed to take a cut in his salary, the employee would be fired. Reluctantly, the employee orally consented to a salary reduction of \$500 per month. By the terms of their oral agreement, the owner promised to continue to pay \$1,000 to the employee, but to pay only \$500 per month to the nursing home. If the nursing home brings suit against the owner for breach of contract, who is most likely to prevail?', A. 'The owner, because the mother's assignment to the nursing home was void as violative of the anti-assignment clause.', B. 'The owner, because the agreement between the owner and the employee reduced the owner's obligations to the nursing home.', C. 'The nursing home, because the mother's assignment would be enforceable despite the agreement between the owner and the employee.', D. 'The nursing home, because the mother's gratuitous assignment was irrevocable.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 707:

'A defendant was arrested and prosecuted for the crime of false pretenses. At trial, the defendant testified that she prophesied the victim's imminent death. The defendant admitted that she told the victim she could save him if he brought a large sum of money wrapped in a handkerchief to a ritual. After the ritual, the defendant returned the handkerchief to the victim filled with waste paper rather than the money. After the defendant was convicted of false pretenses, she moved for a new trial and offered the affidavits of several jurors who sat on the case. An affidavit containing which of the following facts will most likely furnish the defendant's best basis for securing a new trial?', A. 'A juror misunderstood the judge's instructions regarding the burden of proof.', B. 'A juror, in violation of the court's instructions, read a newspaper article implicating the defendant in several other similar schemes.', C. 'A juror fell asleep during defense counsel's closing argument.', D. 'A juror admittedly stated during deliberations that he had a personal animosity toward the defendant.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 708:

'A city was growing rapidly and becoming a major tourist area because of its warm climate and proximity to the ocean. A businessman, anticipating a continued financial boom, purchased an expensive corner lot, which he planned to convert into an exclusive resort hotel. The businessman hired a builder to perform the construction work according to architectural guidelines provided by the businessman. It was anticipated that construction would take approximately six months. During this time, the builder dug a large hole and worked with heavy equipment inside the excavation site, leveling the terrain and building the foundation. The builder also erected a large wall along the sidewalk, which encircled the entire corner. The wall, which was negligently constructed, was made of thinly cut wood nailed together in sections and affixed just under the base of the sidewalk next to the excavation. Early one morning, a pedestrian was walking past the construction site on his way to work. As he was rounding the corner, the pedestrian saw a jogger approaching. When they drew even, the jogger accidentally brushed against the pedestrian with the swing of her arms. The pedestrian fell into the wall, which gave way, and he fell into the hole below. The pedestrian suffered serious injuries from the fall. If the pedestrian sues the businessman for the personal injuries he suffered in his fall, the most likely result is that the pedestrian will', A. 'recover, because the businessman is liable for permitting a dangerous condition to exist along an area of public use.', B. 'recover, under the doctrine of respondeat superior.', C. 'not recover, because the builder was an independent contractor.', D. 'not recover, because the jogger caused the pedestrian to fall into the wall.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 709:

'A man owned a piece of land with a run-down log cabin on it. He lost interest in it, letting tax bills pile up and failing to maintain it. In 1990, a homeless couple occupied the crumbling cabin. They restored it, fenced the perimeter, and maintained the grounds. They started paying the taxes, despite knowing there was an absentee owner. In 2000, the owner appeared and demanded that they pay rent. They agreed but stopped the payments two years later after consulting an attorney. The required statutory period in the state is 20 years. In 2011 the owner filed an ejectment action, asserting his ownership rights.

Leaving aside any other theories or equities, can the couple prevail on a theory of adverse possession?', A. 'Yes, because they were on the land for over 20 years.', B. 'No, because they missed some of the tax payments during that 20-year period.', C. 'No, because the hostile possession was interrupted for two years when they paid rent.', D. 'Yes, because they owned the property due to paying the taxes on it.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 710:

'A state's attorney was convicted in federal court of taking bribes to drop charges against an oil company. He was sentenced to probation. The state's attorney had served long enough to become fully qualified for his pension upon retirement. The state's attorney retired and immediately started receiving monthly pension checks. Subsequently, the governor signed into law a statute which provided in part:"Section 8. Any member of the state attorneys staff who is convicted of . . . bribery . . . shall not beentitled to receive any retirement or other benefit or payment of any kind from the state . Such conviction shall be considered a breach of the staff member's employment contract. "Following the enactment of the statute, the state's attorney received a letter from the state which stated they are immediately discontinuing pension benefit payments to him on account of his bribery conviction. The state's attorney contacted an attorney, who challenged the discontinuance of benefits on the grounds that the new law was unconstitutional. In order to reinstate the state attorney's pension on the grounds that the statute is unconstitutional, the attorney's strongest argument would be that', A. 'the state attorney was retroactively punished.', B. 'the statute is an ex post facto law', C. 'the supremacy clause invalidates the state law, because there is federal legislation regulating pension and profit sharing plans.', D. 'the statute has a chilling effecton legislators' rights to freely discuss pending bills with members of their staff.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 711:

'A defendant is arrested and charged with shoplifting. He claims that he intended to pay for the item he took and requests an attorney and a jury trial. Both requests are denied by the judge, and the defendant is found guilty. The maximum penalty for shoplifting is a \$500 fine and six months in jail. The defendant is sentenced to three months in jail, which he is allowed to serve on weekends in the county detention center. The defendant claims that his constitutional rights have been violated. Is he correct?', A. 'No, because his actual sentence was only three months.', B. 'Yes, because the defendant was denied the right to counsel.', C. 'Yes, because the defendant was denied the right to a jury trial.', D. 'Yes, because the defendant was denied both the right to counsel and the right to a jury trial.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 712:

'Mort bought a property with a small rental home on it. The next door neighbor, Tony, shared a concrete driveway that ran between the two houses but was entirely on Mort's side of the property line. Tony had been using the driveway for the past 25 years, during which time three different owners bought and sold Mort's house. When Mort applied to refinance his loan, his appraiser found an old survey showing the accurate property boundaries. Upset, Mort filed a suit against Tony for trespass. What is the likely result?', A. 'Mort will prevail in an action for trespass, because Tony's use wasn't "hostile."', B. 'Mort will prevail because Tony's use wasn't "open and notorious," since it was not widely known that he was on Mort's property.', C. 'Tony will prevail if he used the driveway for the statutory period.', D. 'Tony will prevail because the easement was due to necessity.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 713:

'One afternoon after school, a 14-year-old girl went into a drug store. While browsing, she picked up a candy bar and placed it in her coat pocket. She left the store without paying for it. Unknown to the girl, the store security guard saw what she had done. He immediately ran outside, grabbed her arm, and accused her of stealing the candy bar. The girl broke down and started crying. She then told the security guard that she was hungry because she hadn't eaten any lunch. At a juvenile delinquency court hearing, the security guard proposes to testify to what the girl said. Upon objection by the girl's attorney, the strongest reason for admitting her statement will be because', A. 'Miranda warnings need not be given to juveniles.', B. 'the security guard's remark was an accusation, not an interrogation.', C. 'the security guard was not employed by an agency of the government.', D. 'the girl was not in custody.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 714:

'A patient went to a doctor for treatment of an abnormal growth on the back of her right shoulder. Under a written contract, the doctor agreed to surgically remove the growth for \$750. As agreed, the surgery was performed on an outpatient basis at the doctor's office. He applied a localized anesthesia that enabled the patient to remain conscious during surgery. While the operation was being performed, the doctor noticed a brown mole on the patient's back. As the doctor subsequently recalled, he informed the patient about the mole and asked whether she wanted it removed as well. According to the doctor's account, the patient orally agreed to have the mole removed for an additional \$150. The patient has no recollection of any such oral agreement. The doctor performed both removal procedures satisfactorily. Following the surgery, the patient paid the doctor \$750, but refused to pay any additional money for the mole removal. After unsuccessfully attempting to collect the \$150, the doctor brought suit against the patient to recover the additional fee. At trial, the patient objected to the introduction of testimony concerning any oral agreement made during surgery. Which of the following considerations is most important to a judicial ruling on the patient's objection?', A. 'The doctor's removal of the mole conferred a clear benefit on the patient.', B. 'The proffered oral agreement regarding payment of the additional \$150 occurred after the written agreement had been signed.', C. 'The written agreement was for services rather than the sale of goods.', D. 'The proffered oral agreement regarding payment of the additional \$150 concerned a new medical procedure that was unrelated to the subject matter of the prior written contract.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 715:

'A tenant's four-year old daughter fell from a second-floor outdoor stairway at their apartment building. The tenant sued the landlord for negligent construction and maintenance of the stairway, steps, and railing. The stairs were built on a dangerously steep incline, the steps were loose, and the railing was insufficient to keep the baby from falling over the side. The jury found that the landlord was negligent in the design and construction of the stairs and in failing to maintain the stairs, steps and railing in a safe condition. The landlord appealed on the basis of immunity from suit and the failure of the tenant to assert any exception to landlord immunity. Under the modern rule, will the appellate court affirm the jury's verdict against the landlord?'. A. 'Yes, the landlord is strictly liable for the abnormally dangerous condition that he knowingly allowed to exist.'. B. 'Yes, the modern rule is that the landlord, like anyone else, has a duty to use due care to protect its tenants and others from injury caused by a foreseeable risk of harm.'. C. 'No, because the landlord still enjoys the common law protection of the doctrine of "lessee beware," and residential property is generally still rented "as is."'. D. 'No, because a landlord cannot be held liable for negligent design or maintenance, even under the modern rule.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 716:

'A state has enacted a party affiliation statute prohibiting a person from being an independent candidate in a general election if she had either (1) registered with a political party during the year prior to the immediately preceding primary, or (2) voted in that primary. The state adopted the so-called "disaffiliation" statute in order to have intraparty feuds resolved in primary elections rather than in the general election. Moreover, the state's elections director strongly supported the law and argued that it was necessary to avoid voter confusion and to ensure that the general election winner received a majority. A man, who was a registered Democrat in 2008, now wishes to run as an independent candidate in the November, 2009, general election. However, the elections director ruled that his candidacy violated the state's "disaffiliation" statute and barred him from appearing on the ballot. If the man files suit in federal district court challenging the constitutionality of the state's election statute, which of the following best states the burden of persuasion?', A. 'The state must demonstrate that the law is necessary to further an important state interest under equal protection analysis.', B. 'The state must demonstrate that the law is necessary to further a compelling state interest under fundamental rights analysis.', C. 'The man must demonstrate that the law is not rationally related to any legitimate state interest under fundamental rights analysis.', D. 'The man must demonstrate under fundamental rights analysis that the state has less restrictive alternative means available for independent candidates to get a ballot position.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 717:

'On January 1, a seller entered into an agreement of sale to convey his farm to a buyer. According to the contract, settlement (or closing) was to take place on March 1 of the same year. On January 20, a barn on the property was destroyed by fire. When the buyer was notified of the loss the following day, he contacted the seller and told him that the deal was off because of the fire. As a result, the buyer filed suit against the seller on January 25 for a refund of his down payment of \$5,000. In his suit, the buyer will be unsuccessful and will be obliged to complete the contract if the court determines that on January 20', A. 'the buyer held the legal title to the farm.', B. 'the seller held the legal title to the farm.', C. 'the buyer held the equitable title to the farm.', D. 'the seller held the equitable title to the farm.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 718:

'Under the authority of a federal voting rights statute, some states drew congressional districts in a manner calculated to increase the likelihood that members of historically disadvantaged minority racial groups would be elected. The U.S. Supreme Court declared these districts to be unconstitutional, as improper racial gerrymanders. In response to this ruling, Congress passed a new statute that explicitly denies the Supreme Court appellate jurisdiction over all future cases challenging the constitutionality of action taken under the authority of the federal voting rights statute. Which of the following is the most persuasive argument for the constitutionality of the new statute restricting the Supreme Court's appellate jurisdiction?', A. 'Article III of the Constitution explicitly states that the Supreme Court's appellate jurisdiction is subject to such exceptions and regulations as Congress shall make.', B. 'The constitutional principle of separation of powers authorizes Congress to pass statutes calculated to reduce the effects of Supreme Court decisions that interfere with the exercise of powers that have been delegated to the legislative branch.', C. 'The establishment and apportionment of congressional districts directly affect interstate commerce, and the Constitution authorizes Congress to use its plenary authority over such commerce for any purpose it believes will promote the general welfare.', D. 'The Fifteenth Amendment authorizes Congress to enforce the amendment's voting rights provisions by appropriate legislation, and Congress could reasonably determine that this restriction on the Supreme Court's appellate jurisdiction is an appropriate means to that end.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 719:

'A businessperson sent his employee, an administrative assistant to represent him at a conference where business deals are often negotiated. The principal gave the assistant all of the materials to set up a table with the principal's cards, brochures, promotional materials, price lists and even some order forms with businessperson's logo on them. In addition, the assistant represented to third parties that she was there officially representing the principal and that she was authorized to execute contracts on his behalf. The assistant negotiated a deal for the businessperson with a third party, which the businessperson refused to honor because he did not like the terms that were negotiated. Will the third party likely prevail in enforcing the contract against the businessperson?', A. 'Yes, because the furnishing of the indicia of authority to act to the employee was sufficient proof to bind the principal.', B. 'Yes, because the principal is bound to the employee's actions whenever he sends an employee to attend a convention on his behalf.', C. 'No, because people dealing with an assistant at a convention have a duty to determine whether that person is in fact an authorized agent.', D. 'No, because the technological revolution makes it easy these days for a potential customer to first confirm the existence of actual authority.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 720:

'A writer owned a building in a city. This was the only piece of real estate that the writer owned. The three-story building had a store on the ground floor and apartments on the other two floors. The writer entered into a leasehold agreement with a shopkeeper, who would lease the first floor, where she planned to open a sporting goods store. After identifying the parties, the operative words of the lease were as follows: "Landlord hereby agrees to lease for the three years the first floor of his building in the city to tenant, reserving unto said landlord annual rental in the sum of \$12,000 payable in advance in monthly installments of \$1,000. "At the moment of signing, the leasehold agreement entered into between the writer and the shopkeeper', A. 'created a periodic tenancy.', B. 'could be terminated at will by either party.', C. 'did not convey to the shopkeeper a term of years at law.', D. 'was void, invalid, and had no legal effect.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 721:

'In a large city littering is always a problem. The state anti-littering statute forbids throwing trash and other matter from any vehicle onto the public roads. It's a summary offense carrying a \$50 fine and no imprisonment. On the third offense, the fine is \$500 and there is a 5-day jail sentence. The statute does not mention any requirement of criminal intent. John and his family are coming back from a weekend picnic when his children throw bags of refuse and the remains of their lunch out of the rear window of the moving vehicle. John is stopped and given a \$50 ticket. Can he succeed with a defense that he didn't know what his children were doing and that he had no criminal intent to break any laws?', A. 'No, because this is likely a strict liability law that does not provide for defenses based on mental state.', B. 'Yes, because he didn't know what his children were doing in the back seat and he had not participated in the violation nor did he know that they did it or were going to do it.', C. 'Yes, because the police have no way of proving who in the car threw the garbage out the window.', D. 'No, because his criminal intent is clearly established by the circumstances of the events.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 722:

'An elderly woman underwent major surgery and spent two weeks in the hospital. The woman continued to take powerful pain medication for several weeks after she returned home. During her recovery, she offered to sell her car for \$450 to her neighbor, who owned a house-cleaning service. The neighbor said, "That's great! I need a car to transport all the people who work for me to their job sites." In fact, the woman's car was worth \$3,000, and the neighbor knew this. He was also aware that the woman had undergone surgery and noted that she seemed "out of it" because of the medication she was taking. Several days later, the woman's son found out about the deal and contacted the neighbor, telling him that the woman would sell him the car, but for \$3,450. The next day, when the neighbor tendered \$450 and demanded that the woman give him the car, she refused. If the neighbor sues the woman for breach of contract, will he be likely to prevail?', A. 'No, because the contract was voidable due to the woman's apparent incapacity.', B. 'No, because the woman put nothing in writing.', C. 'Yes, because the neighbor's reliance on the otherwise voidable contract made it enforceable.', D. 'Yes, because the woman's offer and the neighbor's acceptance created an enforceable contract.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 723:

'A state has the following homicide statute in effect: "Whoever, purposely and with premeditated malice, or in the perpetration of, or attempt to perpetrate a rape, arson, robbery, burglary, or any other felony dangerous to human life, kills any human being, is guilty of murder in the first degree, and, on conviction, shall suffer death or be imprisoned in the state prison for life; Whoever maliciously but without premeditation kills any human being, is guilty of murder in the second degree, and, on conviction, shall be imprisoned in the state prison for life; Whoever unlawfully kills any human being without malice, express or implied, either voluntarily upon a sudden heat or involuntarily, but in the commission of some unlawful act, is guilty of manslaughter, and on conviction, shall be imprisoned in the state prison not less than two years nor more than 20 years. "A man is having an affair with a married woman. The husband finds out about his wife's relationship with the man. The next day, the husband sees the man walking down the street. Enraged by the man's relationship with his wife, the husband pulls out a gun and shoots the man, killing him. The husband is subsequently arrested and prosecuted under the homicide statute for killing the man. At trial, the husband's attorney attempts to introduce evidence that at the time the husband shot the victim, he was intoxicated. Upon objection by the prosecuting attorney, the evidence is', A. 'admissible.', B. 'admissible, but the jury must be cautioned that it does not pertain to manslaughter.', C. 'admissible, but the jury must be cautioned that it does not pertain to felony murder or seconddegree murder.', D. 'not admissible.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 724:

'A young boy was one of the players on a little league baseball team. The boy's father hated the coach because he rarely gave his son any playing time. The boy was mostly a benchwarmer who played only an inning or two during the game. One night, the father hid behind some shrubbery in front of the coach's home. Armed with a baseball bat, the father intended to break the coach's kneecaps when he came home from work. A man, who resembled the coach, was walking down the street. The father mistakenly believed that this man was the coach. The father jumped out of the bushes and hit the man in the kneecaps with the baseball bat. The man, who was a hemophiliac, died as a result of the injuries suffered in the beating. The father is', A. 'guilty of attempted murder of the coach and the murder of the man.', B. 'guilty of attempted murder of both the coach and the man.', C. 'guilty of attempted manslaughter of the coach and murder of the man.', D. 'guilty of attempted battery of the coach and murder of the man.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 725:

'A man told his neighbor, "If you will mow my lawn, I will pay you \$50. " The neighbor then purchased gasoline for the mower so he could mow the lawn. The neighbor wheeled his lawn mower to the man's property and started the engine. At that moment, the man suddenly yelled, "I hereby revoke my offer. "If the neighbor thereafter mows the man's lawn, will he recover the \$50?', A. "Yes, because there was an offer for a unilateral contract that became irrevocable prior to the man's attempted revocation.", B. "Yes, under the doctrine of quasi-contract.", C. "No, because the man's revocation was effective, since the neighbor had not completed performance.", D. "No, because the neighbor had done nothing more than prepare to accept the offer prior to the man's revocation.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 726:

'On Thursday morning, two plainclothes police officers were shot to death while trying to arrest a bank robber who had just robbed a bank. Following the killings, the police issued an "all-points-bulletin" for the arrest of a 40-year-old Caucasian male (height, 6 feet; weight, 150-155 pounds), who had been seen near the location of the bank robbery. On Friday, a security guard at a local department store was walking down Main Street when he noticed a tall, African American man who fit the bank robbery suspect's description in age, height, and weight. The security guard approached the person (and believing him to be the bank robbery suspect), pulled a gun and arrested him. The security guard held the man in custody until the police arrived a short time later. The police officer informed the security guard that he had arrested the wrong person. The man had told the security guard that he was not the man who had committed the bank robbery and shot the police officers. The man was humiliated by the false arrest. If the man asserts a claim for assault against the security guard, he will', A. 'succeed, if the man saw the security guard pointing the gun at him.', B. 'succeed, if the security guard's mistaken belief was unreasonable.', C. 'not succeed, because the security guard did not intend to injure the man.', D. 'not succeed, because the man did not suffer any injury from the security guard's act.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 727:

The President appointed a delegation to enter into negotiations with representatives of a foreign government to study the problem of preventing the extinction of certain species of rabbits. The delegation's goal was twofold: to study the problem and to formulate regulations in a bilateral agreement that would protect the endangered species and provide for a permanent commission that would continually monitor enforcement of the proposed regulations. After compiling their findings and drafting the necessary regulations, the President and the leader of the foreign government entered into a treaty to form a permanent commission to oversee the problem and to grant it the necessary enforcement powers. Assume that after the treaty goes into effect, a state legislature enacts a statute that provides that "any licensed rabbit-hunter in the state and its surrounding environs may increase his monthly catch of rabbits from 10 to 15 in each of the specified months of the authorized rabbit-hunting season from the first day of October until the last day of February. " If challenged, the enactment of the aforementioned statute would most likely be declared', A. 'constitutional, because the regulation of hunting is within the area of state action.', B. 'constitutional, because the enactment falls within the Tenth Amendment's reserved powers.', C. 'unconstitutional, because it violates the commerce clause.', D. 'unconstitutional, because all treaties are the supreme law of the land.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: A

Question 728:

The police requested consent from a wife to search the mutual bedroom of her and her husband. The husband was out of town. The police were looking for evidence of the husband's suspected activities in a major drug trafficking plot. The wife gave her voluntary consent to the search. The police found a kilo of cocaine in a dresser drawer and various written notes that contained the names and phone numbers of co-conspirators. After the husband was arrested, he moved for suppression of all of the evidence seized in his bedroom. Will the court likely deny the motion due to the voluntary consent given by the wife?',

A. 'No, the search was unconstitutional because a wife cannot give consent for her husband.', B. 'No, the search was unconstitutional because the items were under the husband's control and the wife therefore had no authority to give consent.', C. 'Yes, the search was proper because one who possesses joint authority over property can validly consent on behalf of the absent occupant.', D. 'The search was unconstitutional because the police did not have a search warrant.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 729:

'An investor owned substantial oil and mineral interests in the Rocky Mountains. In July 1990, the investor acquired title to a 100-acre tract located just outside the city limits in a rural area. In 1997, the investor decided to sell his vast ranching and oil interests in the Rocky Mountains. In July, the investor conveyed the tract for a consideration of one dollar, receipt of which was acknowledged, "to my nephew, his heirs, and assigns, but if my nephew's wife dies without issue, to my chef and her heirs and assigns." After taking possession of the 100-acre tract, the nephew discovered considerable oil reserves on the property. He then began oil drilling operations and removed large quantities of oil, which he sold. At no time did he give notice to the chef of his oil-drilling activities. Months passed before the chef learned that the nephew was selling oil from the drilling operations. The chef has now brought an action in equity for an accounting of the value of the oil removed and for an injunction against any further oil removal. If the nephew's wife died without issue before the beginning of the nephew's oil drilling operations, would this improve the likelihood of the chef's success than if the wife were still alive?', A. 'No, because the right to remove oil is an incident of the right to possession.', B. 'No, because the nature of the nephew's estate would not be altered by the wife's death.', C. 'Yes, because the wife's death without issue would convert the nephew's fee into a reversionary interest.', D. 'Yes, because although the nephew still has a fee, it would now be certain to terminate.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 730:

'A man is at home in his apartment, alone, late at night. Someone repeatedly buzzes his apartment ringer outside the building, but he doesn't answer it because he is very tired and wants to sleep. Later he hears the door to his apartment being kicked in and he is immediately accosted by a man with a gun, who waves the gun at him and says, "You are getting me your cash or else." The man opens his safe and turns over the money. The perpetrator absconds with the money but is picked up by the police a few minutes later. What common law crimes has the perpetrator probably committed?', A. 'Burglary and attempted murder.', B. 'Robbery and attempted murder.', C. 'Robbery, burglary and attempted murder.', D. 'Robbery and burglary.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 731:

'Farmer Fred was the owner of Grapeview Farm, the largest farm in the County of Grapeview. Fred was advised by his gift and estate attorney to begin making annual fractionalized gifts of the property to his children. Fred executed a conveyance instrument, stating the gifts as "one-thirtieth of my ownership interest in Grapeview County, the eastern one tenth of the western corner of the property is hereby given to all my children per capita." This description of the land to be conveyed is', A. 'Insufficient, because it is too vague.', B. 'Sufficient, because it satisfies the title of seisin.', C. 'Sufficient, because the property can be identified.', D. 'Insufficient, because the gifts to the children lacked consideration.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 732:

'A buyer, located on the west coast contacted a seller, located on the east coast, about purchasing flanges that the buyer used in their manufacturing process. The parties entered into a contract whereby the seller agreed to deliver to the buyer 1,000 flanges for \$10,000. The contract stipulated that it was FOB at the seller's place of business. The seller then delivered the flanges to a delivery company, which was to transport them to the buyer. While en route, the vehicle that was transporting the flanges was involved in an accident and the flanges were destroyed. When the buyer received notice of the accident, the buyer immediately contacted the seller and demanded that it ship replacement flanges. The seller refused to do so. In an action by the buyer against the seller for breach of contract, the buyer will', A. 'succeed, because the risk of loss was on the seller.', B. 'succeed, because the carrier was the seller's agent.', C. 'not succeed, because the risk of loss was on the buyer.', D. 'not succeed, because of frustration of purpose.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 733:

'A university fired its head basketball coach after a series of losing seasons. The university contacted a coach who had a strong reputation as a person who could "turn around" a program and produce winning teams. The university offered the coach an annual salary of \$250,000 to coach its basketball team, but the coach declined the offer, hoping to find another institution that would pay him a higher salary. Thereafter, a wealthy booster, who was interested in enhancing the university's basketball program, contacted the coach and told him that if he would sign a coaching contract with the university, the booster would pay him \$50,000 a year as an unpublished supplement to his salary. Furthermore, the booster promised to contribute \$5,000 to the university athletic fund every time the basketball team won a game under the coach's tutelage. The coach thereupon signed a three-year contract as the head basketball coach at the university at an annual salary of \$250,000. During the coach's first year as coach, the university basketball team compiled a record of 18 wins and 12 losses. The booster, however, refused to pay anything to either the coach or the university athletic fund. Assume that the agreement between the coach and the booster does not violate any rule of the university or of any intercollegiate athletic association. The university brought suit against the booster to recover \$90,000 for breach of his promise to pay \$5,000 into the athletic fund for each game won by the basketball team. Is it likely that the university will prevail in this contract action?', A. 'Yes, because the university is an intended third-party beneficiary of the contract between the coach and the booster.', B. 'Yes, because the university detrimentally relied on the booster's promise by hiring the coach.', C. 'No, because the booster's promise was, in essence, an illegal form of procurement and void as against public policy.', D. 'No, because the booster's promise was made to the coach rather than to the university and, therefore, was not a charitable subscription.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 734:

'A farmer owned an olive grove. The farmer gave a friend a mortgage on the olive grove to secure a loan from the friend to the farmer in the amount of \$90,000. The farmer then gave a co-worker a mortgage on the olive grove to secure a loan from the co-worker to the farmer in the amount of \$120,000. The farmer then gave an investor a mortgage on the olive grove to secure a loan from the investor to the farmer in the amount of \$110,000. The co-worker then records. The investor then records. Thereafter, the friend records. In a foreclosure proceeding where the friend, the co-worker, and the investor were parties, the olive grove sold for \$220,000. The recording statute in this jurisdiction provided "any written instrument affecting title to land that is not recorded is void against a subsequent purchaser in good faith for valuable consideration, whose conveyance shall be first duly recorded." If the olive grove sold for \$220,000, what dollar amount, if any, should go to the investor?', A. '\$0.00', B. '\$90,000.00', C. '\$100,000.00', D. '\$110,000.00'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 735:

'A defendant entered a department store and took the elevator to the eighth-floor toy department. He went there intending to purchase a new game. The defendant, who only had \$8. 00 in his possession, saw that the game he wanted was selling for \$10. 00 Realizing that he did not have enough money to pay for the game, he ripped the \$10. 00 price tag off the box. While no one was looking, the defendant then took the \$7. 00 sticker from another game and placed it on the box. He then purchased the game for \$7. 00 and walked out of the store. Which one of the following crimes may the defendant be convicted of?'

A. 'False pretenses.', B. 'Larceny.', C. 'Deceit.', D. 'Conversion.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 736:

'Litigation arose in the courts of a state when the Secretary of Commerce attempted to stop a man from sending his new advertising brochures through the mail. Under the Secretary's interpretation, the new brochures contained obscene photographs and sexually suggestive language. The Secretary was acting under authority given to him by Section 1123(b) of state statute, which provided: "Whenever the Secretary of Commerce shall determine that a commercial mailing to residents of the state is inappropriate for minors, the Secretary shall have the authority to prohibit such mailing. "The case reached the highest court in the state, which held that the statute was unconstitutional, being in violation of both the commerce clause and the supremacy clause. If this case is reviewed by the U. S. Supreme Court, it will reach that court', A. 'by appeal', B. 'by certiorari', C. 'if five justices vote to review it', D. 'despite the doctrine of adequate and independent state grounds.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 737:

'Immediately after a shooting incident, the police chased one of the shooters into an apartment where he was apprehended and arrested. While in the apartment, a detective noticed some antique furniture that seemed of collectors' quality and was out of place in the squalidly furnished quarters. He moved and turned over the pieces to look for markings and insignia. He called headquarters, and was told that items with those markings and descriptions were stolen from a museum six months earlier. He seized the items and arrested another occupant, who claimed he owned the items, on charges of burglary. That suspect filed a motion to suppress based on there being a warrantless search without probable cause. The police relied on the plain view doctrine. Will the court likely suppress the evidence?', A. 'Yes, the evidence will be suppressed because the police can never search a personal residence or seize any unrelated items after entering for exigent circumstances dealing with something else.', B. 'No, the evidence was properly seized because the officer had a right to investigate it further once he had properly entered the apartment under exigent circumstances.', C. 'No, the evidence was subject to further search and seizure because it was in plain view and the officer had a reasonable suspicion that it was contraband.', D. 'Yes, the evidence must be suppressed because the plain view doctrine does not apply where the officer had no probable cause to believe that the observed item was contraband.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 738:

'A developer, owner of several hundred acres in a rural part of the county, drafted a general development plan for the area. The duly recorded plan imposed elaborate limitations and restrictions upon the land in the plan, which was to be developed as a residential district. The restrictions were to extend to all persons acquiring any of the lots and to their heirs, assigns, and lessees. It was further provided that all subsequent owners would be charged with due notice of the restrictions. Among those restrictions in the general plan were the following:(22) A franchise right is created in a strip of land 10 feet in width along the rear of each lot for the use of public utility companies with right of ingress and egress. (23) No house or structure of any kind shall be built on the aforementioned strip of land running through the said blocks. The franchise right created for public utility companies would most likely be an example of a(an)', A. 'license.', B. 'equitable servitude.', C. 'easement appurtenant.', D. 'easement in gross.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 739:

'In recent years there has been much publicity regarding juries approving excessively high multi- million dollar damage awards in personal injury actions. As a result, Congress enacted a statute that limited recovery in personal injury actions filed in state court(s) to \$400,000, and punitive action recovery to a maximum of \$750,000. A man was injured in an automobile accident when a car driven by a woman drove through a red light and struck his vehicle. The man was paralyzed from the accident and became a paraplegic. The man brought a personal injury action against the woman in state court. The jury returned a verdict on the man's behalf and awarded him \$1,000,000 in damages. After the jury verdict, the woman filed an appeal challenging the amount of the award, claiming that it was excessive and violated the federal guidelines set forth in the statute. The man has filed suit challenging the constitutionality of the statute. The statute should be ruled', A. 'unconstitutional, because Congress cannot enact legislation involving local matters, such as automobile accidents, unless it involves interstate commerce.', B. 'unconstitutional, because a limitation on damage awards in tort actions would violate the equal protection clause of the Fourteenth Amendment as applicable to the states by operation of the Fifth Amendment.', C. 'constitutional, because under Article III, Congress has plenary power to regulate the jurisdiction and scope of judicial review of federal and lower state courts.', D. 'constitutional, because under the supremacy clause, when there is a conflict between federal law and state law, the federal law preempts and takes precedence over the conflicting state law.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: D

Question 740:

'Rainbow Corporation has outstanding 1,000 shares of voting common stock and 1,000 shares of nonvoting preferred. The preferred has a liquidation preference equal to its par value of \$100 per share plus a 3 percent noncumulative dividend. Rainbow submits to its stockholders a proposal to authorize a new class of preferred stock with redemption rights that would come ahead of the old preferred stock. At a shareholders' meeting, 700 common and 400 preferred vote in favor of the proposal. Which of the following statements is correct?', A. 'The proposal is validly approved because overall a majority of the outstanding shares did approve.', B. 'The proposal is invalidly approved because a majority of the preferred shareholders did not approve.', C. 'The vote of the preferred stockholders does not matter because it was nonvoting stock.', D. 'The proposal is invalidly approved because a two-thirds vote of each class is required.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 741:

'A woman owned a farm. She granted to a neighbor, the owner of an adjacent tract, an easement of way. The woman then went to Japan to live. The neighbor then moved into possession of the farm and used it openly and exclusively, paying the taxes for 23 years. He did not use his easement during that period. The woman returned and tried to evict the neighbor from the farm. The court held that the neighbor had acquired the farm by adverse possession. The neighbor then sold the farm back to the woman, who then put a chain across the easement. The neighbor has now brought an action to remove the chain. In most jurisdictions, the neighbor will', A. 'lose, because he abandoned his easement.', B. 'lose, because he did not use his easement for the statutory period of 20 years.', C. 'lose, because, rather than using his easement, he used all of the farm.', D. 'win, because mere non-use of an easement does not extinguish it.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 742:

'A defendant was employed by a railroad company as a watchman at its crossing, to give warning to the public of approaching trains. Late one evening, he fell asleep in his kiosk and failed to warn of the approach of an oncoming train. A man, who was driving his car, knew of the usual presence of the watchman. As he approached the crossing, he received no warning. Driving onto the track, the man's car was struck and crushed by the train. The man died instantly. A few minutes after the accident, a police officer arrived at the crossing and walked into the kiosk. As he entered, the defendant then awoke. The police officer asked him, "What happened here?" The defendant made incriminating statements. The defendant is subsequently charged with involuntary manslaughter. His motion to prevent the introduction of his incriminating statements into evidence will most likely be', A. 'granted, because the police officer failed to give the defendant his Miranda warnings.', B. 'granted, because the police officer's conduct in questioning the defendant immediately after he awoke was unfairly prejudicial to the defendant.', C. 'denied, because the exchange took place in a non-custodial setting and the question was investigatory in nature.', D. 'denied, because the defendant's incriminating statements were voluntary.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 743:

'An owner and operator of a restaurant contracted in writing with a produce distributor to buy 50 pounds of heirloom tomatoes. At the time the contract was signed, the owner orally said to the distributor, "We do have an understanding that our chef must approve the quality of the heirloom tomatoes before I will pay you. " The distributor acknowledged the owner's request and responded, "If you say so. "Thereafter, the distributor delivered the heirloom tomatoes to the owner. After inspecting the tomatoes, the chef refused to give his approval, because he felt that the tomatoes were not of sufficient quality. As a result, the owner refused to accept and pay for the tomatoes. The distributor brought a breach of contract action against the owner because he refused to pay for the tomatoes. How should the court rule on the owner's offer to prove, over the distributor's objection, that the chef refused to approve the tomatoes that were delivered?', A. 'The evidence is admissible to show frustration of purpose.', B. 'The evidence is admissible to show that the written agreement was subject to an oral condition precedent.', C. 'The evidence is barred, because the written contract appears to be a complete and total integration of the parties' agreement.', D. 'The evidence is barred, because the oral agreement is within the statute of frauds.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 744:

'Congress, under intense lobbying pressure has enacted a statute prohibiting the sale of contraceptive devices to married persons. The act further prohibits the use of contraceptive devices by married persons. Congress claimed that the statute was passed because it might help deter illicit sexual relationships. The law is most likely', A. 'constitutional, because it is a regulation of interstate commerce.', B. 'constitutional, because it is a measure promoting the general welfare.', C. 'unconstitutional, because the law deprives the manufacturers of contraceptives of their property interest without just compensation.', D. 'unconstitutional, because it violates the right of privacy of contraceptive users.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 745:

'A breeder and owner of vicious guard dogs trained his dogs to attack strangers at night. He often sold and leased his guard dogs to various business and factory owners who used the guard dogs to frighten away intruders from entering their premises at night. One evening, the breeder was in the back yard of his home training three of his guard dogs. The back yard was enclosed with a chain link fence and a latched gate that prevented the dogs from running out. After the training session, the breeder opened the gate and permitted the dogs to run loose in his front yard. Minutes later, a man was walking along the sidewalk in front of the breeder's house when he was attacked by one of the dogs. The man suffered severe injuries and died as a result of the attack. The breeder should be found guilty of', A. 'murder.', B. 'involuntary manslaughter.', C. 'voluntary manslaughter.', D. 'reckless endangerment.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C. 'voluntary manslaughter.'

=====

Question 746:

'A city housing code limits the occupancy of all dwelling units in the city to members of a single family. The chief purpose of the code is to limit traffic congestion and noise in the neighborhood. One provision in the code provides that a "family" means a number of individuals related to the nominal head of the household or to the latter's spouse living as a single housekeeping unit in a single dwelling unit, but is limited to the following:(a) husband or wife of the nominal head of the household;(b) married or unmarried children of the nominal head of the household or the latter's spouse, provided, however, that such married or unmarried children have no children of their own residing with them;(c) father or mother of the nominal head of the household or of the latter's spouse. A resident of the city lives in her home together with her son and his two children. She received a notice of violation from the city which stated that both grandchildren were illegal occupants of her home and that she must comply with the code. After she fails to remove her two grandchildren, the city brings criminal charges against the resident. In an action by the resident challenging the constitutionality of the code provision, the court will most likely declare the provision', A. 'constitutional, on the grounds that the housing provision bears a rational relationship to permissible state objectives.', B. 'constitutional, under the state police power.', C. 'unconstitutional, as violative of the due process clause of the Fourteenth Amendment.', D. 'unconstitutional, as having no substantial relation to the public health, safety, morals, and general welfare of the state.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 747:

'A bank teller was on trial for embezzlement. The prosecution offered into evidence the bank's daily deposit and tally records for a six month period, to show that total deposits did not reconcile with the total funds received and recorded. The prosecution tried to enter the records as exhibits without certification or the testimony of an official bank custodian of records. Defense counsel objected on the basis of hearsay. Is the court likely to order the evidence inadmissible without further proof of authenticity?'. A. 'No, because the trial court has wide discretion in allowing documentary evidence that is regularly kept by a business.'. B. 'Yes, because a qualified bank employee must first authenticate them in person or provide a certification in compliance with the rules.'. C. 'No, because business records kept on a regular basis are allowed as an exception to the hearsay rule and no further qualification is required.'. D. 'Yes, because bank records are not included in the hearsay exception for business records.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 748:

'On June 1, an appliance manufacturer telephoned a supplier to determine whether the supplier could provide 300 washing machine motors of a particular model by October 1. The supplier offered to do so at a price of \$300 per motor (a total price of \$90,000). The manufacturer's representative said, "Deal." The next day the manufacturer's representative sent the supplier an unsigned note on company letterhead that stated, "I am happy that you are going to supply us with the motors. I will call you soon to talk about another order." The manufacturer then sent catalogs to its regular customers advertising washing machines that included the specified motors. The manufacturer did not hear from the supplier until July 1, when the supplier called to say that it would be unable to supply the motors because it was no longer carrying that model. At that time, the manufacturer had received no orders for the machines with the specified motors. The manufacturer sued the supplier for breach of contract, and the supplier raised the statute of frauds as a defense. Is the supplier's statute of frauds defense likely to succeed?', A. 'No, because the manufacturer distributed the catalogs in reliance on the contract, making the contract enforceable under the statute of frauds.', B. 'No, because the supplier failed to object to the contents of the note sent by the manufacturer.', C. 'Yes, because the manufacturer's note failed to contain a signature.', D. 'Yes, because there is no writing that contains the quantity term of the contract.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 749:

'A land development company was the owner of a 400-acre tract of land in the Great Lakes region. Over the course of time, the land development company developed two residential subdivisions of the land, an eastern development and a western development, each of which contained 150 acres. These subdivisions were created by separate plats that made no reference to each other. The restrictions in the plats were, however, substantially identical. The plats and each deed provided that "the use of the land herein conveyed is restricted to single- family dwellings only, and this covenant is intended to apply to each and every lot in the subdivision and runs with the land, binding every lot owner, his heirs, and assigns. "After all but four lots in each subdivision had been sold by the land development company, it sold 50 acres of the remaining 100 acres of land to a country club by a deed containing the following provisions:"This deed is executed and accepted with the understanding that the property above described is hereby restricted so that(1) said property may be used as a country club, with a golf course, pool, tennis courts, club house, eating facilities, and other improvements appropriate to a country club. (2) said property may also be subdivided and platted as a residential subdivision similar to the eastern development and the property shall thereafter be used in accordance with and conveyed subject to residential restrictions that shall conform with those restrictions in force against the eastern development. (3) the restrictions herein contained shall be deemed covenants running with the land, and for breach of any covenant herein, grantor ■■■ land development company, its successors and assigns may, at its option, re-enter and terminate the estate conveyed hereby. "At the time of this conveyance, the land development company retained title to the remaining 50 acres in the original 400-acre tract. Which of the following would best describe the country club's interest in the 50-acre tract that it purchased from the land development company?'. A. 'Fee simple determinable.', B. 'Fee simple subject to condition subsequent.', C. 'Determinable fee subject to an executory interest.', D. 'Easement appurtenant.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 750:

'A consumer bought a lawn mower from a department store. It has a prominent notice on it that it should not be used on a steep hill. The consumer did not read the notice and used the machine on a steep hill. As a result, it falls over and crushes him. He sues on a theory of strict liability, alleging a defect in the manufacture of the product. The manufacturer defends that the consumer misused the product. Will the Court likely grant the defendant's motion for summary judgment based on the indisputable fact that the consumer did not read the warning, which the defendant argued renders the lawsuit invalid as a matter of law?', A. 'No, because contributory negligence is not a defense to strict liability in a products liability case.', B. 'No, because the product was defective and unreasonably dangerous.', C. 'Yes, because the consumer assumed the risk of the danger when he used the product on a steep hill.', D. 'Yes, because the consumer ignored the warning and misused the product.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 751:

The civic auditorium is owned by the city. The auditorium is rented out to various organizations throughout the year. With a seating capacity of 1,500, it is customarily leased for rock concerts, rodeos, sporting events, fashion shows, etc. In January, a rock star held a week-long concert there, drawing a full house each night. Generally, the city leases the auditorium's facilities for a charge of \$2,000 per day. In February, a religious sect applied to rent the auditorium for its annual celebration. However, the city council voted 7 to 3 against permitting the group from using the auditorium. When their rental application was denied, the religious sect threatened to take legal action against the city council. They contended unfair discrimination inasmuch as other religious organizations had leased the auditorium in previous months for their religious gatherings. Amid this controversy, the city council passed an ordinance prohibiting the rental of the auditorium to any religious group. The ordinance was passed in a "closed door" session, which did not permit any debate or hearings on the matter. Is this newly enacted city ordinance likely to be held constitutional?; A. 'No, because it violates the due process rights of religious groups by not affording them an opportunity for a hearing.'; B. 'No, because the ordinance discriminates against religious groups in violation of the free exercise clause of the First Amendment, as applied to the states via the Fourteenth Amendment's due process clause.'; C. 'Yes, because the ordinance treats all religious groups equally.'; D. 'Yes, because a city ordinance is not a state action, per Se, and, therefore, is not subject to the limitations of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 752:

'During his lunch break one day, an employee took a company vehicle to a fast-food restaurant and got into an accident on the way back. The driver of the other car sued the company. The company, in its defense, claimed that the employee's use of the vehicle was unauthorized. At trial, the company calls the employee's boss. The boss offers to testify that the employee called him five minutes after the accident and stated, "I hope you won't be sore, because I took the company car without permission. "The court should rule that this evidence is', A. 'admissible as a declaration against interest.', B. 'admissible as an admission.', C. 'inadmissible, because the employee was not unavailable.', D. 'inadmissible, because it violates the employee's Fifth Amendment rights.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 753:

'A woman had her kitchen renovated. She purchased a new dishwasher, and the contractor doing the renovations installed it in the woman's kitchen. Two months later, the woman was entertaining a friend at her home. As they talked, they noticed that the dishwasher was operating strangely, repeatedly stopping and starting. They saw sparks start flying out from underneath the dishwasher. The friend said, "It must have a short circuit or something. Don't touch it or you might get electrocuted." The woman asked if she should go down to the fuse box in her basement to cut off the electricity. The friend decided that he would take a look inside the dishwasher first. When he touched the metal handle on the dishwasher's door, he received a violent electric shock. The dishwasher had an internal wiring defect that caused it to malfunction. The contractor who installed the dishwasher failed to adequately ground the machine; if he had done so, the electric current would have been led harmlessly away. The machine carried instructions for proper grounding, but the contractor did not follow them. All of the relevant events occurred in a jurisdiction that follows traditional contributory negligence and assumption of risk rules. If the friend brings a strict tort liability claim against the manufacturer of the dishwasher for his injuries, the probable result is that the friend will', A. 'recover, because the dishwasher was defectively made.', B. 'recover, because the manufacturer is vicariously liable for the improper installation.', C. 'not recover, because the friend assumed the risk by trying to open the dishwasher.', D. 'not recover, because the friend was not the purchaser of the dishwasher.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 754:

'One day, while riding his motorcycle through a residential area, a man hit and injured a child who darted into his path. The child's mother files suit against the man. At trial, the mother is then called to testify as to her conversation with the man at the hospital where her son was rushed immediately following the accident. According to the mother, the man told her, "Don't worry, my insurance company will pay for all of your son's medical expenses. "If offered into evidence, the court will most likely rule that the mother's statement is', A. 'admissible, on the issue of the defendant's negligence.', B. 'admissible, to show that the defendant is able to pay for the medical expenses.', C. 'inadmissible, because the testimony was highly prejudicial.', D. 'admissible, only to prove ownership or control of the motorcycle.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 755:

'A driver parked his automobile in front of a row of shops, one of which was a barber shop where he planned to get a haircut. Realizing that he did not have any change for the parking meter, the driver entered the closest shop, a convenience store, to get change for a \$10 bill. After the driver obtained change from one of the clerks in the convenience store, a section of the store's ceiling fell on him as he was about to leave the store. The store had failed to discover the weakened condition of the ceiling. The driver suffered serious head injuries from the falling plaster. In an action by the driver against the convenience store for negligence, the plaintiff will most likely', A. 'recover, because the store was negligent in failing to inspect its premises and discover dangerous conditions that might harm its invitees.', B. 'recover, because the driver had intended to purchase merchandise when he entered the store.', C. 'not recover, because the driver was merely a licensee in the store.', D. 'not recover, because the store only had an obligation to disclose to invitees any known dangerous conditions on the premises.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 756:

'A traffic accident occurred at a road intersection. A motorcycle, a car, and a truck were involved. The motorcyclist was injured and brought suit against the driver of the car and the driver of the truck. The jury returned a verdict finding that the motorcyclist's injuries were caused by negligence on the part of all three of the parties. The jury assigned 55 percent of the fault for the motorcyclist's injuries to the motorcyclist, 25 percent to the driver of the car, and 20 percent to the driver of the truck. The jury found that the amount of the motorcyclist's injuries was \$100,000. The motorcyclist enforces the judgment against the driver of the car and collects \$45,000 from the driver of the car. If the driver of the car then brings an action against the driver of the truck for contribution, the driver of the car should', A. 'recover nothing, because he was more at fault than the driver of the truck.', B. 'recover \$27,000.', C. 'recover \$20,000.', D. 'recover \$15,000.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 757:

'A retiree, advancing in age, realizes that he is no longer able to farm his 1,000 acres and therefore decides to sell some of the farmland in parcels of 250 acres. The president of a development company is interested in purchasing three of the four parcels. The president buys the three parcels from the retiree and begins formulating plans for constructing single- family dwelling units. The original deed between the retiree and the development company contains a provision expressly binding "upon all subsequent grantees, their heirs, and assigns," stipulating that any further subdivisions by any such persons shall be restricted to minimum two-acre lots to be used for single-family dwelling units only. The development company immediately subdivided two of the parcels into lots of three, four, and five acres, and began construction of homes thereon. The original deed restrictions were enumerated within the special warranty deeds and were given to the purchasers of the homes in the new development, called tract I. Two years later, the president sold the remaining 250-acre parcel, which had not been included in the tract 1 subdivision plan, to a contractor. The deed between the president and the contractor included the same restriction as was in the original deed between the retiree and the president. The contractor, in turn, drafted a subdivision plan for the last 250-acre parcel, dividing it into one-acre lots. The contractor then commenced construction of single- family dwelling units in the new development, to be known as tract 2. There was no mention of the restriction for two-acre minimum lots in the deeds to the purchasers of the new homes in tract 2. In a subsequent action to enjoin the contractor from subdividing the parcel into one-acre lots by any of the present owners of lots in the tract 1 development, the most probable judicial determination would be', A. 'that the action should be dismissed because the owners lack standing to sue.', B. 'that the action should be dismissed because there is no privity of estate between the owners of the lots in tract 1 and the contractor.', C. 'that the action would be successful if tract 2 were considered by the court as part of a common development scheme.', D. 'that the action would be successful because the restrictions in the original deed between the retiree and the president will be enforceable.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 758:

'In an effort to counteract a steep increase in juvenile crime, a state enacted a law terminating the parental rights of any state resident whose child under 16 years of age is convicted of a violent crime in the state. The law directs the state juvenile court to enter a termination order in such a case after the parent has been afforded notice and an opportunity for a hearing at which the only relevant issues are the age of the child and whether the child has been convicted of a violent crime in the state. Is the state law constitutional?', A. 'No, because the law is not narrowly tailored to serve a substantial state interest.', B. 'No, because the law is not necessary to serve a compelling state interest.', C. 'Yes, because a state's police power authorizes it to punish criminal behavior with appropriate sanctions.', D. 'Yes, because the law is rationally related to a legitimate state interest.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 759:

'A pharmaceutical company manufactured a new contraceptive sponge. The pharmaceutical company initially intended for the contraceptive to be available for purchase without a doctor's prescription. However, a study by the Food and Drug Administration revealed that the contraceptive might prove harmful to some users with preexisting health problems. As a result, Congress enacted legislation prohibiting the shipment and sale of the contraceptive across state lines to those who do not have a doctor's prescription. This law is probably', A. 'constitutional, because Congress has the power to provide for the general welfare.', B. 'constitutional, because Congress has the power to regulate interstate commerce.', C. 'unconstitutional, because it deprives the manufacturer a property right without just compensation.', D. 'unconstitutional, because it interferes with the right of privacy of contraceptive users.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 760:

'A teenager borrowed a car from his uncle. The uncle knew that the teenager was incapable of driving a car safely. The uncle knew that the teen had five license suspensions, several negligence lawsuits against him, multiple DUIs, and that he was an inveterate alcoholic. The teenager got into an accident while driving the car and was seriously injured. He filed a negligent entrustment claim against the uncle, claiming he owed him a duty not to give control of the vehicle to him. The uncle filed a motion to dismiss the complaint for failure to state a claim, asserting that there was no tort for first-party negligent entrustment. The trial court granted the motion to dismiss. On appeal, will the court likely affirm the lower court decision?', A. 'Yes, because public policy generally forbids the collection of damages by the person to whom the entrustment is made.', B. 'Yes, because the comparative negligence of the entrustee will always defeat liability against the entrustor.', C. 'No, because public policy demands that the entrustor is strictly liable to all who are injured, including the incompetent entrustee.', D. 'No, because a first-party negligent entrustment claim is generally allowed when the entrustor knows that he is loaning the vehicle to an incompetent operator.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: A

Question 761:

'A plaintiff was driving her car when she stopped at a red light at an intersection. A defendant, who was behind her, did not see the red light and failed to stop. He crashed into the rear of the woman's car and pushed her onto the curb and into a tree. When the plaintiff got out of her car, she felt fine physically, but was emotionally upset when she saw that the hood and trunk of her car were severely damaged. The next day she received an estimate from the mechanic for \$1,950 to repair her car. She consulted an attorney the following afternoon and, that evening, suddenly developed shooting back pains. The plaintiff filed a lawsuit against the defendant based on a theory of negligence. One day prior to trial, two years after the accident, the plaintiff went to take a photograph of the accident scene. At trial, the photograph is', A. 'inadmissible, if the defendant objects, because the photograph is non-verbal hearsay.', B. 'inadmissible, if the defendant objects, because the photograph was taken two years after the accident.', C. 'admissible, if the plaintiff identifies the photograph at trial.', D. 'admissible, if the photograph correctly and accurately portrayed the accident scene.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 762:

'A man was standing on a street corner when a police officer approached him. The officer gently grabbed the man's arm and said, "Hey, I want to talk to you. " The man responded, "About what . . . I'm in a hurry to go home and watch the baseball game. " The officer then remarked, "Listen, what were you doing at the liquor store last week?" The man stated, "All right, man, I was there during the robbery. " Whereupon, the officer placed the man under arrest and charged him with robbery. The man was taken to police headquarters where he was booked. For the first time, he was given his Miranda warnings. He then waived his rights and confessed to being an accessory during the liquor store robbery. Afterward, the court appointed an attorney to represent the man. The attorney moved to suppress both statements the man gave to the police. The trial court granted the motion with respect to the first statement as a violation of Miranda. The man's attorney now moves to suppress the second statement given at the police headquarters. This motion should be', A. 'granted, because the second statement was the fruit of the first statement.', B. 'granted, because the first statement was excluded, and the second statement is tainted.', C. 'not granted, because the man had already confessed to the crime.', D. 'not granted, because the second statement was volunteered after a knowing Miranda waiver.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 763:

'A defendant decided to rob a bar because he knew that the bar was now utilizing a new security system that was faulty and that nighttime was the best time to break in. Late one night, the defendant broke into the bar and proceeded to load large kegs of beer onto his truck. As he was leaving, the defendant inadvertently threw his cigarette butt into a trash can behind the bar. Soon afterward, the trash ignited into a small fire. Although the defendant had time to douse the fire without any danger to himself, he did not do so. Instead, he climbed into the truck and drove away. Although the fire spread beyond the trashcan, the fire department responded quickly and was able to put it out. The floor behind the bar was charred. The statutes for both burglary and arson in this jurisdiction include residential and business structures. The defendant should be convicted of which of the following crimes?', A. 'Arson, burglary, and larceny.', B. 'Arson and burglary.', C. 'Larceny and burglary.', D. 'Arson, robbery, and burglary.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 764:

'At a defendant's trial for the murder of his former employer, the prosecutor offers into evidence a note that was found during a lawful search of the defendant's apartment. The note states: "The demon compels me to kill my former employer. I thirst for his bloody spirit. " At trial, the defendant's former girlfriend is called by the prosecution to testify that the handwriting was, in fact, the defendant's. The defendant's attorney objects. The trial judge should', A. 'sustain the objection on the grounds that the former girlfriend's testimony would be inadmissible opinion evidence.', B. 'sustain the objection on the grounds that identification of handwriting requires expert testimony.', C. 'overrule the objection on the grounds that the former girlfriend qualifies as an authenticating witness.', D. 'overrule the objection on the grounds that the letter qualifies as a past recollection recorded exception to the hearsay rule.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 765:

'Congress enacts a \$100 tax on the sale of any handgun to a private individual not for use in law enforcement or military duties. Will this new handgun tax survive a constitutional challenge?', A. 'Yes, if Congress could have banned possession of handguns outright.', B. 'Yes, if the dominant intent of Congress was that the tax would produce revenue.', C. 'No, if the tax does not result in a significant collection of revenue.', D. 'No, because the tax is clearly intended as a penalty on handgun ownership.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 766:

The defendant and her co-felon decided to rob a bank. They agreed to use unloaded guns in the robbery. As planned, the co-felon entered the bank while the defendant stationed herself outside as a lookout. The co-felon approached the bank teller, pointed her unloaded gun at him, and demanded the money. While the teller was handing the money to the co-felon, the defendant got scared and fled. The teller, who had a weak heart started to feel faint. He handed over the money to the co-felon, and then clutched his chest and died. The co-felon was found not guilty by a jury in her trial, which preceded the defendant's trial. The defendant is subsequently prosecuted for conspiracy and acquitted. Her acquittal most likely resulted because', A. 'the defendant abandoned her participation in the crime.', B. 'the teller's death was accidental.', C. 'the co-felon was acquitted.', D. 'the teller was not placed in apprehension of bodily harm.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 767:

'A plaintiff sued a defendant for injuries suffered m a fall on the sidewalk of the defendant's home. The plaintiff's complaint alleged that the walk was covered by a thick sheet of ice, which had been negligently left there for several days by the defendant. In his answer, the defendant set forth that the ice formed overnight and that the plaintiff fell before the defendant had a chance to remove it. During the trial, a physician, whose office was next door to the defendant's home, testified that he saw the plaintiff fall and that the ice, which had been there for several days was at least two inches thick. On cross-examination, counsel for the defendant asked the physician the following question: "During your treatment of the plaintiff on the day in question, is it not true that he told you his fall resulted from a loss of equilibrium after he suffered from dizziness?"Upon objection by the plaintiff's attorney, the physician's testimony will be ruled', A. 'admissible, because it is reasonably pertinent to diagnosis or treatment.', B. 'admissible, because the physician had personal knowledge of the plaintiff's injuries.', C. 'inadmissible, because the defendant's counsel failed to lay a proper foundation.', D. 'inadmissible, because the physician's testimony is not relevant to prove that the plaintiff's alleged injuries are false or exaggerated.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 768:

'At a yard sale, seller puts out an old etching he inherited from his aunt. He labels it with a price tag of \$10. A buyer comes by, fully aware that it is the work of a famous Italian Renaissance artist, and quietly offers the \$10 for an etching he knows to be worth at least \$100,000. When the seller finds out that he made an awful mistake, and that the buyer knew that it was a precious work of art, he sued to get the \$100,000 or for return of the etching. The buyer defended by alleging that the seller did not act reasonably to protect himself by knowing what he was selling. Under the Restatement of Contracts and the majority rule in the case law, will the court grant the buyer's motion to dismiss the seller's complaint?'. A. 'Yes, the seller should have had the items appraised before selling them. The seller always must know the value of what is being offered for sale.'. B. 'Yes, the seller cannot rescind a contract just because he later regrets it; either party may end up with the superior deal depending on luck, knowledge and variety of factors.'. C. 'No, because in some unilateral mistakes, rescission is allowed if there has been an unconscionably unequal exchange of values, and there is no substantial hardship to the other party.'. D. 'No, because a party always has a right to rescind a contract where the value of the product or services does not live up to his reasonable expectation.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 769:

'A victim was killed by a gunshot in the presence of three men. The fatal wound was inflicted by a single shot, and there was no suggestion of a conspiracy among those present. One of the three men was charged with the killing. The prosecution called one of the other men as its first witness. His testimony, if true, established that the defendant fired the shot that killed the victim. The defendant's attorney then called the man's longtime neighbor to impeach him. Which of the following offers of evidence is most likely to be admitted for the impeachment of the man?', A. 'Testimony that the witness is a cocaine addict.', B. 'Testimony that the witness embezzled money from his employer last year.', C. 'Testimony that the witness is not, in the neighbor's opinion, worthy of belief.', D. 'Testimony that the witness is an atheist.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 770:

'A homeowner was interested in changing the look of his home. He contacted an architect, who designed plans and specifications for a major "facelift" of the homeowner's home. The homeowner was very pleased with the plans and specifications. He showed the plans and specifications to his neighbor, who agreed that the facelift would greatly enhance the value of the homeowner's home. The homeowner contacted a contractor, who was considered to be the best in the area, to rebuild his house according to the plans and specifications. The contractor reviewed the plans and specifications and told the homeowner that he could do all the work called for by the plans and specifications for \$100,000. The homeowner replied, "That's a little more than I can afford. I really can only free up \$80,000 for this project. Would you do it for that amount?" The contractor responded, "That's awfully low. I'll have to think about it," and then left. The next day, the neighbor telephoned the contractor. The neighbor explained to the contractor that he realized the value of his home would be enhanced by the improvement done to the homeowner's property. For that reason, the neighbor told the contractor he would pay him \$10,000 if he would accept the homeowner's proposal and do the work called for by the plans and specifications. The contractor agreed. The next day the contractor informed the homeowner that he would accept his \$80,000 offer. The contractor did all the work called for by the plans and specifications, and collected the \$80,000 due him from the homeowner. However, the neighbor refused to pay the contractor the \$10,000. If the contractor brings a breach of contract action against the neighbor, judgment for whom?', A. 'The contractor, because his signing a contract with the homeowner and completing the work according to the plans and specifications was legally sufficient consideration to support the neighbor's promise to pay him the \$10,000.', B. 'The contractor, provided the neighbor realizes an increase in his property value as a result of the work done by the contractor.', C. 'The neighbor, because his promise to the contractor was illusory.', D. 'The neighbor, because at the moment the contractor accepted the homeowner's offer, he came under a pre-existing obligation, which was insufficient consideration to support the neighbor's promise.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 771:

'A teenager shot and killed a man she said tried to attack her as she was walking home from an all night market. The teenager, 18 years old and 6 feet 3 inches tall, said a very short man placed a knife against her throat and unzipped her dress as she was walking down the street. She pulled a gun from her purse and shot him. The man died of a chest wound. Police said the man, who was 5 feet 5 inches tall and weighed 130 pounds, was an ex-felon, twice convicted of attempted rape. The teenager is charged with the murder of the man, as a result of the above described incident. At trial, the teenager wishes to offer evidence of the fact that the man was previously convicted of attempted rape. The evidence would be', A. 'admissible, because it proves the man's disposition to commit rape.', B. 'admissible, because the victim's prior convictions would be relevant on the issue of the defendant's self-defense.', C. 'inadmissible, because the evidence is being used to prove propensity.', D. 'inadmissible, because it violates the Dead Man's Statute.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 772:

'A nephew inherited a large parcel of unimproved land from his uncle. In need of cash, the nephew decided to sell the parcel. He contacted a real estate agent in the area about listing the parcel for sale. The nephew and the agent entered into a valid written contract whereby the agent promised to undertake best efforts to find a buyer for the parcel. The contract also provided that the agent was to be paid a commission of 5 percent on the gross sale price following the consummation of the sale and transfer of title. The agent succeeded in finding a buyer for the parcel. The agent notified the nephew that he had found a developer who wanted to purchase the parcel for \$500,000. The agent handed the nephew a real estate sales contract, signed by the developer, in which the developer agreed to pay \$500,000 for the purchase of the parcel. The nephew then signed the agreement himself. However, before consummation of the sale and transfer of title, the developer, without cause, repudiated the contract. Despite the agent's insistence, the nephew refused to either sue the developer to enforce the land sale contract or pay the agent his commission. If the agent sues the nephew for breach of the brokerage agreement, which of the following, if anything, is the agent's proper measure of recovery?'. A. 'Nothing, because as a third-party beneficiary of the contract between the nephew and the developer, the agent can enforce the contract only against the developer, but not against the nephew.'. B. 'Nothing, because the consummation condition has not been fulfilled, and the nephew's refusal to sue the developer will not excuse that condition.'. C. '\$25,000, or the commission equivalent of 5 percent on the sale of the property for \$500,000, because fulfillment of the consummation condition was prevented by an event beyond the agent's control.'. D. '\$25,000, or the commission equivalent of 5 percent on the sale of the property for \$500,000, because all conditions precedent to the nephew's duty to pay the commission were substantially fulfilled when the nephew and the developer entered into the land sale contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 773:

'A defendant was charged with killing a victim during a barroom fight. The defendant claimed that he acted in self-defense when he was attacked by the victim. At trial, the defendant called a witness who testified that he witnessed the altercation and that the victim was the aggressor. The witness further testified that he has known the defendant for 10 years and that the defendant is a peaceable man who was acting reasonably in self-defense. The prosecution then offered the testimony of the victim's brother-in-law, who proposed to testify that the victim was a peaceable and law-abiding person. Upon objection by the defendant's attorney, the brother-in-law's proposed testimony is', A. 'admissible, for the purpose of rebutting the contention that the defendant was a peaceable person.', B. 'admissible, for the purpose of repudiating the defendant's claim of self-defense.', C. 'inadmissible, because the victim's character cannot be proved by the brother-in-law's testimony.', D. 'inadmissible, because the defendant did not directly attack the victim's character.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 774:

'A deed executed by a woman in 2001 conveyed a tract of land for a consideration of one dollar, receipt of which was acknowledged, "to my friend for life, but if liquor is ever sold on the tract of land, then to my cousin and his heirs, and if for any reason the interest hereby conveyed to my cousin is not valid, then I reserve the right to re-enter the tract of land and take back my property. " In 2004, the friend died intestate before the wheat he had planted could be harvested. Who is entitled to the proceeds of the crop?', A. 'The friend's heirs.', B. 'The cousin.', C. 'The woman.', D. 'Divided equally between the friend's heirs and the woman.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 775:

'A farmer, being fee simple owner of a farm, devised it to his niece and her husband as tenants by the entirety. The niece and her husband took immediate possession of the farm and lived there with their daughter and son. Thereafter, the husband died in an automobile accident. In 1972, two years after her father's death, the daughter moved to another state. The son lived with his mother on the farm until her death intestate in 1980. The son continued in exclusive possession of the farm until his death in 2001. In his will, the son devised the farm to a local charity. When he was alive, the son was unaware that his sister was still alive and that title to the farm had descended to the two of them as their mother's sole surviving heirs. Since his mother's death in 1980, the son has held himself out as the owner of the farm, maintaining it and paying all of the taxes on the property. The sister had not communicated with either her mother or her brother since her redomiciling in 1972. The jurisdiction in which the farm is located has a 20-year limitation period for the acquisition of property by adverse possession. What interest, if any, does the sister have in the property?', A. 'None, because of her own laches.', B. 'None, because the brother acquired title to the farm by adverse possession.', C. 'An undivided one-half interest because the brother's possession was not adverse to her title.', D. 'An undivided one-half interest because the 20-year limitation period did not run against her because she was unaware of the brother's exclusive possession.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 776:

'A daughter was appointed guardian of her elderly father following an adjudication of his mental incompetence. The father had experienced periods of dementia during which he did not fully understand what he was doing. The father later contracted to purchase an automobile at a fair price from a seller who was unaware of the guardianship. At the time of the purchase, the father was lucid and fully understood the nature and purpose of the transaction. What is the legal status of the transaction?', A. 'The contract is enforceable, because a reasonable person in the situation of the seller would have thought that the father had the capacity to make the contract.', B. 'The contract is enforceable, because it was made on fair terms and the seller had no knowledge of the father's guardianship.', C. 'The contract is void, because the father was under guardianship at the time it was made.', D. 'The contract is voidable at the option of the father.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 777:

'Federal law prohibits "willingly and knowingly" taking cash in excess of \$10,000 from the U.S. into a foreign country without first reporting the transaction in detail. An owner of a Detroit drug store takes his gross cash receipts each week into a city in Canada where he lives and does his banking. The office of the Deputy Atty. General learned that the owner was doing this, and indicted him on 10 counts of "willingly and knowingly" taking cash over \$10,000 into a foreign country without reporting it. The owner's main defense is that he did not know of the law or that he was breaking it. The trial judge instructed the jury that mistake of law is no defense. He was convicted and appealed. Will the federal appellate court likely reverse the conviction?', A. 'Yes, because willfulness clause requires proof of both knowledge of the law and a specific intent to commit the crime.', B. 'Yes, because treaties with Canada make all such reporting laws unenforceable.', C. 'No, the practice is so dangerous to the public interest that knowledge and specific intent are not required.', D. 'No, willfulness and knowledge are inferred by the habitual practice of transporting the cash.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 778:

'An attorney received a document at his office with an attached note from a client for whom he had just finished drafting a will. The note read as follows: "Do you think this contract of sale for my boat complies with state law? I would have talked to you in person about this, but I'm on my way out of town. I will be back next week." The attorney reviewed the document and wrote a one-page letter to the client stating that the document complied with state law. The lawyer included a bill for \$500, which was a lawyer included a bill for \$500, which was a reasonable fee. The client refused to pay the attorney anything, arguing that she had never agreed to retain the attorney and that she had received nothing of value from the attorney because the sales transaction was never concluded. Assume that there is no applicable statute or rule governing the formation of attorney-client relationships in the jurisdiction. If the attorney sues the client for the \$500, will the attorney be likely to prevail?', A. 'No, because even if the parties had an agreement, that agreement was discharged under the doctrine of frustration of purpose.', B. 'No, because the attorney and the client never agreed on the essential terms of a contract.', C. 'Yes, because the attorney took action on the client's note to his detriment.', D. 'Yes, because the client's note and the attorney's performance created an implied- in-fact contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 779:

'Which of the following is not a correct form of real evidence?', A. 'Weapons or implements', B. 'marks, scars, wounds', C. 'Photographs', D. 'Hearsay'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 780:

'A noted author was writing a screenplay that he was adapting from his novel Quiet Winter. He assigned in writing 25 percent of any future royalties, when and if the screenplay was made into either a movie or a stage play, to his friend, who had subsidized him during his early years as a struggling writer. Shortly after the screenplay was completed, the author was killed in an auto accident. A movie studio then purchased the screenplay from the executors of the author's estate and filmed the movie Quiet Winter, which was a great success. In an action against the executors of the author's estate to recover her percentage of the movie royalties, the friend will most likely', A. 'lose, because under the circumstances an assignment of future rights is unenforceable.', B. 'lose, because the attempted gift of royalties failed for non-delivery.', C. 'win, because she was an intended beneficiary.', D. 'win, because the assignment of future rights is enforceable.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 781:

'A cashier worked part-time at a convenience store. As the cashier was sitting behind the cash register, he noticed a boy enter the store. While the boy walked through the store, the cashier watched him on a hidden camera located behind the cashier's counter. Thereupon, the cashier saw the boy pick up two packs of baseball cards and place them in his coat pocket. The boy then walked to the rear of the store, where he picked up a package of cupcakes. The boy took the cupcakes to the front counter and paid the cashier for the cupcakes only. The boy started to walk out of the store when the cashier said, "Hey, kid, I'm not charging you for the baseball cards because you paid for the cupcakes. But next time I'm not going to let you get away with it. " The baseball cards sold for \$5 per pack. The boy has committed which, if any, crimes?', A. 'Larceny.', B. 'Larceny by trick.', C. 'False pretenses.', D. 'No crime.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 782:

'A homeowner was injured when an automatic cutoff switch failed to function on a snowblower he was using. The cutoff switch had functioned well for a year after he purchased the snowblower but failed after the machine had been improperly repaired by a mechanic. The snowblower's operating manual contained a clear and prominent warning against making the very alteration to the switch mechanism that was made by the mechanic. The mechanic, however, did not have a manual available when he repaired the snowblower. Does the homeowner have a viable claim against the manufacturer of the snowblower for damages?', A. 'No, because the homeowner was contributorily negligent in failing to furnish the snowblower's manual to the mechanic.', B. 'No, because the injury resulted from a substantial alteration of the snowblower by a third party. a third party.', C. 'Yes, because a defect in the snowblower caused the homeowner's injury.', D. 'Yes, because the manufacturer should have made the manual available to repair personnel.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 783:

'A plaintiff sued an industrial facility in her neighborhood for injuries to her health caused by air pollution. At trial, the plaintiff was asked questions on direct examination about the days on which she had observed large amounts of dust in the air and how long the condition had lasted. She testified that she could not remember the specific times, but that she maintained a diary in which she had accurately recorded this information on a daily basis. When her attorney sought to refresh her recollection with her diary, she still could not remember. The plaintiff's attorney seeks to have the information in the diary admitted at trial. Is the information admissible?', A. 'No, because reviewing it did not refresh the plaintiff's recollection.', B. 'No, unless it is offered by the defendant.', C. 'Yes, and the plaintiff should be allowed the option of reading it into evidence or having the diary received as an exhibit.', D. 'Yes, and the plaintiff should be allowed to read the diary into evidence.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 784:

'A wholesaler brought a federal diversity action against a large pharmaceutical company for breach of contract. During jury selection, one potential juror stated that five years earlier he had been an employee of the company and still owned sev-eral hundred shares of its stock. In response to questioning from the judge, the potential juror stated that he could fairly consider the evidence in the case. The wholesaler's attorney has asked the judge to strike the potential juror for cause. Should the judge strike the potential juror for cause?', A. 'No, because the potential juror said that he could fairly consider the evidence in the case.', B. 'No, because the wholesaler's attorney could use a peremptory challenge to strike the potential juror.', C. 'Yes, because other potential jurors still remain available for the jury panel.', D. 'Yes, because the potential juror is presumed to be biased because of his relationship to the company.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 785:

'A state passed Public Health Law 2122(a), which provides for exemption from immunization for school age children if they are "...members of a recognized religious organization whose beliefs are opposed to immunizations..." A couple applied to the school district for an exemption from immunizations on behalf of their child. They were not members of a recognized religious organization; instead, they requested an exemption based on their personal spiritual beliefs against immunization. Will the courts declare the existing exemption to be invalid?', A. 'Yes, it will be invalidated because it cannot override the state's interest in having its school students immunized.', B. 'No, it will not be invalidated ■■■ it is a fair exemption that the state has chosen to provide for religious groups.', C. 'Yes, it will be invalidated because when an exemption is provided it may not unfairly discriminate and favor one type of religion or religious belief over another.', D. 'No, it won't be invalidated because it is a valid exercise of the state's right to protect the privacy of its citizens.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 786:

'A football team entered into a 10-year lease with a city for use of the city's athletic stadium. Five years into the lease, the team threatened to leave the stadium and move to another city. The city sued the team in federal court, seeking a permanent injunction to prevent the team from breaching its lease and leaving. In its answer, the team included a counterclaim seeking \$10 million in damages for losses caused by the city's alleged failure to properly maintain the stadium, as the lease required. The team demanded a jury trial on the counterclaim. The city moved to try its claim for a permanent injunction before the trial on the team's counterclaim. The team objected and moved that the jury trial of its counterclaim be held before the trial of the city's injunction claim. How should the court rule on the parties' motions?', A. 'The court should first hold a jury trial of the team's counterclaim, and then a nonjury trial of the issues remaining in the city's claim.', B. 'The court should first hold a nonjury trial of the city's claim without giving binding effect to its findings or conclusions in the later jury trial of the team's counterclaim.', C. 'The court should first hold a nonjury trial of the city's claim, and then a jury trial of the issues remaining in the team's counterclaim.', D. 'The court should schedule a jury trial of both the city's claim and the team's counterclaim.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 787:

'A state legislature has recently enacted a statute requiring all prospective voters in state elections who wish to write-in a candidate to print the candidate's full name, and designate the office for which the candidate is running. The statute provides that such information must be written on the ballot in ink in an appropriate space. A write-in candidate for the office of Attorney General is a Chinese-American. The candidate is of the opinion that he needs a large turnout of Chinese voters in order to win the election. As a result, his campaign manager decides to mail to every registered Chinese voter a tear-off sticker, which bears the candidate's name along with the office of Attorney General. Since many native Chinese people are not proficient in reading and writing English, the campaign manager believes that many of the voters will have difficulty writing the candidate's name and office on the ballot. As a result, the campaign manager has mounted an extensive media campaign to inform voters on how to apply the stickers to the ballot. Five months prior to the election an election official notifies the candidate's campaign committee that the tear-off stickers do not comply with the state statute. In her letter, the official explains that state election officials are of the opinion that it is necessary for potential voters to write the candidate's name in ink. Therefore, she concludes that the stickers do not comply with statutory requirements. Three weeks later, the candidate filed suit in federal district court against the election officials, claiming that their interpretation of the state statute violates the U. S. Constitution. Thereafter, one of the candidate's opponents filed suit in state court seeking to prevent state election officials from counting any write-in ballots with stickers. The state court has now scheduled a prompt hearing on this matter. In addition, the state court has indicated that it hopes to render a decision on the merits within the next three weeks. Which of the following statements is correct concerning the federal court's adjudication of the candidate's suit?', A. 'The federal court should hear the case on the merits.', B. 'The federal court should refuse to hear the case because it presents a nonjusticiable political question.', C. 'The federal court should refuse to hear the case because of the abstention doctrine.', D. 'The federal court should remand the case to the state court to decide the constitutional issue presented.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 788:

'A judge attended a local men's club meeting. In introducing the judge to the club members, the club president said: "Gentlemen, I take great pleasure in presenting the judge, who we all know is the best judge money can buy in the city. "The judge sued the club president for slander. If the club president pleads truth as a defense, he may not properly introduce evidence to show', A. 'the judge has a reputation for dishonesty in the community.', B. 'the judge was convicted of bribery three years earlier.', C. 'the judge, though not convicted, embezzled money from a former employer before being elected to the bench.', D. 'the judge was convicted for a felony assault 12 years earlier.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 789:

'At a defendant's trial for burglary, the defendant has called a witness who has testified without objection that the defendant said shortly after his arrest, "They've got the wrong person for this, because I have an alibi." The prosecutor seeks to cross-examine the witness about why she did not mention that statement when the police asked her whether the defendant had said anything to her about having an alibi. Is the prosecutor's proposed cross-examination proper?', A. 'No, because the witness's character for truthfulness cannot be attacked by specific instances of conduct.', B. 'No, because the witness's failure to mention the alibi is collateral and ambiguous.', C. 'Yes, as impeachment for bias and interest.', D. 'Yes, as impeachment for prior inconsistency.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: D

Question 790:

'A state has the following statute in effect:"No person shall sell, barter, furnish, or give to a minor under 16 years of age an air gun, rifle, shotgun, pistol, or other firearm; or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. Whoever violates this statute shall be fined not more than \$1,500 (one thousand five hundred dollars), or imprisoned not more than 45 days, or both. "A mother purchased an air rifle, which she gave to her son. The mother, a police officer, who was familiar with firearms, trained her son in the systematic practice of care in the use of the air rifle. One afternoon, the son, who was 15 years of age, was playing with his friends. The three boys took turns firing the air rifle, which discharged small pellets, at various targets in the son's back yard. As one of the friends, who was 16 years old, was using the air rifle, he fired a shot over the other friend's head, intending to frighten him. The pellet missed the other friend, but struck a next-door neighbor in the eye, severely injuring her. The mother is subsequently charged with violating the state statute. As her defense, the mother claims that she erroneously believed the statute prohibited firearms to be given or sold to minors under 15 years of age. If the mother's mistaken belief is honest, it should', A. 'result in her acquittal, because she didn't have the necessary mental state required for the crime.', B. 'result in her acquittal, because the friend is 16 years of age or older.', C. 'not prevent her conviction, because mistake of law is no defense.', D. 'not prevent her conviction, because mistake of fact is no defense.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 791:

'Daylight Corp. manufactured, assembled, and marketed a steel cutting press designed to cut aluminum sheets into can covers. In 2002, Goodboy Beverages purchased Daylight's deluxe cutting press model for \$20,000. In 2002 and 2003, Daylight received a few complaints that other cutting press customers had experienced hazardous malfunctions. In response, Daylight created a safety device and offered it for \$5,000 in a brochure sent to all their customers that mentioned that a few users had been injured in using the cutting press model. Goodboy received the brochure, but did not buy a \$5,000 safety device. In 2004, a Goodboy worker was injured by the press. At trial, Daylight argued that if Goodboy had purchased the safety device the injury would not have occurred, and moved for a directed verdict. The court should', A. 'Grant Daystar's motion, because Goodboy's refusal to purchase the safety device was an effective assumption of risk.', B. 'Deny the motion, because Goodboy's negligence in failing to purchase the safety device was less than Daylight's negligence in manufacturing the unsafe press initially.', C. 'Deny the motion, because a jury could find that Daylight could reasonably foresee that Goodboy would be unwilling to pay \$5,000 for a safety device.', D. 'Deny the motion, because since the press was inherently dangerous, Daylight was strictly liable.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 792:

'One afternoon, a woman was having lunch with her boss when the boss excused herself to go to the bathroom. As the boss stood up to leave the table, her wallet fell out of her pocketbook onto the floor. The boss was unaware of what occurred and proceeded to the bathroom. The woman, however, saw the wallet fall. Intending to steal it, the woman picked up the wallet and placed it in her pocket. Before the boss returned to the table, the woman had a change of heart and decided to give the wallet back. Thereupon, the woman told her boss what had happened and handed her the wallet when she returned from the bathroom. The woman is guilty of which, if any, crime?', A. 'No crime.', B. 'Larceny.', C. 'Embezzlement.', D. 'False pretenses.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 793:

'A supermarket had just reopened after a six-month renovation period. The renovations included the repair, replastering, and repainting of the entire ceiling and walls by the painting company. The day following the reopening of the supermarket, the store's manager noticed small fragments of plaster on the floor, which appeared to have fallen from a part of the ceiling about 10-square-feet in area. The manager immediately posted signs in that area that read: "Caution: Falling Plaster. " In addition, the manager promptly called the painting company and requested a repairman to attend to the problem. That afternoon, a shopper was shopping in the supermarket and wanted to purchase some canned goods in the posted area. Moving quickly, the shopper reached for the desired items. At that very moment, a section of the ceiling fell and struck the shopper, injuring her very seriously. If the shopper asserts a claim against the supermarket, she probably will', A. 'prevail, because the supermarket failed to take adequate precaution to ensure the safety of its patrons against such an unreasonable risk of harm.', B. 'prevail, because the supermarket is vicariously liable for the negligence of its independent contractor in the performance of a non-delegable duty.', C. 'not prevail, because the injury was the fault of the painting company.', D. 'not prevail, because the supermarket posted signs warning customers of the risk of harm.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 794:

'A 35-year-old man with some experience as a truck driver owned a lumber truck. One day, the man set out driving his truck, heavily loaded with lumber, down a mountain road. Sitting next to the man in the passenger seat was a 19-year-old helper. During the course of the trip, when the truck was going down a long hill, the brakes failed. The man shouted to the helper to jump, but the teenager refused to do so and shouted back to the man that he should try to steer the truck down the hill. The man then opened the door on the passenger's side of the truck and negligently pushed the helper out. The helper, who suffered a broken leg, was rushed to the hospital where he was treated for his injury. As the helper was recuperating, a nurse inadvertently mixed up his chart with that of the female patient in the next room. The nurse gave the helper a fertility pill that made him sterile. If the helper brings suit against the man to recover damages for his sterility, the man will', A. 'recover, because it is foreseeable that a hospital can be negligent in its care of patients.', B. 'recover, because the man was negligent in pushing the helper out of the truck.', C. 'not recover, because the nurse's act was a supervening superseding cause.', D. 'not recover, because it is not foreseeable that a patient would be injured in such a manner.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 795:

'A state legislature passed a law requiring state universities to have male and female students live in separate dormitory facilities. The law was passed in order to curtail the increasing number of co-ed pregnancies on college campuses. Two students at a state university are engaged to be married and wish to share a dormitory room together. Citing the law, university housing officials refuse to allow them to live together in a campus dormitory facility. The students bring an appropriate action to challenge the constitutionality of the law. Which of the following correctly states the applicable burden of persuasion?'

A. 'Since the law deals with the fundamental right of privacy, the state must show that it furthers a compelling state interest.', B. 'Since the law deals with the freedom of association, the state must show that it furthers a compelling state interest.', C. 'Since the law involves gender discrimination, the state must prove that the law is substantially related to an important state interest.', D. 'Since the law does not affect a fundamental right or involve gender discrimination, the burden is on the plaintiffs to show that it is not rationally related to a legitimate governmental interest.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 796:

'A defendant was walking through a park when he decided to rob someone. He hid behind a tree, lying in wait for a victim to approach. Shortly thereafter, a girl was strolling in the park when the defendant suddenly jumped from his hiding place and accosted her. Although the defendant intended only to rob his victim, he punched her in the mouth and she fell to the ground. The defendant then grabbed her purse and fled. Unknown to the defendant, the girl suffered a fractured skull when her head struck the pavement. She subsequently died from her head injuries. Which of the following is the most serious crime for which the defendant can be found guilty?', A. 'Murder.', B. 'Felony murder.', C. 'Involuntary manslaughter.', D. 'Voluntary manslaughter.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 797:

'A shopper in a store sees that a display case is about to fall on a second shopper's head. The shopper does nothing to warn or assist the second shopper, who is a stranger to her. She could have taken action to protect the second shopper without harming herself. Did the shopper have a duty to take action to try and protect the second shopper from injury?', A. 'No, there is no duty for a shopper to render assistance to a stranger even if it can be done without hurting herself.', B. 'Yes, the fact that a person sees that action is needed for another's aid or protection does impose a legal duty to act.', C. 'No, a failure to act does not and cannot result in liability under any circumstances.', D. 'Yes, the shopper must take action under the "last clear chance" doctrine.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 798:

"The owner of a parcel of land received the following letter from a buyer: 'I will pay you \$2,200 an acre for [theparcel].'" The owner's letter of reply stated, "I accept your offer." Unknown to the owner, the buyer had intendedto offer only \$2,000 per acre but had mistakenly typed "\$2,200." As both parties knew, comparable land in thevicinity had been selling at prices between \$2,000 and \$2,400 per acre. Which of the following states the probable legal consequences of the correspondence between theparties?', A. 'There is no contract, because the parties attached materially different meanings to the price term.', B. 'There is no enforceable contract, because the buyer is entitled to rescission due to a mutual mistake asto a basic assumption.', C. 'There is a contract formed at a price of \$2,000 per acre, as the buyer intended.', D. 'There is a contract formed at a price of \$2,200 per acre, regardless of the buyer's true intention.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 799:

'A land-development company was the owner of a 400-acre tract of land. Over the course of time, the land-development company developed two residential subdivisions of the land, an eastern subdivision and a western subdivision, each of which contained 150 acres. These subdivisions were created by separate plats that made no reference to each other. The restrictions in the plats were, however, substantially identical. The plats and each deed provided that "the use of the land herein conveyed is restricted to single-family dwellings only, and this covenant is intended to apply to each and every lot in the subdivision and runs with the land, binding every lot owner, his heirs, and assigns. "After all but four lots in each subdivision had been sold by the land-development company, it sold 50 acres of the remaining 100 acres of land to a country club by a deed containing the following provisions:"This deed is executed and accepted with the understanding that the property above described is hereby restricted so that(1) said property may be used as a country club, with a golf course, pool, tennis courts, club house, eating facilities, and other improvements appropriate to a country club. (2) said property may also be subdivided and platted as a residential subdivision similar to the eastern subdivision and the property shall thereafter be used in accordance with and conveyed subject to residential restrictions that shall conform with those restrictions in force against the eastern subdivision. (3) the restrictions herein contained shall be deemed covenants running with the land, and for breach of any covenant herein, the land development company, its successors, and assigns may, at its option, re-enter and terminate the estate conveyed hereby. "At the time of this conveyance, the land- development company retained title to the remaining 50 acres in the original 400-acre tract. Within a few months of the execution of this deed, the country club had built a club house, golf course, and tennis courts on a portion of its land, and it had 25 acres of vacant land upon which it wished to build a complex containing a hotel and shopping mall surrounded by high-rise buildings and luxury apartments. With respect to the 50-acre tract that the country club purchased from the land-development company, which of the following most accurately describes the deed restrictions (1) and (2)?', A. 'Affirmative covenant(s).', B. 'Equitable easement(s).', C. 'Express easement(s) appurtenant.', D. 'Equitable servitude(s).'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 800:

'An owner of a pizza and Italian foods restaurant opens a new location on a street where another owner has a burger restaurant. It seems like business is slow for the pizza place owner and he eyes up his competitor, the burger man, as the reason. The pizza owner starts to make false statements about the burger restaurant and its inferior ingredients, which he says have been causing ptomaine poisoning in some of the customers. When burger joint owner loses customers and business income to pizza place owner, can he sue for conversion?', A. 'Yes, because the pizza owner interfered with his right of peaceful enjoyment and disrupted his business activities.', B. 'Yes, conversion is an intentional tort and the pizza owner acted intentionally to convert and did convert part of the burger business.', C. 'No, because conversion consists of appropriating another's real property.', D. 'No, because there was no interference with his ownership or right of possession to his personal property.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 801:

'At a metro station in the city, there is always significant construction going on, including a rebuild of the elevator shaft between the platform and the ground level. There is a sign warning "this elevator is not available at this time, please do not ride it." A passenger sees the signs, but tries to ride the elevator anyway, and is injured when she falls into the shaft. When the passenger sues the city for negligence, the city states that she assumed the risk. Is that a valid and accurate defense under the circumstances?'; A. 'Yes, because she was fully informed and should have known that the elevator was unsafe based upon the signs.'; B. 'Yes, because the signs make her contributorily negligent and a legal cause of her own injury.'; C. 'No, because the sign did not explain the danger and only told her that it was not available, and she therefore did not know what she was encountering.'; D. 'No, because the city has strict liability when everyone is depending on the subway.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 802:

'A student at a private university sued the university in fed-eral court for negligence after he fell from scaffolding in a university-owned theater building. At trial, after briefing from both parties, the court permitted the jury to hear testimony that there had been several previous accidents in the same building. The jury found for the student, and the university appealed. One of the university's arguments on appeal is that the testimony about the previous accidents should have been excluded as irrelevant and highly prejudicial. Which standard of review applies to this argument?', A. 'Abuse of discretion.', B. 'Clearly erroneous.', C. 'De novo.', D. 'Harmless error.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 803:

'A surgeon operated on a patient in an operating room in the Marina General Hospital. The surgeon was assisted by an intern, who was assigned to the operation by the hospital, and a nurse, who was on the staff of the hospital. During the patient's convalescence, the patient complained of pain not explicable as an ordinary post-operative symptom. On investigation, it turned out that the intern and nurse, who had worked together in bandaging him, had done so in such a way as to constrict certain blood vessels. The faulty bandaging had caused acute pain and retarded the patient's recovery. After the patient's eventual recovery, he sued the intern, claiming \$20,000 in damages. Before the case went to trial, the patient and intern agreed to a settlement in which the intern paid the patient \$12,000, and the patient released the intern from all further claims for liability arising out of the incident. If the intern brings suit against the nurse for contribution, the most likely result is that the intern will', A. 'prevail, because one who settles without judgment can recover contribution.', B. 'prevail, because the nurse's liability is established under *res ipsa loquitur*', C. 'not prevail, because one who settles without judgment cannot recover contribution.', D. 'not prevail, because the intern's proper remedy is indemnification, not contribution.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 804:

'A farmer was the record title owner of a 30-acre tract of farmland. The farmer lived out of state and rarely visited the farmland, which remained unoccupied. Adjoining the farmland was a 50-acre ranch, which was owned by a rancher. In 2004, the rancher forged the farmer's signature on a deed and purported to convey the farmland to a grocer. The grocer paid the rancher \$100,000 as the purchase price for the farmland. The following year, the grocer sold the property to a buyer for \$125,000. The deed from the grocer to the buyer was properly executed and recorded by the buyer. This jurisdiction has the following "pure race" recording statute in effect: "No conveyance or other instrument is valid as against purchasers for a valuable consideration who record first. "After the buyer took possession of the farmland, he renovated the farmhouse that was located on the property and made improvements valued at \$50,000. In 2006, the farmer returned to visit his sister. During his visit, the farmer went to the farmland to inspect his farmland. While doing so, he encountered the buyer, who informed the farmer that he was the new owner of the property. The farmer thereupon instituted suit to quiet title to the farmland. After judgment was rendered in the farmer's favor, the buyer was ejected from the property. The buyer has now filed an appropriate action against the grocer seeking restitution for the loss he incurred with respect to the purchase and improvements made on the farmland. The buyer will likely recover', A. 'nothing, because the grocer was also a fraud victim and suffered a substantial financial loss.', B. '\$25,000. 00', C. '\$50,000. 00', D. '\$125,000. 00'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 805:

'A man conveyed land by quitclaim deed as a gift to his cousin, who did not then record the deed or take possession of the land. Six months later, when the man was still in possession, he conveyed the land by quitclaim deed as a gift to a friend, who knew nothing of the deed to the cousin. The friend did not record his deed. The man then vacated the land, and the friend took possession. The recording act of the jurisdiction provides as follows: "No unrecorded conveyance or mortgage of real property shall be good against subsequent purchasers for value without notice, who shall first record." Recently, the cousin learned about the friend's deed and possession, immediately recorded her deed, and sued the friend for possession and to quiet title. The friend then recorded his deed and raised all available defenses. For whom is the court likely to decide?', A. 'For the cousin, because she was first in time and the friend was not a purchaser.', B. 'For the cousin, because the friend failed to first record.', C. 'For the friend, because a subsequent good-faith donee has priority over a prior donee who fails to record.', D. 'For the friend, because he was first in possession.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 806:

'During a drunken quarrel between a husband and a wife, the husband pointed his gun at his wife and said, "If I didn't love you, I'd kill you." The husband thought the gun was unloaded but, in fact, earlier that day his son had loaded it. As a joke, he fired the gun at his wife, wounding her in the shoulder. The husband is later charged with committing a battery upon his wife. If the husband attempts to prove that he was so inebriated he could not have formed a criminal intent, this would constitute a', A. 'good defense, because the charge requires a specific intent.', B. 'good defense, because at least a general criminal intent is required for every offense.', C. 'poor defense, because voluntary intoxication is not a valid defense to battery.', D. 'poor defense, because the husband was not aware that the gun was loaded.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 807:

'A driver has been charged with leaving the scene of an accident. The driver allegedly hit another car in a parking lot and drove away without leaving proper insurance and contact information. A bystander wrote down her license plate number and called the police. At trial, the driver proposes to testify that the day after the accident, she met with the police officer investigating the accident, and told him that she did not leave until after she had inspected both cars and determined there was no damage. The bystander is not available to testify at trial. The driver's testimony is', A. 'admissible, because it is the statement of the witness herself, who is subject to cross-examination.', B. 'admissible, because it is a statement based on firsthand knowledge.', C. 'inadmissible, because the bystander is unavailable and, therefore, cannot contradict the driver.', D. 'inadmissible, because it is hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 808:

'A defendant was prosecuted for assault and battery after he admitted striking the victim with a pool cue during a barroom argument. The defendant claimed that he acted in self-defense after he was attacked by the victim, who was drunk and belligerent. At trial, the defendant called a witness who testified that the victim was the aggressor in the altercation. On cross-examination of the witness, the prosecuting attorney asked the witness the following question:"Isn't it true that when you filed your federal income tax return last year, you failed to report the interest income from your savings accounts?" The prosecuting attorney was informed of this fact by the witness's accountant. Upon objection by the defendant's attorney, the prosecutor's question is', A. 'improper, because it is not relevant to the issues in the case.', B. 'improper, because the defendant has not been convicted of any crime in connection with the tax return.', C. 'within the court's discretion to allow, because filing a false income tax return is an act that bears on the witness's truthfulness.', D. 'within the court's discretion to allow, because federal income tax evasion is a crime punishable by imprisonment in excess of one year.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 809:

'A commissioner of a sports league was charged with embezzling funds by increasing the amount of his allocated travel expenses without the approval of a majority of the team owners. In accordance with the bylaws of the league's charter, the commissioner was required to obtain the approval of at least half the owners before raising his expense allocation. At trial, the commissioner seeks to testify that his predecessor told him that he had authority under the league's charter to raise his expense allocation. The commissioner's testimony is', A. 'admissible, to show that the commissioner lacked criminal intent.', B. 'admissible as evidence of the routine practice of an organization.', C. 'inadmissible as hearsay not within any recognized exception.', D. 'inadmissible, because the league's charter is the best evidence.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 810:

'While riding her bicycle along the street, a woman was struck by a vehicle that she didn't see. Subsequently, the woman sued the driver of the vehicle to recover damages for her injuries. At trial, the woman calls a police officer to testify that a few minutes after the accident, a driver stopped him and said, "Hey, officer, I just saw an accident involving a red truck that hit this girl who was riding a bicycle. The truck left the scene of the accident and I followed it to a warehouse. " The police officer then testified that he immediately drove to the warehouse and saw the defendant sitting in a red truck that was parked in the lot. The driver is available to testify at trial. Upon objection by the defendant's attorney, the police officer's testimony regarding the driver's statement should be', A. 'admissible as a statement of recent perception.', B. 'admissible as a present sense impression.', C. 'inadmissible, because the driver was available to testify at trial.', D. 'inadmissible as hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 811:

'A man was in an accident while driving his car on July 3. The other driver sent him a notice of injuries and demanded damages. The man notified his insurance carrier but was told that his policy had lapsed on July 2. He had earlier received a renewal notice with a bill listing a due date of June 28 and an expiration date of the policy on July 2. The notice welcomed payment by mail, and did not say that renewal was conditioned on actual physical receipt of the check. He had put the check and form in the U.S. mail on June 28, but the insurer did not receive it until July 5. The insurer reinstated the policy as of July 5, leaving a coverage gap from July 2 through July 5, according to the company. Will the courts likely hold that the policy was still effective on July 3, the date of the accident?', A. 'Yes, because the renewal premium was placed in the mailbox before the date of expiration, and the notice did not say that the check had to be received physically before there could be a renewal.', B. 'Yes, because a policy cannot be lapsed for nonpayment without a final 30 day notice of impending lapse being sent.', C. 'No, the man knew that the policy would not be renewed if did not get the payment into the insurer's possession by the due date of June 28.', D. 'No, because the mail box rule is not applicable in a situation where an insurance policy must be renewed.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 812:

'A man brought a federal diversity action against his insurance company, alleging that the company had breached its duty under his insurance policy by refusing to pay for his medical expenses resulting from a mountain-biking accident. At the jury trial, the man presented evidence that he had paid all premiums on the insurance policy and that the policy covered personal-injury-related medical expenses arising from accidents. After he rested his case, the company presented evidence that a provision of the policy excluded payment for injury-related expenses resulting from an insured's "unduly risky" behavior. The company also presented a witness who testified that the accident had occurred in an area where posted signs warned bikers not to enter. The man did not cross-examine the witness. After resting its case, the company moved for judgment as a matter of law. Should the court grant the motion?', A. 'No, because a motion for judgment as a matter of law must first be made at the close of the plaintiff's case-in-chief.', B. 'No, because whether the man's behavior was unduly risky is a question of fact for the jury to resolve.', C. 'Yes, because the company's uncontradicted evidence of the man's unduly risky behavior means that no reasonable jury could find that the policy covers his injuries.', D. 'Yes, because the man waived his right to rebut the company's evidence by not addressing the "unduly risky" policy provision in his case-in-chief.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 813:

'A toxicologist employed at the state crime laboratory testifies at a murder trial about the autopsy he performed on the victim. His testimony is that he detected traces of succinic acid and choline, the components of succinylcholine, in the victim's brain tissues. Over defense objections, he testified further that, in his opinion, the victim's cause of death was succinylcholine poisoning. On cross-examination, the toxicologist admitted that up until his findings, it had been universally accepted in the medical community that succinylcholine would be undetectable in the brain within a few minutes of its injection. He also admitted that his methods of detecting succinylcholine were experimental and that his results were not presently publishable because they were not complete enough. The defense attorney then makes a motion to strike the toxicologist's testimony regarding the cause of death. The court will most likely', A. 'grant the motion, because the toxicologist's opinion could not be substantiated.', B. 'grant the motion, because the toxicologist was not properly qualified as an expert.', C. 'deny the motion, because the toxicologist was qualified as an expert in medical matters.', D. 'deny the motion, because he was qualified to give an opinion on the ultimate issue of the case.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 814:

'The defendant has been charged with murder in the killing of his wife. The defense attorney is preparing a defense to show facts sufficient to support a verdict of voluntary manslaughter. Counsel has to prove all of the necessary elements during trial in order to support a voluntary manslaughter charge to the jury. Which of the following would not be proper proof to establish a voluntary manslaughter charge to the jury?', A. 'The defendant acted several days after the provoking events.', B. 'The defendant acted in an overpowering heat of passion.', C. 'The defendant was provoked by accidentally seeing his wife having sexual relations with his best friend.', D. 'The defendant acted without deliberation and premeditation.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 815:

'A state has the following recording statute in effect: "No conveyance is good against a subsequent purchaser for a valuable consideration and without notice, unless the same be recorded prior to subsequent purchase." An owner is the fee simple the owner of a 20-acre tract of unimproved land, situated in the state. On May 1, the owner sold the tract to a buyer for the purchase price of \$40,000 under a quitclaim deed. The owner delivered the deed to the buyer who did not record the deed. After the sale to the buyer, the owner found himself in desperate need of money because he lost his job. So the owner, in consideration of the sum of \$75,000, conveyed the tract to an investor by warranty deed. This transaction took place on August 1. When the investor acquired title to the tract, he had no actual knowledge of the buyer's deed (which was still unrecorded). On August 10, the buyer recorded his deed to the tract. The investor did not record the deed he received from the owner until August 15. In an appropriate action to quiet title to the tract, in which all interested parties have been joined, title will be found to be in', A. 'the buyer, because his deed preceded the investor's deed.', B. 'the buyer, because his deed was recorded prior to the investor's deed.', C. 'the investor, because he is protected by the recording statute.', D. 'the investor, because he took title by warranty deed and the buyer took title by quitclaim deed.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 816:

'A citrus grower was the owner in fee of two adjacent parcels of land in a city: an orange grove and a lemon grove. The grower's title to the lemon grove was subject to an unrecorded 20-year mortgage given to the mortgagee, a bank, in 1990 to secure repayment of a loan for \$100,000. Beginning in November 1993, the following events occurred: November 1993: The grower died, leaving all of her real property to her husband. The grower's will was admitted to probate. No mention was made of the mortgage given to the bank. December 1993: Having heard about the grower's death, the bank recorded its mortgage to the lemon grove. August 1994: The husband executed and delivered to his sister a mortgage deed on the orange grove, which the sister immediately recorded. The mortgage instrument contained the following recitations: "This mortgage is secured by the orange grove and all other real estate that I may own in the city or have an interest in. " The husband defaulted on his mortgage obligation to the sister; the amount due on the debt was \$100,000. February 2009: The bank brought suit against the husband to foreclose its mortgage on the lemon grove. The applicable recording statute provides in part: "No deed or other instrument in writing, not recorded in accordance with this statute, shall affect the title or rights to, in any real estate, of any devisee or purchaser in good faith, without knowledge of the existence of such unrecorded instruments. "Judgment should be for', A. 'the husband, if he was unaware of the existence of the mortgage at the time he acquired title to the lemon grove.', B. 'the husband, only if the lemon grove was not subject to the mortgage when he acquired title.', C. 'the bank, because the husband assumed the mortgage when he acquired title to the lemon grove.', D. 'the bank, because property once mortgaged remains mortgaged as against the mortgagor's successors in interest.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 817:

'On the basis of scientific studies showing a causal relationship between the consumption of "red meat" (principally beef) and certain forms of cancer, a federal statute prohibits all commercial advertising of red meat products. The statute does not, however, restrict the sale of red meat products. Producers of red meat have challenged the statute as a violation of their free speech rights protected by the First Amendment. Is the court likely to find the statute constitutional?', A. 'No, because it does not serve a substantial government interest.', B. 'No, because it is more extensive than necessary to serve the government interest in preventing certain cancers.', C. 'Yes, because it does not affect speech protected by the First Amendment.', D. 'Yes, because it serves a legitimate government interest in protecting public health.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 818:

Two cars were driving within the legal speed limit as they approached an intersection. There are no traffic lights, stop signs, or warnings posted at this intersection. Both vehicles entered the intersection simultaneously and collided. In the accident, one of the drivers suffered a broken pelvis and internal injuries. Although the other driver's truck was slightly damaged, he did not suffer any physical injuries. Thereafter, the injured driver sued the city for negligence, claiming that the city failed to provide adequate warning at the intersection, which she contended was particularly dangerous and heavily traveled. At trial, the city attorney offers evidence that the intersection has been the same for 14 years, and no other accidents have occurred during that time. Upon objection by the injured driver's attorney, this evidence should be', A. 'admitted as relevant evidence of a fact of consequence to the action.', B. 'admitted, provided that the jury is instructed about the danger of inferential negative evidence.', C. 'excluded, because it is improper negative evidence.', D. 'excluded, because the dangers of unfair prejudice and confusion of the issues may tend to mislead the jury.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 819:

'A widow was the owner in fee simple of an apartment building. The widow drafted a will by which she devised the apartment building to her granddaughter with residue to her friend and her assistant. One year later, the granddaughter died intestate and was survived by her son who was her sole heir at law. This jurisdiction has the following statute in effect: "If a devisee of a grandparent or lineal descendant of a grandparent dies at the time of execution of the will or fails to survive the testator, the issue of the deceased person shall take the decedent's share under the will." The widow then died and her will was admitted to probate. A dispute arose among the friend, the assistant, and the son regarding ownership of the apartment building. Is the son entitled to any share or interest in the apartment building?', A. 'Yes, because under the anti-lapse statute, the granddaughter's interest passes to her son.', B. 'Yes, because rules relating to lapse of class gifts do not apply to specific devises.', C. 'No, because intestate succession is inapplicable to devolution of title to specific devisees.', D. 'No, because the granddaughter predeceased the widow, title to the apartment building passes to the friend and assistant under the residuary clause of the will.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 820:

'A small town police officer pulled over a driver for speeding. He believed that the driver was acting irritable and fidgety, but he had no articulable reason to think anything was wrong. He searched the car anyway and found two cartons of freshly canned peaches, which were owned by the driver's neighbor and reported stolen off of her porch 24 hours earlier. Authorities charged him with theft under the state criminal code. His motion to suppress the evidence because of an unlawful search was denied. On appeal, will the appellate court likely reverse the lower court decision denying the motion to suppress?', A. 'Yes, because the search was unconstitutional due to the officer having no reasonable suspicion that would justify searching the car.', B. 'Yes, because when a car is pulled over for speeding, the officer must always obtain a search warrant prior to making any search.', C. 'No, the stop and the search were within the normal bounds of propriety for a speeding stop.', D. 'No, because driver being fidgety is enough for a probable cause full search of the vehicle.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 821:

'A heroin addict voluntarily entered a residential treatment center. A government undercover agent introduced himself and struck up a friendship with him. The agent asked the addict to obtain heroin for him, but the addict refused. For several weeks the agent continued to plead with and beg the addict to get him drugs; finally, the addict gave in to the pressure and got the drugs. The police promptly arrested him. At trial, the defendant raised the defense of government entrapment. Will the trial court likely dismiss the case based on that argument?', A. 'Yes, because this was entrapment in that the intent to commit the crime originated with the government.', B. 'No, this was not entrapment because the addict was predisposed to want to obtain drugs due to his status as a drug user.', C. 'No, this was not entrapment because the addict went voluntarily to get the drugs; he could have refused.', D. 'Yes, this was entrapment because as soon as the agent asked a second time, he had established entrapment under the majority rule.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 822:

'An owner of a large, three-story office building planned to renovate the building and requested several contractors to submit bids to perform the work. One of the contractors in turn sought bids from several subcontractors to determine the overall cost of the job. An electrician submitted a bid to do the electrical work to the contractor, which the contractor used in computing the bid he sent to the owner. The contractor notified the electrician to that effect. Two weeks later, the contractor submitted his bid to the owner, in which he offered to perform the renovation work for \$75,000. The next day, the electrician notified the contractor that he was unable to perform the electrical work on the owner's project. Two days later, the owner sent the contractor a signed confirmation letter wherein she stated, "I hereby accept your offer to perform the renovation work for the quoted cost of \$75,000. "Thereafter, the contractor hired another electrician to complete the electrical work at a cost of \$5,000 above the first electrician's bid. The contractor explained the situation to the owner and informed her that the overall cost of the job would have to be increased to \$80,000. The owner responded that she would hold the contractor to his original bid of \$75,000 and would not be responsible for any additional costs. The contractor then performed the renovation work, but the owner has not yet paid him anything. In an action by the contractor against the owner for the services rendered, the contractor will probably be able to recover', A. 'only in quantum meruit, because of the doctrine of commercial frustration.', B. 'only in quantum meruit, because by demanding \$80,000 the contractor, in effect, repudiated his contract with the owner.', C. '\$75,000 only, because that was the contract price.', D. '\$80,000, because the contractor reasonably relied to his detriment on the electrician's bid in formulating his job estimate.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 823:

'A web designer decided to purchase and download a software program online to assist in the technological aspects of her webpage design business. On the software's web page, she clicked a "download" button and downloaded the product successfully. She did that without seeing or clicking to any information about the software's contractual licensing terms. If she had first scrolled down to the next visible screen, she would have seen the following invitation: "Please review and agree to the licensing terms of this software program." She used the program for several months until she discovered that it was applying tracking technology to surreptitiously send dozens of third-party promotional offers to her clients. The company ignored her requests to stop doing this. She sued it to stop the unauthorized tracking but the company responded by citing to its licensing terms which require all disputes be submitted to private arbitration. Will the federal district court likely dismiss the web designer's complaint and order arbitration as required by the software licensing terms?', A. 'Yes, because the designer got the benefit of the program and it required compliance with its licensing terms.', B. 'No, because the designer did not have sufficiently clear notice that she must accept the licensing terms prior to downloading and using the product.', C. 'Yes, because the terms were obvious enough for anyone to find and she would have seen the notation if she had looked in a reasonable manner.', D. 'No, because contracts formed online must be signed and executed with the same formality as paper contracts.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 824:

'A man wearing a jacket and jeans walked along a city street at night in a high crime area known for drug trafficking and gun violence. He saw two police officers walking toward him. The officers were checking on a 911 call from a resident who observed a man in jeans and a jacket apparently selling drugs to people on the street. When the police first saw him, he was walking alone, in the area that the woman identified. As they approached, he suddenly crossed the street by jaywalking. They followed, and approaching from behind, asked him to stop. He started walking faster, away from them. The officers saw what appeared to be a heavy object bulging in his pocket as he moved. The officers, with over 10 years of foot patrol experience, stepped up and stopped him. They patted him down and found a concealed, unlicensed handgun in the jacket pocket. They then made a full search and found 50 packets of heroin. He filed a motion to suppress the gun and drug evidence. Will the court likely suppress the evidence?', A. 'No, because the accumulation of factors all added up to reasonable suspicion for a stop and articulable suspicion for a frisk.', B. 'No, because the police had probable cause to make an arrest when the man began to walk away from them and walk even faster as they followed him.', C. 'Yes, because they didn't know if this was the same man, they observed nothing illegal except jaywalking, and he had a right to avoid them under the circumstances.', D. 'Yes, because the police lacked reasonable suspicion to stop the man simply because he crossed the street and walked faster away from them.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 825:

'An architect agreed with a developer to design a large residential development. Because the architect had a history of substance abuse problems, the parties agreed that the developer's duty to accept and pay for the plans was conditioned on the architect's abstaining from drinking alcohol during the six months it would take to do the work. After two months, the architect began having several alcoholic drinks each day. The developer became aware of the architect's drinking before the architect showed the developer the preliminary plans. When the developer saw the preliminary plans, the developer told the architect that the concept was impressive and that he looked forward to seeing the final plans. The architect continued to have several alcoholic drinks each day and completed the plans within the specified contract period. However, the developer declined to review, accept, or pay for the final plans and stated that it was because of the architect's continued use of alcohol. The architect has sued the developer for breach of contract. Which of the following arguments best supports the architect's claim?', A. 'The alcohol use was not a material breach of contract by the architect, since it did not affect the quality of the work.', B. 'The developer waived the condition of no alcohol use.', C. 'The no-alcohol term was functionally a penalty clause and therefore was unenforceable.', D. 'The no-alcohol term would be interpreted as a promise and not a condition.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 826:

'A homeowner died in 1985. His will devised his estate in a southern state to his uncle and his best friend "to share and share alike as tenants in common." At the time of the homeowner's death, the uncle lived in a different part of the southern state (in which the estate was located), while the best friend resided in a northern state. After the homeowner's funeral, the uncle returned to his own residence, but the best friend decided to occupy the estate. He put his name on the mailbox and has paid the taxes and maintenance expenses. To earn extra money, the best friend rented a small house on the property to a teacher and received a monthly rental payment from her. The best friend also grew fruits on the property and sold them at a stand on Fridays. The uncle has been generally aware of this, but because he cared little about the estate, the uncle has never pressed the best friend about the property. Since 1985 the uncle has not paid any rent or other compensation to the best friend, nor has the best friend requested such payment. In January 2010, a series of disputes arose between the uncle and the best friend for the first time concerning their respective rights to the estate. The state in which the property is located recognizes the usual common law types of cotenancies and follows majority rules on rents and profits. There is no applicable legislation on the subject. The uncle brings an appropriate action for a portion of the proceeds that the best friend received from his fruit stand and a portion of the rent that the teacher paid. If the best friend contests the apportionment of the monies he received, judgment should be for whom?', A. 'As a cotenant in possession, the best friend retains the profits from his crops and the rents paid by the teacher.', B. 'As a cotenant in possession, the best friend retains the profits from his crops, and the uncle is entitled to a share of the rent paid by the teacher.', C. 'The uncle is entitled to a share of the rent that the teacher paid and the profits from the best friend's crops.', D. 'The uncle is entitled to no share of any of the monies raised because the uncle's lack of contact with the best friend will be deemed a waiver.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 827:

'A defendant who is an accountant has been charged with fraud for allegedly helping a client file false income tax returns by shifting substantial medical expenses from one year to another. The defendant has pleaded not guilty, claiming that he made an honest mistake as to the date the expenses were paid. At trial, the prosecutor offers evidence of the defendant's involvement in an earlier scheme to help a different client falsify tax returns in the same way. Is the evidence of the defendant's involvement in the earlier scheme admissible?', A. 'No, because it is impermissible character evidence.', B. 'No, because it is not relevant to the issues in this case.', C. 'Yes, to show absence of mistake.', D. 'Yes, to show the defendant's propensity to commit the crime.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 828:

'On Thanksgiving Day, a father was carving a turkey for his family when he seriously cut his hand. The knife severed an artery, causing the father to lose a lot of blood. The mother telephoned their family doctor, who instructed her to drive the father to the local hospital. The doctor indicated that he would meet them there. A short time later at the hospital, the doctor treated the father and bandaged his hand. However, due to the fact that the father had lost a considerable amount of blood, the doctor ordered an immediate blood transfusion. After determining that the father's blood type was A-positive, the doctor orally instructed a nurse, who was employed by the hospital, to obtain the necessary blood for the transfusion. The nurse followed the doctor's instructions and telephoned the hospital's blood bank department and ordered a unit of A-positive blood. The person in the blood bank who received the nurse's call correctly wrote down the order for A-positive blood. However, someone working at the blood bank, whose identity cannot be determined, made an error in filling the order and labeling the unit of blood for the father. As a result, the blood bank sent a unit of B-positive blood mislabeled as A-positive blood. After being administered the wrong blood, the father died. The hospital has a written rule in effect whereby all orders for blood transfusions must be made in writing by the physician in charge of the patient's treatment. Although the doctor was aware of the hospital rule, he, like many other doctors at the hospital, frequently ordered blood transfusions by oral instructions. If the mother asserts a wrongful death action against the doctor, she will most likely', A. 'prevail, because the doctor would be responsible for the blood bank's error in administering the wrong blood.', B. 'prevail, because the doctor did not follow the hospital's rule regarding blood transfusion orders.', C. 'not prevail, because the doctor acted in the same fashion as many other doctors at the hospital.', D. 'not prevail, because the unidentified person in the blood bank who was responsible for sending the wrong blood type was not an employee of the doctor.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 829:

'A defendant was playing cards with a group of friends at their weekly poker game. Earlier in the evening, one of the players handed the defendant a gun and told him it was unloaded. As a joke, the defendant pointed the gun at one of his friends and pulled the trigger. Unknown to the defendant, the gun was loaded and it discharged. The bullet grazed the friend's shoulder, slightly wounding him. The defendant was charged with assault with intent to kill. In this jurisdiction, battery is a lesser included offense of assault. At trial, the defendant requested that the court instruct the jury that if his mistake was honest, whether reasonable or unreasonable, it would be a valid defense to assault and the lesser included offense of battery. Conversely, the prosecution wanted the court to instruct the jury that in order for the defendant's mistake to be a valid defense for either crime, it must be reasonable. Regarding the jury instructions, which of the following statements is most accurate?', A. 'The defendant is correct with respect to assault, and the prosecution is correct with respect to battery.', B. 'The defendant is correct with respect to battery, and the prosecution is correct with respect to assault.', C. 'The prosecution is correct with respect to both the battery and assault charges.', D. 'The defendant is correct with respect to both the battery and assault charges.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 830:

'An employee successfully negotiated a lucrative contract for her employer. As a result, her employer orally promised her a \$10,000 bonus payable at the end of the year because of the employee's "good work. " At the end of the year, the employer informed the employee that the company's profits were not as large as he expected, so the promised bonus would not be paid. Which of the following is the legal effect of the employer's promise to pay the bonus to the employee?', A. 'It is enforceable, because the employee conferred a material benefit on the employer by negotiating the lucrative contract.', B. 'It is enforceable, because the employer was morally obligated to pay the bonus.', C. 'It is unenforceable, because it was not supported by legally sufficient consideration.', D. 'It is unenforceable, because it was not in writing.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 831:

The police were called to a domestic dispute. The wife told police that her husband was abusive and that he was a heavy cocaine user. The husband was present and denied the allegation. Police asked for permission to search the premises for drugs, which was consented to by the wife. The husband, however, refused to consent to the search. The police went ahead anyway and found drugs in the husband's belongings. After being arrested on drug charges, the husband filed a motion for suppression of the evidence based on lack of consent. What should be the likely decision of the trial court?', A. 'The search was invalid and the evidence must be suppressed because the co-occupant of the premises was present and specifically refused to give consent to the search.', B. 'The search was valid because the cases say that one occupant's consent to the search overrules the other occupant's refusal to consent.', C. 'The search was valid because the wife's statement established probable cause that a crime was being committed ■■■ this created exigent circumstances for the search.', D. 'The search was invalid because, even though consent was given, the police must first attempt to get a search warrant to enter a home.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 832:

'One Sunday afternoon, a sports fan went to a professional football game. While standing in line at a concession stand, he got into an argument with three men ahead of him in the line. The three men were friends attending the game together. One of the men punched the sports fan in the mouth. A fight ensued. During the fracas, one of the other three men hit the sports fan over the head with a bottle, which caused him to suffer a serious concussion. The sports fan does not know for certain which of the three men struck him with the bottle. If the sports fan asserts a claim against the man who punched him in the mouth to recover damages for the head injury, will the sports fan prevail?', A. 'Yes, because the man who punched him in the mouth was the instigator who struck the first blow that started the fracas.', B. 'Yes, because the man who punched him in the mouth and the other men were acting in concert.', C. 'No, because the man who punched him in the mouth did not actually strike the sports fan with the bottle.', D. 'No, because the sports fan cannot offer proof as to which of the men struck the sports fan over the head with the bottle.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 833:

The Native American Party was founded and chartered in a state to promote the political power of Native Americans. Members pledged themselves to vote only for candidates nominated by the party. At first, membership was open to any voter who pledged himself to those tenets, but after a defeat in an election, the Party expelled all non- Native-American members upon the grounds that experience showed that only Native Americans could be trusted to honor the obligation to vote only for the Party's nominees. Membership is currently confined to Native Americans. In every election since, the Party's nominees have easily won election in the Sixth Congressional District, an area encompassing a large number of outlying reservations. Subsequently, the Executive Committee proposes that the Party choose its own "Native American Power" candidate for governor of South Dakota in the upcoming election. It will put its slate for U. S. representatives, governor, and U. S. senator before Party members for mail ballot, along with any rival candidates who qualify for the poll. A former non-Native American member of the Party is now challenging his exclusion from the Party. Which of the following constitutional provisions would furnish the former member's best ground for challenging his exclusion from the Party?', A. 'The due process clause of the Fourteenth Amendment.', B. 'The right of assembly as guaranteed by the First Amendment.', C. 'The equal protection clause of the Fourteenth Amendment.', D. 'The voting provisions of the Twenty Fourth Amendment.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 834:

'An inventor developed a prototype of an automobile. engine that she believed was going to revolutionize the automotive industry because of the engine's fuel-efficient properties. As a wedding present to the inventor's brother, the inventor wrote on a wedding card she gave to her brother:"I hereby assign to you 20 percent of the net profits realized from the production and distribution of my automobile engine within the first year of production. "The inventor then borrowed money from creditors and began to promote her automobile engine. She was contacted by a major automobile manufacturer about the possibility of using the engine in a new line of cars the manufacturer intended to release during the next calendar year. While on her way to meet with the representatives of the manufacturer, the inventor was killed in an automobile collision. The manufacturer then contracted with the executor of the inventor's estate to license the use of the automobile engine design for a 10-year period for \$500,000, payable to the estate. The creditors from whom the inventor borrowed the money to promote her automobile engine have now attached the proceeds from the licensing agreement, which have so far been paid into the estate. The brother also asserts his assigned rights to a share of the proceeds. In subsequent actions by the creditors and the brother, the court will most probably hold in favor of', A. 'the brother, because the rights of an assignee are superior to a lien against the assignor subsequently obtained by legal equitable proceedings.', B. 'the brother, because any proceeds of the assigned right received by the assignor thereafter are held in constructive trust for the assignee.', C. 'the creditors, because the inventor's assignment to the brother was unenforceable as a defective assignment.', D. 'the creditors, because the rights of creditors/lienors are superior to those of a donee beneficiary.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 835:

The state registrar of elections refused to put a candidate's name on the ballot because the registrar believed that the candidate was not a resident of the state. The registrar contended that Article I, Section 2 of the U. S. Constitution specifically required a candidate for the House of Representatives "be an Inhabitant of that State in which he shall be chosen. " As a consequence, the candidate filed suit in state court against the registrar of elections seeking to have her name placed on the ballot. The state court ruled in her favor and determined that the candidate did, in fact, qualify as a resident of the state. The registrar appealed the decision to the state supreme court which, in turn, affirmed the lower court ruling. Thereafter, the candidate's name was placed on the ballot. After a hotly contested election, the candidate narrowly defeated the incumbent. However, at the time that the candidate was to be seated as a House member, the House of Representatives held hearings on her qualifications and eligibility. By a two-thirds vote, the House determined that the candidate was not a resident of the state at the time of her election and refused to seat her. The candidate then brought suit in federal district court against the Speaker and other officers of the House, seeking back pay and an order that she be seated in the House of Representatives. The defendants demurred, claiming lack of subject matter jurisdiction. Which of the following is the strongest constitutional argument supporting the defendants' demurrer?, A. 'There is no case or controversy between the candidate and the officers of the House of Representatives.', B. 'The case presents a nonjusticiable political question.', C. 'The suit should have been brought as an original action in the U. S. Supreme Court.', D. 'Under Article III of the Constitution, the federal courts are not empowered to render advisory opinions.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 836:

'A child was riding his bicycle on a street, heading from north to south. As he went down a hill, he came to an intersection. At that moment, a car was coming toward the intersection, heading from east to west. When the driver saw the child on the bike, he slammed on his brakes in an attempt to avoid hitting the child. Meanwhile, the child realized that he was in danger of colliding with the car, so he applied the hand brakes on his bike as hard as possible. As a result of trying to stop so suddenly, the child flew over the handlebars of the bike and onto the ground. Neither the child nor his bike touched the car, but the child suffered injuries from falling off the bike. If the child's parents, on behalf of the child, assert a claim against the driver to recover damages for the child's injuries, they will most likely', A. 'prevail, if the child would have been injured even more severely if he had crashed his bike into the car, rather than falling off the bike.', B. 'prevail, because the child's action in trying to stop the bike was foreseeable.', C. 'not prevail, because the driver and his car never touched the child or bike.', D. 'not prevail, unless the driver negligently created a risk of harm that caused the child to fall off the bike.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 837:

'Jack and Jill began to negotiate for the transfer of a business. Their negotiations continued for some time. Jack is asserting that Jill made an offer and promise which he accepted with a return promise. Jill asserts that the agreement was not what she intended. In determining whether a contract has been created, the courts look primarily at', A. 'The fairness to the parties.', B. 'The objective intent of the parties.', C. 'The subjective intent of the parties.', D. 'The subjective intent of the offeror.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 838:

'A defendant is on trial for possession of heroin. During the prosecution's case-in-chief, a police officer testifies that he watched another officer seize a bag of white powder from the defendant and seal it in an envelope, which both officers initialed and dated and then placed in the police property room. The prosecutor then calls a chemist to testify that she obtained, intact from the property room, the dated, sealed envelope with the initials of both police officers, whose handwriting she recognized police officers, whose handwriting she recognized from previous experience, and that testing disclosed that the powder therein was heroin. The defendant argues that the prosecutor has not sufficiently authenticated the powder tested by the chemist as the powder that was seized from the defendant. Is the chemist's testimony admissible?'. A. 'No, because the chemist lacks firsthand knowledge that the powder came from the defendant.'. B. 'No, unless the envelope and powder are produced in court or their absence is explained.'. C. 'Yes, because an object in official custody is self-authenticating.'. D. 'Yes, because the powder is sufficiently identified as having come from the defendant.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 839:

'A witness lived next door to a victim. Late one night, the witness overheard the victim scream, "The defendant, please don't do it!" The next day the victim was found dead in her bedroom. The defendant was arrested and charged with murdering the victim. At trial, the witness proposes to testify to the victim's statement. Upon objection by defendant's counsel, the court should rule the witness's testimony regarding the victim's statement', A. 'admissible as a dying declaration if the jury determines that the victim believed that her death was imminent.', B. 'admissible as a dying declaration if the judge, by preponderance of the evidence, determines that the victim believed that her death was imminent.', C. 'inadmissible, because the probative value is substantially outweighed by the danger of unfair prejudice.', D. 'inadmissible as hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 840:

'In order to raise revenue, a city required home- repair contractors who performed work within the city limits to pay a licensing fee to a city agency. A contractor who was unaware of the fee requirement agreed to perform home repairs for a city resident. After the contractor completed the work, the resident discovered that the contractor had not paid the licensing fee, and she refused to pay for the repairs, which were otherwise satisfactory. If the contractor sues the resident for breach of contract, how is the court likely to rule?', A. 'Although the contract violates the law and is void, the court will require the homeowner to pay the contractor the reasonable value of the work accepted.', B. 'Although the contract violates the law, the court will find that public policy does not bar enforcement of the contract, because the purpose of the fee is merely to raise revenue.', C. 'Because the contract violates the law and is void, the court will not enforce it.', D. 'Because the purpose of the fee is merely to raise revenue, the court will find that the contract does not violate the law but will allow the contractor to recover his costs only.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 841:

'Susan Seller mailed a letter to Bobby Buyer after Bobby called her inquiring if her antique 1932 Ford Roadster was for sale. The letter stated, "I want to sell my antique Ford Roadster for a price above \$20,000. If you are interested please contact me." Three days later Bobby sent a letter to Susan stating "I agree to pay your asking price of \$20,000 for the 1932 Ford Roadster." The next day Susan sold the car to Harriet Higherprice for \$25,000. If Bobby brings suit against Susan for breach of contract, the likely outcome is', A. 'For Bobby, since her acceptance was timely under the mail box rule.', B. 'For Susan, because her letter to Bobby was not an offer.', C. 'For Susan, because the sale to Harriett was made before Susan was aware that Bobby had accepted.', D. 'For Bobby, because her communication met the full price which Susan was asking for the automobile.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 842:

'A defendant, an indigent, was arrested and charged with attempted murder. The defendant, who had a history of psychiatric problems, had been diagnosed as being paranoid schizophrenic. The defendant was represented by a court-appointed attorney. In trying to prepare for trial, the attorney met with the defendant on numerous occasions. The attorney, however, found it difficult to communicate with the defendant, who, due to his paranoia, distrusted the attorney and believed he was working with the prosecution to convict him. The defendant was subsequently convicted. After the defendant was sentenced, the attorney filed an appeal seeking to overturn the conviction and have a new trial ordered. The appeal, in part, challenged the constitutionality of a state statute that placed the burden of proof on the defendant by requiring him to prove mental incompetency by clear and convincing evidence. In addition, the appeal claimed that the attorney was unable to provide adequate representation because there was a failure of communication between the defendant and his attorney. The appeal will most likely be', A. 'granted, because the prosecution has the burden to prove the defendant's competency by a preponderance of evidence.', B. 'granted, because the defendant has the burden to prove mental incompetency by a preponderance of the evidence, not by clear and convincing evidence.', C. 'denied, because it is constitutionally permissible to place the burden on the defendant to prove mental incompetency by clear and convincing evidence.', D. 'denied, because the defendant cannot base an appeal on ineffective assistance of counsel due to his own failure to communicate with his lawyer.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 843:

'Congress recently enacted a statute permitting a governmental agency to make a gift of federal property to private individuals or organizations, provided that it be used "to further good relations and better understanding with foreign governments. "The Secretary of Defense planned to give an old military cargo plane to a national organization who supports future pilots. Before making the gift, the Secretary was approached by the head of a church. The church leader indicated that he would be sponsoring a worldwide crusade and suggested to the Secretary that such an undertaking would serve to strengthen relations with foreign governments. The Secretary donated the plane to the church instead of the organization. Who would have the best standing to challenge the Secretary's action?', A. 'A citizen of the United States.', B. 'A taxpayer of the United States.', C. 'The national organization.', D. 'A state within the United States.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 844:

'On Friday night, a driver was injured in an automobile accident after his vehicle was sideswiped by an unidentified motorist. Following the accident, the driver was admitted to the hospital where he was treated for his injuries. While at the hospital, the driver was diagnosed with a broken back. He was put in a body cast and then placed in traction. The driver's physician assembled the traction apparatus and positioned the driver's left leg in an overhead stirrup at a 40-degree angle. The driver was instructed to lie on his back on the bed. On Saturday morning after breakfast, the driver requested a bedpan from a nurse. She was placing the bedpan under the driver's body when the stirrup, which was holding his leg, broke. This caused the driver's leg to fall against the metal framing along the side of the bed, fracturing his tibia. The traction apparatus was defective because the manufacturer had not included a safety latch on the stirrup device to prevent its falling off if not securely fastened in place. If the driver asserts a claim against the manufacturer, he will most likely', A. 'prevail, because the stirrup broke while the traction apparatus was in normal use.', B. 'prevail, because the manufacturer's failure to include a safety latch made the traction apparatus defective.', C. 'not prevail, because the traction apparatus was no longer within the control of the manufacturer.', D. 'not prevail, if the physician did not properly attach the stirrup when assembling the traction apparatus.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 845:

"To preserve the appearance and accessibility of its capitol building, a state enacted a law prohibiting "the display of any sign on any portion of the public sidewalk surrounding" the building. A group of five demonstrators who wanted to protest inadequate state funding for children's services applied for a permit to march single file on the sidewalk surrounding the capitol building. Each demonstrator planned to carry a two-foot-square sign that would read, "Our lawmakers do not care about our children." The group's permit application was denied pursuant to the state law, and the group has filed an action challenging the law's constitutionality. Should the court uphold the law's constitutionality?", A. 'No, because even though the sidewalk at issue is not a public forum, the prohibition against the display of signs is more restrictive than needed to serve a legitimate government interest. government interest.', B. 'No, because the sidewalk at issue is a public forum, and the prohibition against the display of signs is not narrowly tailored to serve a substantial government interest.', C. 'Yes, because even though the sidewalk at issue is a public forum, the prohibition against the display of signs is necessary to serve a compelling public interest.', D. 'Yes, because the sidewalk at issue is not a public forum, and the prohibition against the display of signs is reasonable.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 846:

'A business purchased a computer from a seller's web site. The purchase form had a prominent hyperlink connection to a page that contained "important additional terms and conditions of sale," but the purchaser did not access that page. The delivered product included the additional terms in writing, along with a bold-lettered notice requiring the purchaser to return the product within 30 days if it did not accept the stated terms and conditions. After 35-days, the business became dissatisfied with the computer, and sued the seller for breach of contract. The seller demanded that the dispute be decided by private arbitration as per the additional terms and conditions to the agreement. Is the purchaser legally bound to participate in arbitration?', A. 'Yes, because by not returning the computer within 30 days, the purchaser was bound to the additional terms and conditions that were a part of the contract.', B. 'Yes, because federal law requires that arbitration must be used to attempt an initial resolution with respect to sales that take place on the internet.', C. 'No, because there was no contract formed due to the purchaser's lack of assent to the additional terms and conditions.', D. 'No, because federal law requires that a company give 90 days for return and the 30-day provision was null and void.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 847:

'A lumber supplier and a fence company signed the following agreement on May 1:'The supplier promises to sell and the fence company promises to buy 7,000 sections of redwood stockade fence at \$30 per section. Each section is to be made of good quality split redwood poles and is to be 7 feet long and 6 feet high; 1,000 sections are to be delivered by seller on or before June 1, and 1,000 sections by the first day in each of the following six months. Payment for the sections to be made within 10 days of delivery. "The first shipment of 1,000 sections arrived on May 27, and the fence company sent its payment on June5. The second shipment arrived on July 1, and the fence company made payment on July 5. The August shipment arrived on the afternoon of August 1. After the initial inspection, the redwood poles were found to be 7 feet long and 6. 25 feet high. The manager of the fence company then called the president of the lumber supplier. During their conversation, the president told the manager that the lumber supplier could not replace the August shipment but would allow a price adjustment. The manager refused the president's offer. The next day, the manager sent the president a fax stating that he was hereby canceling all future deliveries and returning the last shipment because of nonconformity. If the lumber supplier sues the fence company for breach of contract, the court will most likely hold that the lumber company will', A. 'succeed, because all deliveries to date have been timely.', B. 'succeed, because the president offered to adjust the price for the August shipment.', C. 'not succeed, because the president refused to replace the nonconforming poles.', D. 'not succeed, because the deviation impaired the value of the entire contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 848:

'A teenage girl was walking on a street in a retail area. She was carrying a purse and shopping bags. A police officer noticed her and, on a hunch, conducted a random search. He found a variety of jewelry with price tags and no receipts. A jewelry store owner in the vicinity stated that the jewelry was stolen a few minutes earlier, and the girl may have been a customer at that time. She was arrested for theft. The girl's counsel filed a motion to suppress the evidence. Will the judge likely order suppression of the evidence?', A. 'Yes, there was no reasonable suspicion or probable cause for the officer to stop and search her.', B. 'No, authorities are always allowed to ■■■stop and frisk' anyone to see what they are carrying.', C. 'No, the search was legal because a teenager carrying bags on a downtown street is a suspicious person.', D. 'Yes, the officer did not get a search warrant even though he had probable cause.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 849:

'A state built a baseball stadium and issued bonds to finance its construction. The bond agreement provided that for the first five years the stadium was in operation, at least \$2 from each admission charge would be used to repay the bond debt. The bond agreement further stipulated that if the proceeds from the admission charges during the first five years were not sufficient to repay the bondholders, then at least \$1 from each admission charge for the next five years would be applied to make the necessary bond payments. Assume that three years after the stadium had been in operation, a subsequent session of the state legislature passed a bill entirely prohibiting baseball because four players were killed in playing mishaps. This statute is probably', A. 'constitutional, because it is a justifiable exercise of the state's police power.', B. 'constitutional, because of the clear and present danger of baseball playing in the state.', C. 'unconstitutional, because it impairs the obligation of the bondholders'contract.', D.

'unconstitutional, because it violates the due process rights of the baseball team owners.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 850:

'A senator, had been a state senator for three years. During that period of time, it had been his regular practice to stay at a hotel in the state's capital while the legislature was in session (namely from September through March). As a general rule, the senator stayed at the hotel each and every night during that seven-month period. When the senator checked into the hotel on September 1, 2007 for the 2007 ■■■2008 term, the hotel manager quoted the senator his usual senatorial discount rate of \$50 per night. Although nothing was said regarding payment terms, the senator customarily paid the bill in weekly installments. During the months of September and October, he paid the hotel at the end of each week \$350 plus tax and other accumulated expenses. On the last day of October, the senator made his usual weekly payment covering the rental period from October 25 to October 31. Then, on the morning of November 4 (before checkout time for that day), the senator decided to suddenly move out of the hotel and register at a new motel located two blocks away. He notified the manager at the hotel of his intent to check out and tendered a check for \$150 plus tax and other incidental charges incurred from November 1 through November 3. When the manager noticed that the senator was paying only for three days, she remarked, "You still owe us \$200 plus tax for the rest of the week and \$350 plus taxes for an additional week because you didn't give us a week's notice that you planned to vacate. " The senator refused to pay the additional charges. If the hotel brings suit against the senator to recover for the unpaid balance, how many additional days lodging will he be required to pay for?', A. 'None.', B. 'Four.', C. 'Seven.', D. 'Eleven.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 851:

'Question 13. A buyer sent a signed letter to a seller that stated: "Ship 100 boxes of nails at \$3 per box, the price quoted in your circular." The seller mailed the buyer a signed form acknowledgment that agreed to the buyer's terms and stated on the reverse side: "Disputes regarding quality shall be arbitrated." The buyer did not reply to the seller's acknowledgment, and the seller shipped the nails. When the buyer received the nails, it found their quality to be unsatisfactory and sued the seller for breach of warranty. The seller has asked an attorney whether the parties' contract requires arbitration of the buyer's claim. What is the best advice the attorney can provide?', A. 'A contract was formed pursuant to conduct when the buyer received the nails, and a court would exclude the arbitration provision from the contract.', B. 'A contract was formed when the seller mailed its acknowledgment, and the arbitration term became part of the contract. arbitration term became part of the contract.', C. 'A contract was formed when the seller mailed its acknowledgment, and the court must decide whether the arbitration term should be excluded as a material alteration of the contract.', D. 'No contract exists, because the arbitration term in the seller's acknowledgment created a counteroffer that the buyer never accepted.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 852:

'A woman broke her leg while skiing. She was taken to a hospital where she was treated by a doctor who determined that the woman would need surgery to set the broken bones so that they would heal properly. During the surgery, the doctor inserted several metal screws into the woman's leg to hold the bones together. Although the hospital charged the woman a substantial fee for the doctor's services, the bill did not include a separate charge for the cost of the bone screws. A few months after the surgery, the woman's leg still was not fully healed. The doctor eventually concluded that the screws that were inserted into the woman's leg had been defective. The woman was forced to have a second surgery to replace the defective screws. If the woman asserts a strict tort liability claim against the doctor and the hospital for using defective screws in her surgery, she will most likely', A. 'prevail, because the doctor and the hospital provided a product to her that was defective and unreasonably dangerous.', B. 'prevail, because the doctor and the hospital probably would have realized the screws were defective if they had carefully examined them.', C. 'not prevail, because the doctor and the hospital did not manufacture the screws and, therefore, the defect in the screws was not their fault.', D. 'not prevail, because the doctor and the hospital will be treated as service providers rather than product sellers.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 853:

'A 13 year old boy was walking home from school. On the sidewalk, he was confronted and threatened by a stranger - a large bald man covered with tattoos ■■■ who was holding a serrated butter knife. The man came close to the boy's face and in an angry voice said "I am going to fillet you like a fish with this butter knife," and gestured in a menacing fashion. The boy took his army knife out, stabbed the man in the leg, and ran. The police officer who reviewed the matter decided that the man's threat was not objectively credible and that the boy had no authority to react. She arrested the boy for assault with a deadly weapon. The trial judge instructed the jury that the knife was a simple household utensil and not a deadly weapon. The boy was convicted at trial. Will the appellate court likely uphold the conviction?', A. 'No, because a butter knife can be as deadly as any other knife for the purpose of inflicting bodily harm, and the boy was conservative in his response to the situation.', B. 'No, because a person of that age in that factual situation could have reasonably been placed in fear of immediate bodily harm, and thus be entitled to act in his own defense.', C. 'Yes, because the boy had no right to react when he knew or should have known that someone could not be filleted with a butter knife.', D. 'Yes, because the response was disproportionate to the threat.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 854:

'A woman engaged in adulterous sexual intercourse with her paramour, but did not know that he had a venereal disease. Soon thereafter, she had sex with her husband, who contracted the disease within a few days. The woman revealed the source to her husband, and he then sued the paramour for negligence in failing to tell the woman that he had the disease. The trial court dismissed the complaint for failure to state a claim. What will the appellate court decide?', A. 'There is a cause of action because one who transmits a sexually communicable disease is strictly liable to all who contracts it.', B. 'There is no cause of action because the wife assumed the risk that the paramour had a sexually transmittable disease.', C. 'There is a cause of action because a person with a venereal disease has a duty to use reasonable care to avoid infecting others.', D. 'There is no cause of action because the paramour's negligence was cut off by the wife's intervening negligence which became a superseding cause.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 855:

'Expecting an increase in business for the holiday season, an owner of a retail store decided to hire another employee. On October 31, the owner entered into a written contract with a worker that provided that the worker would be employed for the months of November and December to work at the retail store for \$2,000 per month. At the end of November, the owner noticed that business had not increased as much as he had expected. The owner informed the worker that unless he agreed to take a cut in his salary, he would be fired. Reluctantly, on December 1, the worker orally consented to a salary reduction of \$500 for the month of December. Which of the following statements regarding the December 1 agreement between the owner and the worker is most accurate?', A. 'It effectuated a valid reformation of their original written contract.', B. 'It effectuated a valid modification of their original written contract.', C. 'It effectuated a novation of their original written contract.', D. 'It did not alter the rights and obligations of the parties under the terms of their original contract.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 856:

'A man kidnapped a victim in State A and transported the victim across the state border into State B. These actions violated the kidnapping laws of both states, which are identical. A jury convicted the man in a State A court, but the trial judge gave what prosecutors in State B deemed an unduly lenient sentence. The state prosecutor in State B then commenced a kidnapping case against the man for violating State B's kidnapping statute. The man's lawyer has filed a motion in State B to dismiss the charge based on the double jeopardy protection against a second prosecution for the man's single act of kidnapping. Should the court grant the motion to dismiss?', A. 'No, because the double jeopardy protection only prohibits a second prosecution following an acquittal for the same offense.', B. 'No, because the man's conduct violated the laws of two different states, and each has the right to enforce its laws. right to enforce its laws.', C. 'Yes, because the double jeopardy protection prohibits a second prosecution following a conviction for the same offense.', D. 'Yes, because the government is collaterally estopped under the double jeopardy protection from prosecuting a defendant a second time for the same conduct that led to an earlier conviction.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 857:

'A criminal defendant went to trial and was convicted. After exhausting his appeals, he filed for post-conviction relief, alleging that he had been deprived of his Sixth Amendment right to the effective assistance of counsel. He established that his counsel had not advised him of the benefits of plea bargaining, and had withheld several offers for guilty pleas from the government. The offers expired for lack of a response. The sentence he received was at least seven to eight years more than if he had entered a guilty plea. Will the court likely decide that the defendant was denied the effective assistance of counsel?', A. 'Yes, because plea bargaining is a critical stage of a criminal case and an attorney who ignores that process is constitutionally ineffective.', B. 'No, because plea bargaining is not a critical necessity in a criminal case and counsel has no duty to discuss such options with the defendant.', C. 'When the defendant indicates he wants to fight the charges, there is no need for counsel to relay plea offers or discuss the options with him.', D. 'Because this defendant was convicted at a fair trial he didn't lose any rights and was not prejudiced by his lawyer's mistakes.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 858:

'A landlord was the owner of a large, high-rise apartment building in a Midwestern city. On June 1, 2007, two tenants took possession of a three- bedroom apartment in the landlord's building under a three-year lease at a rental of \$1,200 per month. Their lease (as all other leases given by the landlord) contained the following provisions:"The term of this lease shall be three years from the date hereof as long as all the agreements herein shall be faithfully performed. "The two tenants lived in the apartment for two years. On June 10, 2009, however, a fire destroyed the apartment building. As a result, all the apartments in the building were rendered uninhabitable. After the two tenants were dispossessed from their apartment, the landlord brought suit against them to recover the rent due for the balance of the lease. The two tenants claim that they are no longer liable for rent or any other obligations under the lease. The landlord ■■ tenants leasehold contract contained no provision regarding liability for fire. If the decision is in favor of the two tenants, it will most likely be because', A. 'there was nothing in the lease regarding liability for fire.', B. 'the two tenants did not own an interest in the property.', C. 'the jurisdiction has rejected the common law view on the tenant's duty to pay rent.', D. 'the landlord did not contract to convey the property to the two tenants.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 859:

'In which one of the following situations would the defendant most likely be found guilty of felony murder?'. A. 'A baseball fan traveled all night to the stadium, planning to purchase tickets from a scalper at the stadium. However, the fan arrived at the stadium after the game had started, and no tickets were available. He proceeded to sneak around the guard at the entrance gate and illegally entered the stadium. He watched the remainder of the game in the standing room only section. The fan became so enraged when the opposition took the lead in the ninth inning that he pulled out a gun from under his jacket and aimed it at the section of spectators in front of him. Before he could be subdued he had fired three shots, killing one person and severely injuring another.'. B. 'A customer was in a bank filling out a deposit slip when a robber entered. The robber went to the teller's window and quietly slipped a note to the teller, demanding everything in the cash drawer. The customer, who was unaware of the robbery taking place, went to the adjoining teller's window and made his deposit. Upon obtaining his receipt, the customer suddenly collapsed and died of a heart attack. When the robber saw this, he panicked and left the bank before the teller could comply with his demand.'. C. 'Two men planned to rob a luncheonette during the noontime rush. At 12:30 p. m. , as planned, one of the men entered the luncheonette and pointed a gun at the cashier, who handed over the money. The man left to meet the other man outside as he was standing guard as a lookout. As soon as the man ran out of the door, a police officer tried to grab him. The man evaded the officer for a brief moment. Thinking that the other man had double-crossed him and informed the police of their plans, he fatally shot the other man.'. D. 'A man and a woman had been feuding for years. In order to show him a thing or two, the woman decided to set fire to the man's house. Before dawn one morning, the woman went to the man's house and lit a match to gasoline she had poured at the man's front door. The house caught fire and quickly spread to the man's bedroom, where the man was able to leap out of the window without injury. A police officer who was driving by saw the woman running away one block from the man's house. The police officer pulled his car up to the woman to determine if she was involved in setting the fire. Upon seeing the officer, the woman starts to flee the scene. As she is running away, the woman pulled out a revolver and started shooting indiscriminately behind her. The police officer was struck by one of the shots and was killed.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 860:

'While a ski lift was ascending the mountain, the overhead cable broke, dropping a skier 15 feet to the ground. The skier suffered a broken pelvis on account of the fall. Thereafter, the skier sued the ski resort alleging negligent maintenance of the ski lift machinery. The ski resort's skier's attorney took a discovery deposition of a witness who was seated behind the skier at the time of the accident. The witness died shortly after the deposition. At trial, the skier offers the witness's deposition testimony into evidence. Upon objection by the ski resort's attorney, the deposition is', A. 'admissible as former testimony.', B.

'admissible, provided that the witness's statements are more probative on the point than any other evidence the skier can procure through reasonable efforts and that the skier has given the ski resort reasonable notice that she would offer the deposition.', C. 'inadmissible, because it violates the ski resort's right to confront the witnesses against itself.', D. 'inadmissible, because it is hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 861:

'A motorcyclist was involved in a collision with a truck. The motorcyclist sued the truck driver in state court for damage to the motorcycle. The jury returned a verdict for the truck driver, and the court entered judgment. The motorcyclist then sued the company that employed the driver and owned the truck in federal court for personal-injury damages, and the company moved to dismiss based on the state-court judgment. If the court grants the company's motion, what is the likely explanation?', A. 'Claim preclusion (res judicata) bars the motorcyclist's action against the company.', B. 'Issue preclusion (collateral estoppel) establishes the company's lack of negligence.', C. 'The motorcyclist violated the doctrine of election of remedies.', D. 'The state-court judgment is the law of the case.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 862:

'A defendant worked as a patent attorney in a law firm. Late one evening, she left the office and walked outside to her car. While in the parking lot, she noticed a gold watch lying on the ground. When the defendant picked it up, she immediately identified the watch as belonging to one of the other lawyers in her law firm. She took it home with her, intending to return it the next day. The following morning, however, the defendant decided to keep the watch, and did so. The defendant has committed', A. 'larceny only.', B. 'embezzlement only.', C. 'both larceny and embezzlement.', D. 'neither larceny nor embezzlement.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 863:

'A chemical company's plant was located in a residential community. The manufacturing process used at the plant generated a toxic chemical as a by- product. The chemical was stored in a state-of-the- art tank on the site before being moved to an off-site disposal facility. The on-site storage arrangement conformed to the requirements of reasonable care and to the applicable government regulations. However, the storage of the toxic chemical created a foreseeable and highly significant risk of physical harm even when reasonable care was exercised. Despite the chemical company's proper use and care of the storage tank, toxic fumes escaped from the tank and made residents of the area seriously ill. No state or federal statutes address the issue of the company's liability. In an action by one of the affected residents against the chemical company, will the resident be likely to prevail?'. A. 'No, because the chemical company conformed to the requirements of reasonable care and to the applicable government regulations.'. B. 'No, because the chemical company used a state-of-the-art storage tank.'. C. 'Yes, because the chemical company is strictly liable in tort for any harm caused by the toxic chemicals it produced.'. D. 'Yes, because the storage of toxic chemicals in a residential community created a highly significant risk of physical harm even when reasonable care was exercised.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 864:

'A defendant is on trial for attempting to cash a forged check at a bank. A teller at the bank is called to testify. The teller testified that she was on duty when the defendant came to her station and handed her a check drawn on the account of another customer. She recognized the forgery because she knew the other customer's signature since he was one of her regulars. The teller further testified that after becoming suspicious, she placed the check down on the counter and turned to talk to her supervisor. As she did so, the defendant picked up the check and left the bank before she could say anything. The check that the defendant presented at the bank was not recovered by law enforcement authorities and was not offered as evidence. The teller's testimony regarding the forged signature on the check is', A. 'inadmissible, because the witness is at fault in allowing the loss of the original by failing to secure the check.', B. 'inadmissible, because it is not possible for the jury to compare the signature on the check since it was not presented as evidence.', C. 'admissible, because it is rationally related to the witness's perception.', D. 'admissible, because the witness was familiar with the alleged victim's handwriting.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 865:

'A plaintiff sued a defendant for leg injuries stemming from a collision between their cars at an intersection. Each party was driving his own car, and the plaintiff alleged that the defendant had sped through a red light and collided with the plaintiff's car. The defendant denied this allegation. During the trial, the plaintiff testified that he and the defendant had conferred after the accident and that the defendant had said, "Don't worry about anything; I'll see to it that your doctor's bills are paid. " The defendant's attorney immediately objected. The trial judge should rule this testimony', A. 'admissible, because the defendant admitted his negligence.', B. 'admissible, because it is a declaration against interest.', C. 'inadmissible, because the prejudice in admitting the testimony outweighs its probative value.', D. 'inadmissible, because an offer to pay medical bills is not admissible to prove negligence.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 866:

'After a lengthy interview with a company vice president, an employee was hired by the company to work in the company's accounting department. The parties agreed that the employment would be on an at-will basis. At the end of her first week of work, the employee was given a booklet entitled "Employment Manual," with instructions to read the book in its entirety by the end of the following week. That evening, the employee began reading the manual. The first few pages described the history of the company and provided a personal biography of its president. On page 20, the manual stated that the company treats its employees "as family" and that employees will be discharged "only with good cause. " The employee finished reading the manual as requested. The employee interpreted the statement on page 20 as insuring continued employment unless good cause existed for termination. Over the next two months, the employee continually complained to her supervisor that the lighting in the accounting department was insufficient. Finally the supervisor, fed up with the complaints, fired the employee. The employee then sued the company, seeking to recover on grounds of promissory estoppel. Which of the following facts, if true and provable, would be most helpful for the employee's cause of action?', A. 'At the time when the company hired the employee, the company subjectively intended that the employee be given job security.', B. 'The employee interpreted the clause in the manual stating that company employees would be treated "as family" to mean that she would have job security and could only be fired for good cause.', C. 'Just prior to receiving the manual, the employee seriously considered quitting, but continued to work for the company in reliance on the provisions contained on page 20 of the manual.', D. 'The employee's complaints regarding the insufficient lighting were factually true and justifiable.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 867:

'In a suit between a plaintiff and a defendant arising out of an automobile accident, a bystander was called to the stand to testify that the defendant had driven through a red traffic light immediately before the collision. On cross-examination by the defense, the bystander admitted to having made a prior statement to a friend that he was not sure if the traffic signal was yellow or red when the defendant drove through the intersection. The trial judge should', A. 'permit the jury to consider the prior statement as substantive evidence.', B. 'permit the defendant to call other witnesses to confirm the fact that the prior statement had been made.', C. 'on request by the defendant, instruct the jury that the bystander's testimony that the defendant had driven through the red light be disregarded.', D. 'on request by the plaintiff, instruct the jury that the prior statement may be used only to impeach the bystander's credibility, and not as substantive evidence.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 868:

'A defendant was arrested and charged with burglarizing a home. At trial, the main issue of contention centered on the identity of the burglar. The state called the homeowner to testify, but his identification testimony was inconclusive. The homeowner testified that he was asleep during the burglary and awoke as the burglar was fleeing the premises. The homeowner admitted that he didn't see the face of the burglar and couldn't even tell whether the person was male or female. Thereafter, the prosecution offers evidence that at the time of the burglary, the defendant needed money to defend himself against other burglary charges. This proffered evidence should be', A. 'admitted without restriction as probative evidence of motive.', B. 'admitted, provided the court instructs the jury to limit use of the evidence to the defendant's motive to burglarize.', C. 'excluded as lacking any probative value.', D. 'excluded as substantially more unfairly prejudicial than probative.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 869:

The President appointed a delegation to enter into negotiations with representatives of a foreign government to study the problem of preventing the extinction of certain species of seals. The delegation's goal was twofold: to study the problem and to formulate regulations in a bilateral agreement that would protect the endangered species and provide for a permanent commission that would continually monitor enforcement of the proposed regulations. After compiling their findings and drafting the necessary regulations, the President and the leader of the foreign government entered into a treaty to form a permanent commission to oversee the problem and to grant it the necessary enforcement powers. The validity of this treaty would most likely be upheld under which of the following principles?', A. 'The presidential power to conduct foreign affairs.', B. 'An ancillary power of the President under his treaty-making power.', C. 'The treaty-making power, but only if the treaty is ratified by two-thirds of the Senate.', D. 'The treaty-making power, but only if the treaty is ratified by a majority in Congress.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 870:

'A husband visits an attorney seeking a divorce because of his wife's infidelity. At the client consultation, the attorney's secretary took notes. With the permission of the husband, the attorney's law clerk also sat in on the consultation to see how the attorney conducted these meetings. Shortly after this initial consultation with the attorney, the secretary quit. During the divorce trial, the wife's attorney seeks to call the secretary to testify about what the husband told the attorney during the initial client consultation. Upon objection, the secretary's proposed testimony will most likely be', A. 'admissible, because her presence during the meeting destroyed the attorney-client privilege.', B. 'admissible, because the law clerk's presence during the meeting destroyed the attorney- client privilege.', C. 'inadmissible, because the attorney-client privilege disqualifies the secretary from testifying to such confidential communications.', D. 'inadmissible, because it is hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 871:

'Law enforcement authorities had probable cause to suspect a man of murder. Without an arrest warrant, they went to his home to arrest him. They knocked and announced, and hearing no response, forcibly broke open the door and entered the house. They didn't find anyone but seized a handgun that was in plain view. The suspect was later arrested for murder; he filed for suppression of the gun. Will the suppression court throw out the gun?'. A. 'No, the entry was authorized by exigent circumstances and the gun was in plain view.', B. 'No, the entry did not require an arrest warrant because the authorities already had established probable cause.', C. 'Yes, the entry was a violation of the knock and announce rule.', D. 'Yes, the police must obtain an arrest warrant to enter someone's home for an arrest.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 872:

'In an effort to improve the health care of cancer patients, a state's legislature has enacted a law providing public funds to assist privately owned hospitals. According to the law, every hospital in the state would receive \$5,000 annually for each cancer patient who was admitted to that hospital, and whose period of hospitalization exceeded one week. Although this bill was initially opposed by several churches and other organizations, the state's legislature re-drafted the bill in a compromise effort to appease the opposition. In its final re-draft, the bill provided that the \$5,000 annual subsidy "would not be paid to any hospital performing abortions. "Which of the following is the strongest argument in support of the constitutionality of the state statute?', A. 'The Tenth Amendment reserves to the states plenary power over the allocation of their public funds.', B. 'Public subsidies in hospitals are privileges rather than rights and, therefore, are not entitlements protected by the due process clause of the Fourteenth Amendment.', C. 'The funding limitation in this statute does not directly prohibit or penalize the exercise of a fundamental right and is rationally related to the achievement of a legitimate state interest.', D. 'The statute promotes a compelling state interest in advancing the health, safety, and welfare of its citizenry.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 873:

'A defendant is on trial for attempted murder. The alleged victim is called by the prosecution to testify. During her testimony, the victim recounted the incident and described how the defendant savagely beat her with a baseball bat. She was not asked by the prosecution whether she made any statements during the attack. After the victim was excused and left the witness stand, the prosecution called another witness to testify. The witness proposes to testify that when the beating stopped, the victim screamed, "I'm dying. Don't let the defendant get away with this. "Upon objection by the defendant's attorney, the witness's proffered testimony is', A. 'admissible as an excited utterance.', B. 'admissible as a dying declaration.', C. 'inadmissible as hearsay not within any recognized exception.', D. 'inadmissible, because the victim was not questioned about the statement before being excused.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 874:

'A federal statute established a national lottery and created a new federal agency to administer it. In order to sell lottery tickets directly to the public, the agency established outlets throughout the country, including in a particular state. The state levies a general tax on the gross receipts from all gaming operations within the state. The state seeks to tax the agency on the sales of lottery tickets from its outlets within the state. Must the agency pay the state gross receipts tax?', A. 'No, because a federal agency may not pay any monies to a state without explicit federal statutory authorization to do so.', B. 'No, because a state may not impose a tax directly on the federal government or any of its agencies or instrumentalities.', C. 'Yes, because it is a generally applicable tax that does not discriminate against the agency.', D. 'Yes, because the federal government is not exempt from state taxation on its commercial activities.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 875:

'A man was arrested under a criminal statute that prohibited public intoxication. A magistrate fined him \$100 and sentenced him to a weekend in jail. On appeal, he had a de novo trial before a county trial court. He presented medical testimony diagnosing the disease of alcoholism, which was marked by a nearly uncontrollable urge to drink. The defense claimed that a person could not be convicted for suffering from a disease process. The state simply argued that the man had no defense to what he did. The U.S. Supreme Court accepted the man's appeal after his conviction. Will the Court likely reverse the conviction?', A. 'Yes, because it is unconstitutional to punish someone for the status of being an alcoholic or a drug addict.', B. 'Yes, because when a person acts under a compulsion that is part of a medical disease, this negates criminal intent.', C. 'No, because the man was sane and knew the difference between right and wrong when he was sober.', D. 'No, because he was convicted not for being a chronic alcoholic but for the actions of being in public while drunk.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 876:

'A city resident commuted to work each day by subway. After purchasing her subway ticket, the resident entered the subway for her ride downtown to where she was employed. Looking for a seat, the resident was walking toward the rear of the subway car when it came to an abrupt halt. As a result of the sudden stop, the resident fell onto a commuter, injuring him. If the commuter asserts a claim against the subway company to recover for his personal injuries, the commuter will probably', A. 'prevail, because a special duty of care was owed him.', B. 'prevail, because the sudden stop caused the resident to fall onto him.', C. 'not prevail, if the operator of the subway was not negligent in making the stop.', D. 'not prevail, if the resident was negligent in not holding onto the hand rail.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 877:

'A homeowner offered to pay a roofer he knew \$2,000 for the roofer's agreement to make repairs to the homeowner's roof. He said to the roofer, "We'll have a deal when you begin to do the work necessary for this job." The roofer did not directly respond to the offer but he went out and purchased the supplies and materials needed for the homeowner's specifications. When he arrived at the site with the supplies he found a message from the homeowner that he revoked the offer. Can the homeowner revoke the offer under these circumstances?', A. 'Yes, because an offer for a bilateral contract can be revoked before its acceptance.', B. 'No, because the act of purchasing supplies specifically for the homeowner's job was an effective acceptance and a contract was formed prior to homeowner's attempted revocation.', C. 'No, because the offer had to remain open for a reasonable period of time before it could be revoked.', D. 'Yes, because an oral offer to enter a bilateral contract is never enforceable.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 878:

'A minor child was eating a fish sandwich in a fast food restaurant when a large metal object, later identified as a fish hook, got caught in her throat. The trapped hook caused her to cough blood uncontrollably, and she was rushed to a hospital for emergency surgery. The restaurant later defended the customer's lawsuit by showing that it had done everything reasonable to eliminate foreign objects from its product and there was no negligence. Will the lawsuit be dismissed and judgment entered for the restaurant?', A. 'No, because even without negligence there is strict liability imposed for selling an unreasonably dangerous product.', B. 'Yes, because a customer voluntarily assumes the foreseeable risk that fish will contain metal fish hooks.', C. 'Yes, because customers are expected to know that a fish sandwich will often have foreign objects in it.', D. 'No, because the seller did not post a warning that its fish might contain fish hooks.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 879:

'A tenant was cleaning out the bedroom of his apartment as his lease had expired. He carried out his waterbed, dresser, and all of his clothes. As the tenant inspected the room one last time, he noticed a bookcase that he had screwed into the wall when he first moved in. While he pondered whether to remove the bookcase, the tenant concluded that it constituted a fixture and, therefore, was a permanent part of the realty. Nonetheless, the tenant decided that the bookcase would fit nicely in his new apartment, so he removed it from the bedroom wall. When the landlord learned that the tenant had removed the bookcase, he contacted the tenant and demanded that he return it to the apartment. The tenant refused. If the tenant is subsequently prosecuted for larceny, he will most likely be found', A. 'guilty, because the chattel was the personal property of the landlord.', B. 'guilty, because severance of the bookcase from the wall was sufficient asportation to constitute larceny.', C. 'not guilty, because the tenant cannot be found guilty of theft for removing his own property.', D. 'not guilty, because the bookcase was a fixture.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 880:

'A woman was the owner of a farm in fee simple. The woman left the farm in 1986 to move to the city. Aman took possession of the land in 1987 as an adverse possessor and remained on the land from 1987 to 1997; he then left the property to care for his sick mother for one year, returning the following year, 1999. The man's nephew agreed to live on the farm and take care of it during his uncle's absence. When the man returned from his mother's home in 1999, he continued in possession until 2010 when the woman brought an ejectment action. Assume that the statutory period for adverse possession in this state is 20 years. The court would most likely hold that', A. 'the woman was the rightful owner and thus entitled to possess the farm.', B. 'the woman was entitled to possession, because the man's intermittent possession was insufficient to make him an adverse possessor.', C. 'the man was entitled to possession, because his possession was open, notorious, continuous, and hostile as required for the statutory period.', D. 'the man was entitled to possession, because of the privity between the man and his nephew, which aided him in fulfilling the required statutory period.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 881:

'After watching a television program about archery, a 15-year-old boy became very interested in that sport. He saved up some money to buy a bow and other archery equipment. He set up a target in his backyard in order to practice. He surrounded the target with stacks of hay bales to stop any arrows that missed the target. After practicing for a few weeks, the boy made great improvements in his technique and accuracy. While practicing one afternoon, however, the boy lost his balance just as he released an arrow. As a result, the arrow flew way off course, going over the target and all the hay bales and flying into a wooded area behind the boy's house. The boy assumed no one was in the woods, so he was relieved that the errant arrow would not hurt anyone. However, a hiker happened to be in the woods near the boy's house. As he paused for a moment to take a drink of water, the hiker suddenly saw something out of the corner of his eye. It was the stray arrow shot by the boy. Without even thinking about it, the hiker reflexively ducked out of the way. The arrow narrowly missed the hiker's head; but as the hiker ducked out of the way, his head struck the limb of a tree, causing a stick to stab painfully into his eye. Which of the following causes of action could the hiker successfully assert against the boy?', A. 'Assault, but not battery.', B. 'Battery, but not assault.', C. 'Assault and battery.', D. 'Neither assault nor battery.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 882:

'Section 2022(a) of a state's medical licensing code provides:"For the purposes of this statute, only those persons who have graduated from an optometry school located in the state and accredited by the board of optometrists shall be licensed to conduct the practice of optometry within the state. "A doctor graduated from a school of optometry located in a neighboring state. The following month, the doctor was granted a license to practice optometry in that neighboring state by its board of optometrists. For approximately one year, the doctor was engaged in the practice of optometry in the neighboring state. Subsequently, the doctor decided to relocate his practice to the state for which Section 2022(a) applies. The doctor re-domiciled in the state, where he opened a new office for the practice of optometry. When he initially opened his office, the doctor was unaware of the state's licensing provision for optometrists. Since the doctor was a licensed optometrist for 10 years, he assumed that he could practice optometry in the state by reciprocity. The doctor received notification from the state's board of optometrists that he was illegally practicing optometry and that he must immediately cease and desist from such practice. If the doctor challenges the constitutionality of Section 2022(a) of the medical licensing statute as violating the Commerce Clause, which of the following, if factually true, is the WEAKEST defense that the state could offer?', A. 'The statute will help to ensure that only the most qualified optometrists practice in the state.', B. 'The statute will help protect the optometrists in the state from competition outside the state.', C. 'The statute will help to ensure a continuously available number of practicing optometrists within the state.', D. 'The statute will help to ensure that the practicing optometrists in the state are subject to standards of a regulatory body.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 883:

'An experienced equestrian rider sued a woman, claiming that her horse kicked and injured the rider. At trial, the rider testified that he was attending a horse show when, without provocation, he was kicked by a gray stallion with a black tail. The rider then called the woman as an adverse witness and asked her the following question: "Isn't it true that you are the owner and trainer of a gray stallion with a black tail?"

After answering affirmatively, the woman was not asked any further questions on direct examination. Whereupon in cross- examination, the woman was then asked, "Isn't it true that your horse is very gentle and would not kick anyone unless provoked?" Upon objection by the rider's attorney, the rider's strongest argument would be that the woman's proffered testimony is', A. 'inadmissible as an improper form of impeachment.', B. 'inadmissible as substantive evidence to show that the horse must have been provoked.', C. 'inadmissible, because the horse's general propensity cannot be used to prove what occurred on a particular occasion.', D. 'inadmissible as beyond the scope of the woman's direct testimony.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 884:

'A man was prosecuted for assault and battery after he admitted striking a victim with a pool cue during a barroom argument. The man claimed that he acted in self-defense after he was attacked by the victim, who was drunk and belligerent. As his first defense witness, the man calls his neighbor to testify that the man is a good neighbor. The neighbor's testimony is', A. 'admissible, because it is relevant to show the improbability of the man's having committed an unprovoked attack.', B. 'admissible, because it is relevant to support the man's credibility.', C. 'inadmissible, because it is merely the opinion of a character witness.', D. 'inadmissible, because it is not directed toward a pertinent trait of the man's character.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 885:

'A pedestrian domiciled in State A was crossing a street in State B when he was hit by a car driven by a citizen of a foreign country. Both the pedestrian and the driver suffered injuries. The pedestrian filed a negligence action against the driver in a federal district court in State B, seeking \$100,000 in damages. The driver believes that the pedestrian was crossing the street illegally and is therefore responsible for the accident. The driver seeks an attorney's advice on how best to respond to the action. Assume that State B is a contributory negligence state. How should the attorney advise the driver to respond?', A.

'File an answer raising the affirmative defense of contributory negligence and asserting a counterclaim for negligence, seeking damages for the driver's injuries.', B. 'File an answer raising the affirmative defense of contributory negligence and defense of contributory negligence and move for judgment on the pleadings.', C. 'Move to dismiss for lack of personal jurisdiction, because the driver is not a citizen of State B.', D. 'Move to dismiss for lack of subject-matter jurisdiction, because the driver is not a U.S. citizen.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 886:

'After his 16th birthday, a youth decided to purchase a new sports car from a dealership for the sales price of \$36,000. The youth thereafter entered into a written contract with the dealership, which provided that the youth would make monthly payments of \$1,000 for three years. During the first year of the contract, the youth made 12 monthly payments totaling \$12,000. However, the youth failed to make any payments during the second year of the contract. The dealership repeatedly threatened to sue the youth for the remaining balance that it claimed was due under the contract. Finally, in order to avoid litigation, the youth sent the dealership the following letter: "The car I purchased from you is a real lemon. I have spent a considerable sum of money during the last two years in repair work. I don't believe that the car is worth \$36,000, but I am willing to pay you \$10,000 if I find a job in the next month." The youth had just turned 18 when he sent this letter to the dealership. The day after mailing this letter, the youth was involved in an automobile accident, and the sports car was totally demolished. Following the accident, the youth remained unemployed, and he refused to make any payments to the dealership. At the time of the accident, the sports car was worth \$18,000. In this jurisdiction, the age of majority is 18 years of age. If the dealership brings suit against the youth for breach of contract, what, if any, is the plaintiff's proper recovery?', A. 'Nothing.', B. '\$10,000. 00', C. '\$18,000. 00', D. '\$24,000. 00'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 887:

'Which of the following will not terminate a contract by operation of law?', A. 'Death or insanity of a party.', B. 'Partial performance', C. 'Destruction of the subject matter of contract.', D. 'Supervening illegality'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 888:

'An architect is the owner of a large two-story office building. The architect designed and supervised the building's construction. He and his associate occupy the first floor for their architectural business. In June 2005, the architect entered into a valid and binding written lease with a tenant to rent the second floor office space for four years at a monthly rental of \$5,000. The lease contained a provision wherein the architect was required to repaint the second floor premises after two years of occupancy. On June 1, 2007, the tenant sent the architect a written letter requesting the repainting of the second-floor office space. The architect made no reply and failed to perform the repainting as the lease required. The cost of repainting the tenant's office was estimated at \$1,750. On July 1, 2008, the architect had still not repainted the premises. The following day, the tenant moved out, mailed the keys to the architect, and refused to pay any more rent. The lease was silent as to the rights and remedies of the tenant due to the architect's failure to perform the repainting. There is no applicable statute in the jurisdiction. In an appropriate action by the architect against the tenant for the rent due, the architect will', A. 'win, because there was no constructive eviction.', B. 'n, because the tenant had the remedy of self-help.', C. 'lose, because he cannot maintain an action for rent while in breach of an express covenant.', D. 'lose, because the obligation to pay rent is dependent on the architect's performance of his express covenant.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 889:

'Calvin Poultry Co. offered to sell Chickenshop 20,000 pounds of chicken at 40 cents per pound under specified delivery terms. Chickenshop accepted the offer as follows: "We accept your offer for 20,000 pounds of chicken at 40 cents per pound per city scale weight certificate." ■ Which of the following is correct?', A. 'A contract was formed on Calvin's terms.', B. 'Chickenshop's reply constitutes a conditional acceptance, but not a counteroffer.', C. 'Chickenshop's reply constitutes a counteroffer and no contract was formed.', D. 'A contract was formed on Chickenshop's terms.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 890:

'A state has a statute prohibiting the sale of guns and ammunition to any person under the age of 17. Violation of the statute is a felony punishable by a fine of \$5,000 and imprisonment for up to two years.

The state courts have interpreted this statute as a public welfare offense requiring no particular mental state for its violation. As such, this is a strict liability crime whereby culpability is imposed on a defendant for doing the proscribed act. A defendant, a 15-year-old, entered the store to purchase a shotgun as a present for her father. She took a shotgun off the shelf and went to the cashier's counter to pay for it. Not

seeing the cashier anywhere, the defendant left the exact price for the shotgun on the countertop and left the store. If the defendant is prosecuted for violating the state statute, she should be found', A. 'guilty, because she purchased the shotgun while under the statutory age.', B. 'guilty, because the statute imposes absolute criminal liability.', C. 'not guilty, provided she was unaware that the statute prohibited the

sale of weapons to a person in her age group.', D. 'not guilty, provided that the legislative intent was not to make the purchase of shotguns a criminal offense.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 891:

'A president of the senior class at a public high school, on his own initiative instituted among the students the practice of invoking divine blessing at the start of the daily luncheon served in the high school cafeteria. Although no teacher or school official either encouraged or discouraged the practice, all but two teachers, when present, joined in the invocation. A student and his parents protested to the school superintendent, but they refused to intervene on the grounds that the matter was entirely up to the students. Moreover, school board officials pointed out that the students who led the recital always sat at a table in the rear of the cafeteria and that no one was required to participate in the blessing. In an action by the student's parents to enjoin the daily luncheon invocation at the high school, the court will most likely', A. 'grant relief, since the invocation violates the establishment clause of the First Amendment.', B. 'grant relief, since the primary effect of the invocation is to advance religious beliefs.', C. 'deny relief, since the lunch hour is not part of the educational process.', D. 'deny relief, since the noncompulsory nature of the invocation would not be violative of the establishment clause.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 892:

'An avid stamp collector had amassed a large and valuable collection. Many of his stamps were extremely rare and highly coveted. On numerous occasions the collector had rejected offers to sell his prized collection. Finally, on December 1, the collector sent his cousin, who was also a stamp collector, the following letter: "I've decided to part with my stamp collection. Since I want to keep it in the family, I'll sell you my entire collection for \$75,000. "The collector had dictated this letter to his secretary, who mistakenly typed "\$75,000," instead of \$78,000 that the collector had specified. After typing the letter, the secretary gave it to the collector, who hastily signed it without noticing the mistaken price. The cousin received this letter on December 3. On December 5, the cousin sent a letter accepting the collector's offer. Which of the following correctly states the agreement's price term and its legal effect?', A. 'The price term is \$75,000, and it is enforceable.', B. 'The price term is \$78,000, and it is enforceable.', C. 'The price term is \$75,000, but the court will reform the price to \$78,000 in order to correct a mistake in integration.', D. 'The price term is \$75,000, but either party can rescind the contract, because there was a mutual mistake as to a basic assumption of fact.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 893:

"The board of a state university has adopted the following rule concerning residency requirements: "A student will be considered a legal resident of the state for the purpose of registering at the university if such person is over the age of 21 and has established a legal residence in the state for at least one year next preceding the last day of registration for credit. "A student moved to the state and immediately enrolled at the state university. Since he did not fulfill the university residency requirement, the student was required to pay \$1,800 tuition each semester, which was \$400 more than the tuition of state resident-students. In an action by the student challenging the constitutionality of the provision governing the determination of residency for the purpose of fixing a fee differential for out-of-state students in public college, the court will most likely declare the provision', A. 'unconstitutional, because it constitutes a violation of the equal protection clause of the Fourteenth Amendment.', B. 'unconstitutional, because it constitutes a violation of the privileges and immunities clause of Article IV, Section 2.', C. 'constitutional, because the fee differential promotes a compelling state interest.', D. 'constitutional, because the provision does not trigger strict scrutiny.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 894:

'A defendant, a 14-year-old male, was tried as an adult for an armed robbery and was convicted. No one had been physically harmed during the robbery. In light of the defendant's lengthy juvenile criminal history, which included violent offenses, and the fact that armed robbery is a crime of violence, he was sentenced to life in prison without the possibility of parole. Did the life-without-parole sentence violate the Eighth Amendment ban on cruel and unusual punishment?', A. 'No, because a juvenile may be sentenced to life without parole if release would pose a danger to the community.', B. 'No, because the Eighth Amendment does not apply outside the context of capital punishment.', C. 'Yes, because a life-without-parole sentence is not permissible for a juvenile defendant convicted of a nonhomicide offense.', D. 'Yes, because a life-without-parole sentence is not permissible for an adult or juvenile defendant convicted of a nonviolent offense.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 895:

'A defendant charged with first-degree murder shall be furnished with a list containing names and addresses of all prospective jurors', A. 'upon court order.', B. 'upon request.', C. 'upon request and showing of good cause.', D. 'under no circumstances.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 896:

'A father and a son were indicted and charged with bank robbery. They allegedly participated together in robbing a bank in their hometown. After the son was arrested and given Miranda warnings, he confessed and admitted that he and his father took part in the bank robbery. The prosecution decided to charge the father and son in the same indictment and prosecute them together in a single trial. At trial, the son took the stand and recanted his earlier confession by denying participation in the robbery. The prosecution now seeks to introduce into evidence the son's earlier confession that was videotaped by the police. The son and the father both object to its admissibility. The confession should be', A. 'admitted against the son only.', B. 'admitted against both the son and the father, because they were engaged in a conspiracy.', C. 'not admitted against the son or the father, because the confession is hearsay not within any recognized exception.', D. 'not admitted against the son or the father, because the son recanted the confession.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 897:

'Defendant was waiting in line for post-Thanksgiving day sales. The door opened at 6 a.m. and hundreds of people rushed the entrance for a chance at a hugely discounted holiday gift. When defendant saw that there was a signed copy of a book written by his mother's favorite author, he jumped towards it, only to be blocked by a little old lady with a baseball bat. She was using the bat as a blocking tool, but he was determined to get the book, so he deliberately stuck his leg out in front of her and tripped her. She fell hard and in the process ended up with a blood clot in her leg, which traveled to her heart over a period of weeks, and ultimately caused her death. What crime can the defendant likely be convicted of?', A. 'First degree murder', B. 'Second degree murder', C. 'Involuntary manslaughter', D. 'voluntary manslaughter'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 898:

'A construction company was doing repairs and replacing portions of a sidewalk and railing next to a lake. The construction crew started tearing out the old sidewalk and railing, but stopped work when it started to get dark. The construction crew left without putting up a warning sign or barrier around the work area. A few hours later, a jogger came along the sidewalk. Not realizing the construction work was in progress there, the jogger stumbled and fell at the spot where the construction crew had torn up the sidewalk and railing. The jogger fell into the lake. As the jogger was attempting to stay afloat, he began screaming, "Help! Help! I can't swim. I'm drowning. " His screams attracted the attention of a person who was passing on his bicycle. The cyclist immediately hurried to assist the jogger. As the cyclist was leaning over the edge of the lake, trying to help the jogger get out of the water, he lost his balance and fell into the lake. Both the jogger and cyclist suffered serious bodily injuries before they were pulled out of the water by police. In a negligence action by the cyclist to recover for his personal injuries, the construction company will most probably', A. 'be held liable, because the cyclist's attempt to rescue the jogger was foreseeable.', B. 'be held liable, because the construction company would be strictly liable to anyone injured by the failure to put adequate warnings or barriers around the site of the sidewalk repairs.', C. 'not be held liable, because the cyclist assumed the risk by leaning over the edge of the lake.', D. 'not be held liable, because the construction company could not foresee that anyone would be hurt while trying to rescue someone from the lake.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 899:

'A women's action group attempted for many months, unsuccessfully, to reach an agreement with the local professional men's club to admit women to membership. The women's group instituted a suit for a declaratory judgment in federal court to determine whether the men's club was subject to the state's anti-discrimination act. Prior to the elections for city officials, four members of the women's group were sent to picket the offices of the mayor and district attorney, both prominent members of the men's club. Two members walked outside the front of the mayor's office building, carrying signs that read, "The mayor is supposed to serve all the people but his lunch club is for men ONLY. So don't vote for him. " The other two pickets walked outside the rear of the district attorney's office building, carrying similar signs, telling the public not to vote for him. This picketing was carried on from 9 A. M. to 5 P. M. The same day, two more pickets were assigned to carry identical signs in front of the mayor's official residence. Two pickets also carried duplicate signs in front of the district attorney's suburban home during the early evening hours. The picketing at all sites was held peacefully without any disturbance. The relevant city ordinances concerning picketing read as follows:"Section 201. No picketing shall be permitted inside of, or on any sidewalk or street immediately adjacent or contiguous to, city hall, without express permission of the mayor. Applications for such permission shall be filed at least three days before such picketing is intended to begin and shall state the purpose, place, and time of the proposed picketing. Section 202. It shall be unlawful for any person to engage in picketing before or about the residence of an individual. Nothing herein shall be deemed to prohibit the holding of a meeting or assembly on any premises used for the discussion of subjects of general public interest. "The federal district court will most likely avoid making a decision on the merits of the suit for declaratory judgment because', A. 'the case lacks adequate ripeness.', B. 'there is no case or controversy.', C. 'the relief sought is essentially for an advisory opinion.', D. 'the women's group lacks standing.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 900:

'A landowner and a developer own adjoining lots in the central portion of the city. Each of their lots had an office building built on it. The developer decided to raze the existing building on her lot and to erect a building of greater height. The developer has received all governmental approvals required to pursue her project. When the building was completed, the homeowner discovered that the shadow created by the new higher building placed her building in such deep shade that her ability to lease space was diminished and that the rent she could charge and the occupancy rate were substantially lower. Assume that these facts are proved in an appropriate action that the landowner instituted against the developer for all and any relief available. Which of the following is the most appropriate comment concerning this lawsuit?', A. 'The landowner is entitled to a mandatory injunction requiring the developer to restore conditions to those existing with the prior building insofar as the shadow is concerned.', B. 'The court should award permanent damages, in lieu of an injunction, equal to the present value of all rents lost and loss on rents for the reasonable life of the building.', C. 'The court should award damages for losses suffered to the date of trial and leave open recovery of future damages.', D. 'Judgment should be for the developer, because the investor has no cause of action.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 901:

'An employee is an orthodox member of his faith. He has recently been hired as a forest ranger by the state. In accordance with the orthodox tradition of his religion, the employee wears a covering on his head throughout the day. The director of the state forestry department has notified the employee that he will not be permitted to wear his head covering while on duty. A state forestry regulation provides that all forest rangers are required to wear only standard headgear in the interests of maintaining a uniform dress code conducive to the furtherance of the department's morale, efficiency, and professional standard of conduct. Although the employee wants to pursue a career as a forest ranger, he feels that his religious beliefs should not be compromised by a governmental agency. In trying to resolve his dilemma, the employee seeks your legal advice. You should advise him that in light of relevant U. S. Supreme Court decisions, the state regulation is probably', A. 'constitutional, because although the employee has a constitutional right to the free exercise of his religion, a state may impose reasonable regulations that are rationally related to the furtherance of a state interest.', B. 'constitutional, because the interest of the state in vindicating a carefully considered professional judgment by the forestry director that wearing such religious apparel would interfere with the department's morale and efficiency is sufficient to contravene the wishes of its members to wear headgear required by their religious beliefs.', C. 'unconstitutional, because in accordance with the free exercise clause of the First Amendment, a state has no power to regulate religious beliefs.', D. 'unconstitutional, because an individual has a fundamental right to seek gainful employment, and a state cannot arbitrarily and unreasonably regulate against such economic activity.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 902:

'For many years, a husband and a wife tried to have a child, but the wife was unable to get pregnant. Her family physician had advised her that she was infertile and that it was impossible for her to become pregnant. After missing her period for three months and experiencing other symptoms of pregnancy, the wife consulted the physician. Without administering a pregnancy test, the physician examined the wife and concluded that she had the flu. He prescribed tetracycline, an antibiotic drug, which the wife took for two weeks. After discontinuing the tetracycline, the wife continued to experience nausea, fatigue, and other symptoms of pregnancy. She then consulted a different doctor, who administered a pregnancy test, which revealed that the wife was, in fact, four months pregnant. Thereafter, she gave birth to a child. When the child developed teeth, they were black and discolored. At the age of 12, the child learned that the black discoloration of his teeth resulted from the tetracycline that the wife took during her pregnancy. If a claim is brought on the child's behalf against the physician based on malpractice in not administering a pregnancy test to the woman and prescribing tetracycline, judgment is likely to be for whom?'; A. 'The physician, because an unborn child does not have legal rights stemming from conduct that occurred before birth.'; B. 'The physician, because no duty of care is owed to an unborn child not in existence at the time medical treatment is rendered.'; C. 'The child, because a child, if born alive, is permitted to maintain an action for the consequences of prenatal injuries.'; D. 'The child, because the wife was negligent in failing to seek proper prenatal care.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 903:

'A company created a new brand of pies. However, a study by the federal Food and Drug Administration revealed that the pies contain potentially harmful levels of nuts for some consumers with nut allergies. As a result, Congress enacted legislation prohibiting the shipment and sale of the pies across state lines. A state has a statute that regulates the shipment and sale of the pies within its territory. In light of the federal legislation prohibiting the shipment and sale of the pies across state lines, the state statute is probably'. A. 'constitutional, because it is within the state's police power.', B. 'constitutional, because Congress may not regulate an economic activity where both buyer and seller reside in the same state.', C. 'unconstitutional, because it affects interstate commerce.', D. 'unconstitutional, because the federal law preempts any conflicting state legislation regarding the sale and shipment of the pies.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 904:

'A retired cattle rancher was flying his private plane to visit his daughter and grandchildren. While carefully and skillfully operating his airplane, he suddenly realized that one of his engines was gone. He was then forced to make an emergency landing under the reasonable belief that it was necessary to do so for the protection of himself and his airplane. He landed in a farmer's orange grove and managed to steer the plane and land it between the trees in order to not cause damage to any of them. If the farmer brings suit against the rancher for trespass, the most likely result is that the farmer will', A. 'recover, because the property belonged to a private person.', B. 'recover, because the rancher had reasonable grounds to believe that the orange grove belonged to a private person.', C. 'not recover, because the rancher was privileged to enter the land of another under the circumstances.', D. 'not recover, because the rancher was carefully and skillfully operating his airplane when the engine went out.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 905:

'A man with a long history of criminal violence who is a psychopathic personality, often enjoys the act of mercilessly brutalizing innocent elderly people by physical torture that is heinous and shocking. He decides to torture the victim's father for no good reason. After the beating, the father is hospitalized and in intensive care. The victim was not present but read about it in the newspaper and heard about it from the authorities. Victim suffered extreme emotional distress and required medical treatment. Can victim bring a successful action against perpetrator for intentional infliction of emotional distress? (IIED)', A. 'No, because victim was not present at the time that the outrageous behavior occurred.', B. 'Yes, because the activity was outrageous and shocking.', C. 'No, because perpetrator did not know that the father had immediate family members.', D. 'Yes, because in torture cases there is strict liability imposed on the perpetrator.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 906:

'An owner of an adult bookstore was angry that a city ordinance had been passed requiring that all "adult" establishments be located in areas zoned industrial. This owner was located in a tourist area downtown and was very profitable. Claiming his First Amendment rights were being violated, he filed suit in court. The court will likely find for:', A. 'The owner, as his First Amendment rights were indeed breached.', B. 'The city, because they have a right to regulate offensive activities.', C. 'The city, because it does not unreasonably limit alternative avenues of communication.', D. 'The owner, as it is a legitimate business.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 907:

'A man was at a party where he observed a female guest who had passed out and was unconscious and alone in a bedroom of the house. The man locked the door and quietly took the female's purse, emptied all of the money into his pockets, and removed the jewelry from her person. He was apprehended and charged with robbery. Can he be convicted of that crime?', A. 'Yes, robbery is the unlawful taking of property from another's person by intimidation or force.', B. 'No, this was not robbery because there was no intimidation, and indeed no force, against an unconscious victim.', C. 'Yes, robbery does not require that the victim be subdued by force or be placed in fear.', D. 'No, this was not robbery because it occurred in a private home and not in a business establishment or on the street.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 908:

'A teenager is the star player on his high school basketball team. The high school is a public school, and the school has a policy that all student athletes are required to sign an authorization form by which they consent to undergo random drug testing. All the basketball players on the school team, except the teenager, signed the authorization. In the third game of the season, the team beat their archrival, and the teenager scored a record high 69 points. In the locker room following the game, the basketball coach approached the teenager and requested that he provide a urine sample for a random drug test. The teenager refused. He had smoked some marijuana the previous day and was afraid that a positive test result might jeopardize his being awarded a basketball scholarship to college. Thereafter, the teenager was suspended from the team for failing to comply with the coach's request. The coach later admitted that he did not have any individualized suspicion that the teenager was under the influence of drugs. The teenager has filed a motion challenging the suspension and seeking reinstatement on the basketball team. The court will most likely rule in favor of , A. 'the school, because a urine sample does not constitute a search under the Fourth Amendment.', B. 'the school, because drug testing is not an intrusion on his Fourth Amendment right of privacy.', C. 'the student, because he didn't consent to the drug test.', D. 'the student, because the coach admitted that he did not have any individualized suspicion that the student was under the influence of drugs.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 909:

'A ski resort had a lift that carried customers from the bottom to the top of the ski slope. One afternoon, the lift suddenly broke down because of a power failure in the area. A customer was suspended in his lift chair, one-third of the way up the hill and 50 feet above the ground. The customer remained on the lift for five hours until power was restored. He was then returned uninjured to the bottom of the hill. In a suit against the ski resort, the customer is likely to have action for', A. 'false imprisonment.', B. 'negligence.', C. 'assault.', D. 'no cause of action.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 910:

There is a thriving source of crawfish that live in a state. The state owns a fleet of boats that trawl for crawfish. The state is willing to sell the crawfish to in-staters for \$1 per pound and to out-of-staters who come to the state for \$5 per pound. The state felt that the increased fee for out-of-staters was a reasonable contribution toward the protection they received from the state. Assume that the federal court decided to hear the case. The statute is likely to be found', A. 'constitutional, because it is a valid exercise of the state's police power.', B. 'constitutional, because the fee was a reasonable contribution toward the protection that the state government gave nonresidents.', C. 'unconstitutional, because it places a discriminatory burden on interstate commerce.', D. 'unconstitutional, because it constitutes a violation of the privileges and immunities clause under Article IV.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 911:

'A plaintiff sued a defendant over title to land on a riverbank. Changes in the water level over time were important to the plaintiff's case. For 15 years, a commercial fisherman had kept a daily log of the water level at his dock on the riverbank opposite the land in order to forecast fishing conditions. The plaintiff hired a draftsman to graph the data from the fisherman's logs for use as a trial exhibit. At trial, the fisherman testified to the care with which he had made the measurements and recorded them in his logs, which had been made available for the defendant's inspection. The draftsman then testified to the manner in which he had prepared the graphs. With this foundation, are the graphs admissible?', A. 'No, because they are hearsay not within any exception.', B. 'No, because they violate the "best evidence" rule.', C. 'Yes, as summaries of voluminous business records.', D. 'Yes, as the draftsman's expert opinion of the water levels.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 912:

'A state statute provides that the crime of assault is generally punishable by a maximum of five years in prison. It further provides that the maximum punishment increases to 10 years in prison if the defendant possessed a deadly weapon during the assault. The statute designates the deadly weapon element as a sentencing factor. A defendant charged with assault has pleaded not guilty and has requested a jury trial. The prosecutor has announced that she will be seeking a 10- year sentence based on the defendant's alleged possession of a deadly weapon. What finding regarding the defendant's possession of a deadly weapon is necessary for the court to impose a 10-year sentence?', A. 'A judicial finding by a preponderance of the evidence.', B. 'A jury finding by a preponderance of the evidence.', C. 'A judicial finding beyond a reasonable doubt.', D. 'A jury finding beyond a reasonable doubt.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 913:

'Defendant was convicted of armed robbery. On appeal, Defendant moves for a new trial, claiming that his Sixth Amendment rights were violated because he received ineffective assistance of counsel at trial.

Which of the following facts, if proven, would provide the best grounds to substantiate Defendant's ineffectiveness of counsel claim?', A. 'The trial attorney lied to Defendant about her criminal trial experience.', B. 'The trial attorney failed to interview an alibi witness.', C. 'The trial attorney did not consult Defendant about her trial strategy.', D. 'The trial attorney did not believe in Defendant's innocence.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 914:

'A husband and his wife are involved in a contested divorce and child custody battle. Ignorant of the adversarial system, they both visited a family law attorney together for an initial consultation. The attorney advised them that he could not represent them both. The wife found another attorney. During the trial, the wife's attorney calls the wife to testify. She states that during the initial consultation she and her husband had with his attorney, she privately told the attorney, when her husband was taking a bathroom break, that her husband had a bad drinking problem, which was one of her major reasons for seeking a divorce and custody of the children. Upon objection by the husband's attorney, the wife's testimony should be', A. 'admitted, because the spousal privilege is inapplicable, since the parties are living in separation.', B. 'admitted, because the marital communication privilege is inapplicable in a lawsuit involving the parties.', C. 'excluded, because the wife is incompetent to testify to marital communications because she is not the holder of the privilege.', D. 'excluded, because confidential statements made during a joint consultation are privileged communications between clients and their attorneys.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 915:

'A state enacts a statute that prohibits "anyone over60 years of age to run for public office. " A state senator has been in office for three terms and wishes to seek re-election. The senator, who is 61, brings suit challenging the constitutionality of the state statute. Which of the following best states the burden of persuasion?', A. 'Since a fundamental right is involved, the state must show the regulation is necessary to vindicate a compelling government interest.', B. 'Since no fundamental right is involved, the petitioner must show the age restriction is not rationally related to a legitimate government interest.', C. 'The state must show the age regulation substantially furthers an important government objective and does not impair the fundamental right to vote.', D. 'The petitioner must show the statute violates due process by depriving her of the right to be a candidate.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 916:

'A defendant has been charged with manufacturing illegal firearms in violation of federal firearms laws. In its case-in-chief, the government wants to introduce a copy of the defendant's transcript from a technical college to show his certificate as gunsmith. The college is no longer in existence, though, and the whereabouts of the previous officials and employees are unknown. However, the transcript bears a seal above the registrar's signature, and the court has taken judicial notice of the existence of the college and has found that it is normal for a college to compile a transcript. Finally, the information about the defendant on the transcript has been corroborated by a government witness. Assume the prosecution provided the defendants with a copy of the transcript before trial and informed them of its intent to introduce it as evidence. The transcript will be admitted', A. 'as a business record, because the custodian can testify' as to how the records of the college were kept.', B. 'under the general hearsay exception, as the transcript in these circumstances has sufficient circumstantial guarantees of trustworthiness.', C. 'only if the registrar's signature can be authenticated by an expert witness.', D. 'only if the defendant waives his right to object to its admission.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 917:

'On March 1, 1999 a widower, the sole owner and occupant of a piece of property, died and devised the property to both his co-worker and his boss "as their community property. " The co-worker and the boss were also siblings, and neither was married. The property consisted of a single-family house with a yard, garage, and driveway. The boss died intestate on May 1, 2001, leaving her daughter as her sole heir. During her occupancy, the boss paid \$3,500 each year in insurance and property taxes. In addition, the premises on the property had a fair market value during this period of \$1,500 each year. Following her mother's death, the boss's daughter moved into the house on May 2, 2001. As the administratrix of the boss's estate, the daughter sought to collect from the co-worker one-half of the cost of insurance and property taxes that the boss paid. Conversely, the co-worker claimed that he was not liable for any of the expenses. Furthermore, the coworker's attorney advised him that the daughter did not own any interest in the property and that since the boss's death, he (the co-worker) owned the entire property. The attorney also informed the co-worker that the daughter owed him rent for the entire period of her occupancy, and if she continued to occupy the premises, then she would be liable for insurance and property taxes as well. In an appropriate action to determine the title of the property, what, if any, interest does the daughter have in the said property?', A. 'None, because the co-worker acquired title to the whole of the property by right of survivorship.', B. 'An undivided one-half interest, because upon the death intestate of a tenant-in-common, the latter's interest descends to his heirs.', C. 'An undivided one-half interest, because in a tenancy by the entirety, either sibling can make a testamentary disposition.', D. 'An undivided whole interest, because in a joint tenancy, every joint tenant is part and parcel of the unit group that owns the whole.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 918:

'A seller listed real property for \$500,000, which was set to expire on Aug.1. The current lessee of the premises, who had made substantial improvements to the property, wanted to buy at the full list price but needed extra time. He paid \$10,000 for an option to be added to the lease, giving him an option to buy on or before Sept. 1. The option stated that all notices required under it "shall be deemed given if given in writing and delivered personally, delivered by commercial delivery service, or by certified mail return receipt requested, to the party to receive the Notice" That notice was required by Sept. 1. Buyer called Seller on Aug. 25 and told her that he was exercising the option, but Seller did not remember the words used. The Buyer sent written intent to exercise it by first class mail on Aug. 29 but the Seller later testified that she did not receive it until September 3. On September 10 she notified Buyer that the option expired and the deal was off. Buyer filed a specific performance action to compel the transaction. Is it likely that the Equity Court will grant the request for specific performance?', A. "Yes, the exercise of an option is not considered to be a situation where "time is of the essence" of the agreement, and options are liberally enforced so that the benefit of the bargain is not unreasonably lost.', B. "Yes, the delay was minimal, the lessee would suffer hardship, and the wording of the notice requirement did not absolutely require one of the stated forms of notice.', C. "No, because the Seller would be prejudiced by having to sell after the option date.', D. "No, because option contracts are strictly enforced and even a one-day delay cannot be allowed due to the need to have commercial predictability in such transactions.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 919:

'Which of the following is not within the power of a federal subpoena to command a person to do at a specified time and place?', A. 'Submit to a physical or mental examination.', B. 'Attend and testify as to persons and/or events related to a cause of action.', C. 'Produce designated documents, electronically stored information, or tangible things in that person's possession, custody, or control.', D. 'Permit the inspection of premises.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 920:

'A witness is scheduled to testify in a criminal case. To prove that he was a juvenile on a given date, evidence is offered that on that date he was confined in a juvenile detention facility. If a party wished to argue that this evidence is hearsay, whom would he point to as the hearsay declarant?', A. 'The witness on the stand.', B. 'The party offering the evidence.', C. 'The juvenile authorities.', D. 'The witness.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 921:

The Supreme Court has original jurisdiction in certain areas. Congress has given lower federal courts concurrent jurisdiction with the Supreme Court in all cases except for disputes involving:', A. 'ambassadors', B. 'public ministers and consuls', C. 'different states', D. 'a state as a party'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 922:

'After waiting in line for two hours to gain entry into a popular nightclub, a man was denied admission because his attire failed to conform to the club's dress code. When he was refused admittance, the man angrily shouted to the club's doorman, "You'll be sorry for this. After I'm through, this club will be reduced to rubble. " Later that same evening, the man returned to the club with two explosives in his possession. He noticed the defendant leaving the club and followed him into a nearby parking lot. As the defendant was about to enter his car, the man grabbed him, pointed a gun and said, "Follow me, you punk, or I'll blow your brains out. " The man led the defendant to the rear of the club, handed him the explosives, and directed him to throw them through an open window of the club. In fear of his life, the defendant tossed the explosives into the club, causing an inferno that killed 25 people. In this jurisdiction, the applicable arson statute includes all buildings. If the defendant is charged with felony murder for the death of the people in the club, he will most likely be found', A. 'guilty, because they were killings that occurred during the commission of an inherently dangerous felony.', B. 'guilty, because duress is not a defense to murder.', C. 'not guilty, because duress is a defense to arson.', D. 'not guilty, because the defendant was justified under the circumstances.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 923:

'A married couple sued a real estate broker for misrepresentation and breach of contract in failing to live up to promises he made regarding the couple's purchase of a residence. They claimed receiving promises from the broker that if they bought the home immediately a \$15,000 rebate would be given to them at closing by the sellers. At closing, the sellers claimed no knowledge and didn't pay. At trial against the broker, the couple subpoenaed one of the broker's agents who testified that he was in a meeting with the buyers and he heard the broker make the same promise. The broker objected that the testimony was hearsay. What will the court most likely decide regarding the admissibility of the testimony?', A. 'The testimony is admissible because it is a party admission made through the party's authorized agent concerning a matter within the scope of his employment.', B. 'The testimony is inadmissible because the agent was not authorized to speak for his principal.', C. 'The testimony is inadmissible because it is pure hearsay offered to prove the truth of the matter that is in dispute.', D. 'The testimony is admissible ■■■ even though it is hearsay, the broker is available to be cross-examined.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 924:

'After a fire destroyed her home, a plaintiff sued the insurance company that insured the home for the proceeds of her policy. The company claimed that the policy had lapsed. At trial, the plaintiff admits that she failed to make a timely premium payment; however, she cites a policy provision that required the company to give her notice that it had not received the premium by a specified date and testifies that she never received such a notice. The company then calls its chief billing clerk, who is company then calls its chief billing clerk, who is prepared to testify that, because of the plaintiff's unusual name, the clerk remembers preparing the plaintiff's notice and placing it in the "out" box on his desk, and that an employee from the company's mailroom daily picks up all mail from office "out" boxes and places it in a U.S. mail deposit box. How should the court rule on the admissibility of the billing clerk's testimony?'. A. 'It is admissible only if the company produces corroborative evidence, such as a mailing checklist.'. B. 'It is admissible without more, because it is evidence of the routine practice of a business.'. C. 'It is inadmissible, because evidence of the mailroom employee's general practice does not prove the particular mailing.'. D. 'It is inadmissible, because the billing clerk lacks personal knowledge of the actual mailing, mailing.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 925:

"There are 2,000 insurance agents licensed under the general licensing laws of a state. The state legislature recently passed a highly controversial bill that, inter alia, reduces "good driver" automobile insurance rates and prohibits price-fixing and discrimination by insurance companies. This bill passed despite a well-financed and intense lobbying effort mounted by the insurance industry. After this law was enacted, an insurance agent who is a resident of the state, was interviewed by the local newspaper and publicly stated, "the legislature is a bunch of self-serving crooks. " After the statement made newspaper headlines, the state legislature enacted a statute providing that "the state insurance license of the insurance agent is henceforth revoked. " Astonished by the legislature's action, the insurance agent, who remains unrepentant, seeks your legal advice. You should advise the insurance agent that the state statute revoking her state insurance license is', A. 'constitutional, because a state license is a privilege and not a right and, therefore, it is not protected by the due process clause.', B. 'unconstitutional, because it denies her the equal protection of the laws.', C. 'unconstitutional, because it is a prohibited bill of attainder.', D. 'unconstitutional, because it is a denial of a privilege or immunity protected by Article IV.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 926:

'A defendant was charged with felony murder as a result of his setting fire to the victim's house. The victim was upstairs sleeping when the fire was set, and he died in his bedroom during the fire. If the defendant can prove the facts to support his defense, which of the following assertions would LEAST likely remove liability for felony murder?', A. 'The defendant did not intend to kill the victim.', B. 'The defendant was insane when he set the fire.', C. 'The defendant was coerced by another to set the fire.', D. 'The victim died of a heart attack before the fire spread to his bedroom.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 927:

'A woman was sailing in a bay when she was struck by a motorboat. The woman, who was seriously injured in the accident, sued the motorboat operator in a personal injury action. During the course of the lawsuit, an important question of consequence was the wind speed on the afternoon the woman was sailing. At trial, the woman calls an orthopedic surgeon to testify'. The surgeon, who is an amateur boating enthusiast, testified that he was navigating his sailboat into the bay when the motorboat hit the woman. Furthermore, the surgeon testified that in the cockpit of his boat he maintains a sophisticated electronic weathering device that measures wind speed, temperature, and barometric pressure at periodic intervals. The woman then offers into evidence the computer printout from the surgeon's weathering device measuring the wind speed at the time of the accident. Upon objection by the motorboat operator, the printout is', A. 'admissible as past recollection recorded.', B. 'admissible as the record of regularly conducted activity.', C. 'inadmissible as hearsay not within any recognized exception.', D. 'inadmissible, unless there is foundation testimony as to the accuracy and good working condition of the surgeon's electronic weathering device on the afternoon in question.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 928:

'Charlie Contractor entered into a contract with Nancy Non-cooperative to remodel a bathroom and kitchen in Nancy's home. The contract assigned \$10,000 to the bathroom and \$15,000 to the kitchen with the \$25,000 total due when all the remodeling was complete. Charlie completed the bathroom, but refused to begin the kitchen because Nancy did not cooperate. If Charlie sues Nancy, the likely outcome is for', A. 'Charlie in an amount of \$25,000 since he alleges that Nancy breached the contract.', B. 'Charlie in an amount of \$12,500 since he completed the bathroom construction.', C. 'Charlie in an amount of \$10,000 if the court finds the contract divisible and the \$10,000 is an equivalent amount for the completed portion of the agreement.', D. 'Nancy since Charlie will not complete the contract, he is not entitled to any compensation.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 929:

'Pursuant to a newly enacted statute, Congress created a nine-member agency empowered to promulgate rules governing air quality standards for the nation. In accordance with the statute, the President was authorized to appoint a majority of six members to the agency, and the other three positions were to be filled by the Senate. The nine members were duly appointed to the agency, and all appointees were subsequently approved in confirmation hearings. Thereafter, the agency issued the following regulations:(a) Requiring each motor vehicle operating in the United States to be equipped with a specified air/fuel control device;(b) Requiring each gas or oil furnace located in the United States to be fitted with a specified device to reduce emissions;(c) Requiring each State to establish and maintain a program under which each vehicle and each furnace shall be tested annually for compliance with federal emissions standards. Which of the following arguments would provide the strongest constitutional grounds against the authority of the statute?', A. 'The President does not have the constitutional power to appoint a majority of members to an administrative agency.', B. 'Congress does not have the executive authority to appoint members to an administrative agency.', C. 'An administrative agency does not have the constitutional authority to promulgate regulations that unduly burden interstate commerce.', D. 'An administrative agency does not have the constitutional authority to require states to supervise federal regulatory guidelines such as those enumerated in Subsection (c).'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 930:

'A landowner, being owner in fee simple of a farm conveyed the property by warranty deed to an investor. The investor gave a farmer a mortgage on the farm to secure a loan from the farmer to the investor in the amount of \$50,000. The mortgage was recorded immediately. Two years later, the investor conveyed the farm to his friend by quitclaim deed. According to the deed instrument, the friend "assumed the mortgage. " The investor then defaulted on the mortgage, and the farmer brought an in personam action against the friend to recover the amount of the mortgage due. The farmer will most likely', A. 'prevail, because the friend acquired title to the farm by quitclaim deed.', B. 'prevail, because the farmer was a third-party beneficiary under the conveyance between the investor and the friend.', C. 'not prevail, because the conveyance between the investor and the friend did not effectuate a delegation of duties.', D. 'not prevail, unless the land was subject to the mortgage.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 931:

'An off-duty police officer was standing on a street corner waiting for a bus. A man came up from behind and stole the police officer's wallet from his pants pocket. As the man was running away with the wallet, the police officer pulled out his service revolver. The police officer yelled at the man to stop and then fired several shots in the man's direction. The police officer did not aim directly at the man but shot at the pavement intending to frighten him. One of the bullets ricocheted off the sidewalk and struck the man, killing him. The police officer is guilty of', A. 'assault with a deadly weapon.', B. 'involuntary manslaughter.', C. 'voluntary manslaughter.', D. 'murder.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 932:

'A homeowner buys a new leaf blower and is so impressed with its power that he gets carried away and blows large amounts of his work onto the next door neighbor's yard. In addition to leaves, he also blew large amounts of pest-infested plant debris onto the neighbor's property. The material has accumulated into large, unsightly piles and caused damage to the neighbor's healthy plants. He has to pay workers to haul the material away and he incurs expenses to replace infected perennials. The neighbor sues for the tort of trespass. The homeowner files a motion to dismiss because the neighbor cannot prove that homeowner acted with an intent to trespass or to do harm. Will the court grant the motion to dismiss?', A. 'No, because the infected debris constituted an abnormally dangerous condition and homeowner could be held strictly liable for the trespass.', B. 'No, because trespass is based on an intentional act of entering the land or sending something onto the land, and the actor does not have to intend harm to be liable for the tort.', C. 'Yes, because the homeowner had no practical way of controlling where the material went and he acted without malice or ill will.', D. 'Yes, because the homeowner expected the wind to carry the debris away and did not think that it would accumulate on the neighbor's property.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 933:

'A student was a practical joker who liked to perform zany antics. Late at night after studying, he would often walk around the campus dressed only in a raincoat and boxers. As he approached young women, he would flash them by opening his raincoat and exposing himself in his shorts. The student believed that he was committing a crime by flashing himself in front of the co-eds. In this jurisdiction, it is a felony to flash or expose oneself in the nude, so, unknown to the student, what he was doing was not a crime. One night, the student broke into a sorority house intending to flash the sorority sisters. Clad only in his raincoat and shorts, he entered the bedroom of one of the sisters who was lying in her bed studying for an exam. The sister, who knew the student, said, "What are you doing here? Shouldn't you be studying for finals?" The student then took off his raincoat and responded, "Study this, baby!" He then began to run through the sorority house in his shorts. Shortly thereafter, the police arrived and placed the student under arrest. If the student is prosecuted, he should be found guilty of which, if any, of the following crimes?', A. 'Burglary only.', B. 'Attempted violation of the statute.', C. 'Both burglary and attempted violation of the statute.', D. 'Neither burglary nor attempted violation of the statute.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 934:

'A shopper suffered injuries to her back and legs when she slipped on a loose piece of carpeting in a hallway connecting a department store and a cafeteria. The shopper brought suit against the owner of the entire building. The owner claimed that since he leased the cafeteria, he no longer retained any control over the connecting hallway. If the shopper offers into evidence the fact that two days after the accident, the owner had the hallway carpet re-laid, the court should rule that the evidence is', A. 'admissible, because it is relevant to the issue of the owner's knowledge of the unsafe condition.', B. 'admissible, because it shows that the owner retained ownership and control.', C. 'inadmissible, because it shows subsequent repair, which is against public policy.', D. 'inadmissible, because the evidence is irrelevant to the accident.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 935:

'Termination of a parent's custody rights and also termination of welfare benefits both require what type of process?', A. 'Prior notice and prior evidentiary hearing', B. 'Prior notice and opportunity to respond', C. 'Prior screening by neutral fact finder', D. 'Prior screening and subsequent evidentiary hearing'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 936:

'A homeless man was walking down the street on a very cold night, when he entered an unlocked warehouse to get warm. There were some homeless families inside and he sat on the floor in a corner. He began to play with matches, lighting them for a bit of warmth, and then blowing them out. He carelessly threw them in a pile of refuse on the floor, which started smoldering. He got bored with that and looked around for something else to do. Meanwhile, the tiny fire grew, and the whole back of the building became ensnared in flames. Based on witness statements, the police arrested him for arson, which statutorily requires the "malicious and intentional" setting of fire to a structure. Will the prosecutor likely go forward with a prosecution for arson?', A. 'Yes, because he was a trespasser and he disrespected the rights of the owner of the building.', B. 'Yes, because he knew that he was creating an unreasonable risk of harm to others by playing with matches.', C. 'No, because the owner of the structure made it too easy for outsiders to get inside the building, thus assuming the risk of the consequences.', D. 'No, he did not intentionally set a fire or intend to burn the building, and he did not act maliciously.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 937:

'A husband and wife had a stormy relationship. The husband, who was an alcoholic, frequently beat his wife when he became drunk. One day, the husband had been drinking beer while watching football on television. After his favorite team lost a close game, the husband went into a violent rage. As he was storming around the apartment, he suddenly grabbed his wife and led her outside to their car. He then ordered her to get inside the vehicle. The husband was driving around aimlessly when he negligently collided with another car. The other driver, who was injured in the accident, brought suit against the husband to recover damages. Thereafter, the husband retained an attorney to represent him. At his first consultation with the attorney, the husband was accompanied by his wife. During the conference, the attorney's secretary took notes of the meeting. Two weeks later, the wife separated from the husband. She then hired a lawyer to represent her in a suit against the husband for battery and false imprisonment. At the trial between the husband and the other driver, the other driver's attorney calls the wife to testify. She proposes to testify that her husband was intoxicated at the time of the accident. Upon objection by the husband's attorney, the wife's proposed testimony will most likely be', A. 'admissible as a proper lay opinion.', B. 'inadmissible, under the attorney-client privilege.', C. 'inadmissible, under the marital privilege.', D. 'inadmissible, because the wife is biased.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 938:

'A man was paroled after serving five years in prison for forgery. Three weeks later, he found a handgun in a high school parking lot. Fearing that students from the school might find the gun and get into trouble using it, the man put it in the trunk of his car. The man drove off, was lawfully stopped by a police officer for speeding, and allowed the officer to search his car and the trunk. During the search, the officer discovered the gun. The man was charged under a federal statute prohibiting the knowing possession of a firearm by a convicted felon. Which of the following additional facts, if established, would be most helpful to the man's defense?', A. 'He did not intend to use the gun for an unlawful purpose.', B. 'He did not know about the federal statute.', C. 'He was driving to the police station to give the gun to the authorities when the officer stopped his car.', D. 'His previous conviction did not involve the use of a gun or other weapon.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 939:

'A woman was driving home after attending a concert. While talking on her cellphone, she momentarily took her eyes off the road. The woman then drove through a red light and struck a police car driven by a police officer, injuring him. At the time of the accident, the police officer was returning from an emergency dispatch. The police officer sued the woman to recover damages suffered in the auto accident. At trial, the police officer presented evidence that he was returning from an emergency scene when the woman drove through a red light and struck his patrol car. At the conclusion of the plaintiff's presentation of evidence, the woman moved for a summary judgment claiming the "firefighter's rule" barred recovery. The motion for summary judgment should be', A. 'granted, because the accident would not have occurred but for the emergency.', B. 'granted, because the police officer assumed the risk of injury by answering the emergency call.', C. 'denied, because the police officer's injury was not related to any special danger of his job.', D. 'denied, because the firefighter's rule does not apply to police officers.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 940:

'A man and a woman were driving eastbound along a steep two-lane winding highway. The woman was driving in front of the man. As the man approached the rear of the woman's car, he became impatient and tried to pass her along a section of the highway designated as a no-passing zone. When the man swerved his car into the westbound lane to pass the woman, he didn't see another driver, who was rounding a curve in the westbound lane. In order to avoid a head-on collision with the man, the other driver swerved his car to the shoulder of the roadway. The other driver, however, was unable to control his car along the narrow strip of the shoulder, and it fell down the steep mountain. The man and the woman both saw the other driver's car slide down the hillside. They immediately stopped their vehicles and walked over to the edge of the roadway looking for the car. They saw the other driver's car overturned in a gully about 200 feet down the mountain. The man and the woman heard the other driver moaning and calling for help. However, the man and the woman failed to provide any assistance. They walked back to their cars and drove off. Although the man and the woman passed through a business area a short while later, they neither reported the accident nor sought aid for the other driver. Hours later, the other driver died from injuries suffered in the accident. If the man and the woman are subsequently prosecuted for the other driver's death, the most likely outcome would be that', A. 'the man and the woman are both guilty of manslaughter.', B. 'the man is guilty of manslaughter only.', C. 'the woman is guilty of manslaughter only.', D. 'neither the man nor the woman is guilty of manslaughter.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 941:

'A contractor agreed with a city government to build it a bridge. The contractor was guilty of undue delay in getting the bridge construction finished. The contract had a liquidated damages clause that provided for a deduction from the contract price for each day of delay in completing the bridge. The formula for the deductions from the contract price was based on how much traffic flow was turned away. The city tried to deduct the damages from the contract price. The contractor, however, pointed out that the city had not yet connected a road to the bridge so that there was no traffic flow and hence no damage to the city. Will the court uphold the liquidated damages clause in favor of the city?', A. 'No, because the city's failure to perform has frustrated the purpose of the liquidated damages clause, making liquidated damages in this case unnecessary due to no damages suffered.', B. 'Yes, because the contract provision for liquidated damages has been breached and the city had no obligation to connect a road.', C. 'Yes, because the bridge delays caused the city to delay finishing the road, thereby creating the need to enforce the provision for liquidated damages.', D. 'No, because the city breached the contract by not connecting a road to the bridge.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: D

Question 942:

'A landowner was the record owner of a 30-acre orchard outside the city. The landowner lived in a farmhouse on the orchard and used the property to raise produce. Adjoining the orchard directly to the west was a 10-acre vineyard that was owned in fee simple by a farmer. A four-lane highway adjoined the orchard directly to the east. The farmer discovered that the southern portion of the orchard was rarely used by the landowner for any of the landowner's farming activities and found a convenient gravel road leading from the vineyard across the orchard all the way to the four-lane highway. The farmer used this road adversely and openly for the entire 20-year prescriptive period, and in doing so, the farmer has acquired a prescriptive easement over the roadway across the orchard. Thereafter, the farmer conveys the vineyard to a buyer in fee simple. The deed recited that "the grantor hereby conveys the vineyard, together with an easement for the right of way across the orchard, to the grantee. "After the buyer took possession of the vineyard, the landowner brought an appropriate action to prevent him from using the roadway across the orchard. The issue that will determine the outcome of this suit is whether', A. 'the description in the farmer's deed to the buyer was adequate to identify the portion of the orchard that the farmer used as a roadway.', B. 'the buyer will make excessive use of the roadway.', C. 'easements can be reserved to third parties.', D. 'the easement was appurtenant.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 943:

'An American company operates as an importer and distributor of guitars manufactured by a foreign company, and maintains several warehouses throughout the U. S. for the wholesale distribution of the guitars. A warehouse located in a city handles the distribution of guitars for several state areas. The guitars and guitar strings are shipped separately to the city warehouse. The guitar strings are mingled, stacked, and stored in the warehouse along with various other guitar strings. The guitars, on the other hand, arrive completely assembled in their shipping crates and remain on the loading docks. The city imposes an ad valorem property tax on the guitars and strings. The power of the city to impose an ad valorem tax on the foreign company's guitars and/or strings would most likely be upheld under', A. 'the commerce clause.', B. 'the reserved power of the states as granted under the Tenth Amendment.', C. 'the necessary and proper clause.', D. 'the import and export clause.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 944:

'A dance student worked very hard to strengthen her legs, including performing additional activities such as leaping and bounding up multiple flights of stairs in her apartment building. While she was performing her exercises, one of the janitors in the building warned her that "she was bound to get hurt if she keeps it up, because there are problems with the floor." After falling and breaking a leg due to a loose floorboard, she brought suit against the building owner. The building owner wants to testify that: "The janitor told me 'I told her that running too fast is dangerous and she was bound to get hurt.' ". Is the building owner's statement likely to be held admissible?', A. 'Yes, because it is as an exception to hearsay as a spontaneous declaration to an opponent-party.', B. 'Yes, because the building owner can testify and be questioned about what the janitor told him.', C. 'No, because it is irrelevant and immaterial.', D. 'No, because it is hearsay within hearsay, and there are no hearsay exceptions that apply.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 945:

'There is a grand jury proceeding underway for a local businessman. What is not true about grand jury proceedings?', A. 'The proceedings are conducted in secret.', B. 'There is no right to counsel.', C. 'There is a right to Miranda warnings.', D. 'There is no right to have evidence excluded.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 946:

'A student at a private university was receiving financial aid from the university based on a financial aid application he completed at the time of his enrollment. During finals at the end of the fall semester, the student was caught cheating. His chemistry professor saw him looking at a fellow student's exam paper and copying the answers to three multiple choice questions. The professor notified the honor committee, which immediately found an honor code violation and ordered that the student receive a failing grade in the course. In addition, in accordance with the rules of the university, the student's financial aid was terminated. The student filed a lawsuit seeking reinstatement of his financial aid. The student's only argument was that his due process rights were violated in that he did not receive a notice of, or a hearing on, the alleged honor code violation. Which of the following facts, if true, would be most helpful to the student?', A. 'The university was in financial difficulties and could not meet its payroll expenses.', B. 'The university did not re-allocate the student's financial aid to another deserving student.', C. 'The university received support from the state.', D. 'The honor committee sent the student a letter to advise him of the hearing date.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 947:

'A motel advertises the showing of pornographic, or adult movies in the privacy of each room. The motel has a strict policy permitting adults only to occupy the rooms. The state has recently enacted a statute that prohibits the showing of any obscene film in an area open to the public. The owner of the motel is prosecuted for violating the statute by showing pornographic movies in the motel rooms. On appeal, the owner's conviction will probably be', A. 'sustained, because a state can use its police power to prohibit the showing of pornography in public areas.', B. 'sustained, because a state may use local standards in determining whether a movie has redeeming literary, artistic, political, or scientific merit.', C. 'overturned, because his prosecution violates the right of consenting adultsto view such films in private.', D. 'overturned, because the First and Fourteenth Amendments prohibit the suppression of sexually oriented materials on the basis of their allegedly obscene contents.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 948:

'A buyer bought a large, nicely kept house near a university campus. She was able to buy the house for a very good price because it was located directly across the street from a fraternity house known for its frequent late-night parties. The buyer knew of the fraternity's reputation before she bought the house. The reputation was well deserved, and the buyer found the noise from the parties extremely unpleasant and disruptive. The buyer has asked an attorney for legal advice regarding a possible nuisance claim against the fraternity. Which of the following responses would best express the applicable law?', A. "You have no nuisance claim, because the fraternity members have the right to use their property as they please.", B. "You have no nuisance claim, because you came to the nuisance.", C. "You might have a nuisance claim, but the fact that you bought the house fully aware of the fraternity's habitual late-night activities will count against your claim and could help defeat it.", D. "You will be able to recover damages in a nuisance action, because the late-night activities of the fraternity members violate your right to the quiet enjoyment of your property."

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 949:

'A law school advertised in various law journals for a legal ethics and jurisprudence professor. Although a number of lawyers applied for the position, one of the applicants submitted a particularly impressive resume. The dean of faculty for the law school immediately wrote to the applicant to offer him the position. In the letter, the dean offered to employ the applicant for the upcoming academic year, which started on August 15, at a salary of \$75,000. The letter also listed the employment terms and conditions, one of which stated that professors are entitled to five paid sick days during the year. The dean included a detailed employment contract containing all these terms, for the applicant's signature. After the applicant received this letter, he replied by mail, requesting a salary of \$85,000 and sick leave of 10 days. Upon receipt of the applicant's letter, the dean telephoned the applicant and told him that the law school followed the American Bar Association guidelines with respect to salary and sick leave for its professors. The applicant acquiesced on the salary question, but insisted that his sick leave be extended to 10 days. The dean replied, "Let's not permit a minor issue to stand in the way of your coming to teach at our law school. In the event you require more than 5 sick days, I promise that the matter will be taken care of to your benefit. " The applicant informed the dean that he would sign the contract and forward it to the dean, which he promptly did. The applicant began teaching at the law school on August 15. Three months later, the applicant was out sick for five days with laryngitis. The applicant did not miss another school day until Monday, March 8, when he fell ill with food poisoning. This illness kept him home for five additional sick days. The applicant returned to work on March 15. When the applicant received his salary check at the end of the week, his check did not include payment for the previous week (from March 8 to March 12). Accompanying the check was a statement that read:"Salary payment for period from Monday, March 1 through Friday, March 19 with pro rata deduction to reflect five teaching days missed during said period. "When the applicant received his check, he immediately confronted the dean and requested full payment for the week of March 8 through 12. The dean responded, "I'm sorry, but there is absolutely nothing I can do about it. "The applicant asserted a claim against the law school for breach of contract. The applicant offers to introduce evidence that during his telephone conversation with dean of faculty, the dean promised, if necessary, to provide him with additional sick days. The most accurate statement concerning the dean's oral promise would be that', A. 'parol evidence is admissible to show that the parties assented to their written contract only as a partial integration of their complete contract.', B. 'parol evidence is admissible to prove a subsequent oral agreement that varies or contradicts the terms of a prior written contract.', C. 'parol evidence is admissible to show that the written contract is not enforceable, because of undue influence or fraud.', D. 'parol evidence is inadmissible to prove contemporaneous oral agreements that vary or contradict the terms of a written contract.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 950:

'An investor owned a building in a city. This was the only piece of real estate that the investor owned. The three-story building had a store on the ground floor and apartments on the other two floors. The investor entered into a leasehold agreement with a tenant, who would lease the first floor, where she planned to open a sporting goods store. After identifying the parties, the operative words of the lease were as follows: "Landlord hereby agrees to lease for the three years the first floor of his building in the city to tenant, reserving unto said landlord annual rental in the sum of \$12,000 payable in advance in monthly installments of \$1,000. "After the tenant took possession and the investor accepted her rent payment for the first floor of the building, which of the following most accurately describes the legal relationship between the parties?', A. 'A tenancy at will was created.', B. 'A periodic tenancy from month-to-month was created.', C. 'A periodic tenancy from year-to-year was created.', D. 'The tenant's equitable three-year term became a legal three-year term.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 951:

'A state generally provides funding for the medical care of its residents who cannot afford such care. State law, however, prohibits use of this state funding for surgery for any person who has resided in the state for less than one year, except in emergency situations. A woman moved to the state two months ago seeking permanent employment. Her physician recommends non-emergency surgery to treat a medical condition. The surgery would qualify for state funding if the woman had resided in the state for a year. The woman has sued to invalidate the state law that prohibits state funding of her surgery. Should the woman prevail in her action?', A. 'No, because the law reasonably conserves the state's limited resources.', B. 'No, because the law reasonably prevents the expenditure of state funds on transient nonresidents.', C. 'Yes, because the law burdens the woman's fundamental right to health care.', D. 'Yes, because the law burdens the woman's fundamental right to travel.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 952:

'A federal employees union brought an action in federal court asking for an injunction preventing the U.S. Treasury Department from enforcing mandatory drug testing against its members who carried firearms or interdicted drugs in their official duties. When an employee in one of those categories sought a promotion, the government required him or her to undergo a program of providing urine specimens for analysis. The union claimed that these searches were in violation of the Fourth Amendment's right to privacy and to be free from unreasonable searches. The union lost the case in the lower federal court and in the Court of Appeals, but the United States Supreme Court agreed to hear it. What will the Supreme Court decide?', A. 'The drug testing policy is unconstitutional because the searches are made without probable cause or suspicion.', B. 'The drug testing policy is unconstitutional in that it violates the employees' legitimate expectations of privacy.', C. 'It is reasonable to conduct suspicionless testing of employees who are involved in drug interdiction or the handling of firearms.', D. 'It is reasonable for a government employer to conduct suspicionless searches under any circumstances.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 953:

'A plaintiff sued the manufacturer of his lawn mower, alleging that, as the result of a design defect, he was injured when the mower's blade flew off after striking a sprinkler head in the lawn. At trial, the manufacturer has called as an expert witness a product safety engineer, who testifies that the manufacturer retained him for a fee to test identical mowers and, if his opinion was helpful, to testify in the case. The expert then testifies that he did test the mowers, and that the blade, as designed and installed by the manufacturer, could not fly off in the manner claimed by the plaintiff. Assume that the expert has used a reliable method for reaching his conclusion. Should the court admit the expert's testimony?', A. 'No, because it goes to an ultimate issue that only the jury can decide.', B. 'No, because the manufacturer paid the expert to render a certain opinion, in violation of rules barring paid testimony. violation of rules barring paid testimony.', C. 'Yes, because expert testimony on such issues of causation is relevant and helpful to the jury.', D. 'Yes, provided that the plaintiff had notice and an opportunity to participate in the testing process.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 954:

'During a two-month span, there were 15 bank robberies in the city area. The robberies were carried out by a single individual who entered the banks wearing a ski mask and carrying a machine gun. The police received information from a reliable informant that the defendant was the person responsible for the robberies. Acting on this tip, the police secured a valid arrest warrant and went to the defendant's home to apprehend him. When the officers rang the doorbell, the defendant opened the door and was placed under arrest. The defendant, who was wearing only underwear, asked the officers if he could put on a shirt and pants. One of the police officers asked the defendant if anyone else was present in the house. The defendant indicated that he was alone. The officer then accompanied the defendant to his bedroom to change his clothes. When the defendant asked permission to enter the closet for his pants, the officer told him that he needed to inspect the closet first. While the officer was inside the closet, he saw a ski mask that he recognized as part of the apparel worn by the bank robber. The officer confiscated the ski mask and then allowed the defendant inside the closet to change his clothes. While the officer and the defendant were in the bedroom, the officer's partner decided to conduct a protective sweep of the other rooms of the dwelling to see if any accomplices were present. Upon entering a back storage room, the other officer saw a box containing a large amount of \$100 bills. The officer confiscated the money, which was later determined to be part of the money stolen during one of the bank robberies. The defendant is subsequently prosecuted for bank robbery. The prosecution seeks to introduce the ski mask and the money found in his home into evidence. A motion by the defendant's attorney to exclude the items will be', A. 'granted with respect to the ski mask, but denied with respect to the money.', B. 'granted with respect to the money, but denied with respect to the ski mask.', C. 'granted with respect to both the ski mask and the money.', D. 'denied with respect to both the ski mask and the money.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 955:

'Which statement best describes the profit sharing relationship of a general partnership where the partners have agreed only on voting percentage and the voting shares are unequal?', A. 'Partners share in proportion to their contributions to the capital and assets of the partnership.', B. 'Partners share in proportion to their voting percentage.', C. 'Partners share equally.', D. 'Partners cannot share until they unanimously agree upon a distribution.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 956:

'A driver drove his car into the full-service area of a gas station. He told the attendant, "Ten gallons, please." The attendant went ahead and pumped 10 gallons of gas into the driver's tank. When the attendant approached the driver for payment, the driver drove off without paying. The driver is guilty of', A. 'larceny', B. 'larceny by trick', C. 'false pretenses', D. 'embezzlement.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 957:

'During a three-month period, a city was stunned by a series of mysterious deaths, which claimed the lives of 20 people. Although all the victims had apparently died from poisoning, the police were in a quandary as to who was responsible for the killings. There was finally a breakthrough in the investigation when a police toxicologist determined that all the victims had died after eating poisoned apples which had been purchased at a local market. The apples had all been contaminated with a pesticide. The police then received a letter from a person who claimed responsibility for the poisonings. The letter stated that the killings were in retaliation for the city's new policy of prosecuting toxic polluters. Acting upon an anonymous tip, the police arrested the owner of a pest control company engaged in the manufacture of pesticides, and charged him with 20 counts of murder. Thereafter, the city's largest newspaper ran a series of articles on the killings and referred to the owner as the pesticide poisoner. After the preliminary hearing, the state trial judge issued an ex parte injunction against the newspaper prohibiting it from publishing any news during the trial that might be prejudicial to the owner. The newspaper appealed. In light of the U. S. Supreme Court cases to date, the state appellate court should', A. 'dissolve the injunction, because a news story about a matter of public interest is absolutely privileged.', B. 'dissolve the injunction, because it is an impermissible prior restraint on the freedom of the press.', C. 'uphold the injunction, because the inference of guilt in any prejudicial coverage would deny the defendant his constitutional right of a fair trial.', D. 'uphold the injunction, because reference to the defendant by the name pesticide poisoner would be inflammatory and prejudicial.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 958:

'In which instance would a state, under the enabling clause of the Fourteenth Amendment, be most able to regulate?', A. 'A private individual from discriminating against a person based on race.', B. 'A private individual from discriminating against a person based on nationality.', C. 'A state official from discriminating against a person based on race.', D. 'A federal official from discriminating against a person based on nationality.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 959:

'A plaintiff sued the manufacturer of a slicing machine for negligent design, after the machine cut off the plaintiff's finger. The plaintiff claims that while he was cleaning the machine, two wires came into contact with each other and caused the machine to turn on. At trial, the manufacturer has offered evidence that it was unreasonably expensive to design the machine so that the wires could not come into contact. In rebuttal, the plaintiff offers evidence that after this action was filed, the manufacturer redesigned the machine to prevent the wires from coming into contact. Is evidence of this change in design admissible?', A. 'No, because the change in design may have been unrelated to this type of accident.', B. 'No, under the rule regarding remedial measures that encourages manufacturers to make their products safer.', C. 'Yes, as evidence tending to show that the machine could be designed to keep the wires from coming into contact.', D. 'Yes, as evidence tending to show that the manufacturer was negligent because its initial design failed to prevent the wires from coming into contact.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 960:

'One evening, a defendant set fire to a homeowner's occupied house. As a result of the blaze, the homeowner's daughter was killed. The defendant was charged with felony murder on the first count and arson on the second count of the two-count indictment. The jury found the defendant guilty on the first count, but returned a not guilty verdict on the second. The defendant's attorney's motion to set aside the guilty verdict on the felony murder charge will most likely be', A. 'granted, because the guilty verdict is plain error that adversely affects the defendant's constitutional rights.', B. 'granted, because the verdicts are legally inconsistent and should lead to an acquittal of both charges.', C. 'denied, because the verdicts do not amount to a reversible error.', D. 'denied, because the defendant's proper remedy is to seek an appellate review for a non-constitutional error.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C.

Answer Option 9:

Final Answer: C

Question 961:

'A man borrowed \$150,000 from a bank to remodel his home and executed a promissory note agreeing to repay the loan over a 10-year period. The loan was secured by a mortgage on the home. The bank promptly recorded the mortgage, which was the only lien on the home at that time. Several months later, the man borrowed \$40,000 from his mother in order to purchase a new truck and gave his mother a mortgage on the home to secure repayment of the debt. The mother promptly recorded the mortgage. The man later lost his job and was struggling to make loan payments to both the bank and his mother. To accommodate the man's financial situation, the bank extended the amortization period of its loan to substantially reduce the amount of each monthly payment. The bank did not alter the interest rate or increase the principal amount of the loan. At the time of the modification of the bank loan, the man was not in default in his payments to his mother. Neither the bank nor the man informed the mother of the modification of the bank loan. After the man later missed five payments to his mother, she commenced a foreclosure action. While the action was pending, the mother learned of the bank's loan modification. The mother asserted that her mortgage had become a first lien on the home and that the bank's mortgage had become a second lien. Is the mother's assertion correct?'. A. 'No, because the bank's loan modification was not detrimental to the rights of the mother.', B. 'No, because the man was not in default in his payments to his mother at the time of the bank's loan modification.', C. 'Yes, because the bank's loan modification was made without the mother's prior consent.', D. 'Yes, because the bank's loan modification was material.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 962:

'A woman has been charged with felony murder for holding up a convenience store and shooting the clerk during the course of the robbery. The prosecutor now wishes to introduce the testimony of a bystander who was in the parking lot and saw the shooting through a nearby window. The bystander proposes to testify that he heard a customer in the store scream out, "Knock that gun away! Don't let her do it again!" This evidence is admissible', A. 'as non-hearsay', B. 'if the bystander can be shown to have been a co-conspirator', C. 'as an excited utterance', D. 'as a statement made under belief of impending death.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 963:

'A city has granted a license to a private utility company to provide electrical service to the residents in the city. After approving the license to the utility company, the city council then passed a measure by which the utility company was required to insert in its monthly billing statements a letter from a private consumer group criticizing the high cost of electrical service. The cost of printing and mailing the monthly letter was paid entirely by the consumer group. Nonetheless, the utility company vehemently objected to having such a critical letter enclosed in their monthly billing statements. However, the city council warned the utility company that unless it complied with the directive, the city would revoke its license for electrical service. The utility company filed suit in federal court seeking a hearing prior to its license being revoked by the city council. Which of the following constitutional provisions would provide the utility company with the strongest grounds with which to challenge the city council measure?', A. 'The due process clause.', B. 'The equal protection clause.', C. 'The privileges and immunities clause of Article IV.', D. 'The commerce clause.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 964:

'Late one night, an accountant walked into a bar and ordered a whiskey sour. The bartender served the drink, even though the accountant looked and acted as though he was already very intoxicated. The accountant soon had consumed five more cocktails, which the bartender served, despite the accountant's obviously and unmistakably drunken condition. After finishing his sixth drink in the bar, the accountant said good night to the bartender, staggered out of the bar, got into his car, and drove away. After weaving back and forth across the road for several blocks, the accountant crashed his car into a pedestrian who was walking on the sidewalk next to the road. The pedestrian suffered serious injuries to his back and legs. The bartender's act of serving drinks to the accountant would most likely be viewed as the', A. 'proximate cause of the pedestrian's injuries.', B. 'superseding cause of the pedestrian's injuries.', C. 'direct cause of the pedestrian's injuries.', D. 'intervening cause of the pedestrian's injuries.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 965:

'A surgeon performed an appendectomy on a patient in an operating room at the local hospital. The surgeon was assisted by a nurse who was assigned to the operation by the hospital. During the patient's early convalescence, he complained of pain not explicable as an ordinary post-operative symptom. On investigation, it turned out that the surgeon, who had bandaged him following the operation, had done so in such a manner as to constrict certain blood vessels. The faulty bandaging had caused acute pain and retarded the patient's recovery. After the patient's eventual recovery, he sued the surgeon for malpractice, claiming \$25,000 in damages. In his case-in-chief, the patient called the nurse to testify that shortly after the surgery, she saw the surgeon destroy the postoperative x-rays of the patient's abdomen. Upon objection by the surgeon's attorney, the trial judge should rule the nurse's testimony', A. 'admissible, provided that the judge determines that the surgeon destroyed the x-rays as a cover-up.', B. 'admissible, but leave the weight of the nurse's testimony to be determined by the jury.', C. 'inadmissible, because the probative value is substantially outweighed by the danger of unfair prejudice.', D. 'inadmissible, because it is extrinsic evidence of a collateral matter.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 966:

'A woman and her husband purchased a home in 1982 and recorded the deed as tenants in common. After 10 years of marriage, the couple began experiencing marital difficulties. In 1992, they separated and the husband moved to another state where his family lived. The woman continued to reside in the dwelling. In 1994, the husband quitclaimed his interest in the home to his son, who promptly recorded his deed. In 1995, the couple divorced. In 1996, the woman changed the locks to the home, preventing the son from entering the property, and the woman refused the son's repeated demands to allow him access to the home and property. From 1995 to 2005, the woman paid all the taxes and insurance on the property. She also was responsible for making whatever repairs were necessary. The period of adverse possession in this jurisdiction is 10 years. In 2006, the woman filed suit to quiet title to the home claiming absolute fee simple ownership. The son has countersued asserting that he owns an undivided 50 percent interest in the property. If the court rules in favor of the woman, it will be because', A. 'the son will be unjustly enriched, inasmuch as the woman has paid all the taxes, insurance, and made necessary repairs.', B. 'the son acquired his interest in the property by quitclaim deed.', C. 'the deed from the husband to the son was void for lack of consideration.', D. 'the woman obtained the son's interest by adverse possession.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 967:

'Fifteen years ago, two men who were fishing buddies moved onto vacant rural land owned by a woman they didn't know and built a small fishing shack on it. Twelve years ago, the men replaced the shack with a fish processing plant and a commercial fishing boat dock. The men maintained their commercial fishery operation on the land until one of them died intestate last year, leaving a sole heir. The period of time to acquire title by adverse possession in the jurisdiction is 10 years. The woman has now become aware of the changes that have occurred on the land. In an action to determine title, for whom should the court decide?', A. 'For the man who is still alive and the deceased man's heir, because the men acquired title as tenants in common.', B. 'For the man who is still alive, because he is the surviving adverse possessor.', C. 'For the woman, because the use was changed by the men while they were in possession.', D. 'For the woman, because title cannot be claimed by two adverse possessors simultaneously.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 968:

'Where a client accepts the services of an attorney without an agreement concerning the amount of the fee, there is', A. 'An implied-in-fact contract.', B. 'An implied-in-law contract.', C. 'An express contract.',

D. 'No contract.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 969:

'A shopper slipped and fell on a wet spot at the local mall, suffering injuries. The shopper has sued the mall owner for negligence. At trial, the shopper's housekeeper testified that the shopper was bedridden and unable to work for a month because of the sprained back she suffered when she fell at the mall. The housekeeper also testified that about one week after the shopper returned home from the hospital, the shopper told her, "My back is really killing me. The pain is excruciating. It'll be a miracle if I can ever stand up again. " The mall's counsel then moved to strike the housekeeper's testimony. The motion should be', A. 'granted, because the housekeeper's testimony is hearsay not within any recognized exception.', B. 'granted, because the housekeeper's testimony would be self-serving.', C. 'denied, because the housekeeper's testimony would be admissible as an adoptive admission.', D. 'denied, because the shopper's statement to her housekeeper would be admissible as a declaration of present bodily condition.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 970:

'A grantor is the fee simple owner of a 1,000-acre tract of land. Half of the tract is swampland totally unfit for cultivation, though it is heavily covered with valuable hardwood timber. The other half is also covered with valuable timber, but it is land that would be fit for the raising of crops if it were cleared of the timber. The latter section of land is more valuable for cultivation than it is for the growing of timber. The grantor conveyed his tract to his brother for life. At the time of the conveyance, the swampland had never been used for the production of timber. The brother took possession and cleared 40 acres of the timber on the section that was suitable for cultivation. In addition, the brother cut 60 acres of timber in the swampland, thus becoming the first person to exploit this area. The brother's cutting of the timber on the section of tract suitable for cultivation would be an example of', A. 'permissive waste.', B. 'ameliorative waste.', C. 'equitable waste.', D. 'unreasonable exploitation.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 971:

'A foreign visitor was on trial for kidnapping a small child. The prosecutor stated that the visitor knew the child personally, which is why the child went with him, and that the perpetrator knew the child's parents had money. The prosecutor called a witness to testify that the perpetrator told the witness "I am looking forward to visiting with the child and his parents. They have a wonderfully luxurious house that I will enjoy staying in." The defense objected to the proposed testimony. Will the court likely sustain the objection?', A. 'No, the statement is admissible to impeach the accused and establish he is lying on cross, if he takes the stand.', B. 'No, the statement can come in as impeachment if the accused takes the stand, and as a party admission to show the material facts of knowing the child and that the family had money.', C. 'Yes, the prejudice of the statement will greatly outweigh its probative value.', D. 'Yes, the statement is irrelevant to the issue of guilt or innocence.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 972:

'A deed executed by a grantor conveyed his property for a consideration of one dollar, receipt of which was acknowledged, "to my brother for life, then to the heirs of my brother. " A life interest in the property for the life of the brother is worth \$20,000 on the date of the conveyance. The total worth of the property is \$50,000. The brother accepted but didn't record the deed. The recording statute in this jurisdiction provided "unless recorded, all written instruments affecting title to land are void as to subsequent purchasers who paid value and without notice. "Four years later, the grantor purported to convey his property in fee simple absolute to his two sons, by a warranty deed, as a gift. The two sons recorded the deed. Shortly thereafter, the brother ascertained that the grantor's sons were about to take possession of the property. As a consequence, the brother promptly recorded his deed. In a dispute between the brother and the grantor's children as to the ownership of the property, if the brother prevails it will be because', A. 'the brother paid valuable consideration for his deed.', B. 'the brother recorded his deed before the grantor's children sought to oust him from the land.', C. 'the grantor's sons are not protected by the recording statute.', D. 'the grantor's knowledge is imputed to his children.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 973:

'A city imposes a tax on nonresident's city derived income above \$1,700 at a 3% rate, except that if the nonresident's state of residence would impose a lesser tax had the income been earned in that state, the city tax would be reduced to that amount. This income tax exempts taxable income earned by city residents outside of the state. Moreover, residents of the city were not taxed on their in-city earned income. A commuter who works in the city but is a resident of a neighboring state, challenges the constitutionality of this statute. Which of the following provisions would furnish the most applicable basis for this constitutional challenge?', A. 'The equal protection clause of the Fourteenth Amendment.', B. 'The Fourteenth Amendment's due process clause.', C. 'The privileges and immunities clause of ArticleIV.', D. 'The commerce clause.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 974:

'A department store had suffered a succession of thefts of merchandise over a period of months. From reports by employees and customers, the department store's manager concluded that the losses were due, wholly or in large part, to the depredations of a female shoplifter, aged 30 to 40 years, about 5 feet 5 inches in height, with red hair and green eyes, who usually wore a suit. This information was passed on to all of the employees of the department store. One day, a woman entered the store to purchase accessories. The woman was 5 feet 5 inches tall, 37 years old, red-haired and green-eyed, and dressed in a smartly tailored suit. She carried a large shopping bag. The manager noticed her as she picked up, examined, and put down a number of gloves and scarves. After a while, she looked about tentatively, and then started to walk out, swinging her bag. The manager intercepted her and, standing in front of her, politely asked the woman if she would accompany her to the store manager's office. When the woman asked for an explanation, the manager told her of the store's recent experience and the suspicion that the woman might be concealing pilfered merchandise in her bag. Flushing angrily, the woman replied, "Very well," and followed her to the office. Once there, the manager began to question the woman quite intensively. After the questioning, the manager then asked the woman's permission to inspect the contents of her shopping bag. At first, the woman curtly refused and announced that she had had enough of this nonsense. When she rose to go, the manager told her, "Listen, unless you let me look inside that bag, I'm going to call the police. " The woman replied, "Very well," and handed her the bag. The manager inspected the contents of the bag thoroughly but did not find any pilfered merchandise. She then gave the woman permission to leave. The total length of the woman's detention was 30 minutes. If the woman asserts a claim for false imprisonment against the department store, she will most likely', A. 'prevail, because she was detained for an unreasonably long period of time.', B. 'prevail, because the manager did not have reasonable grounds to suspect that the woman had committed a theft.', C. 'not prevail, because under the circumstances, the manager had reasonable grounds to suspect that the woman had committed a theft.', D. 'not prevail, because the manager gave the woman permission to leave after conducting her investigation.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 975:

'A state has passed a law that provides that only residents of the state who are citizens of the United States can own agricultural land in the state. A out- of-state farmer who is a U. S. citizen has contracted, subsequent to the aforementioned law, to purchase a farm from a landowner, which is located in the state. The landowner, who is a resident of the state, has been informed by his attorney that his sales agreement with the farmer is null and void under state law. Which of the following is the best constitutional argument to contest the validity of the state statute?', A. 'The contract clause prohibition against a state from enacting any law that will impair the obligation of contracts.', B. 'The privileges and immunities clause of the Fourteenth Amendment.', C. 'The privileges and immunities clause under Article IV, Section 2.', D. 'The national property power provision under Article IV, Section 3.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 976:

'A wife was divorced from her husband. The wife and the husband had a daughter who was 12 years of age. The daughter lived with the wife, but the husband frequently visited his daughter at her house. One morning, the husband came to his ex-wife's home to see his daughter. He and his daughter were outside on the patio chatting when the wife noticed her ex-husband's briefcase lying on the kitchen floor. The husband had entered the house carrying his briefcase, which he placed down before going out to see his daughter on the patio. Seeing the briefcase, the wife decided to open it. Inside she found a large envelope. She decided to keep it, thinking it contained money. Later that night after her ex-husband left, she opened the envelope and found a large amount of cocaine. The wife called the police who came and confiscated the drugs. The husband was subsequently charged with possession of cocaine. The husband has filed a motion to exclude the cocaine from being introduced into evidence. His motion should be', A. 'granted, because the seizure violated the husband's right of privacy.', B. 'granted, because the police failed to secure a search warrant before the seizure of the cocaine.', C. 'denied, because the initial seizure was made by a private individual.', D. 'denied, because the husband left the briefcase in the kitchen in plain view.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 977:

'A state enacted a statute that authorized the payment of state funds to any private institution of higher learning within the state that meets certain minimum criteria and refrains from awarding only seminarian or theological degrees. The aid is in the form of annual subsidies to qualified institutions. The grants are non-categorical but may not, under an added provision, be utilized by the institutions for sectarian purposes. A state agency determines the eligibility of applicant institutions. Eight state taxpayers, all avowed atheists, bring suit in federal court to enjoin the payments of subsidies under the statute to all church-affiliated institutions in the state. The federal district court will most likely', A. 'dismiss the action for lack of standing.', B. 'uphold the validity of the statute as nonviolative of the establishment clause.', C. 'invalidate the statute as violative of the establishment clause.', D. 'uphold the validity of the statute as a valid exercise of the state's power to subsidize education.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 978:

'James makes a written offer to Fred for the sale of land for \$100,000. In this offer, James states, "This offer will not be revocable for a ten-day period of time."■ The offer was signed on April 1, mailed to Fred on April 3 and received by Fred on April 5th. Which of the following is true?', A. 'Fred's unqualified acceptance on April 10 will not create a contract.', B. 'Fred's acceptance on April 5 will not create a contract if James dies on April 4.', C. 'Fred stating on April 5, "I accept your offer, but will pay only \$90,000" creates a contract.', D. 'Fred's unqualified acceptance on April 15 will not create a contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 979:

'After weeks of deliberation, a boyfriend decided to embark on his plan to rob a bank. As part of his scheme, the boyfriend enlisted his girlfriend, who agreed to drive the getaway car. On the day of the robbery, the girlfriend and the boyfriend drove to the bank. After the girlfriend parked outside and the boyfriend went into the bank, she saw a security guard in the bank and changed her mind and fled on foot, leaving the keys in the car with the motor running. A few minutes later, the boyfriend went into the bank, robbed it, and then ran back to the car. He drove off and was speeding away from the bank when he looked behind to see if he was being followed. As he took his eye off the road, the boyfriend's vehicle struck a pedestrian who was crossing the street, killing her. For the pedestrian's death, the girlfriend should be found guilty of which, if any, of the following crimes?', A. 'Murder.', B. 'Involuntary manslaughter.', C. 'Voluntary manslaughter.', D. 'No crime.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 980:

'Joey has an orchard on the south part of town and recently found out that a sizable number of the trees are diseased. He was further dismayed when he got an order from the city to destroy the affected trees. He wonders if he will be compensated for this, and the answers depends on whether this action constitutes a regulation or a taking. Which of the following is not a consideration in deciding this question?', A. 'If the action is a physical or actual appropriation', B. 'If the action denies all economic use of the land', C. 'If the action just decreases the value of property', D. 'If the action affects the property taxes'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 981:

'A seller contracted to sell land to a buyer for \$300,000. The contract provided that the closing would be 60 days after the contract was signed and that the seller would convey to the buyer a "marketable title" by a quitclaim deed at closing. The contract contained no other provisions regarding the title to be delivered to the buyer. A title search revealed that the land was subject to an unsatisfied \$50,000 mortgage and a right-of-way easement over a portion of the land. The buyer now claims that the title is unmarketable and has refused to close. Is the buyer correct?', A. 'No, because nothing under these facts renders title unmarketable.', B. 'No, because the buyer agreed to accept a quitclaim deed. quitclaim deed.', C. 'Yes, because the right-of-way easement makes the title unmarketable.', D. 'Yes, because the unsatisfied mortgage makes the title unmarketable.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 982:

'A law student was accepted by a law school for the fall term. Several generations of the law student's family had attended this prestigious law school. One week before the start of the fall term, at a party to celebrate the law student's acceptance to the school, his father announced to the law student, in the presence of the partygoers, "Son, it's your obligation to uphold the family tradition for excellence at the school. In this regard, if you promise to study a minimum of five hours a day, I shall pay you \$1,000 for each ■■■A' you achieve during your first year; \$2,500 for each ■■■A' you achieve during your second year; and \$5,000 for each ■■■A' you achieve during your third year. "The most accurate statement concerning the father's promise to reward the law student for achieving "A's" would be that', A. 'the promise constituted an unenforceable, conditional gift.', B. 'the promise would not be legally binding, since it was non-detrimental.', C. 'the promise would be enforceable if a bargained-for exchange was so intended.', D. 'the promise constituted a voidable proposal.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 983:

'A housing corporation owned farmland and prepared a development plan to divide the land into 100 lots and create a residential community on the farmland tract. The Declaration of Covenants created the community association, as an administrative entity, to which the residential community lot owners would pay dues, and which would administer and enforce the regulations and restrictions recited among the covenants. One of the restrictions set forth in the Declaration of Covenants provides that the lots be used only for single-family residences, and that no trade, commerce, or business may be conducted in any single-family residence. The Declaration of Covenants gives the community association the right to assign all of its rights, powers, titles, easements, and estates granted to it under the Declaration of Covenants. The community association assigned "all the rights, powers, titles, easements, and estates granted to or conferred upon it by the Declaration of Covenants" to a municipal corporation, the city. The community association was then terminated. A chef, the owner of lot 18 in the residential development, proposes to convert his single-family dwelling into a massage parlor. The city asserts an action against the chef to recover money damages. Which of the following is the best argument for the chef?'. A. 'The restraint on alienation of his land is invalid.'. B. 'The city is not in privity of estate with community association.'. C. 'The benefit is in gross; hence, the burden cannot run.'. D. 'The burden is in gross; hence, the benefit cannot run.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 984:

'In a suit by an investor against a speculator, a relevant fact is the price of gold as quoted on a specific date 20 years ago. The investor calls a librarian to authenticate the microfilm copy of a newspaper from that date. This copy, kept in the archives of the public library, is the only record of that particular issue of the newspaper. The microfilm is', A. 'admissible, to prove the price of gold on that day.', B. 'admissible as an ancient document.', C. 'admissible as past recollection recorded.', D. 'inadmissible as not the best evidence.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 985:

'A landscaper agreed to maintain the yard of a homeowner for six months for a fee of \$300 per month, payable at the end of the six-month period. This amount was the fair market value of the work to be performed. The landscaper performed the work for four months but was then offered another job for \$500 per month and, after notifying the homeowner, stopped doing the promised work and took the other job. The homeowner refused to pay the landscaper anything. The homeowner could have hired a comparable landscaper to complete the work for \$300 per month. In a lawsuit between the landscaper and the homeowner, what is the likely result?', A. 'The homeowner will recover \$600, which is the cost of completing the work at prevailing market rates.', B. 'The homeowner will recover \$400, which constitutes the unjust enrichment of the landscaper.', C. 'The landscaper will recover \$1,200 for the work done before the breach.', D. 'Neither the landscaper nor the homeowner will recover, because neither has suffered any loss.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 986:

'A company got a building permit to construct a total of 300 apartment units to be contained in three high-rise buildings on its 7-acre property. A group of adjoining landowners who owned single-family residences sued for an injunction, alleging various environmental violations. The developer did not have a significant investment at that point, and decided to stop the construction. Shortly thereafter, the city passed a comprehensive new citywide zoning law that re-zoned the subject property and some large tracts of adjoining land to low-density residential, allowing one residence for each 4.6 acres. This destroyed the multi-unit plan and the city cancelled the permit, which the developer did not appeal. The developer's land value decreased from \$2 million to \$100,000. The developer sued the city in federal court on the basis that this was illegal spot zoning constituting a taking in violation of due process. Will the developer prevail with his federal constitutional claim?', A. 'Yes, the state cannot cause such a dramatic diminution in an owner's property without paying just compensation.', B. 'Yes, because he got a building permit and justifiably relied on that approval ■■■ the rezoning was an illegal act once it granted a building permit.', C. 'Yes, because the developer's loss was caused by discriminatory spot zoning that took its property without due process.', D. 'No, this was a comprehensive new zoning plan that rezoned the entire city; the developer shared the loss with the adjoining owners who were also rezoned.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 987:

"Ten years ago, a couple bought a building and moved into its second-floor apartment with their teenage daughter. The couple operated a shoe store on the first floor of the building for many years. When the couple purchased the building, the area was predominantly rural and was zoned for nonresidential use. The municipality's zoning is cumulative. cumulative. Five years ago, the municipality rezoned the area to single-family residential use. The daughter was not aware of this change, since she was away at college. Recently, the daughter inherited the building from her parents. The daughter immediately moved into the apartment and took over the operation of the shoe store on the first floor. The daughter has learned that a developer is planning to build a large residential community in the area surrounding her building. The daughter has asked her lawyer for advice regarding her ability to continue operating the shoe store. Should the lawyer advise the daughter that she can continue to operate her shoe store?", A. 'No, because the nonconforming use of the building terminated when the daughter's parents died.', B. 'No, but the municipality must pay her reasonable compensation for her loss resulting from the change in zoning.', C. 'Yes, because the shoe store is a nonconforming use.', D. 'Yes, because the zoning is cumulative and the building is also used for single-family residential purposes.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 988:

'A defendant and his college roommate went home together for the holiday vacation. The defendant was to go back to college by himself. The day that the defendant was to drive back to college, his roommate asked him if he would deliver a package to one of their classmates. The defendant agreed, and the roommate gave him a small package, which the defendant placed in his glove compartment. While driving back to school, the defendant was stopped for speeding. When the state trooper asked the defendant for his license and registration, he reached into the glove compartment. As he did, the package that his roommate had given him fell onto the floor. When it hit the floor, the box broke open and a plastic envelope containing a white substance slid out. Seeing that the substance appeared to be cocaine, the state trooper arrested the defendant for possession of illegal narcotics under a state statute making it a felony to willfully possess a controlled substance. The package did, in fact, contain cocaine. If the defendant is later brought to trial for this charge, his best defense is that', A. 'the defendant didn't know what was in the package.', B. 'the roommate didn't tell him he was carrying illegal narcotics.', C. 'the package didn't belong to him.', D. 'the cocaine was illegally seized.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 989:

'A state has a statute requiring all candidates for lieutenant governor to file a petition with the signatures of 5,000 registered voters in order to have their names placed on the ballot. A candidate for lieutenant governor, did not receive the authorized number of signatures and did not have her name placed on the ballot. If the candidate brings an appropriate action challenging the constitutionality of the voter petition requirement, the best argument, if established, in support of the statute is that', A. 'it is constitutional under the Fifteenth Amendment.', B. 'it is necessary to further a compelling state interest.', C. 'the candidates's petition contained 2,000 false signatures.', D. 'only one other candidate successfully petitioned to have his name placed on the ballot.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 990:

'A driver was severely injured when his car burst into flames after he was rear-ended in a minor auto accident. The driver filed suit against the manufacturer. To prove negligent design by the manufacturer, the driver offers the portion of the transcript from a prior trial in which an expert witness testified that in his opinion the car was unsafe as designed. The testimony could qualify under the hearsay exception for former testimony', A. 'only if the manufacturer had been a party to the former proceeding.', B. 'whether or not the manufacturer had been a party to the former proceeding.', C. 'if this exception has been held incompatible with the confrontation clause of the Sixth Amendment.', D. 'if the manufacturer had an opportunity to cross-examine the expert at the former proceeding.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 991:

'Evidence at Congressional hearings has indicated that thousands of elderly citizens die each year because they cannot afford proper medical and hospital treatment. Based on the evidence presented at these hearings, a senator wishes to introduce a bill providing free medical and hospital care for all citizens 70 years of age and older. The senator, however, intends to include a provision in the bill denying such medical and hospital care benefits to aliens (in the same age category) unless they have been legally admitted for permanent U. S. residency. The senator has asked for your advice regarding his proposed bill. You are understandably concerned about the legality of the aliens proviso. Which of the following is the strongest argument in support of the constitutionality of the provision disqualifying aliens from receiving such medical and hospital benefits?', A. 'Due to the fact that the medical and hospital benefits will be paid for by the government, they are a privilege not a right and, therefore, are not within the meaning of the Fifth Amendment.', B. 'The disqualifying provision does not unduly burden either interstate commerce or the right of aliens to travel freely from state to state.', C. 'The principles of equal protection apply against the states and not against the federal government.', D. 'The disqualifying provision is reasonably related to legitimate congressional objectives under its immigration, citizenship, and spending powers.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 992:

'Knowing that a homeowner was away on vacation, two men decided to burglarize her home. Since they didn't have a car, the men asked the defendant to drive them to the home. The two men did not tell the defendant what they intended to do there. The defendant drove them to the house. While the defendant waited in the car, the two men entered the home by using a master key to unlock the front door. They then stole several items of expensive jewelry from the bedroom. Concealing the jewelry in their pockets, they left the house and got back into the defendant's car. Unaware of the theft, the defendant drove the two men back to their apartments. The next day, the two men pawned the jewelry for \$5,000. Two weeks later, the two men gave the defendant \$500 and told him for the first time about the burglary. The defendant kept the money and did not report the theft to the police. If the defendant is subsequently prosecuted, he should be found', A. 'guilty of receiving stolen property but not guilty of burglary.', B. 'guilty of burglary but not guilty of receiving stolen property.', C. 'guilty of burglary and of receiving stolen property.', D. 'not guilty of either burglary or receiving stolen property.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 993:

'A man owned a beautiful tract of land in a mountain resort. The property was purchased by the man and used as a family vacation retreat. About 200 yards of the man's property bordered along a lake shoreline. A fisherman lived on a stream that flowed along one boundary of the man's land and ran into the lake. When the man acquired ownership of the property, he had a channel dredged across his land from the stream to the lake at a point some distance from the mouth of the stream. The fisherman erroneously believed that the channel was a public waterway. Because the channel served as a convenient shortcut to the lake, the fisherman made frequent trips across the channel in his fishing boat. In no way did the fisherman's use of the channel cause any harm or damage to the man's property. After the man learned about the fisherman's use of the channel, he requested that the fisherman desist further entry onto the waterway. The fisherman, who until that time was unaware of the man's ownership claim, agreed. Nonetheless, the man brought suit against the fisherman to recover damages for trespass. Judgment is likely to be for whom?', A. 'The fisherman, because when he used the channel he believed that it was a public waterway.', B. 'The fisherman, because he caused no damage to the man's land.', C. 'The man, but recovery is limited to nominal damages for the fisherman's intentional use of the channel.', D. 'The man, because the fisherman should have known that the waterway was not open for public use.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 994:

'A caterer owned a summer cottage on the lake. In order to facilitate the access to the cottage, which is located on a knoll above the lake, the caterer entered into an agreement with a neighbor, an adjoining land owner, whereby the neighbor, in writing, granted the caterer a right-of-way over a strip of land 30 feet in width and a quarter of a mile in length along the eastern margin of the neighbor's property. Without notifying the neighbor, the caterer proceeded with his plan to improve the roadbed by having the road asphalted in order to make it more accessible for motor vehicle traffic. Several years later, the neighbor started a sand business, which required him to do heavy hauling that subsequently destroyed the asphalted surface on the road. In an action by the caterer to enjoin the neighbor's use of the road in transporting sand, the court will most likely', A. 'issue an injunction against the neighbor to prevent the further use of the road to haul sand.', B. 'refuse to grant the caterer's prayer for relief because the servient owner continues to have the right to use his own land.', C. 'issue an injunction against the neighbor unless it can be shown that the neighbor's use did not unreasonably interfere with the caterer's right of access.', D. 'dismiss the cause of action because the caterer's only remedy would be monetary damages.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 995:

'An owner of a tract of land in a foothill community hired a general contractor to construct a small summer cottage on the tract of land. The parties entered into a valid, written construction contract that contained a provision that called for an architect's certificate of completion. After completion of the cottage, the owner hired an architect to inspect the contractor's work and issue the certificate. The architect refused in bad faith to execute the certificate. The contractor then sued the owner for the entire contract amount. The owner argued that the lack of issuance of the certificate excused her from further performance under the contract. Upon hearing this argument, most courts will', A. 'order the architect to execute the certificate.', B. 'require the contractor to proceed in equity for reformation to eliminate the clause.', C. 'award the contractor damages against the architect.', D. 'excuse the condition and require the owner to pay damages to the contractor.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 996:

'A defendant was a senior pre-med student at a state university. Before a big football game with their arch rival, the defendant attended a pep rally at the university football field. During the pep rally, the students drank beer, sang songs, and gave members of the football team fervent cheers. After the rally ended, the defendant was walking toward his car when he felt the need to relieve himself. He then strutted across the street to a municipal park and urinated against a tree. In this jurisdiction, urinating in public is a misdemeanor. Unknown to the defendant, a parking enforcement officer who was ticketing cars in the area witnessed the incident and wrote down the license number of the defendant's vehicle as he drove off. She immediately gave the information to the police who did a check and learned the defendant's identity and home address. Within an hour, the police went to the defendant's house and forcibly entered the dwelling without a search warrant. While searching his home, they found the defendant studying in an upstairs bedroom. After giving him his Miranda warnings, the defendant confessed to the crime. The defendant was thereafter prosecuted for the misdemeanor of urinating in public. If the defendant moves to suppress evidence of the statement that he made to the police when he was apprehended, the motion should be', A. 'denied, because the defendant received Miranda warnings and was not compelled to incriminate himself.', B. 'denied, because the defendant volunteered the confession.', C. 'sustained, because the police lacked probable cause to search the defendant's home.', D. 'sustained, because the defendant's statement was the product of a warrantless entry of his home.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 997:

'A woman was employed as a bank teller. One morning, a customer entered the bank to make a deposit. As the customer handed the deposit to the woman, she saw that he had a misprinted \$5 bill in his possession. The woman knew that the \$5 bill, which had President Lincoln's picture upside down, was worth \$500 to bill collectors. The woman then asked the customer if he would like to exchange "that old \$5 bill for a new bill. " The customer accepted the woman's offer and handed her the misprinted bill for a new one. One week later, the customer learned that the \$5 bill that he gave the woman was valued at \$500. If the customer asserts a claim against the woman for deceit, will he prevail?', A. 'Yes, because the customer was the true owner of the misprinted bill and, therefore, he was entitled to the benefit of the bargain.', B. 'Yes, because the woman did not disclose the true value of the misprinted bill.', C. 'No, because the woman made no false representation of fact.', D. 'No, because the customer was not justified in relying on the woman's offer.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 998:

'Walter, a widower, died in 1997 leaving \$1,000,000 to Trend Trust Company in trust to pay the income to his son, Stan, for life. Stan was married to Morgana and had two children, Andrew and Beverly. Walter's will provided in part:"The net income from this trust shall be paid to my son, Stan, for his life. Upon Stan's death, the net income is to be paid to any widow of Stan. Upon the death of Stan's widow, Trend Trust Company shall then pay the income (from said trust) to the living children of my sister, Harriet, in equal shares. "Harriet's only surviving child, Grace, was born in 2001. Both Stan and Morgana died in an airplane crash in 2009. There is no statute modifying the common law in this jurisdiction. Harriet, on behalf of Grace, brings an appropriate action against the Trend Trust Company and Walter's estate to allow the distribution of the income from said trust to be paid to Grace. Is Harriet likely to prevail in this action?', A. 'No, because Grace was not a life-in-being at the time of Walter's death.', B. 'No, because the provisions under which Grace was intended to take violate the Rule against Perpetuities.', C. 'Yes, because that was Walter's intent.', D. 'Yes, because all other persons who would have had any claim to the income from the trust corpus are deceased.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 999:

'In which of the following situations will the defendant's defense of necessity most likely exculpate him of criminal liability?'. A. 'A defendant was marooned on a desert island, along with a victim and another sailor after their boat capsized during a violent storm at sea. The three sailors had gone without food for two weeks and were on the verge of dying of starvation. Each of the sailors, however, still had a small amount of water left in their canteens with which to subsist. One night, the defendant took the water from the victim's canteen and poured it into his own canteen while the victim slept. The defendant did this in the hope that the extra water would make it possible for him to live a couple of more days so that he would be able to walk across the island to look for help. The next day, the victim died from starvation and dehydration. Two days later, the defendant and the other sailor were rescued. The defendant never walked across the island because he was too weak from body weight loss.'. B. 'A defendant and a victim were on a hiking expedition together. They were longtime hiking buddies who had climbed many steep and precipitous mountains in the past. As the defendant and the victim were climbing a dangerously steep incline, their ropes suddenly became entangled. As a result of the entanglement, the victim fell 50 feet before he was able to regain his balance and footing. However, the victim's fall caused the defendant to lose his balance, and he was in jeopardy of falling off the mountain. In order to avoid falling, the defendant cut the safety rope that held the victim. This caused the victim to fall 400 feet to his death.'. C. 'A defendant, who was intoxicated, was driving his car home along a heavily traveled highway. In his inebriated condition, the defendant was swerving his vehicle across the highway. Suddenly, a school bus loaded with children made a wrong turn and headed directly into the path of the defendant's auto. In order to avoid crashing head-on with the school bus, the defendant turned his vehicle onto the sidewalk and struck a victim, a paraplegic, who was confined to a wheelchair. The defendant's auto crushed the victim to death.'. D. 'A defendant, a bank teller, was on duty when two robbers held up the bank. She was taken hostage and ordered to drive their getaway car. As they were being pursued by the police, the defendant was commanded to drive excessively fast to avoid being captured. While driving at a speed of nearly 100 M. P. H. , the defendant approached a busy intersection and saw the victim, a blind person, with a guide dog walking across the street. She slowed down to avoid hitting the pedestrian with the dog. As she did so, one of the robbers stuck a gun against her head and threatened to kill her if she didn't speed through the intersection. Afraid she would be murdered, the defendant accelerated into the path of the victim, killing him and his guide dog.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1000:

'A businessman is the owner of a pet products company, which is engaged in the manufacture and sale of a variety of pet supplies. The businessman's company manufactures such products as pet furniture, toys, beds, collars, leashes, cages, and vitamins. These items are distributed to pet stores throughout the United States and Europe. For many years, the company has conducted its operations from a large factory located in a small town in the southern part of the state. One of the businessman's biggest selling products is specially manufactured high-frequency dog-calling whistles. These whistles are sold to dog-training schools and canine divisions of many police departments. Although these whistles are not audible to people, they are audible to dogs over considerable distances. Two years ago, a breeder purchased an undeveloped lot in the small town in which the company's factory was located. On her property, the breeder constructed a pet hotel, which was used as a boarding kennel for dogs and cats. This boarding facility was situated about 100 yards from the company's factory. Unknown to the breeder, high-frequency sound waves often emanated from the company's factory when dog-calling whistles were being tested. These sound waves caused the breeder's dogs to howl uncontrollably for many hours during the day and seriously interfered with the operation of her business. The breeder now brings an action against the businessman and the company to recover damages for the interference with her business caused by the high-frequency sound that reaches her kennel. The court should rule in favor of', A. 'the businessman, because the breeder came to the nuisance after his factory had already been in operation for a number of years.', B. 'the businessman, because the breeder's business is abnormally sensitive to harm caused by the high-frequency sound waves.', C. 'the breeder, because the high-frequency sound waves constitute a trespass to her premises.', D. 'the breeder, because the high-frequency sound waves have seriously interfered with the operation of her business.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1001:

'A laboratory manufactures nitroglycerin (a heavy, oily, explosive, poisonous liquid used chiefly in making dynamite) at its main plant. An artist who specialized in making delicate glass sculptures had a studio two blocks away from the laboratory's plant. Late one evening, there was an explosion at the laboratory's plant. The force of the explosion caused the artist's studio to be shaken, which resulted in the destruction of valuable artwork in the studio. The artist now asserts a tort action against the laboratory to recover damages. Which of the following, if established, would furnish the laboratory with its best possible defense?'. A. 'The laboratory used extraordinary care in the manufacture and storage of nitroglycerin and was not guilty of any negligence that was causally connected with the explosion.'. B. 'The laboratory has a contract with the federal government whereby all the nitroglycerin manufactured at its plant is used in U. S. military weapons systems.'. C. 'The explosion was caused when lightning (an act of God) struck the plant during an electrical storm.'. D. 'The harm that the artist suffered would not have resulted but for the abnormal fragility of the artist's work.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 1002:

'A grocery store is sued by a customer for damages for injuries allegedly suffered to the face and forearms, which resulted from his collision with the store's automatic doors. The customer contended that at the time of the mishap, the doors were programmed to swing outward, taking would-be customers entering the store, by surprise. At trial, the customer testified to both the nature of his injuries and the events leading up to their occurrence. The grocery store denied that the doors to its store were in any way unsafe or that the customer's injuries were caused by his encounter with the doors. The customer's sister testified at trial that she accompanied her brother to the store the day of the accident and witnessed the outward swinging doors, which struck him. She further alleged that when she returned to the store the following week, the doors had been re-programmed to swing inward. The trial judge should rule the sister's testimony', A. 'admissible as a commonsense impression for which a lay opinion is entirely proper.', B. 'admissible as a tacit admission of a party opponent.', C. 'inadmissible, on the grounds of irrelevancy.', D. 'inadmissible, on the grounds of public policy considerations.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1003:

'A farmer was the owner of a 20-acre tract that was situated just south of a major boulevard, a street that ran east and west. The farmer's tract was located next to an adjacent 300-acre ranch to the east. Immediately to the west of the farmer's parcel was a 100-acre tract. The farmer subdivided his property into two 10-acre parcels: Parcel 1 was the northern half and bordered along the major boulevard; Parcel 2 was the southern sector and abutted a river to the south. In March 1997, the farmer conveyed Parcel 1 to a man by warranty deed. No encumbrances were mentioned in the deed. Then in September 1997, the farmer conveyed Parcel 2 by warranty deed to a woman. Both the man and the woman promptly recorded their deeds with the County Recorder's Office. In 1965, the farmer constructed a driveway from what is now Parcel 2, extending over Parcel 1, where it connected with the major boulevard. This driveway lies across what is now Parcel 1 and was used continuously by the farmer until 1997 when he conveyed his property in parcels to the man and the woman. When the woman took possession of Parcel 2, she immediately began to use the drive way across Parcel 1. Thereafter, the man requested that the woman cease to use the driveway over Parcel 1. After the woman refused, the man brought an appropriate action to enjoin the woman from using the driveway. In this action, the man will', A. 'win, because his deed antedated the woman's deed.', B. 'win, because no encumbrances were mentioned in his deed.', C. 'lose, because the woman has an easement by necessity.', D. 'lose, because the woman has an express easement.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1004:

'A college student attended a fraternity party. He noticed a young woman flirting with him in a sexually suggestive way. He took her home and ended up forcefully raping her against her will. She escaped after the rape and went directly to the authorities. The police filed charges of rape. The student-defendant found several men willing to testify that the woman was promiscuous, that they had relations with her and that she was very prolific in her sexual life. Will the trial court likely permit the witnesses to testify to the woman's sexual predisposition under the Federal Rules of Evidence?', A. 'Yes, because the rules permit evidence of a victim's sexual predisposition to test credibility.', B. 'Yes, because the evidence will help the jury see that there may be two sides to the story and that the woman was thus the sexual predator instead of the man.', C. 'No, because such "sexual predisposition" evidence is generally prohibited by the rules of evidence except under narrow exceptions.', D. 'No, because the rules of evidence prohibit all evidence of a victim's prior sexual history.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1005:

'After retiring from a long career in education, a teacher decided to leave the city and move to a community in the mountains. She began looking for a home to purchase in the mountain community. She found one suitable location offered for sale by the owner. The asking price for the home was \$100,000. Although the teacher was very interested in purchasing the home, she told the owner that she was not sure it would fit within her budget. The owner the grabbed a piece of paper and wrote the following:"December 1In consideration of one dollar, receipt of which is acknowledged, I hereby offer to sell to you my home for \$100,000. This offer shall remain open until 4:00 p. m. December 30. " The owner then signed the paper and handed it to the teacher, who left without paying the \$1. On December 15, the owner sent the teacher a letter in which the owner stated, "Please be advised that I am hereby withdrawing my offer to sell you my home. " This letter was received and read by the teacher on December 16. The next day, the teacher tendered a cashier's check to the owner in the amount of \$100,001 (which included the \$100,000 purchase price plus the \$1 consideration) and demanded a deed of conveyance to the property. The owner refused to accept the cashier's check. The teacher has now brought suit against the owner for specific performance. In her pleadings, the teacher admits that the recited \$1 was not in fact paid to the owner when their written agreement was executed. Assume the teacher lives in a jurisdiction that follows the Restatement of Contracts. As a result, which of the following is the teacher's best argument that such failure of payment does not bar her claim to specific performance?', A. 'The recited consideration was only a sham pretense of bargained-for consideration, and was therefore de minimis and of no legal significance.', B. 'The teacher's inclusion of the \$1 in her tendered check on December 17 was a timely cure of an immaterial breach of a bilateral real estate option contract.', C. 'By promising to hold the offer open until December 30 in a signed writing, the owner could not revoke the offer prior to December 30.', D. 'The written instrument embodied a proposal for a fair exchange within a reasonable time period and was therefore an enforceable option contract, regardless of whether the nominal consideration recited was bargained for or paid.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1006:

'A state law required vacant public school buildings to be sold at auction to the highest bidder. A church in a city located in the state wanted to acquire larger facilities for its school. The city's school board proposed a new state law that would authorize it to sell a vacant public school building, at a price below its fair market value, to the church for use as its school. If enacted, would this law be constitutional?', A.

'No, because a statute specially authorizing the sale of the building without competitive bidding would violate the equal protection clause of the Fourteenth Amendment.', B. 'No, because the transfer of the building to the church under these circumstances would constitute an establishment of religion prohibited by the First and Fourteenth Amendments.', C. 'Yes, because surplus government property is not subject to the limitations imposed by the establishment clause as incorporated into the Fourteenth Amendment.', D. 'Yes, because the law would not primarily or substantially support the religious activities of the church.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1007:

'Howard did not know it, but his wife was having an affair with another man. One day Howard came home early from work and caught his wife and the other man in bed together. In a violent rage, Howard picked up a large metal lamp and severely beat his wife and the other man. Both victims were seriously injured and hospitalized. Howard was charged with the attempted murder of the other man. He was acquitted of the crime. After Howard's acquittal, his wife and the other man died from injuries that were related to the beating. The state now wishes to prosecute Howard for manslaughter for the deaths of his wife and the other man. Howard should be found', A. 'guilty of manslaughter of his wife, but not guilty of manslaughter of the other man.', B. 'guilty of manslaughter of the other man, but not guilty of manslaughter of his wife.', C. 'guilty of manslaughter of both his wife and the other man.', D. 'not guilty of manslaughter of either his wife or the other man.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 1008:

'A woman prepared an accurate statement of her financial condition and submitted it with a loan application to a local bank with which she had done business for many years. Shortly thereafter, the woman's financial condition worsened significantly, but she failed to disclose this fact to the bank. Unaware of the woman's changed financial condition, the bank then agreed to lend money to the woman. The bank later learned of the woman's true financial condition. The bank refused to honor its promise to lend money to the woman, contending that the parties' contract was voidable at the bank's option because of the woman's misrepresentation. If the woman sues the bank for breach of contract, will the bank's misrepresentation defense likely succeed?', A. 'No, because the woman did not make any subsequent affirmative misrepresentations about her financial condition.', B. 'No, because the woman's representations were accurate at the time she submitted the loan application to the bank.', C. 'Yes, because the woman had an obligation to correct her previous representations about her financial condition in order to prevent them from being fraudulent.', D. 'Yes, because the woman had an obligation to tell the bank about her changed financial condition due to the longstanding relationship of trust and confidence between them.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1009:

'A plumbing company hired a worker to work at various construction sites. The worker used his own truck to travel between the company's warehouse and the construction sites, but the company fitted the truck with a rack for carrying plumbing pipes. The company paid the worker for traveling between the warehouse and the construction sites, but not for his drive to and from work. Because the worker was required to haul pipes on his truck while driving between the warehouse and the construction sites, the company asked the worker, before hiring him, whether he had a valid driver's license. The worker represented that he did, although in fact his license had been suspended because he had been convicted of recklessly causing motor vehicle collisions. The company made no effort to verify the worker's representation. While driving to work one morning in his truck, the worker carelessly caused a collision in which a woman was injured. In her subsequent action against the plumbing company, based on a theory of negligent hiring, is the woman likely to prevail?', A. 'No, because the company's duty to use reasonable care in hiring a competent driver extended only to actions taken by the worker in the scope of his employment.', B. 'No, because the worker was an independent contractor.', C. 'Yes, because the company fitted the worker's truck with a pipe rack.', D. 'Yes, because the company had a duty to ensure that its workers had valid driver's licenses.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1010:

'At a defendant's trial for extortion, the prosecutor called a witness expecting her to testify that she had heard the defendant threaten a man with physical harm unless the man made payoffs to the defendant. The witness denied ever having heard the defendant make such threats, even though she had testified to that effect before the grand jury. The prosecutor now seeks to admit the witness's grand jury testimony. How should the court rule with regard to the grand jury testimony?'. A. 'Admit the testimony, because it contains a statement by a party-opponent.'. B. 'Admit the testimony, both for impeachment and for substantive use, because the witness made the inconsistent statement under oath at a formal proceeding.'. C. 'Admit the testimony under the former testimony exception to the hearsay rule.'. D. 'Exclude the testimony for substantive use, because it is a testimonial statement.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 1011:

'In order to establish the unavailability of a witness at trial', A. 'it is sufficient to show that the witness is not presently in court.', B. 'it is necessary to show that he has died.', C. 'it is necessary to show that every reasonable effort has been made to procure his attendance.', D. 'if living, it is necessary to show that he is insane.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1012:

"There has been a great deal of news media coverage regarding the problem of underage drinking. Many high school and college students have been purchasing fraudulent driver's licenses with phony birthdates showing "proof" of being 21 years of age or older. As a consequence, many teenagers are able to purchase alcoholic beverages at liquor stores, restaurants, and bars. The situation is becoming especially alarming on many college campuses. A magazine article reported that the majority of freshmen between the ages of 18 and 19 at many colleges had illegally purchased evidence of phony "proof."

"With underage drinking reaching epidemic proportions, Congress enacted a statute establishing a federal commission to monitor and curtail alcoholic beverage sales to underage drinkers. To implement the program on a national scale, the bill required each state to pass legislation establishing a local "watchdog" agency to facilitate compliance with congressional intent. A state has filed suit challenging the constitutionality of the federal statute. The law is likely to be held', A. 'valid, because the sale of alcoholic beverages has a substantial impact on interstate commerce.', B. 'valid, because the establishment of a state watchdog agency under the auspices of a federal regulatory scheme is consistent with the provisions of the Twenty First Amendment.', C. 'invalid, because it violates the fundamental principles of state sovereignty embodied by the Eleventh Amendment.', D. 'invalid, because the federal government may not compel state legislatures to enact and enforce a federal regulatory program.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1013:

"There is a state statute making it a misdemeanor "to falsely report a fire either intentionally or recklessly. " There were three college roommates who lived together in a small apartment. Two of the roommates decided to play a practical joke on the other roommate, which they liked to do from time to time because he was gullible. The two roommates were seated in the living room of their apartment. The other roommate was in an adjoining room and within earshot of the two roommates. Knowing that their roommate could hear their conversation, the two roommates falsely stated that a fire had been set at the student center at the college. After overhearing this conversation, the other roommate phoned the fire department and reported this information. Several fire trucks were dispatched to the college and determined the information to be false. If the two roommates are prosecuted for violating the aforementioned statute, they should be found', A. 'guilty, because they caused the false report to be made.', B. 'guilty, because they are accomplices to their roommate.', C. 'not guilty, because they didn't report the information to the fire department themselves.', D. 'not guilty, because they didn't knowingly believe that their roommate would report the information to the fire department.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1014:

'In 1973, a woman was the actual and record owner of 20 acres of certain undeveloped timberland. In September 1973, the woman mortgaged the 20 acres of timberland to the bank by a mortgage deed (in the traditional form of a conveyance in fee simple subject to a condition subsequent), which was not recorded until January 1974. The mortgage deed contained the following clause immediately after the legal description of the 20 acres of timberland: "Together with all the real property now owned by (the woman) or which shall be owned by (the woman) during the continuance of the indebtedness secured by this mortgage. " This mortgage was given, as the recorded instrument revealed, to secure a note for \$100,000 repayable over a 40-year term. In March 2004, the woman, using money loaned by a finance company, purchased a 50-acre mountainous estate situated outside of a major city. This deed was recorded immediately. In April 2004, the woman executed and delivered to the finance company a mortgage to secure its loan. This mortgage was promptly and duly recorded. The finance company had no actual notice of the prior mortgage to the bank. In February 2007, the woman defaulted on both mortgages. The bank then initiated foreclosure proceedings against the woman and the finance company as joint defendants. In its foreclosure action, the bank averred that its mortgage was a first mortgage on both the 20 acres of timberland and the 50-acre estate. The finance company filed a cross-complaint, alleging that its mortgage was a first mortgage on the 50-acre estate and praying for foreclosure on that parcel of property. In order to decide this case in favor of the bank, the court does not need to resolve which of the following issues?', A. 'Whether the finance company is charged with record notice of the bank's mortgage.', B. 'Whether the quoted clause in the mortgage instrument to the 20 acres of timberland covers the 50-acre estate.', C. 'Whether the finance company's mortgage is a purchase money mortgage.', D. 'Whether the finance company can rely on the doctrine of implied purchase money liens.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 1015:

'On Wednesday morning the following conversation took place: A man: "My stereo speakers haven't been sounding good lately. The owner of a stereo store promised to give me \$15 for them, and I think I'll take him up on the offer. "A woman: "Don't do that. In my spare time, I repair stereo speakers. If you promise to pay me \$20, I promise to repair them by next Tuesday and they'll be in tip-top condition. "The man then handed his speakers and \$20 to the woman. The conversation and events on Wednesday resulted in', A. 'a contract for the sale of services governed by the UCC.', B. 'a unilateral contract.', C. 'a bilateral contract.', D. 'an unconscionable contract.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1016:

'A federal grand jury was convened to investigate the alleged bribery by a foreign government of a special adviser to the President. The grand jury was probing the foreign government's efforts to obtain delivery of transport planes, which were embargoed by the State Department. The Justice Department was trying to ascertain whether the foreign government had offered bribes to the special adviser and other members of the U. S. government in order to secure delivery of the transport planes. The special adviser testified before the grand jury that both he and the President had several conferences with the foreign government's ambassador to the United States. He stated that during these meetings, they discussed problems in their region in general. He denied, however, any involvement in the foreign government's efforts to secure delivery of the transport planes. Two weeks after the special adviser testified, the grand jury returned an indictment, charging him and two other members of the President's staff with conspiracy to commit bribery and conspiracy to defraud the U. S. government. A special prosecutor was then appointed by the Justice Department to prepare the government's case. Upon motion by the special prosecutor, a subpoena duces tecum was issued directing the President to produce the minutes of his meetings with the special adviser and ambassador of the foreign government. The special prosecutor was able to determine the exact dates of the meetings through appointment records that had been previously subpoenaed. The President released several edited transcripts of these conversations. On the same day, the President's counsel filed a motion to quash the subpoena duces tecum, claiming an absolute executive privilege. Which of the following is the most accurate statement with regard to the President's claim of executive privilege?', A. 'Under the separation of powers doctrine, the federal judiciary is without authority to review an assertion of executive privilege by the President.', B. 'The need for the confidentiality of high-level communications will sustain an absolute unqualified presidential privilege of immunity from judicial process on all occasions.', C. 'Article III does not vest the federal courts with power to resolve an intrabranch dispute.', D. 'Article II does not vest the President with an absolute, unqualified privilege to withhold evidence from a criminal prosecution.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1017:

'To prove a discriminatory classification, it must be shown that the government had intent to discriminate. Such intent can be shown by all but which of the following?', A. 'A law that is discriminatory on its face.', B. 'A discriminatory application of a facially neutral law.', C. 'A discriminatory effect.', D. 'A discriminatory motive.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1018:

'An avowed member of an antigovernment organization was elected president of a union. A senator, in his investigation of infiltration by antigovernment organizations of national labor unions, found a provision in a law passed by Congress that makes it a crime for a member of an antigovernment organization to act as an official of a labor union. After a subsequent legislative hearing, the president is dismissed from his position by the executive committee of the union. During a legislative hearing, the senator made derogatory statements about the president's involvement in an antigovernment organization. In determining whether the president has a valid cause of action against the senator for defamation, which of the following most accurately summarizes the applicable rule of law?', A.

'Congressional committees do not have the authority to violate a person's Fifth Amendment privilege against self-incrimination.', B. 'A congressman shall not be questioned in any other place for any speech or debate made by him during a congressional hearing.', C. 'The constitutional requirement for actual malice must be proved by the party defamed in order to recover in a defamation suit.', D. 'It is not a denial of due process or of First Amendment rights for a congressional investigative committee member to make such utterances.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1019:

'A man who was an avid swimmer moved to a new town and began looking for a facility with a swimming pool that he could use. He signed an agreement with the local swimming club to use their swimming pool four times per week. The agreement, which had a duration of one year, stated that the man could use the pool four times per week for \$250 per month, due on the first day of each month. For three months, the man paid the \$250 on the first and made use of the swimming pool. Toward the middle of the third month, the man was involved in an automobile accident. Shortly thereafter, the man sent the following letter to the swimming club: "Please be advised that because of injuries sustained in an automobile accident, my physician has advised me not to engage in any strenuous activities. Since I will not be able to make use of the pool anymore, no further payments will be forthcoming. "Which of the following does not accurately state the immediate legal effect of the man's letter?', A. 'The swimming club has the right to bar the man from any further use of the pool.', B. 'The swimming club has the right to sue the man immediately for breach of contract.', C. 'The man may retract his repudiation if he does so before the swimming club initiates legal action against him.', D. 'The swimming club must wait until the date of the next payment in order to sue the man for breach of contract.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 1020:

'Jones is arrested for driving under the influence of a controlled substance, marijuana. The prosecution wishes to introduce a videotape from a pot party Jones left just before his arrest. The recording shows Jones exhaling a giant cloud of smoke and stating, "that's really great weed, man." Jones testifies on his own behalf, "I'm an honest person. I absolutely did not drive erratically." On cross-examination, the prosecutor asks, "Isn't it true you lied in your divorce trial last year?" If Jones' attorney objects, the court will likely hold the prosecutor's question is', A. 'Admissible because the question goes to Jones' credibility as a witness.', B. 'Admissible, so long as the prosecutor produces a certified copy of the conviction.', C. 'Not admissible, because specific instances of conduct cannot be proved with extrinsic evidence.', D. 'Not admissible because it is irrelevant.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1021:

'A purse snatcher ran up to a woman, grabbed her purse and ran off. There was a witness at the scene. The witness worked with the police a few days later to try and create a composite sketch of the purse snatcher. This was used by the police to capture the purported purse snatcher. The witness died several days before the trial. When the witness's drawing was offered by the prosecution as evidence at trial, is the trial judge likely to accept it as admissible evidence?', A. 'Yes, because the police took it and used it to find someone, therefore it must be an accurate representation of the perpetrator; the exhibit must be admitted.', B. 'Yes, because it is in the nature of the written recollection of the decedent at a time close to the crime and it therefore has testimonial reliability.', C. 'No, because the defense had no opportunity to cross-examine the witness under oath about the drawing prior to her death and such sketches are inherently unreliable in any event.', D. 'No, because it was drawn up days after the event and is in violation of the best evidence rule.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1022:

'While shopping at a mall, a woman suffered injuries when an escalator malfunctioned, crushing her foot. The woman brings suit against the mall. At trial, she calls another shopper to testify that he rode the same escalator just moments before the woman's accident and had to jump in the air at the last minute to avoid getting his foot crushed in the escalator. This testimony is', A. 'inadmissible, because it is irrelevant.', B. 'inadmissible, because it is not known whether the other shopper the woman was exercising reasonable care in riding the escalator.', C. 'admissible, because it tends to prove that a dangerous condition was present at the time the woman's foot was crushed in the escalator.', D. 'admissible, because of its probative value in establishing that the woman's injury was caused by the malfunctioning escalator.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1023:

'A plaintiff was the varsity basketball coach of the boys' team at a high school. After the second game of the season, the plaintiff was suddenly dismissed as the coach for undisclosed reasons. After the dismissal was made public, the local newspaper ran an article discussing the plaintiff's tenure as coach. The article, which was written by the sports editor, stated that "The plaintiff was a bad role model and morally unfit for the coaching job. "The plaintiff brought suit against the newspaper for defamation. At trial, the plaintiff called a player on the basketball team to testify that "the plaintiff was a good role model and respected by the players. " In presenting its evidence, the newspaper called a witness to testify. He proposes to testify that he saw the plaintiff give beer to players on three occasions after victories. Upon objection by the plaintiff's attorney, witness's testimony is', A. 'admissible, for impeachment purposes only.', B. 'admissible, as substantive evidence.', C. 'inadmissible, because specific instances of conduct is an improper method of proving character.', D. 'inadmissible to prove character, but admissible for the purpose of showing intent or common scheme.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1024:

'In which of these situations are the communications set forth privileged?', A. 'An attorney was a member of a seven-attorney law firm. On a busy day, three of his partners had clients waiting to see them, and all of the chairs in the office waiting room were filled. A woman had an appointment with the attorney, and the attorney came out to greet her in the crowded waiting room. As the woman saw the attorney she said, "Am I glad to see you! I need a will made up right away, because I don't want my rotten son to get any of my money. He will just throw it away at the race track. " The attorney replied, "Let's go back to my office to discuss this matter. " The attorney prepared a will for the woman.', B. 'A woman arrived at a law office for an appointment and was escorted to her attorney's office. She sat down and said to the attorney, "You know, I pay you a large retainer every year for your valued counsel. I need some advice now. There was a fire in my house yesterday. It was minor, but I'm covered for \$15,000 under my fire insurance policy. I didn't have any furniture in the room where the fire took place, but I want to put in a claim for a sofa and love seat. How should I go about it?" The attorney refused to give her any advice.', C. 'A woman engaged an attorney to represent her in adoption proceedings. During the course of his representation, she told the attorney some very personal facts about her lifestyle that the attorney needed in order to prepare a petition for adoption. The adoption took place, but the woman never paid her agreed fee to the attorney. The attorney sued the woman to collect his fee.', D. 'A woman consulted an attorney regarding a sale of 70% of the stock of a closely held corporation in which the woman was the majority shareholder. She explained the reason for the sale and divulged the financial condition of the corporation and its prospects for the future. The attorney determined that the transaction would be complicated. Since he felt he was inexperienced in handling such a transaction, the attorney decided to decline to represent the woman. The woman nevertheless sold her stock with the assistance of another attorney.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1025:

'A newspaper published a story about a U. S. senator having close ties to people suspected of being involved in organized crime. The senator claimed that the allegations in the newspaper story were false, and he brought a defamation action against the newspaper. Which of the following is the most accurate statement with regard to the newspaper's liability?', A. 'A qualified privilege of fair comment existed because the newspaper was reporting on a matter of public interest.', B. 'Because the senator is a public figure, he has the burden of proof to show malice on the part of the newspaper.', C. 'The newspaper would not be liable because, under the First Amendment's freedom of the press, the newspaper was privileged to publish the story.', D. 'The newspaper would be relieved of any liability for defamation because an absolute privilege existed.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1026:

'An officer stopped a car for having a burned out headlight and license plate light. When the driver could not produce a driver's license, the officer asked him if he minded if they searched the vehicle. The officer did not advise the driver that he had a right to refuse consent or that if he refused his decision would be honored, but there was nothing duplicitous or coercive in the officer's conduct. The driver smiled and said "of course, no problem." The officer found stolen bank checks under the rear seat. In a later suppression motion, the driver claimed that his consent was not voluntary. What will the court most likely decide on that issue?', A. 'The consent was voluntarily given and was not the result of coercion or duress.', B. 'The consent was involuntary because it was the product of implied duress.', C. 'The consent was involuntary because the officer did not advise the driver of his right to refuse.', D. 'The consent became voluntary as a matter of law when the driver failed to produce a driver's license.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1027:

'Protesters gathered at the entrance of an abortion clinic, making rowdy noise and catcalls at every person who entered the clinic. The language was insulting and harsh, but there were no attempts to make physical contact. Inside, patients were nervous and surgical procedures were intensified under the constant sounds of taunting taking place outside. The state court issued an injunction making the protesters stand 36 feet from the entrance, which put them on the other side of the street, but within clear sight of the clinic. The restriction reasonably cleared a space for ingress and egress. Since the streets are normally considered a "public forum" for free speech, will the appellate courts uphold the restriction?'. A. 'Yes, because their language was insulting, the restriction would be upheld as a fair restriction of speech.'. B. 'Yes, the injunctive restriction was a content-neutral restriction that burdened no more speech than was necessary.'. C. 'No, the right to protest according to one's religious beliefs about abortion cannot be regulated under the First Amendment.'. D. 'No, the regulation of free speech cannot be carried out by injunctive relief.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1028:

The builder of a new house sold the house to a buyer, conveying it to the buyer by warranty deed. One year later, the buyer sold the house to a woman for \$50,000 more than the buyer had paid, conveying it to the woman by a quitclaim deed. Four months after moving in, the woman discovered a number of latent defects in the foundation that caused the house's basement to take on water during heavy rains. The woman contacted the builder about the problem. Toward the end of their heated conversation, the builder yelled at her, "So get it fixed!" After the woman had the foundation repaired by a cement contractor at a cost of \$25,000, she successfully sued the builder to recover that amount from him. What is the most likely reason that the woman was successful?', A. 'The court found an implied warranty of habitability from the builder to the buyer that was enforceable by a subsequent buyer.', B. 'The court found that by paying the buyer \$50,000 more for the house than the buyer had paid the builder, the woman did not get the benefit of her bargain.', C. 'The court found that by yelling at the woman to "get it fixed," the builder had committed himself to paying for the repair.', D. 'The court found that the defects in the foundation were a breach of the covenant of further assurances in the warranty deed from the builder to the buyer.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1029:

'A town had been experiencing a rash of bank robberies. All the witnesses at each bank had described a man with a gun who said, "Get down on the floor and no one has to die today!" Following a series of leads, the detectives in the case finally made an arrest. At the police station, the suspect was placed in a lineup. One of the victims observed the lineup, and after each of the six participants stated, "Get down on the floor and no one has to die today," the victim identified the suspect as the perpetrator. The defendant's attorney subsequently moved to suppress the out-of-court identification, arguing that because the defendant was forced to speak, this violated his Fifth Amendment right to remain silent, which had been invoked previously by the defendant. The police requirement that the defendant state at the lineup, "Get down on the floor and no one has to die today"', A. 'invalidated the lineup.', B. 'violated the defendant's right against self-incrimination.', C. 'tainted the victim's identification of the defendant.', D. 'would not prohibit the defendant's lineup identification from being introduced at trial.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1030:

'Landowner's property was landlocked. He had to go to court to ask the court to compel the adjacent landowner to give him an easement of necessity for ingress and egress to the highway. The court granted the easement of necessity to Landowner. Over a decade later, another access route to the highway opened up through public improvements. The adjacent landowner sued to stop Landowner from continuing to use his land for ingress and egress. What will the court most likely rule in this case?', A. 'The holder of the easement has a right to insist on its uninterrupted continuance.', B. 'The easement continues because its purpose of access to the property still exists.', C. 'The easement is terminated because it cannot exceed five years in length, without being formally renewed by both parties.', D. 'The equities favor the termination of the easement where another route is available.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1031:

'A gardener sued a homeowner for breach of contract. The gardener claims that the homeowner hired him to perform landscape work at his home. After performing the gardening services, the homeowner paid him \$100. The gardener, who speaks only English, contends that the homeowner, who speaks only Japanese, originally agreed to pay him \$200 for the work. When the parties entered into their agreement, the gardener was accompanied by his friend, who is now deceased, who spoke both English and Japanese. This jurisdiction has a typical Dead Man's Statute in effect. At trial, the gardener now seeks to testify to the terms of his agreement with the homeowner as communicated to him by his friend. Upon objection by the homeowner's attorney, the gardener's proposed testimony is', A. 'admissible as an admission by a party-opponent.', B. 'admissible as non-hearsay to corroborate evidence of a verbal act.', C. 'inadmissible, because of the Dead Man's Statute.', D. 'inadmissible, unless it is established that the gardener accepted the friend as the homeowner's agent in communicating the terms of the contract.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1032:

'Generally, erotic materials are protected by the First Amendment for a person's personal use and possession. However, certain erotic material can reach a point where it steps over the boundaries of First Amendment protection. The Supreme Court has held that if material is obscene it does not mandate First Amendment protection. Which of the following most accurately represents one of the prongs of the three-pronged test enunciated by the U.S. Supreme Court's for determining whether a film, book, video or pictorial is obscene and therefore not subject to protection?', A. 'Whether the work, taken as a whole and judged by contemporary community standards, would be seen by a sensitive or vulnerable person to appeal to the prurient interest.', B. 'Whether the work depicts, in a direct or indirect way, sexual conduct specifically defined by the applicable state obscenity law.', C. 'Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.', D. 'Whether the work has been properly judged from a national standard to offend sensitive standards of community morals.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1033:

'A woman became pregnant at a time when there were escalating marital problems with her husband. She didn't tell him that she was pregnant, and decided to get an abortion without telling him. Her state had a law requiring her to sign a statement verifying that she had told her husband of her intended abortion. She refused to sign and sued the state to challenge the constitutionality of the law. Is the law unconstitutional?', A. 'No, the law did not intrude on the wife's right to privacy because the husband had an equal right to be protected.', B. 'No, the law presented only a minimum intrusion and it would not be difficult for married women to obtain their husband's consent.', C. 'Yes, it is unconstitutional because a woman has an unqualified right to an abortion on demand.', D. 'Yes, it is unconstitutional because it presents an undue burden on a woman's right to obtain an abortion.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1034:

'Third-year student is studying contracts. He has learned that generally all contractual rights may be assigned, but there are some exceptions. Which of the following is not an exception?', A. 'An assignment that continues the obligor's duty or risk.', B. 'An assignment not allowed by law.', C. 'An assignment of future rights from future contracts.', D. 'An assignment that substantially changes obligor's duty or risk.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1035:

'A defendant suspected her long-term boyfriend was cheating on her. On a hunch, she went to her boyfriend's apartment one afternoon and, using her key, she entered the apartment. Once inside, she found her boyfriend and his new girlfriend in bed together. In a rage, the defendant retrieved the gun from the nightstand and killed her boyfriend and his new girlfriend. After the shooting, the defendant left on a two-day trip to the mountains to get the week's events off her mind. She called her teenage neighbor to take care of her apartment while she was gone and to look after her 4-year-old daughter. That night, after the defendant left, the police came to the apartment. They asked the neighbor if they could search the apartment, and the neighbor gave them permission. The police found in the defendant's bedroom the gun used to kill her boyfriend. At a motion to suppress the gun prior to trial, which of the following facts would the defendant's attorney be LEAST likely to attempt to prove?', A. 'The defendant gave her neighbor the keys to her apartment.', B. 'The police did not have a search warrant.', C. 'The defendant told her neighbor not to answer the door to anyone.', D. 'The police told the neighbor she would be taken to the police station if she refused permission to search.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 1036:

'A home security protection company provided protection services to property owners in the immediate area. The owner of a summer cottage in the area hired the company to provide 24- hour protection during the winter months when his home was unoccupied. According to the security arrangement, the company's uniformed guards would periodically patrol the property and, if necessary, provide an "armed response" to any unauthorized individuals who were found trespassing on the property. The company provided security protection to the owner's property for two years. The owner then notified the company that he was planning to sell the cottage. As a result, he requested that the company discontinue its home-protection service, effective immediately. Two weeks later, a burglar broke into the cottage and was ransacking it. As the burglar was exiting from the owner's house carrying a portable television set, he was seen by a security guard working for the company. The security guard, who was driving past the home on security patrol, had not been informed that the owner had discontinued protection services. The security guard suddenly stopped his patrol vehicle and ran toward the burglar shouting, "Stop! Don't move or I'll shoot!" Startled, the burglar dropped the television set and began to flee. Believing that the suspected burglar was about to escape, the security guard pulled out his service revolver and fired a bullet at the burglar. The shot struck the burglar in the leg, seriously wounding him. If the burglar asserts a claim against the owner for negligently failing to supervise those providing security services for the owner's property, the burglar will probably'. A. 'prevail, because the burglar was unarmed when he was shot.'. B. 'prevail, because the owner knew or had reason to know that the company provided an "armed response" to suspected trespassers.'. C. 'not prevail, because the owner was not present when the shooting occurred.'. D. 'not prevail, because the owner had discontinued protection services from the company when the shooting occurred.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1037:

'A state statute made it a crime to be addicted to the use of narcotic drugs. A man was arrested and charged with the crime of drug addiction. Two officers testified that they examined "track" marks on the defendant's arms and wrists, and that he admitted to past drug usage. The accused testified that he was not an addict and the marks were from an allergic reaction. The trial court instructed the jury that it could find him guilty on proof that he was an addict, without proof of drug usage. The jury did not believe the defendant's denials, and found him guilty based on the observed track marks. The court sentenced him to six months imprisonment. He appealed, claiming cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments of the United States Constitution. Will the conviction likely be reversed on appeal?', A. 'No, because the arrest is based on the regular use of illegal narcotics and is a proper concern of the criminal law.', B. 'No, because the state has the power to forbid the use of narcotics within its borders and that's what this statute does.', C. 'Yes, because the statute makes it criminal to use illegal drugs, which constitutes cruel and unusual punishment.', D. 'Yes, because the statute punishes having the illness of drug addiction, which is like punishing someone for having a cold, and it is thus cruel and unusual punishment.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1038:

'A landowner sold and conveyed a parcel of land to the buyer by a deed containing this clause: "Less and excepting a strip of land forty feet wide along the east side of Winter Street, all the way across said land, for use in the future if and when a road is needed for travel. " They had signed a side agreement during negotiations saying that the landowner-seller would retain an absolute right to travel over that strip of land for certain purposes. The buyer later stopped the seller from continuing to use the strip for travel because no road had been constructed. The landowner sued the buyer, claiming that he still owned the forty-foot strip of land because it was not conveyed in the deed and was at best ambiguously stated. Will the court consider the outside evidence that the parties intended this to be a right-of-way over the buyer's land?', A. 'No, the court will confine itself to what is in the four corners of the deed.', B. 'No, because that would violate the parole evidence rule.', C. 'Yes, because the court always has a right to reform the wording of a deed according to the court's interpretation of what it means.', D. 'Yes, because an ambiguously-worded easement or right-of-way can be supplemented by outside information to get at the true intention of the parties.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1039:

'A city passed a picketing ordinance. Section 202 of that ordinance reads:"Section 202. It shall be unlawful for any person to engage in picketing before or about the residence of an individual. Nothing herein shall be deemed to prohibit the holding of a meeting or assembly on any premises used for the discussion of subjects of general public interest. "A group of teachers who work for a public school inside of the city were angry that the principal decreased their salaries. The teachers reacted by picketing on the lawn of the principal's privately owned house. The teachers were charged with violating Section 202 of the ordinance. The teachers have filed suit attacking the constitutionality of Section 202. The court will most likely declare Section 202', A. 'constitutional, as a permissible time, place, and manner regulation.', B. 'constitutional, as a valid exercise of a state's reserved powers under the Tenth Amendment.', C. 'unconstitutional, as discriminatory on its face.', D. 'unconstitutional, as vague and overbroad.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 1040:

'One night, a defendant entered a liquor store, pointed a gun at the cashier, and demanded the money from the register. The cashier was nervous and moving slowly, and when she accidentally spilled all of the money out of the bag and onto the floor, the defendant shot her and left. The bullet lodged close to the cashier's spine, paralyzing her. The defendant was subsequently prosecuted and convicted of robbery and assault with a deadly weapon. Two months later, the cashier decided she wanted an operation to remove the bullet. The doctors warned the cashier that the procedure was very risky and could result in her death. The cashier decided to go ahead with the surgery and, unfortunately, died as a result. If the defendant is now prosecuted for felony murder, he should be found', A. 'not guilty, because he was not the cause of the cashier's death.', B. 'not guilty, because the subsequent prosecution violates double jeopardy.', C. 'not guilty, because the cashier decided to have the surgery, aware of the risks.', D. 'guilty, because he was the cause of the cashier's death.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1041:

'Wilshire Street is a public thoroughfare, designated as a one-way street for northbound traffic. Wilshire and Figueroa Streets intersect at right angles. The intersection is controlled by traffic lights. A businessman was driving his car east on Figueroa Street and did not see the traffic light. He entered the intersection at a time when the light was red for eastbound traffic and green for northbound traffic. A woman, in violation of statute, was proceeding south on Wilshire Street, and she entered the intersection without looking for any cross traffic and struck the businessman's car. The businessman suffered damages in the amount of \$5,000. The woman, on the other hand, suffered damages in the amount of \$1,000. The businessman brought suit against the woman to recover his damages. The woman denied liability and filed a counterclaim against the businessman for her damages. Both drivers were negligent with 30 percent of the negligence attributable to the woman and 70 percent of the negligence attributable to the businessman. A statute in the jurisdiction provides: "A failure to exercise ordinary care, which contributes to personal injury or property damage, shall not bar recovery of damages by the injured party, but damages shall be diminished in proportion to the amount of negligence attributable to the person injured. There shall be no set-off of damages between the respective parties." Which of the following is the appropriate judgment in the case?', A. 'The businessman recovers \$5,000 from the woman, and the woman recovers \$1,000 from the businessman.', B. 'The businessman recovers \$3,500 from the woman, and the woman recovers \$300 from the businessman.', C. 'The businessman recovers \$1,500 from the woman, and the woman recovers \$700 from the businessman.', D. 'The businessman recovers \$800 from the woman, and the woman recovers nothing from the businessman.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1042:

'A defendant was at a bar when she saw her exboyfriend who had recently dumped her. The defendant walked away and spotted a good friend of hers. She approached her friend and told him she would give him \$50 to beat up her ex-boyfriend. The friend agreed but said he would wait until the ex-boyfriend left the bar. While the defendant was eavesdropping on her ex-boyfriend in the hopes he would say something nice about her, she overheard him having a conversation on his cellphone. During the course of that conversation, the defendant realized that her ex-boyfriend was now a federal agent. Afraid she might be prosecuted for a federal offense, the defendant told her friend not to bother with the planned attack. If the defendant is subsequently charged with the statutory offense of conspiring to commit an assault on a federal officer, the defendant will probably be', A. 'convicted, because her knowledge that her exboyfriend was a federal agent is not a material element of the crime.', B. 'convicted, because withdrawal is never recognized as an affirmative defense to conspiracy.', C. 'acquitted, because she was unaware that her ex-boyfriend was now a federal agent.', D. 'acquitted, because her abandonment of the plan aborted the conspiratorial objective.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1043:

The local high school football team won the state championship. After the game the high school held a victory rally at the high school gym. As the team was being honored, the star quarterback of the football team approached one of the cheerleaders and asked her out for a date. The cheerleader, who had a crush on the quarterback, said she'd love to go out with him. The quarterback told her, "Great, I'll pick you up at eight." Later that evening, the quarterback was getting ready to drive to the cheerleader's home when his car wouldn't start. The quarterback then called his next-door neighbor and asked him if he could borrow his car. The neighbor agreed, but told him, "Okay, but make sure you return it by 2:00 a. m. " The quarterback assented and then drove to the cheerleader's house. After picking her up, they drove to an all-night coffee shop where they spent the night talking and catching up over coffee and waffles. Losing track of time, the quarterback and the cheerleader did not leave the coffee shop until 3:00 a. m. After returning home around 4:00 a. m. , the quarterback decided that it was too late to return the car, so he parked it in his driveway. He intended to return the car to the neighbor in the morning. A short while later, a thief stole the neighbor's car from outside the quarterback's home. The police found the car three months later, undamaged. The neighbor, however, refused to accept the car and brought a claim against the quarterback for conversion. In his claim, the neighbor will', A. 'succeed, because the quarterback could have returned the car and failed to do so.', B. 'succeed, because the quarterback left the car in his driveway, and it was stolen.', C. 'not succeed, because the quarterback intended to return the identical property he borrowed in an undamaged condition.', D. 'not succeed, because the criminal act of the thief was unforeseeable.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1044:

'A landlord was the owner of a vacant warehouse. On May 1, the landlord leased the warehouse to the tenant for a term of five years with a renewable option. The leasehold agreement provided in part: "The tenant hereby acknowledges that certain areas of the leased premises are in a state of disrepair and unsafe for the conduct of business. Nonetheless, the tenant agrees to assume full responsibility for the necessary repairs. Furthermore, the tenant agrees to indemnify the landlord for any loss resulting from the condition of the said premises." Under the terms of the lease, the landlord delivered possession of the warehouse to the tenant on May 2. On that date, an employee of the tenant was working in the warehouse. He was moving some equipment into the warehouse when a section of the ceiling collapsed and fell on him. At the time the landlord and the tenant entered into their lease, only the landlord was aware that the ceiling was defective and needed to be repaired. Although the landlord could have remedied the defect before delivering possession to the tenant, the landlord didn't perform any repair work on the ceiling. The employee initiated suit against the landlord to recover damages resulting from his injury. There are no applicable statutes. If the employee prevails it will be because a', A. 'landowner is strictly liable for injuries occurring on his property.', B. 'landowner's duty of care to third parties cannot be shifted to a tenant by the terms of a lease.', C. 'tenant cannot waive the implied warranty of commercial habitability.', D. 'covenant to indemnify by a tenant in favor of a land owner is against public policy.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1045:

'A pedestrian was injured when hit by a chair that was thrown from an upper-story hotel window. The pedestrian sued the occupants of all the rooms from which the chair might have been thrown. At trial, the pedestrian has been unable to offer any evidence as to the exact room from which the chair was thrown. The defendants have filed a motion for a directed verdict. Should the court grant the motion?'. A. 'No, because it is unreasonable to expect the pedestrian to prove which of the defendants caused the harm.', B. 'No, because of the doctrine of alternative liability.', C. 'Yes, because a plaintiff always has the burden to prove that a particular defendant's conduct was the factual cause of the plaintiff's physical harm.', D. 'Yes, because the pedestrian has failed to offer evidence that the defendants jointly engaged in tortious conduct.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1046:

'A reliable police informant telephoned the police to report seeing two men in a blue car selling narcotics outside a local movie theater. The informant gave a detailed description of the two men and the license number of the vehicle. A patrol car was immediately dispatched to the movie theater. A few minutes later, the police saw a car matching the description given parked about two blocks from the movie theater. When the police approached, they saw one man fitting the description provided. The police proceeded to the car and opened the doors of the vehicle. The police then pried open a locked tool case that was situated in the rear of the vehicle. Inside, the police found an envelope that contained about one gram of cocaine. They then placed the driver of the vehicle under arrest. Immediately thereafter, the police opened the glove compartment and found a small amount of marijuana. The driver of the van was subsequently prosecuted and charged with two counts of possession of controlled dangerous substances. He filed a motion to exclude the cocaine and marijuana from evidence. His motion will most likely be', A. 'granted, as to the cocaine only.', B. 'granted, as to the marijuana only.', C. 'granted, as to both the cocaine and the marijuana.', D. 'denied, as to the cocaine and the marijuana.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C. 'granted, as to both the cocaine and the marijuana.'

=====

Question 1047:

'A police officer observed two men acting suspiciously in front of a convenience store. They paced back and forth, walked around the store, and periodically looked in the window. The experienced officer feared that these individuals were most likely "casing" the place prior to robbing it. He approached, identified himself, and patted down the outer clothing of each. He found a hand gun in each man's pocket and arrested them for carrying concealed weapons. Will the court suppress the guns on the basis that there was no probable cause and the search was unconstitutional?'. A. 'Yes, because there was no probable cause to believe that a crime was being committed.'. B. 'No, because the officer had reasonable suspicion to believe that there might be criminal activity afoot.'. C. 'No, because the officer did have probable cause to believe that a crime was being attempted.'. D. 'Yes, because the officer is not allowed to take anything out of the men's pockets while conducting a pat-down.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1048:

'One evening, a husband received a telephone call from an unidentified source who informed him that his wife was having an affair with his friend. As a result, the husband drove to his friend's house with a loaded shotgun. Believing that his friend was in an upstairs bedroom, the husband fired the shotgun through the dining room window, as he only wanted to teach him a lesson. Unbeknownst to the husband, his friend's wife was in the dining room and suffered a minor gunshot wound. The husband should be found', A. 'guilty of attempted murder of his friend's wife only.', B. 'guilty of attempted murder of his friend only.', C. 'guilty of attempted murder of both his friend and his friend's wife.', D. 'not guilty of attempted murder of either his friend or his friend's wife.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 1049:

Two weeks before an election, a local newspaper published an article implying that one of the mayoral candidates was a thief. The candidate subsequently lost the election and sued the newspaper for defamation. The newspaper defended on the grounds of truth. At trial, the candidate took the stand and testified that he was not a thief. Thereafter, the newspaper called a witness to testify that three years ago the candidate committed a larceny while employed at his former job. Upon objection by the candidate's attorney, the witness's testimony should be', A. 'excluded, because bad acts may not be proved by extrinsic evidence.', B. 'excluded, because it is improper character evidence.', C. 'admitted as probative evidence of the candidate's character for veracity.', D. 'admitted as relevant evidence of the candidate's character as a thief.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1050:

'A woman and her neighbor had often talked about the need for a fence between their properties. Finally, the woman hired a handyman to build a wooden stake fence between her property and her neighbor's property for \$10,000. The handyman built the fence as agreed, and the woman paid him the sum of \$10,000. Two weeks later, the neighbor was operating his lawn mower near the property line between his and the woman's property when a section of the fence suddenly fell on top of him, seriously injuring him. A subsequent investigation revealed that the handyman did not properly reinforce the fence. Which of the following is the handyman's best defense in a contract action brought against him by the neighbor, in which the only damages alleged are those for the neighbor's personal injuries?', A. 'Damages for personal injuries cannot be recovered in a contract action.', B. 'Damages for personal injuries to the neighbor were not within the contemplation of the woman and the handyman at the time they entered into their agreement.', C. 'The neighbor is only an incidental beneficiary of the agreement between the woman and the handyman.', D. 'The neighbor has no standing to assert such an action, since he was not a party to the agreement between the woman and the handyman.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1051:

'A buyer purchased a new dishwasher from an appliance store. This dishwasher had been manufactured by an appliance company. After the dishwasher had been installed in the buyer's home, it functioned properly for the first month. Then it began to make a loud rattling noise whenever it was in use. The buyer called the appliance store, and a manager there assured her that it was not uncommon for the dishwasher to make such a noise. Moreover, he indicated that the machine's clamorous sound would eventually disappear with continued use. One week later, after a dinner party, the buyer placed her most expensive china set in the dishwasher and turned on the machine. After the dishwasher had been in operation for a few minutes, the buyer heard the rattling noise followed by the sound of breaking china. She immediately stopped the machine. Upon looking inside, she saw that a blade from the dishwasher had broken, destroying her entire china set. If the buyer asserts a claim for strict products liability against the appliance company, will she prevail?', A. 'Yes, because the dishwasher was defective.', B. 'Yes, because she was the purchaser of the dishwasher.', C. 'No, because the buyer was not personally injured.', D. 'No, because a reasonably prudent person would have discontinued using the dishwasher after becoming aware of the rattling noise.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1052:

'Congress has recently enacted a statute requiring all males between the ages of 18 and 30 to take a physical examination each year. The results of the exam are sent to a government data information center for the purpose of keeping information about men who may be drafted into the military. A 25-year-old law school graduate has herpes. He has recently sent resumes to many governmental agencies. Fearful that the information about his herpes condition will become available, he seeks a declaratory judgment that would forbid the government from requiring him to take a physical examination. Which of the following is the best constitutional basis in support of the federal law?', A. 'The commerce clause.', B. 'The dormant commerce clause.', C. 'To raise and support an army and navy.', D. 'To provide for the general welfare.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1053:

'A motorist's negligent driving seriously injured another driver. The motorist was cited for traveling in the wrong lane and paid a fine. The motorist had a policy limit of only \$15,000 for third party liability on his insurance policy. After furnishing the motorist's insurer with a full medical report, all medical bills, medical records, and other required proofs of damages, the injured claimant demanded the policy limits. The claimant gave notice that a bad faith claim would be filed if the policy limits were not paid immediately. The insurance company refused payment without explanation. A jury awarded the injured claimant \$200,000. The injured claimant obtained a signed assignment from the negligent motorist giving to the claimant any rights that the motorist may have had against his insurer. Will the court likely compel the insurance company to pay the full amount of the jury verdict to injured person under these facts?', A. 'The policy limit is \$15,000 and that is all that can be collected by the injured person ■■ there is no action for bad faith on an insurance contract.', B. 'The insurance company breached the implied covenant of good faith and fair dealing that is implicit in every insurance contract and must pay the full amount of the judgment.', C. 'Bad faith is personal to the insured party and his insurer ■■ the assignment was invalid, and the injured person has no claim to compel the insurer to pay.', D. 'The injured party must enforce his entire judgment against the motorist and may never pursue the insurer for that amount.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1054:

'A housing corporation owned a tract of land. The housing corporation prepared a development plan to divide the land into 100 lots and create a residential community on the tract. The Declaration of Covenants created the homeowners' association, an administrative entity that would administer and enforce the regulations and restrictions recited among the covenants. One of the restrictions set forth in the Declaration of Covenants reads: "There shall never at any time be erected, permitted, or maintained upon any part of the property any structure designed for or used as a saloon or place for the sale or manufacture of malt, vinous, or spirituous liquors." The Declaration of Covenants was duly recorded and was included in the deed taken by a teacher when he purchased lot 62 in the development. The teacher immediately recorded his deed. The teacher leased his home to a librarian for a term of one year. The lease included the same restrictions as those in the Declaration of Covenants and in the teacher's deed. The librarian immediately began to sell liquor on the premises during weekly "after hours" parties. The homeowners' association sues the librarian in an action for damages. Which of the following is the best argument for the librarian?', A. 'The rule in Spencer's Case prevents the librarian from being liable.', B. 'The librarian is not in privity of contract with the homeowners' association.', C. 'The librarian is not in privity of estate with the teacher.', D. 'Other lots in the immediate vicinity are used for commercial purposes.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1055:

'In order to encourage college enrollment, a state provides a tax exemption of \$200 for state taxes for those who are full-time students at colleges within the state. Female students who attend half-time are still permitted a \$100 tax exemption, whereas male students who attend half-time are no longer permitted any tax exemption. Which of the following most accurately summarizes the correct rule of constitutional law regarding the state tax exemption for students who enroll half-time?', A. 'The tax exemption would be invalidated as a denial of due process.', B. 'The tax exemption would be invalidated as violative of the equal protection clause.', C. 'The tax measure would be upheld as within the area of substantive due process.', D. 'The tax measure would be upheld as within the power of a municipality to tax different classes of persons unequally.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1056:

"This jurisdiction has the following criminal statute in effect: "A person is not responsible for criminal conduct if at the time of such conduct, as a result of mental disease or defect, he lacks substantial capacity to appreciate the wrongfulness of his conduct, or to conform his conduct to the requirements of law. "One afternoon, a defendant was babysitting his five-year-old nephew. As they were playing catch outside, the defendant threw the ball over his nephew's head, and it rolled into the street. Instinctively, the nephew ran after the ball but tripped over the gutter and fell in the street. When he tripped, the nephew severely sprained his ankle and couldn't stand up. Moments later, a large garbage truck was backing up and ran over the nephew, killing him. Although the defendant saw his nephew's predicament, he made no effort to rescue him. Subsequently, the defendant was charged with involuntary manslaughter. At trial, the defendant testified that he was so shocked when he saw his nephew fall near the garbage truck that he froze and was unable to move until it was too late. Following the defendant's testimony, an expert witness testified for the defense that reactions of the sort described by the defendant are not unusual when a truly shocking event occurs. If the jury believes the testimony of the defendant and his expert witness, the defendant's best defense is which of the following?", A. 'The defendant was suffering from temporary insanity.', B. 'The defendant lacked the requisite mental state required for the commission of the crime.', C. 'The defendant's failure to act was not voluntary.', D. 'The defendant's criminal liability was superseded by that of the truck driver.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1057:

'A write-in candidate is a Mexican-American and is of the opinion that he needs a large turnout of Mexican voters in order to win the election. As a result, his campaign manager, decides to mail to every registered Mexican voter a tear-off sticker, which bears the candidate's name and office for which he is running. Since many native Mexican people are not proficient in reading and writing English, the campaign manager believes that many of the voters will have difficulty writing the candidate's name and office on the ballot. As a result, the campaign manager has mounted an extensive media campaign to inform voters on how to apply the stickers to the ballot. Five months prior to the election an election official notifies the candidate's campaign committee that the tear-off stickers do not comply with the state statute. In her letter, the official explains that state election officials are of the opinion that it is necessary for potential voters to write the candidate's name in ink. Therefore, she concludes that the stickers do not comply with statutory requirements. Three weeks later, the candidate filed suit in federal district court against state election officials claiming that their interpretation of the state statute violates the U. S. Constitution. Which of the following, if established, sets forth the strongest constitutional argument supporting the election official's interpretation of the statute?'. A. 'Voter turnout among registered Mexican American voters who lack proficiency in English has been less than 1% of the entire state total in recent elections.'. B. 'A state statute requires that each voting booth be equipped with an ink pen to facilitate the writing in of votes.'. C. 'Since large numbers of write-in votes generally increase the time needed to count all votes, it is necessary to cast such votes in a uniform manner.'. D. 'The potential for voting fraud is substantially greater with preprinted stickers.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1058:

'A man was the owner of the newly constructed hotel in a city. On March 15, the man received a telephone call from a salesperson who was a distributor of hotel equipment. The salesperson offered to sell the man 1,000 fire extinguishers for his hotel. The salesperson told the man that the cost of the fire extinguishers would be \$35,000 (or \$35 apiece), payable 90 days after delivery. The salesperson promised to have the fire extinguishers installed no later than April 15. On March 16, the man telephoned the salesperson and accepted the offer. The following day, the man mailed the following memo to the salesperson: "Please be advised that I shall take a 15 percent discount for cash payment seven days after installation. " The salesperson received the man's correspondence on March 20. On April 1, the salesperson sent a telegram to the man, stating: "It's apparent we don't have an enforceable contract in effect. I will not be delivering the fire extinguishers on April 15 or any other time. "The man brings suit against the salesperson for breach of contract. The salesperson asserts the defense of the statute of frauds under the UCC. Which of the following is the most accurate statement regarding the salesperson's defenses?', A. 'The salesperson's defense is valid, because the man's memo was not sufficient to indicate that a contract was formed.', B. 'The salesperson's defense is valid, because the man's memo was inconsistent with the terms of the salesperson's oral offer.', C. 'The salesperson's defense is not valid, because the salesperson failed to respond to the man's memo within a reasonable period of time.', D. 'The salesperson's defense is not valid, because under the UCC the statute of frauds is not applicable in agreements between merchants.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 1059:

'Before a proposal to merge two towns was placed on a ballot, the state attorney general issued an advisory opinion stating that the measure did not, in her opinion, violate any statutory or constitutional provisions. Thereafter, the proposal was placed on the ballot and was overwhelmingly passed by the voters in both towns. After the election, but before the merger had officially been carried out, two taxpayers from one of the towns initiated suit to enjoin the unification, attacking the constitutionality of the proposal. The suit reached the state supreme court and was found to be constitutional under both state and federal law. The plaintiffs now file a motion seeking to have this case reviewed by the U. S. Supreme Court. The Court may', A. 'not hear the case, because it was decided on independent state grounds.', B. 'not hear the case, but may have it remanded to federal district court.', C. 'hear the federal issues involved, but decline to rule on the state issue.', D. 'rely on the advisory opinion rendered by the state attorney general and not hear the case on its merits.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1060:

'Police received a tip from a reliable informant that a man was dealing cocaine from his home. Officers then submitted to a magistrate an affidavit setting forth circumstances showing probable cause for the issuance of a search warrant. The magistrate issued a search warrant for narcotics at the man's address. Police officers went to the man's home and rang the door bell. When no one answered, the police broke in and entered the dwelling. They searched the rooms on the first floor and found no incriminating evidence, then walked outside and noticed a separate entrance leading up to the second floor of the dwelling. They ascended the stairway and entered an upstairs bedroom. Inside the room the officers found a stash of cocaine lying on a dresser. As the officers were continuing their search of the bedroom, the defendant entered the room. The police asked the defendant if he was the man. The defendant identified himself and told the police that they were in his bedroom and he occupied the second floor of the dwelling. The defendant explained that the man resided on the first floor and his living quarters were separate from the defendant's. Nonetheless, the defendant was placed under arrest and charged with possession of cocaine. The defendant has filed a motion to exclude the cocaine from being admitted into evidence. The defendant's motion should be', A. 'granted, because the warrant did not name the defendant.', B. 'granted, because the warrant did not state with specificity the area to be searched.', C. 'denied, because the police reasonably believed they were searching the man's residence when they entered the defendant's living quarters.', D. 'denied, because the warrant was valid and issued with probable cause.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1061:

'A supermarket had just reopened after a two- week closing for renovations. On the morning of the reopening, a woman was shopping when she suddenly fell and suffered a broken leg. Thereafter, the woman sued the supermarket for personal injuries. In her suit, the woman claimed that she tripped over a paint bucket that had been lying in one of the aisles. At trial, the woman called another customer to testify that while he was shopping he heard a thud, turned around and saw the woman fall on the floor. He also testified that he saw an empty paint bucket lying a few feet from the woman's leg. On cross-examination, the customer got into an argumentative exchange with the supermarket's attorney. When asked his opinion of what caused the woman's fall, the customer testified, "She fell because she tripped on the bucket. " He admitted on cross-examination, however, that he didn't actually see the woman trip on the bucket. The supermarket's attorney then asked the customer the following question:"If you didn't see the woman trip on the bucket, how do you know that she fell because of it?" The customer answered, "Because my girlfriend who was shopping with me told me later that she saw the woman trip over the bucket. "The supermarket's attorney moves to strike the customer's last answer. If the trial judge overrules the defendant's motion and permits the customer's answer to stand, it will most likely be because', A. 'the customer's answer was invited by the supermarket's attorney's question.', B. 'the customer's answer was based on firsthand knowledge.', C. 'the customer's answer was a statement of recent perception.', D. 'the customer's answer was a present sense impression.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1062:

'A rancher is currently the owner of record of a parcel of land designated as "A. " It is the higher of two neighboring properties on a mountain. A farmer is the owner of parcel "B," which is situated lower than "A" on the mountainside. In 2000, the rancher, who owned both parcels of land, constructed a private drainage system. This system consisted of an underground pipeline that extended across both parcels of land. Sewage from parcel "A" drained through the system to a municipal sewer, which was located at the bottom of the mountain. In 2005, the rancher sold parcel "B" to the farmer. The deed to the farmer did not contain any mention of the rancher's drainage system. Located on each of the parcels are large ranch-style homes occupied by the respective owners. Lately, the sewage drain has begun to emit an unpleasant odor across parcel "B. " As a result, the farmer sued the rancher in trespass praying for damages caused by the drainage system. Judgment should be for', A. 'the rancher, because the deed to the farmer did not contain any covenants restricting the rancher's use of the land.', B. 'the rancher, because the farmer's proper cause of action would be for nuisance, rather than trespass.', C. 'the farmer, because the drainage system was the proximate cause of the plaintiff's damages as a matter of law.', D. 'the farmer, because the rancher did not have the right to improve his own land in a manner that caused harm to another.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1063:

'Under which one of the following situations would the defendant(s) most likely be found guilty of larceny?'. A. 'A customer took his watch to a jeweler for repairs. The defendant inspected the watch and informed the customer that the watch needed a minor adjustment, which he would perform that afternoon. The customer gave the watch to the defendant and told him that he would return the following day to pick it up. As the defendant was repairing the watch, he discovered that it was an extremely valuable antique. He then substituted a less-expensive look-alike for the watch, which the customer picked up the next day.'. B. 'As two defendants were walking down the street, they noticed a victim park his metallic gold sports car and enter the pool hall. When they approached the car, one of the defendants observed that the victim had left the keys in the ignition. Knowing that the victim would be hustling pool all evening, the defendants hopped into the sports car and drove off, intending to return the car later that evening.'. C. 'During a craps game in the back room of a bar, the defendant lost \$150 to the victim. The defendant left the bar after losing his money and returned an hour later with a gun in his possession. Honestly believing that the \$150 still belonged to him, the defendant confronted the victim in the back room and demanded the return of his money. Frightened, the victim handed the money back to the defendant.'. D. 'One afternoon, the defendant noticed the victim riding his racing bike in the park. The defendant, who always wanted to own a racing bike, saw his opportunity when the victim left his bike unattended to participate in a touch football game. The defendant jumped on the bike and quickly rode away. Later that evening, the defendant called the victim and demanded \$200 for the return of the bike. The victim agreed to the defendant's demand. The following day, the victim paid the defendant the money, and the defendant, in turn, returned the bike.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: B

Question 1064:

'One afternoon a motorist was driving her car when she struck a pedestrian who entered the intersection. The pedestrian was seriously injured in the accident and sued the motorist to recover damages for personal injuries. There were no witnesses to the accident. The motorist claims that the traffic light was green at the time she entered the intersection. The pedestrian now has amnesia and cannot remember how the accident occurred. At trial, the pedestrian's attorney calls a witness to testify. The witness proposes to testify that she was in the emergency room at the hospital when the pedestrian was brought in following the accident. The witness further testifies that while the pedestrian was being treated for his injuries, the nurse asked him, "How did you get hurt?" The pedestrian replied, "The car ran the red light and struck me as I was walking through the intersection. "Upon objection, this evidence is', A. 'admissible as a statement made for purposes of medical treatment and diagnosis.', B. 'admissible as a present sense impression.', C. 'inadmissible, because the witness was eavesdropping on a confidential communication between the pedestrian and a hospital representative.', D. 'inadmissible, because it is hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 1065:

'A woman had spent many years converting her back yard to an authentic Japanese-style garden. Her garden had become a showplace for the neighborhood, and various civic groups and organizations frequently visited the woman's property to enjoy the beauty of the yard. Recently, the woman had read about a particular cymbidium that was native to Japan. Desiring to have one of these cymbidiums planted in her garden, she contacted a number of plant distributors, only to discover that this particular cymbidium had not yet been imported to the United States. She contacted a plant distributor, who she knew had ties to Japan, and asked if it would be possible to acquire one of these cymbidiums from Japan. After checking with local and Japanese authorities, the distributor determined that he could indeed acquire the plant for the woman. The parties then signed a contract that stated the distributor would acquire the cymbidium from a nursery in Japan, have it shipped to the United States and have it planted in the woman's garden for the price of \$5,000. The distributor promised that the plant would be in place within six months, and the woman promised to pay \$1,000 at the time of the execution of the contract and \$4,000 when the cymbidium was planted in her garden. The woman then handed a check for \$1,000 to the distributor. Two weeks later, agricultural officials discovered that a special type of beetle that attacked citrus plants had adapted to using cymbidiums for nesting purposes. The female beetle would lay eggs among the roots of the cymbidiums, and it would sometimes take up to one year for the eggs to hatch. Fearing for the safety of the citrus crops in the United States, the United States government adopted a ban on the importation of all cymbidiums grown in foreign countries. As a result, the distributor was not able to acquire the cymbidium for the woman. Which of the following best states the legal relationship at this point between the distributor the woman?', A. 'The distributor's performance was excused because of impossibility, but the woman can seek restitution.', B. 'The distributor's performance was not excused because of the supervening illegality, and the woman can recover damages because of the distributor's prospective inability to perform.', C. 'The distributor's performance was not excused because of the supervening illegality, and the woman can recover damages, provided she waits until the date performance was due before filing suit.', D. 'Both parties are excused from performance because of the supervening illegality, and neither can recover from the other.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1066:

'A landlord, an owner in fee simple, leased a three- story house to a tenant for a term of 10 years. By the terms of the lease, the tenant expressly covenanted to pay a monthly rental of \$300 and to pay the taxes on the premises during the term of the lease. The lease also stipulated that the tenant, as lessee, may not assign or sublease the said premises. The tenant and his family lived in the house for two years. Then the tenant, still owing the landlord three months back rent, assigned his leasehold interest in the property to a student, who was unaware of the prohibition against assignments. This written assignment expressly provided that the student would pay the landlord the monthly rental of \$300, but was silent concerning the payment of taxes. The landlord never objected to this assignment. Six months after the assignment, the landlord conveyed his property interest in the premises to a new owner. The student failed to pay the taxes on the property. The new owner, after paying the taxes, brought suit against the student for the amount paid. Judgment should be for', A. 'the new owner.', B. 'the student, because he did not contract with the tenant to pay the taxes on the property.', C. 'the student, because the covenant to pay taxes will not "run with the land," unless the intent is clearly expressed in the original lease.', D. 'the student, because the covenant to pay taxes is merely collateral and does not "run with the land. "'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1067:

'A woman attended a private university. One afternoon she was approached by a photographer for a magazine, who asked her if she would be interested in posing nude for an upcoming issue. The woman, who was an aspiring model, agreed and posed for a number of nude pictures, which subsequently appeared in the magazine. Afterward, administrators and professors at the university began to harass her for what they considered to be imprudent behavior. During class, her instructors frequently called her "Playmate" and "Stripper. " Consequently, the woman brought suit in federal court against the university, alleging harassment, and seeking an injunction and damages. After this action was instituted, the university signed a stipulation agreeing not to harass her in the future. The federal court should now', A. 'hear the case.', B. 'dismiss the action as moot.', C. 'dismiss the action since the issues are no longer ripe.', D. 'dismiss the action because there is no case or controversy.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1068:

'A defendant was arrested and charged with possession of heroin. At the defendant's preliminary hearing, the prosecution presented evidence that the defendant was arrested while riding in a car. The heroin was found in a briefcase containing no identification, but several papers found inside contained references to the defendant. The defendant's attorney argued that the briefcase did not belong to the defendant, and the defendant had no idea how the heroin got inside the briefcase. The court ruled that there was insufficient probable cause to support a prosecution of the defendant on the heroin possession charge. The defendant was released from custody and charges were dropped. Several weeks later, a grand jury was convened to determine if the defendant should be re-indicted for heroin possession based on the same alleged incident reviewed at the preliminary hearing. The defendant was called to testify as a witness at the grand jury hearing. He appeared and was sworn in as a witness. The defendant proceeded to challenge the proceeding on the basis that any grand jury indictment for heroin possession would constitute a violation of the double jeopardy clause. The defendant's double jeopardy challenge should be', A. 'granted, because by voluntarily appearing at the grand jury hearing, the defendant has standing to challenge the indictment.', B. 'granted, because the heroin possession charge was formally dismissed at the preliminary hearing.', C. 'denied, because there is no basis for a double jeopardy challenge.', D. 'denied, because double jeopardy rights do not attach unless there has been an acquittal or conviction.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 1069:

'A state highway runs through the center of a city's business district. As the highway passes through this business district, there is a stretch where the highway is too narrow to satisfy the safety standards for state roadways. Along this narrow stretch and on opposite sides of the street are located two businesses. Situated on the east side of the street is a bar and grill; directly across the street on the west side is a lounge. In order to comply with state highway regulations, the state highway department, acting pursuant to state statute, ordered the city to prohibit parking on one side of the highway within the business district. The city council convened a special meeting to determine whether parking should be prohibited on the east or west side of the street. During the meeting, the council was unable to resolve the issue. Finally, the city council president decided the only fair way to resolve the matter was to flip a coin. After the coin flip, the city prohibited parking at all times on the west side of the highway. On account of this decision, parking in front of the lounge was permanently prohibited. This caused the lounge to suffer a substantial decline in business because of the unavailability of on-street parking. As a consequence, the owner of the lounge brought suit for declarative relief against the city alleging that the parking ban on his side of the street was unconstitutional. In all likelihood, will the plaintiff be successful in this cause of action?'. A. 'No, because as a governmental entity, the city enjoys immunity from such suits under the Eleventh Amendment.'. B. 'No, because the city's action was reasonable.'. C. 'Yes, because the action of the city violated the equal protection clause of the Fourteenth Amendment.'. D. 'Yes, because responsible government officials cannot conduct or formulate their decisionmaking processes by means of coin flips.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1070:

'A passenger on a subway car placed her pocketbook on the seat next to her and began to zip up her jacket. Defendant was standing in front of the passenger and holding on to the hand rail. Seeing the pocketbook unattended, he suddenly grabbed it and tried to run away. As he did so, the passenger became very frightened and fell backward. She struck her head against the window and was knocked unconscious. In the commotion, Defendant dropped the pocketbook and hurriedly exited the subway car empty-handed. Defendant should be found guilty of', A. 'larceny.', B. 'attempted larceny.', C. 'assault.', D. 'robbery.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1071:

'A plaintiff sued a utility company that owns a reservoir that is open to the public for recreation pursuant to a license from a federal agency. The plaintiff was severely injured in the reservoir when he dove from a boat into what he thought was deep water and hit an unmarked submerged island. The plaintiff alleges that the company was negligent in failing to mark the submerged island. At trial, the plaintiff has called an engineer and qualified him as plaintiff has called an engineer and qualified him as an expert in managing reservoirs. Which of the following opinions by the plaintiff's expert is the court most likely to admit?', A. "The accident probably occurred in the manner shown by this computer-animated film I made.", B. "The company could have marked the island in a day and at a cost of \$300.", C. "The company was required by federal law to mark the island.", D. "The plaintiff was not contributorily negligent."

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1072:

'A manufacturer sued a buyer in federal court for failing to make timely payments under the parties' sales contract. The case was tried to the court solely on documentary evidence. Immediately after the close of the evidence, the judge announced from the bench, "Judgment shall be entered for the manufacturer," and judgment was so entered. The buyer has appealed the judgment. What is the buyer's best argument for persuading the appellate court to reverse the judgment?', A. 'The judgment is clearly erroneous because it was based solely on documentary evidence.', B. 'The manufacturer was required to file proposed findings and conclusions before the trial court ruled.', C. 'The trial court erred because it announced the judgment without giving the parties an opportunity to submit proposed findings and conclusions.', D. 'The trial court erred by not providing findings and conclusions.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1073:

'A writer's latest novel created a debate among critics regarding whether the sexual references and the graphic practices in the book made it obscene. While the publisher was readying the book for distribution, the head of a state commission for morality contacted her to tell her that the book was obscene and that she should collect all copies and turn them over for seizure by the government. He also advised that the commission was putting the book on a list of obscene works that retailers should not handle. She responded that dozens of retailers already had the book for an opening day promotion. The commission seized all of the books from the retailers and destroyed them, without any due process procedural safeguards to the author or the publisher. The author and publisher appealed the case and eventually received a writ of certiorari issued by the U.S. Supreme Court. Will the Court uphold the procedure that was used to declare the book obscene and to restrain its distribution?', A. 'Yes, if the authorities determine the book to be obscene, then they may seize and prevent its prospective distribution for the protection of the public.', B. 'Yes, the determination of obscenity can be made prior to publication because the local authorities have a right to determine the local "community morals" standard.', C. 'No, the state must first give the publisher and author a preliminary hearing before a magistrate to get a determination if the book is obscene.', D. 'No, the state cannot exercise prior restraint over published material because that has a chilling effect on free speech; a full judicial determination, with a criminal trial, is required before there can be a finding of a work being obscene.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1074:

'A developer recently acquired a large vacant lot and wished to build a series of 10 tract homes on the lot to offer for sale. On May 1, he telephoned a number of contractors whom he had dealt with in the past and asked them to submit bids to build the homes. One of the contractors in turn sought bids from several subcontractors to determine the overall cost of the job. He notified each subcontractor that he intended to use their bids in submitting a general bid to the developer. A plumber submitted a bid to the contractor in the amount of \$50,000, which the contractor used in computing the bid he sent to the developer. On June 1, the contractor submitted a bid to the developer in which he offered to build the 10 tract homes for \$500,000. On June 4, the plumber notified the contractor that he had overbooked his crews and could not possibly do the work on the developer's job. On June 5, the developer sent the contractor a signed confirmation letter wherein he stated, "I hereby accept your offer to build the 10 tract homes for \$500,000.'. Thereafter, the contractor hired another plumber to complete the plumbing work at a cost of \$60,000. The contractor then explained the situation to the developer and requested that the overall cost of the job be increased to \$510,000. The developer refused on the grounds that he had a contract for \$500,000 and that this was the contractor's problem. The contractor then built the 10 tract homes, and the developer sent him a check for \$500,000. Which of the following best supports a claim for \$10,000 by the contractor against the plumber who refused to do the work?'. A. 'The plumber made an offer that the contractor accepted by using the plumber's bid in computing the bid he submitted to the developer.'. B. 'The plumber's bid was a "firm offer" that was not revocable, since both the plumber and the contractor were merchants.'. C. 'The contractor made an offer to the plumber that the plumber accepted when he submitted his bid.'. D. 'An option contract was created, because the contractor, with the plumber's knowledge, used the plumber's bid in computing the bid he submitted to the developer.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1075:

'A plaintiff is the beneficiary of a policy issued by an insurance company insuring the life of his wife, now deceased. The policy contains a clause providing that double indemnity is payable in the event that death of the insured "results directly, and independently of all other causes, from bodily injury effected solely through external violent and accidental means. "The plaintiff's wife met her death in the silage shed of her farm. The death resulted from wounds caused by the discharge of a double-barreled shotgun. The plaintiff was arrested and prosecuted for the murder of his wife. After a lengthy trial, the plaintiff was acquitted of the charge. After the insurance company refused to pay the plaintiff's insurance claim, the plaintiff instituted this civil action. The complaint sets forth the policy, alleges the facts surrounding the death of the insured, avers that the death was within the policy provisions for double indemnity payment, and demands judgment accordingly. At trial, the insurance company's attorney proposes to introduce excerpts from the plaintiff's murder trial. The plaintiff's attorney objects to the introduction of such evidence. The trial judge should rule the proffered evidence', A. 'admissible as a declaration against interest.', B. 'admissible as former testimony.', C. 'inadmissible, because of collateral estoppel.', D. 'inadmissible, because of double jeopardy.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1076:

'A victim and a defendant both worked as longshoremen at a shipyard. After the victim was shot to death, the defendant was tried for murder and acquitted. Following the acquittal, the victim's estate sued the defendant in a wrongful death action. During the civil trial, the victim's estate called a witness to testify. The witness, who worked with both men at the shipyard, testified that two weeks before the shooting, the victim came to work with a broken nose and said that the defendant had caused it. The attorney for the victim's estate then asked the witness the following question, "Was the defendant present during your conversation with the victim, and if so, did he say anything about the victim's broken nose?" The witness replied, "Yes, the defendant was present, and after the victim told me that the defendant broke his nose, the defendant said, ■■■And that's only the beginning. "Upon objection by the defendant's attorney, the witness's testimony is', A. 'admissible, because it reports a declaration against interest.', B. 'admissible, because it reports the defendant's adoptive admission of the victim's assertion.', C. 'inadmissible, because of the principle of collateral estoppel.', D. 'inadmissible, because it is hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1077:

'A state education agency, following all statutory requirements, obtained a parcel of land through eminent domain. The landowner accepted the award of fair market value and did not appeal. For the next 15 years, the agency held the property but did not implement an educational use for it. In year 16, the agency abandoned the intended education use and sold it at a properly advertised auction under state law. The original landowner appealed, arguing that the agency only took a fee simple determinable and when it ceased its intended educational use, superior fee simple title reverted back to the original owner. Will the appellate court likely rule that the landowner can assert rights to stop the attempted transfer?', A. 'No, because the state also acquired fee simple title by adverse possession after 11 continuous, uninterrupted years of possession.', B. 'No, because the original transfer was legally conducted and the landowner received fair market value, thereby allowing a presumption of fee simple title in the agency.', C. 'Yes, eminent domain is restricted to taking property that is urgently needed for a public use and the failure to use it for that purpose defeated fee simple ownership in the agency.', D. 'Yes, because every eminent domain taking implies a fee simple determinable aspect to the governmental acquisition.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 1078:

'A landlord owned a three-story home in fee simple and leased it to his friend for a term of 10 years. By the terms of the lease, the friend expressly covenanted to pay a monthly rental of \$300 and to pay the taxes on the premises during the term of the lease. The lease also stipulated that the friend, as lessee, may not assign or sublease the said premises. The friend and his family lived in the house for two years. Then the friend, still owing the landlord three months back rent, assigned his leasehold interest in the property to a professor, who was unaware of the prohibition against assignments. This written assignment expressly provided that the professor would pay the landlord the monthly rental of \$300, but was silent concerning the payment of taxes. The landlord never objected to this assignment. Six months after the assignment, the landlord conveyed his property interest in the premises to a new owner. After residing in the house for a year, the professor subleased the third floor to a student for a term of two years; the agreement provided that the professor would receive a monthly rental payment of \$100. After the student had made regular rental payments to the professor for the first six months of the sublease, he defaulted. The following month, the professor sent the new owner \$200 as payment for rent and notified him that he should collect the remaining \$100 from the student, who refused to vacate the premises. In an action by the new owner against the student to recover the additional \$100 for rent due, he will most probably', A. 'recover, because the landlord and sublessee are in privity of estate.', B. 'recover, even though he never objected to the sublease.', C. 'not recover, because the professor would only be held liable.', D. 'not recover, because the professor remains liable.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1079:

'A city has adopted ordinance 172 which provides:"Section 1: It shall be unlawful for any person, group, or organization to hold a meeting of 50 persons or more in any city park without first securing a city permit;Section 2: The application shall specify the day and hours for which the permit is sought. The fee shall be \$10 per hour, with a maximum fee of \$50;Section 3: Permits shall be issued on a first come basis; provided that the police chief shall deny any application if, after hearing the applicant, it is his considered judgment that (a) the meeting would create serious traffic congestion, or (b) interfere with public enjoyment of the park, or (c) speakers at the meeting would advocate the commission of crime. "A foreign exchange student planned to hold a demonstration at park in the city. Although the student's previous protest rallies attracted fewer than 25 demonstrators, he decided to apply for a permit pursuant to city ordinance 172. After meeting with the student, the chief of police denied his permit application because he believed that the demonstration would incite the protestors and threaten imminent violence or serious disorder. Subsequently, the student and his fellow demonstrators staged their rally at the park. The rally attracted only about 20 protestors and was conducted peacefully. As the student was making his final remarks to the gathering, the police arrived at the park and arrested the student and his fellow demonstrators charging them with violating ordinance 172. Which of the following would be the most accurate statement with regard to the arrest of the student and the other demonstrators?', A. 'The police were justified in arresting the student, because he and his fellow demonstrators violated the ordinance by staging the rally.', B. 'The police were justified in halting the rally and arresting the demonstrators, because of the threat of imminent physical disturbance.', C. 'The police were not justified in arresting the student and the demonstrators, because they did not violate the ordinance.', D. 'The police were not justified in arresting the student, because the group was not required to comply with the ordinance.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1080:

'An auto retailer started a marketing promotion on a new hybrid model sedan. It advertised that anyone who purchased the car in 2013 and did not get at least 50 miles per gallon average gas mileage during the first 60 days, would receive a payment of \$10,000 cash from the company. Record-keeping and inspection procedures were required to assure accurate reporting by the vehicle owner. The promotion was widely publicized. A female customer purchased a hybrid model during the promotion period, followed all the rules, and recorded only 42 mpg in the first 60 days. She demanded the rebate but the company stalled for months and then stopped responding to her inquiries. Does she have a contractual right to collect the \$10,000?', A. 'Yes, because this is a classic bilateral contract, making it necessary that the company live up to its set of promises made to her.', B. 'No, this was merely puffing, was not an offer to contract with any particular person and was without consideration.', C. 'Yes, this was a unilateral contract in which the offeree acted upon the offer by performing the terms of the offer, thus creating a binding contract.', D. 'No, because she did not formally notify the company that she was accepting the offer before she started performing.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1081:

'A wedding planner owned a summer cottage on the lake. In order to facilitate the access to the cottage, which is located on a knoll above the lake, the wedding planner entered into an agreement with a neighbor, an adjoining land owner, whereby the neighbor, in writing, granted the wedding planner a right-of-way over a strip of land 30 feet in width and a quarter of a mile in length along the eastern margin of the neighbor's property. Without notifying the neighbor, the wedding planner proceeded with his plan to improve the roadbed by having the road asphalted in order to make it more accessible for motor vehicle traffic. Several years later, the neighbor started a sand business, which required him to do heavy hauling that subsequently destroyed the asphalted surface on the road. Ten years after the neighbor started his sand business, the wedding planner sold his lakefront property to an artist. Shortly after the artist took possession of the cottage and property, the neighbor erected wooden barriers across the roadway, thus obstructing the access to the artist's property. The interest that the wedding planner acquired in the access road may best be described as', A. 'an easement in gross.', B. 'an easement implied by prior use.', C. 'an easement by necessity.', D. 'an express easement.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1082:

'A mother hated a girl because she always seemed to outperform her daughter and make her feel inferior. Fearing that the girl would beat out her daughter for the last cheerleading position, the mother decided to kill the girl. One night while the mother and her boyfriend were having dinner, the mother asked him to kill the girl. The mother handed her boyfriend a gun and gave him the home address where the girl lived. Unknown to the boyfriend, the mother gave him the wrong address. By mistake, the boyfriend went to the home of a family who lived across the street from the girl. The boyfriend rang the doorbell and a woman opened the door. The boyfriend asked the woman if her daughter was home. The woman called for her daughter to come to the front door. When she did so, the boyfriend shot and killed both the woman and her daughter. The mother should be found guilty for which, if any, of the following crimes?', A. 'Conspiracy and voluntary manslaughter.', B. 'Conspiracy, attempted murder, and two counts of murder.', C. 'Solicitation and two counts of murder.', D. 'Solicitation and attempted murder.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1083:

'A toy collector had purchased 10 antique toys over the last several years and had had them restored by an expert in toy restoration. On June 1, the collector sent the 11th antique toy to the expert with a signed note that read: "Here is another toy for you to restore. As with all prior jobs, I will pay \$500 for the work, but no more." On June 4, after receipt of the collector's June 1 note and the toy, the expert began restoring the toy. On June 6, the collector unexpectedly died. On June 7, unaware of the collector's death, the expert sent the collector a note that stated that the restoration work had begun on June 4. The following day, the expert learned of the collector's death. Does a contract exist that binds the expert and the collector's estate?', A. 'No, because the collector died before the expert sent the June 7 note.', B. 'No, because the offer lapsed when the collector died.', C. 'Yes, because the expert sent the June 7 note before learning of the collector's death.', D. 'Yes, because the offer was accepted before the collector's death.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1084:

'A farm and an orchard are adjoining tracts of land located in a county. In 2006, a farmer purchased the farm, a 10-acre tract, in fee simple absolute. The orchard, a 20-acre tract situated to the north of the farm, was owned by a rancher in fee simple absolute. A remote predecessor of the farmer had granted to a shepherd a way for egress and ingress across the farm under such terms and circumstances that an easement appurtenant to the orchard was created. This right-of-way was executed by deed and properly recorded. The shepherd, however, never made any actual use of the right-of-way. In 2010, the rancher conveyed the orchard to the farmer. The next year, the farmer conveyed the orchard by deed to an investor for a consideration of \$250,000, receipt of which was acknowledged. Neither the rancher's farmer deed nor the farmer's investor deed contained any reference to the easement for right-of-way. The investor has now claimed that she has a right-of-way across the farm. The farmer, on the other hand, has informed the investor that no such easement exists. Assume that both the farm and the orchard abut a public highway and that ingress and egress are afforded the investor by that highway. In an appropriate action by the investor to determine her right to use the right-of-way across the farm, she should', A. 'lose, because the easement was extinguished by merger when the farmer acquired the orchard from the rancher.', B. 'lose, because the right-of-way was abandoned inasmuch as there never was any actual use made.', C. 'win, because the farmer had constructive notice of the easement.', D. 'win, because the investor acquired an easement by implication.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1085:

'A man and a woman were partners in an automobile leasing agency. For some time, the man had been embezzling money from the agency. The woman became suspicious and told the man that she wanted to engage an accounting firm to audit the agency's books. In a panic to prevent the audit and avoid being discovered, the man decided to have the woman killed. He contacted a professional killer and hired him to kill the woman for \$10,000. A short time later, the woman died in a car crash arranged by the killer. In addition to embezzlement, of what crime or crimes may the man properly be convicted?', A.

'Conspiracy and murder.', B. 'Murder.', C. 'Solicitation and conspiracy.', D. 'Solicitation, conspiracy, and murder.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1086:

'A patient who had suffered a severe fracture of her leg was treated by an orthopedist, who set the patient's leg and put it in a cast. When the leg continued to bother the patient six months later, she consulted a second orthopedist in the same town. The second orthopedist surgically inserted a pin to facilitate healing. The patient brought a malpractice action against the first orthopedist, claiming that he should have surgically inserted a pin at the time of initial treatment. The only evidence that the patient offered in support of her malpractice claim was the testimony of the second orthopedist, as follows: In response to the question "Would you have inserted a pin initially?" the second orthopedist testified, "I personally would not have been satisfied that the leg would heal properly without a pin." At the close of the patient's evidence, the first orthopedist moved for judgment as a matter of law. Should the motion be granted?', A. 'No, because the patient has introduced evidence that the first orthopedist failed to give the care that the second orthopedist would have provided.', B. 'No, because the second orthopedist practices in the same town and field of specialty as the first orthopedist.', C. 'Yes, because the patient has failed to introduce evidence that the first orthopedist's care fell below the professional standard of care.', D. 'Yes, because the second orthopedist also treated the patient and is thus not sufficiently objective to offer expert testimony.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1087:

'A seat in a movie theater collapsed, causing the customer sitting in that seat to fall to the ground and suffer a back injury. In a personal injury action by the customer against the theater, the customer will most likely', A. 'recover, because the theater was under an absolute duty of care to make the premises safe for the protection of its customers.', B. 'recover, only if the theater had prior knowledge of the dangerous condition of the seat.', C. 'not recover, because the theater was under no obligation to inspect the premises to discover unknown dangers.', D. 'not recover, unless the theater failed to make a reasonable inspection of the seats for the safety of its customers.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1088:

'A police officer received a call from a friend who owned a business. The friend told him that a former employee, who was a "hothead", was making harassing phone calls and threats. He faxed the officer a oneparagraph summary of the matter. The officer questioned the prior employee, who became verbally abusive and vehemently denied making the calls. The officer arrested him for criminal harassment and wrongful use of a communications device, stating, "I'm going to teach you a lesson." The criminal case was thrown out, however, at the preliminary hearing when the police could not produce proof that the former employee made any phone calls to the business. The former employee then sued the police officer and the business owner for the tort of malicious prosecution. Leaving aside any considerations of immunity for the officer, can the former employee allege facts sufficient to support a malicious prosecution case?', A. 'No, because the officer received enough facts from the owner to establish the elements of the criminal charges that he filed against the former employee.', B. 'Yes, there were sufficient facts for the former employee to establish the basic elements of the malicious prosecution tort.', C. 'No, because the business owner knew that it was the former employee who made the calls even if he could not prove it.', D. 'Yes, the officer committed abuse of legal process when he improperly initiated the case.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 1089:

'A landowner, advancing in age, realizes that he is no longer able to farm his 1,000 acres and therefore decides to sell some of the farmland in parcels of 250 acres. The president of a development company is interested in purchasing three of the four parcels. The president buys the three parcels from the landowner and begins formulating plans for constructing single-family dwelling units on the land. The original deed between the landowner and the development company contains a provision expressly binding "upon all subsequent grantees, their heirs, and assigns," stipulating that any further subdivisions by any such persons shall be restricted to minimum two-acre lots to be used for single family dwelling units only. The development company immediately subdivided two of the parcels into lots of three, four, and five acres, and began construction of homes thereon. The original deed restrictions were enumerated within the special warranty deeds and were given to the purchasers of the homes in the new development, called phase 1. Two years later, the president sold the remaining parcel, which had not been included in the phase 1 subdivision plan, to a contractor. The contractor, in turn, drafted a subdivision plan for the last 250-acre parcel dividing it into one-acre lots. The contractor then commenced construction of single-family dwelling units in the new development, to be known as phase 2. There was no mention of the restriction for two-acre minimum lots in the deeds to the purchasers of the new homes in phase 2. Meanwhile, after the landowner's death, his estate is required to sell the remaining 250-acre parcel of his farmland. The buyer is an investor, who proposes to construct a two-level shopping center and parking lot on the property. The deed for the remaining 250-acre parcel contained the identical restrictions as the deeds to the other three parcels. The investor, ignoring these restrictions, was able to use his political influence to persuade the county zoning board to rezone the said parcel for commercial use. The residents of phase I seek to enjoin the construction of the shopping center. The residents will have', A. 'little chance of preventing the projected commercial development.', B. 'no standing to enjoin the construction of the shopping center.', C. 'no chance of succeeding, because the zoning ordinance takes precedence over the covenant running with the land.', D. 'success in their cause of action in accordance with the common development scheme.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1090:

'An older and younger brother had always done everything together. They had grown up together, gone to school together, and partied together. One night, while drinking at a bar, both brothers decided that they wanted a little more action than the bar was offering up, so they left and went to a strip club. At the strip club, they paid for private dances and attempted to have conversations with the women. As hard as they tried, the women who worked in the club did not seem as interested in the brothers as they were in the women. As the night wore on, the brothers decided that they would wait behind the club until closing for the women to come out. The victim, who had given a dance to one of the brothers, came out and proceeded to walk to her car. One of the brothers grabbed the victim from behind and pulled her to the ground while the other brother sexually assaulted her. Both brothers were arrested and charged with the rape of the victim. Their long-time family attorney represented them both at their trial. The younger brother intended to testify that his older brother had forced him to hold the victim down by threatening him with a gun. If appropriate objections are made by either brother, the court should rule that the attorney's representation of the brothers at trial', A. 'violated the younger brother's Sixth Amendment right to counsel.', B. 'constituted an impermissible conflict of interest.', C. 'violated the younger brother's constitutional rights, but did not infringe on the older brother's constitutional rights.', D. 'did not violate the older brother's constitutional rights if he separately paid for his representation.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1091:

'A man is charged with murder. During the trial, defense counsel offers the testimony of a man on death row admitting he hired another man to shoot the victim. The testimony is', A. 'not hearsay.', B. 'hearsay, but admissible as an admission.', C. 'hearsay, but admissible as a dying declaration.', D. 'hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 1092:

'In 1995, an investor purchased a 100-acre tract located in a rural county. Shortly thereafter, the investor prepared a subdivision plan, which created 90 one-acre residential building lots on this tract with the remaining 10-acre lot proposed for a public school building. In the investor's sales brochure promoting the subdivision, he stated that "in addition to the close proximity of the proposed school for subdivision residents, the county school district would not need to expend tax money to acquire this property for school construction. " In 1996, the subdivision plan was recorded with the county recorder's office. During the next few years, the investor sold 50 residential lots to individual purchasers. In 2002, the investor conveyed the remaining 40 lots and the 10-acre tract to a builder by deed that included language identical to that contained in the first 50 deeds. By 2007, the builder had sold all of the 40 lots. Each of these deeds identified each lot as being a part of the subdivision. On January 9, 2008, the builder sold the 10-acre tract to a buyer. This deed made no mention of the subdivision. On January 15, 2008, the county school board voted to build a new school on the 10-acre tract. Two weeks later, the buyer began construction of a pizzeria on the 10-acre tract. In an action by the school board against the buyer to enjoin construction of the pizzeria on the 10-acre tract, the court would grant judgment for', A. 'the buyer, because his own deed made no mention of the subdivision.', B. 'the buyer, because the dedication was not made to the public in general', C. 'the school district, because the 10-acre tract was designated for public use.', D. 'the school district, because the 10-acre tract constituted an equitable servitude.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1093:

'On March 1, a homeowner and a painter entered into a written contract wherein the painter promised to paint the exterior of the homeowner's house for \$3,000. Prior to the signing of the contract, the homeowner and the painter orally agreed that their contract would be null and void unless the homeowner was able to obtain a \$3,000 loan from National Bank before April 1. On March 31, the homeowner was informed by National Bank that his loan application had been rejected. The next day, the homeowner telephoned the painter and informed him that the deal was off. If the painter brings an action for breach of contract against the homeowner, would the latter's inability to secure the loan provide him with a valid defense?'. A. 'No, because the homeowner is estopped to deny the validity of the written contract.', B. 'No, because the agreement regarding the loan varied the express terms of the writing.', C. 'Yes, because the agreement regarding the loan constituted a valid modification of the writing.', D. 'Yes, because the loan agreement was a condition precedent to the existence of the contract.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1094:

'A state trooper was convicted in federal court in 2008 of taking bribes. He was sentenced to probation. He had served as a state trooper since 1978, and in 1998, he became fully qualified for his pension upon retirement. In 2006, the trooper retired and immediately started receiving monthly state pension checks. In 2009, the governor of the state signed into law a statute, which provided in part:"Section 8. Any member of the state law enforcement staff. . . who is convicted of. . . briberyshall not be entitled to receive any retirement or other benefit or payment of any kind from the stateSuch conviction shall be considered a breach of the staff member's employment contractSection 12. The provisions of this Act shall be retroactive to December 31, 1975. Section 14. This Act shall take effect immediately. "Following the enactment of the statute, the state trooper received a letter from the state which stated that pursuant to the statute, the state is immediately discontinuing pension benefit payments to you on account of your 2008 bribery conviction. "The trooper contacted an attorney, who challenged the discontinuance of benefits on the grounds that the new law was unconstitutional. Assume that the state's highest court holds the statute constitutional. The trooper might still be able to eventually have his pension reinstated if', A. 'he exercises his constitutional right to discretionary review in the U. S. Supreme Court.', B. 'he receives a presidential pardon for his bribery offense.', C. 'he can show that he was convicted before the effective date of thestatute.', D. 'he can show that the statute violates the dormant commerce clause.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1095:

'A state legislature enacts a statute prohibiting the sale of contraceptive devices to married persons. This state statute prohibits the use of contraceptive devices by married persons. A physician who practices in the state brings suit in federal court challenging the constitutionality of the state contraceptive statute. The physician attacks the validity of the statute on the grounds that it prevents him from giving professional advice concerning the use of contraceptives to three patients, all of whom are married, whose condition of health might be endangered by child bearing. The plaintiff is likely', A. 'to have standing.', B. 'to have standing jus tertii.', C. 'not to have standing.', D. 'not to have standing jus tertii.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1096:

'A man decided to enroll in a creative writing course at a local adult education facility. The man signed an agreement with the facility that he would attend weekly classes at the facility for six months and would pay \$500 on the first of each month. Upon signing the contract, the man made his first payment of \$500 and attended the weekly class sessions. On the first day of the second month, the man once again made his \$500 payment and continued to attend the session. At the start of the third month, the man told the director of the facility's accounting office that he was having financial difficulties, and asked for an extension. The director agreed to permit the man to attend classes while the man tried to get the money to pay the facility. One week later, the man received a letter from the facility informing him that he would be barred from attending any further classes unless the next \$500 payment was made. Is the facility justified in refusing to permit the man to attend classes?', A. 'No, because by permitting the man to attend classes without having paid the third monthly installment, the facility waived its right to have that installment fee paid on time.', B. 'No, because the facility's allowing the man to attend classes without paying the third monthly installment created an implied contract, thus permitting him to complete the classes without advance payment of the installments.', C. 'Yes, because the man's failure to make the third monthly installment payment constituted an anticipatory breach.', D. 'Yes, because there was no consideration to extinguish the payment of the third monthly installment fee, which was a material part of the contract.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1097:

'During the final days of his presidency, many of the President's Cabinet members began leaking rather embarrassing stories about the President to the press. In one such story, which appeared in a newspaper, an unidentified Cabinet member was quoted as saying that the President pardoned the owner of a professional baseball team, for a previous felony conviction because the owner promised to give the President a lifetime pass to all future games. Upset by these news "leaks," the President, in his last official act, issued an executive order banning all executive employees from having conversations with members of the press unless prior permission had been obtained from an administrative supervisor. The executive order called for the dismissal of any employee willfully in violation of that order. After the President left office, the press made repeated references to the executive order and derisively referred to it as the President's legacy. Nonetheless, after the new President took office he promised to abide by the order. Thereafter one of the Vice President's senior advisers, leaked a story to a magazine stating that the Vice President told staff members that the only reason he visited a city following an earthquake was because he wanted to play golf at a nearby golf course. The magazine printed the story and named the senior adviser as the source. In compliance with civil service regulations, a hearing was conducted and the senior adviser was found to have violated the executive order barring unauthorized communications with print media. Subsequently, the senior adviser was summarily dismissed from his executive staff position. The senior adviser brings an appropriate action seeking reinstatement and challenges the constitutionality of the executive order. If this case reaches the U. S. Supreme Court, the justices should rule the executive order is', A. 'constitutional, because governmental employment is a privilege and not a right.', B. 'constitutional, because the President has plenary power to set forth employment regulations for executive department employees.', C. 'unconstitutional, because Congress, not the President, has authority to regulate the terms and conditions of federal employment.', D. 'unconstitutional, because the President cannot broadly limit all executive employees' freedom of speech and association.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1098:

'A national association brought suit in federal court against a city. The suit charged the city with violating several federal statutes. During the trial, the association's attorney called the city attorney as an adverse witness. The city attorney asserted the attorney-client privilege and objected that the matters communicated to him were intended to be confidential. The issues raised by the objections of the city attorney should be resolved under', A. 'federal privilege law.', B. 'the privilege law of the forum state.', C. 'either federal privilege law or the privilege law of the forum state as determined by the court.', D. 'either federal privilege law or the privilege law of the forum state, whichever the court determines is more likely to admit the evidence.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1099:

Two brothers broke into the home of a bank's president and kidnapped the president's wife. The brothers took the wife hostage, pointed a gun at her head, and demanded that she drive them in her car to their hideout. As the wife was driving down the street, a woman pushing her baby in a stroller suddenly stopped in the middle of the intersection. In order to avoid hitting the woman and her child, the wife veered the car to the left, and intentionally struck a bystander, instantly killing him. If the wife is subsequently prosecuted for the murder of the bystander, she will most likely be found', A. 'guilty, because she intentionally veered the car, striking the bystander.', B. 'not guilty, by reason of necessity.', C. 'not guilty, by reason of duress.', D. 'not guilty, by reason of self-defense.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1100:

'A defendant was going out to dinner, and she parked her car at a parking lot across the street from the restaurant. The parking attendant directed the defendant to leave her keys in the car, and he handed her a receipt as she left. Following dinner, the defendant went back to the parking lot and handed her receipt to the attendant who informed her that the parking charge would be \$14. Visibly irate, she told the attendant that \$14 was much too high for a two-hour parking fee. The parking attendant responded that unless she paid the \$14, he could not return her car. She adamantly refused to pay the \$14, and her friend, with whom she was having dinner, drove the defendant home in her car. Later that same night, the defendant decided to regain possession of her car with a spare set of keys. She returned to the lot and drove her car home. If the defendant is subsequently charged with larceny, she will most likely be found', A. 'guilty, because she failed to pay the \$14 before regaining possession of her car.', B. 'guilty, because she was under a binding contractual obligation to pay the parking fee.', C. 'not guilty, because the \$14 charge was excessively high.', D. 'not guilty, because the defendant cannot be charged with larceny of her own motor vehicle.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1101:

'A grantor conveyed his property to his son "for life, remainder after (the son's) death to his heirs. " Two years later, the son entered into a real estate agreement for the sale of the property to his friend, whereby the son agreed to convey the premises to his friend in fee simple absolute. Prior to the settlement date, the friend contacted the son, telling him that he would not perform his part of the agreement because the son could not convey a fee simple. If the Rule in Shelley's Case is followed in this jurisdiction, the outcome of a suit by the son for specific performance of the real estate contract would result in', A. 'the son's not succeeding, because he could not convey marketable title.', B. 'the son's succeeding, because he had a fee simple to convey.', C. 'the son's not succeeding, because his heirs have to join in the transaction in order to convey marketable title.', D. 'the son's succeeding, because the son's conveyance of his life estate to the friend divested the contingent remainder of his heirs.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1102:

'A man entered a local retail store and approached the proprietor. The man explained that he was participating in a local run for charity and wondered if the proprietor would be interested in sponsoring him. The proprietor believed the publicity would be good for his business and agreed, provided the man would wear a shirt with the retail store's logo on it during the run. The man readily agreed. The proprietor thought that sponsorship meant paying a set fee for every mile covered during the charity run. However, the man expected the proprietor, in addition to paying the fee for each mile covered during the run, to also pay his entrance fee and be in attendance at the finish line to greet the man when he finished the charity run. Assume that the man and the proprietor entered into an enforceable contract. Which of the following, if true, would not help to establish that the manifestations of the parties were operative according to the meaning adjudged by the proprietor?'. A. 'The customary practice of the other charity runs in the community is the same as the proprietor's understanding, that the sponsor be responsible for paying only a set fee for each mile covered during the charity run.'. B. 'A reasonably objective individual would have attached the same meaning to the manifestations of the parties as did the proprietor.'. C. 'At the time the agreement was entered into, the man had reason to know the proprietor's understanding of what the parties meant, although the proprietor did not know the man's understanding was different from his.'. D. 'The proprietor subjectively believed that the man understood that the proprietor would only be obligated to pay a set fee for each mile covered during the charity run.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1103:

Two men agreed to burglarize a home. While they were planning the burglary, the two men learned that the home had a sophisticated alarm system that needed to be disarmed. One of the men told the other that he knew an alarm specialist who could help disarm the security system. One of the men then approached the alarm specialist and asked if he would assist them in disarming the home's alarm system. The alarm specialist said that he didn't want to participate in the crime but told the man how he could disarm the system himself. The two men thereafter went to the home to commit the burglary. When they arrived at the home, they saw a vicious guard dog patrolling the fenced-in area of the home. Deciding it would be too risky to confront the dog, the two men abandoned their planned burglary. Which of the following is the most accurate statement regarding the criminal liability of the two men and the alarm specialist?', A. 'The two men are guilty of conspiracy.', B. 'The two men and the alarm specialist are guilty of conspiracy.', C. 'The two men are guilty of conspiracy and the two men and the alarm specialist are guilty of attempted burglary.', D. 'The two men and the alarm specialist are guilty of both conspiracy and attempted burglary.'

=====

Answer Option 1:
Final Answer: A

Answer Option 2:
Final Answer: A

Answer Option 3:
Final Answer: A

Answer Option 4:
Final Answer: A

Answer Option 5:
Final Answer: A

Answer Option 6:
Final Answer: A

Answer Option 7:
Final Answer: A

Answer Option 8:
Final Answer: A

Answer Option 9:
Final Answer: A

Question 1104:

'A man drinks a great deal of punch at a party. He was unaware that it contained PCP. Later in the evening, in an uncontrollable psychotic rage brought on by the drugs he kills someone at the party. The prosecution asks for second degree murder. What defense would have the best chance to succeed under the circumstances?', A. 'Voluntary intoxication', B. 'Irresistible Impulse', C. 'Involuntary intoxication', D. 'Ignorance or Mistake'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1105:

'A defendant is on trial for bribing a government procurement officer by providing the officer with free vacation facilities. When the defendant was approached by an FBI investigator, the defendant stated that her invitation to the procurement officer to spend his vacation in the defendant's mountain cabin was a favor to a friend, unrelated to his government office. The defendant also said to the investigator that she would reveal some "hot" information on a large-scale fraud in exchange for the investigator's promise to "stop worrying about a little vacation." a little vacation.' Is the investigator's testimony about the defendant's offer to give information admissible?', A. 'No, because it is hearsay not within any exception.', B. 'No, because the defendant made the offer in a negotiation for settlement of a criminal investigation.', C. 'Yes, as a matter observed and reported by the investigator pursuant to a duty imposed by law.', D. 'Yes, as a statement of an opposing party.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1106:

'A farmer was the fee-simple owner of a tract of land in the country. The farmer moved to the city in 1986. Aman took possession of the land in 1987 as an adverse possessor and remained on the land from 1987 to 1997; he then left the property to care for his sick mother for one year, returning the following year, 1999. Assume that the statutory period for adverse possession in this state is 20 years. In 2010, the farmer wanted to move back to the tract because he desired to return to the country. Finding the man in possession, the farmer initiated a suit in ejectment against the man. The most probable judicial determination would be', A. 'the farmer would lose, because the man's possession was open, hostile, and continuous.', B. 'the farmer would lose, because the man had fulfilled the required statutory period to become an adverse possessor.', C. 'the farmer would win, because the man's possession was not continuous.', D. 'the farmer would win, because he is the titleholder of record.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1107:

'A man claims to have inherited property from a wealthy businessman. The man's birth certificate shows that he was born out of wedlock. The record of a proceeding for a support order shows that the businessman was adjudged to be father of the man. However, the man can establish his status as heir of the businessman only if he was legitimated by the marriage of his mother and the businessman subsequent to his birth. Thus, the man must prove that this marriage occurred. The man's attorney has not been able to discover any marriage license or certificate. However, the attorney does have a photograph that shows a couple dressed in wedding clothes. The scene is the front of a church. Bystanders are seen to be throwing rice at the couple and they seem to be responding by smiling and bowing down. The attorney was given the photograph by the man. He found it in his mother's effects following her death. The man believes that the bride in the picture is his mother. He cannot identify the groom. The attorney was informed by a former acquaintance of the businessman who has seen the snapshot that he thinks the groom is the businessman. If the attorney seeks to introduce the photograph as proof that the mother and the businessman were married, the trial judge should rule the photograph', A. 'admissible, only if the photographer is available to testify concerning the circumstances under which the photograph was taken.', B. 'admissible, only if a witness verifies that it is a correct and accurate representation of the relevant facts.', C. 'inadmissible as non-verbal hearsay not within any recognized exception.', D. 'inadmissible as not the best evidence.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1108:

'Seller says a circumstance has occurred that makes performing a sales contract impractical. Which of the following is not correct about discharge for impracticability?', A. 'The problem must not have been caused by the fault of the party seeking to invoke the defense.', B. 'A price increase is sufficient for discharge.', C. 'The failure to excuse performance would result in grave injustice.', D. 'The impracticality must go to a basic assumption on which the contract was made.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1109:

'A woman inherited her father's farm when he died testate. Prior to her father's death, the woman had already taken over the operations on the father's farm due to his declining health. Recently, the woman had granted a coal company rights to strip-mine coal from underneath the farm. Their agreement stipulated that the coal company would pay the woman a per-ton royalty for the coal extracted. In addition, the coal company agreed to fill in the excavated area and replace top soil on the surface of the land. After the coal company commenced its strip-mining operations, the woman noticed that the company was not filling in the excavated area as previously agreed. However, because the company paid the woman all the coal royalties from the strip mining, she did not voice any objection regarding its failure to replace the top soil. Two years later, the coal company had now completed its strip-mining operation under its arrangement with the woman. The coal company's right to strip-mine coal from the woman's property would be an example of a (an)', A. 'profit-a-prendre.', B. 'license.', C. 'easement in gross.', D. 'voluntary waste.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 1110:

Three friends decided to go bowling together. They made a friendly wager on the match, with the winner receiving a free beer from the other two guys. In the second frame of the first game, the first friend apparently got a strike when he knocked down all 10 pins. However, the second friend accused the first friend of fouling because his foot went over the line. The first friend denied fouling and wanted to mark down a strike on the scorecard. The second friend refused to give the first friend a strike and wrote in a zero on the scoring sheet. The first friend became enraged. The second friend then went to bowl his frame. As the second friend turned his back, the first friend approached from behind with a bowling ball in his hand. The first friend then raised the bowling ball threatening to hit the back of the second friend's head. The second friend, who had his back turned, did not see the first friend's actions. The third friend saw what the first friend was about to do and could easily have warned the second friend; but the third friend remained silent. The first friend then struck the second friend on the back of the head with the bowling ball, causing a deep scalp wound. If the second friend asserts a cause of action against the third friend, he should', A. 'prevail, because the third friend was aware of the danger.', B. 'prevail, on account of the third friend's omission to act.', C. 'not prevail, because the first friend was responsible for his injury.', D. 'not prevail, because the third friend was under no duty to warn the second friend of the danger.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1111:

'A police officer stopped a driver who had run a red light. Upon approaching the car, the officer noticed a strong odor of alcohol and immediately asked whether the driver had been drinking. The driver admitted having had several alcoholic drinks that evening. The driver, charged with driving while intoxicated, moved to suppress the officer's testimony regarding the driver's statement about his drinking. The driver argued that the officer had elicited the statement without providing the requisite Miranda warnings. The prosecutor has responded that the statement should be allowed in the prosecution's case-in-chief or, at a minimum, should be allowed as impeachment in the event the driver testifies and denies drinking. How should the court rule regarding the driver's statement admitting his drinking?', A. 'The statement should be allowed, because although the driver was in custody, the officer's spontaneous utterance upon smelling alcohol did not rise to the level of interrogation.', B. 'The statement should be allowed, because the driver was not in custody for Miranda purposes when the admission was made.', C. 'The statement should be suppressed both in the prosecution's case-in-chief and as impeachment evidence, even if the driver testifies.', D. 'The statement should be suppressed in the prosecution's case-in-chief, but it may be used as impeachment evidence if the driver testifies.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1112:

'A farmer has a large field where he grows corn. He hires a crop-duster to spray the field, but the crop- duster mistakenly sprays a strong herbicide, rather than a pesticide, and kills all the corn plants in the field. Several days later, a construction company building a house near the farmer's field negligently hits a gas line and starts a fire that burns everything in the area, including the farmer's field. If the farmer brings negligence claims against the crop-duster and the construction company in order to recover damages for the destruction of his corn crop, the most likely result is', A. 'only the crop-duster is liable, because its negligence occurred before the construction company's negligence.', B. 'only the construction company is liable, because its negligence would have destroyed the farmer's corn crop no matter what the crop- duster did.', C. 'both the crop-duster and the construction company are liable, because each engaged in a negligent action that was sufficient to destroy the farmer's corn crop.', D. 'neither the crop-duster nor the construction company is liable, because neither is a "but for" cause of the harm.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1113:

'A defendant incurred heavy gambling losses to a bookie. Short of cash, the defendant sought help from his uncle. When the uncle refused to lend his irresponsible nephew any money, the defendant decided to get even. One morning, as the housekeeper was preparing his uncle's breakfast, the defendant stealthily entered the kitchen and, unnoticed, dropped arsenic into the teapot from which his uncle was always served his tea. The defendant then hurriedly left the house and went to play golf. Shortly thereafter, the housekeeper served the uncle the poisoned tea, thus causing his unfortunate death. The defendant's culpability for his uncle's death would most probably be as', A. 'an accessory before the fact.', B. 'a principal in the first degree.', C. 'a principal in the second degree.', D. 'an accomplice.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1114:

'Congress enacted a statute designed to make the stabilization of rents more effective throughout the United States. The statute will be applicable to all leasehold contracts hereafter entered into between landlords and tenants involving residential and commercial properties. The new federal statute is intended to protect tenants from spiraling rents and "profiteering" by landlords without curtailing the supply of rental units or depriving landlords of substantial constitutional rights. The new federal statute would be most clearly constitutional as applied to', A. 'the rental of a state-owned office building by a state to a privately owned business.', B. 'the rental of residential property located in the District of Columbia by an individual landlord to a family of six.', C. 'the rental of an apartment located by a real estate company to an individual tenant.', D. 'the rental of an office building to a city by an individual landlord.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 1115:

'A mother whose child had birth defects sued the pharmaceutical company that made the purportedly dangerous drug prescribed to her during pregnancy. At trial, she offered an expert witness to prove that the drug was a substantial factor in causing the baby's injuries. The expert was a Ph.D. medical researcher with an additional degree in computer science. He had experience in the research and development of similar drugs for other large pharmaceutical companies. He had published relevant articles in peer review journals describing the dangers of these types of drugs. The findings were endorsed by other experts in the field. On the subject litigation, he performed a differential diagnosis, conducted several scientifically valid tests, and made various calculations. He concluded that the drug was the culprit in this case. The Defendants made a Daubert motion challenging the witness' qualifications and the reliability of his testimony, arguing he was a mere researcher and not a physician. Is the court likely to grant the motion and preclude the witness as an expert?', A. 'Yes, the proposed testimony was not reliable in that it was based on scientific testing only and did not discuss medical science or rule out other causes.', B. 'No, the testimony was admissible because several factors militated in favor of the expert's opinion being reliable, and thus helpful to the jury in determining the critical issue of causation.', C. 'Yes, the proposed testimony was inadmissible because it was general and did not tie in the expert's knowledge with the case being litigated.', D. 'No, the testimony was admissible because the expert's opinion was so authoritative that the court would order the jury to adopt its findings as a matter of law.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1116:

'A state in which several popular ski resorts are located has enacted a law requiring state certification of ski instructors. Under the law, applicants for certification must attend a monthlong course, pass a test, and pay a fee of \$1,000. The stated purpose of the law is to "promote uniformity in the methods of ski instruction at the state's ski areas." Shortly before the law's enactment, when the state did not require certification of ski instructors, a woman moved to the state intending to find employment as a ski instructor. The woman had been a ski instructor in another state for many years. But since her move, even though ski resorts in the state have found her to be highly qualified, no resort will offer her a contract for employment as a ski instructor because she has not received the required state certification. As applied to the woman, does the state certification requirement constitute a violation of the contracts clause?', A. 'No, because her ability to contract for employment with the state is not being impaired.', B. 'No, because she has no existing contract that is being impaired.', C. 'Yes, because, as applied to an otherwise qualified ski instructor, the requirement is not rationally related to a legitimate government interest.', D. 'Yes, because the requirement substantially impairs her ability to contract for employment in the absence of an important government objective.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1117:

'A man was driving his new car along a dark road with the car's high-beam headlights on to illuminate the road. When he saw the headlights of another car appear in the distance, he reached to turn the high beams off. Instead of turning from high-beam to low-beam, the headlights on the car turned off completely. The man tried repeatedly to turn the lights on again but could not do so. He collided with the other car and suffered injuries. The man has brought an action against the manufacturer of the headlight controls in his car, the manufacturer of his car, and the retailer who sold him the car. If the man can establish that a defect in the controls caused the accident, from whom can he recover?', A. 'Only the manufacturer of the car and the retailer of the car.', B. 'Only the manufacturer of the car.', C. 'Only the manufacturer of the headlight controls and the manufacturer of the car.', D. 'All three defendants.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1118:

'A family had been traveling cross-country on a camping trip when they decided to pull into Yellowstone National Park. During their stay at Yellowstone, the family camped out in a secluded area of the campgrounds surrounded by tall pine trees. Numerous signs had been posted throughout the campgrounds warning campers of the extremely dry conditions prevailing in the forest area due to a summerlong drought. On the morning of their departure, the family cooked breakfast over an open campfire. After breakfast, the family began to pack their gear into the van when the father instructed his 12-year-old son to put out the campfire. The son fetched two pails of water from a nearby pond and tossed the water over the campfire. Believing that he had extinguished the fire, the son joined his family in the van, and they drove away. Unbeknownst to the son and his family, the campfire was still smoldering when they left. Shortly thereafter, a wind gust blew the flames from the fire to some nearby brush. Due to the extremely dry conditions, the brush quickly ignited, starting a raging forest fire. The forest rangers dispatched a firefighting team, which included two helicopters equipped to fight the fire. While these helicopters were fighting the blaze from above, the smoke ■ surrounding one of the helicopters became so intense that the pilot lost all visibility. At the same time, an operator of a small private plane saw the blaze and recklessly descended into the smoke. In the pilot's attempt to veer out of the intense smoke, his helicopter collided with the operator's low- flying plane, causing the aircrafts to crash. Both the pilot and the operator were killed in the resulting explosion. In a wrongful death action brought by the pilot's estate against the son and the father, the judgment should be for', A. 'the pilot's estate, because the son was negligent in failing to properly extinguish the campfire.', B. 'the pilot's estate, because the father is vicariously liable for the tortious conduct of his child.', C. 'the father and the son, because the operator's reckless operation of his aircraft would be viewed as a superseding cause terminating the defendant's liability.', D. 'the father and the son, because the son was only 12 years old and, therefore, cannot be deemed to have acted negligently.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1119:

'A city ordinance forbids washing vehicles parked on city streets. A man washes his car while it is parked on the street in front of his home. The water forms a puddle in the street, which freezes over during the night. Early the next morning, a car driving on the street slides on the ice and crashes into a tree. If the driver of the car sues the man and asserts that the man was negligent per Se, which of the following additional facts would help the man the most?', A. 'The man was not aware of the ordinance.', B. 'The city council enacted the ordinance after someone washing his car was hit by a passing truck.', C. 'The driver lives in the man's neighborhood and saw the man washing his car the day before the accident.', D. 'The driver is not a resident of the city.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1120:

'A plaintiff was seriously injured in a collision involving three trucks. A sideswipe occurred between the plaintiff's pickup truck and a trailer truck as they passed in opposite directions. The sideswipe caused the plaintiff's truck to careen down the road and into the path of a second trailer truck. The driver of the second trailer truck was immediately killed. Both of the trailer trucks were owned by the same transport company. At trial, the plaintiff called a witness to the collision to testify that he heard an unidentified female witness scream, "Oh my God, that trailer truck sideswiped that little pickup truck. "The trial judge should rule the witness's testimony', A. 'admissible as a declaration of existing state of mind.', B. 'admissible as an excited utterance.', C. 'inadmissible, because it contains inadmissible opinion evidence.', D. 'inadmissible as hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 1121:

'A property owner agreed to sell one of his real estate parcels to a neighbor. He wrote up an agreement of sale with the sale price of \$200,000 and he signed the document. The neighbor took it and returned with a bank check for the full amount, demanding that the deed be tendered. The property owner then decided that the terms were not reasonable and he returned the money and refused to tender a deed. Neighbor sued for specific performance. The property owner defended on the basis that the neighbor did not accept the agreement's terms and did not sign the document. Neighbor sued for specific performance of the transaction. Is the court likely to rule in favor of the neighbor?', A. 'No, because the neighbor did not expressly state that he accepted the agreement.', B. 'No, because the neighbor had to put his signature on the document to make it a binding contract.', C. 'Yes, because neighbor manifested his assent by his conduct of tendering the full sale price, at which point a contract existed.', D. 'Yes, because the property owner created a binding contract when he prepared an agreement containing the agreed terms.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1122:

'Ann owns a tract of land. On August 1, 2005, Ann sells to Hunter and Willa, a husband and wife, an undivided one-half interest in this land for \$100,000 (the entire consideration being paid by Hunter). The deed to Hunter and Willa reads as follows: "To Hunger and Willa and their heirs as tenants by the entirety, and not as joint tenants, and not as tenants in common. "On August 1, 2006, Ann sells her remaining interest in the tract of land to Hunter and Brandon, his brother, for \$125,000 (Hunter pays \$80,000 of the purchase price, and Brandon pays the balance). The deed to Hunter and Brandon provides: "To Hunter and Brandon and their heirs as joint tenants and not as tenants in common. "On August 1, 2007, Hunter, Willa, and Brandon die in a common disaster, and as a consequence, the order of their deaths cannot be established by proof. Hunter's will and Willa's will devise whatever interest in the land in question that is subject to disposition by their wills to their son. Thus, the son owns', A. 'an undivided one-third interest in the land.', B. 'an undivided one-quarter interest in the land.', C. 'an undivided one-half interest in the land.', D. 'an undivided three-quarters interest in the land.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1123:

'A law clerk normally worked from 9:00 a. m. to 5:00 p. m. each day, or an average of 40 hours per week. One morning, the law clerk came to the office at 9:00 a. m. and started preparing a brief for an upcoming trial. After completing his work at 5:00 p. m. that afternoon, he was about to leave the office when the senior partner of the law firm summoned him. The senior partner told the law clerk that the law firm was representing an important client on an urgent matter that needed immediate research. The law clerk was advised that he would be required to stay at the law office that night and prepare a memorandum. When the law clerk hemmed and hawed, the senior partner handed him the file and said, "I don't care if you stay all night, but you better have this memo on my desk by 8:00 a. m. tomorrow. "Following the senior partner's instructions, the law clerk stayed at the office until 2:00 a. m. preparing the memorandum. By the time he finished, the law clerk was totally exhausted after having worked a total of 17 hours that day. Afterward, the law clerk left the office and started to drive home. Because of his fatigue, he didn't see a pedestrian crossing the street. His car struck the pedestrian, seriously injuring her. The pedestrian has asserted a tort action against the law firm to recover damages for her injuries. Which of the following is the most likely result?', A. 'The pedestrian prevails, because the law firm was negligent for requiring the law clerk to stay at the law office and finish the memorandum.', B. 'The pedestrian prevails, because the law firm is legally responsible for its employees' actions.', C. 'The pedestrian loses, because the actions of the law firm were not a cause-in-fact of the pedestrian's injuries.', D. 'The pedestrian loses, because the law firm is not responsible for the law clerk's negligence in these circumstances.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1124:

'A man took money without permission from his employer to compensate himself for wages he honestly believed were owed to him. The authorities arrested the man for felonious larceny, a crime that is also called theft in some states. The man defended on the basis that he had no intent to steal and only wanted his rightful compensation. He filed a motion to dismiss, relying essentially on proof that he had no intent to steal because he believed in good faith that it was his own property. What will be the most likely decision of the court?', A. 'The charges will not be dismissed because his intent becomes irrelevant when he uses force to obtain possession of property.', B. 'The charges will be dismissed because the intent to steal is a required element of both theft and larceny and this man did not intend to steal because he thought that he had a right to the money.', C. 'The charges will be dismissed because he can raise the defense of necessity and it is always lawful to take what a person needs to survive.', D. 'The charges will not be dismissed because the man's right to the money was disputed and therefore his intent is irrelevant as compared to the employer's intent and belief.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1125:

'A widget manufacturer and a widget retailer signed the following agreement:"The manufacturer promises to sell and the retailer promises to buy 10,000 widgets at \$50 per 100. One thousand widgets are to be delivered by the manufacturer on the first day of each of the next 10 months. EACH MONTHLY DELIVERY ISA SEPARATE CONTRACT. Payment to be made within 10 days of receipt of each shipment.

"The agreement between the manufacturer and the retailer may best be interpreted as', A. 'a divisible contract.', B. 'an installment contract.', C. '10 separate contracts.', D. 'a requirements-output contract.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1126:

'A businessman was the owner of an idyllic lake and wooded area. In 1980, the businessman conveyed the land to the state "on the condition that" it be used as recreational property only. Two years later, the state decided that they wanted a small industrial park attached to the corner of the land. The state went ahead and developed a small portion of the land as industrial space, making it part of a larger industrial park that was adjacent to the land. The businessman notified the state that he was the owner of the property because the state violated the conditions of the conveyance, and that he was taking possession of the property back. What was the interest that was created by the conveyance and can the businessman get the property back?', A. 'The interest created is a reverter, and the property instantly reverts back to the grantor upon the occurrence of the specified violation.', B. 'The interest created is a fee simple subject to a condition subsequent, and the original owner can get the property back only by taking affirmative steps to exercise his right of entry.', C. 'The interest is a fee simple subject to an executory limitation, and if the condition occurs the property reverts in fee simple to a pre-designated third party.', D. 'The interest created is an indefeasible estate, and the owner cannot do anything to enforce a condition that is against public policy and never enforceable in the first place.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1127:

'A retiree owned a 100-acre farm. For many years, the retiree grew tobacco on a 10-acre strip located in the northeast section of the property. In March, the retiree planted his annual tobacco crop, which he usually harvested in early October. In September, the retiree sold his farm to a tobacco grower for \$100,000. At the time the retiree conveyed the property to the grower, the tobacco crop was well developed and quite mature. When the retiree and the grower entered into their land-sale agreement, there was no mention of the status or ownership of the tobacco crop. In early October, after the grower took possession of the property, the retiree contacted him and requested permission to harvest and remove the tobacco crop. The grower refused to allow the retiree to re-enter the property. The retiree brings suit against the grower seeking to re-enter the property and remove the tobacco crop that he had planted. Which of the following is correct regarding the respective rights of the parties?', A. 'The retiree is entitled to remove the tobacco crop, but he must pay the grower a reasonable value to enter the property, thus gaining access to the crop.', B. 'The retiree is entitled to remove the tobacco crop and is not required to pay the grower for entering the property, thus gaining access to the crop.', C. 'The retiree is not entitled to remove the tobacco crop and, thus, is not entitled to re-enter the property.', D. 'The retiree and the grower each have a colorable title to the tobacco crop, and consequently, there should be an equitable division of the proceeds from the sale of the crop between both parties.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1128:

'A man purchased a house that needed substantial repairs. The man financed the purchase of the house by borrowing funds from a bank. He signed a note to the bank and secured repayment of the loan with a mortgage. After purchasing the house, the man borrowed money from his credit union to make the repairs. The man signed a note to the credit union; this note was also secured by a mortgage on the house. Both mortgages were promptly recorded in the order granted. The man was personally liable on both loans. The man moved into the house and made the necessary repairs. He later defaulted on the debt to the bank, and the bank initiated judicial foreclosure proceedings, naming both the man and the credit union as parties to the action. An outside party acquired the house at the foreclosure sale. After the expenses of the sale and the balance due the bank have been paid, \$5,000 remains in the sale the bank have been paid, \$5,000 remains in the sale proceeds. The outstanding balance of the credit union loan is \$20,000. The man and the credit union both claim the \$5,000. There is no applicable statute. Who is entitled to the \$5,000?', A. 'The credit union, because the credit union has priority.', B. 'The credit union, because the man is personally liable on the debt.', C. 'The man, because of his equitable right of redemption.', D. 'The man, because the outside party received title to the house subject to the second mortgage.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1129:

'A doctor is charged with the murder of his wife. The prosecution alleges that he murdered his wife by giving her a massive injection of succinylcholine while she was asleep. Succinylcholine is a drug used in small quantities by anesthesiologists as a muscle relaxant. The prosecution claims that the fatal dose given to the wife so totally relaxed her lung muscles that she suffocated. During the trial, a toxicologist, who had no previous knowledge of the case, sat in court and heard all of the evidence about the wife's death and autopsy. As part of the doctor's defense, his attorney calls the toxicologist to give his opinion on the cause of the wife's death. May the toxicologist so testify?', A. 'Yes, because he can identify the data upon which his opinion is based.', B. 'Yes, because an expert may base his opinion on facts made known to him at the trial.', C. 'No, because he has no personal knowledge of the wife's death.', D. 'No, because the cause of death is an issue to be decided by the jury.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1130:

'A federal statute makes it a crime for anyone to "knowingly" use, transfer, acquire, alter, or possess food stamps in any manner not authorized by statute or federal regulations. A restaurant owner purchased food stamps from an undercover federal agent several times for a price below face value. At trial, the judge refused to charge the jury that this was a specific intent crime requiring proof that the defendant knew that he was acting illegally. The government urged that no mens rea, or "evil-meaning mind" had to be proved. The court simply told the jury that "knowingly" means that the Defendant realized what he was doing, and did not act through ignorance, mistake, or accident. The owner was convicted and appealed. What will the federal appellate court likely decide regarding the lower court's interpretation of the criminal intent required under the statute?'. A. 'Some statutes are written without the need to prove any particular mens rea, and this statute appears to be one of them, making the court's instructions appropriate.'. B. 'Where all that is available regarding intent is the use of the word "knowingly", the prosecution must at least prove that the defendant knew his conduct to be unauthorized by statute or regulations.'. C. 'This is a strict liability crime that requires no proof of criminal knowledge or specific criminal intent.'. D. 'The prosecution must prove that the defendant had specific knowledge of the precise provisions of the federal food stamp law and the specific actions that were prohibited.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1131:

'A man was arrested and convicted of publishing paid newspaper advertisements giving information on how to get an abortion in another state and how to find a referral service. A criminal statute made it a crime to disseminate such information. Will the courts uphold the conviction?', A. 'No, the statute violates the sixth amendment right to privacy.', B. 'No, the statute violates the First Amendment right to publish protected commercial speech.', C. 'Yes, the right to an abortion does not include the right to publicize where to get one.', D. 'Yes, there is no right to publish or disseminate speech that is commercial in nature.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1132:

'A first-year law student worked as a part-time law clerk at a prestigious law firm. He was permitted to borrow law books and legal treatises to take home for his own personal use. One afternoon, the law student was preparing a brief in the firm's law library when he noticed a book lying on the conference table. Making sure no one was watching him, he took the book and placed it in his briefcase. He planned to take the book home that night with the intention of not returning it. If the law student is subsequently charged with larceny of the book, which of the following claims, if true, would LEAST aid him in his defense?', A. 'The law firm had failed to give him his salary for two weeks, and he took the book as security for the debt.', B. 'He intended to return the book after reading it.', C. 'The law firm had given him possession of the book.', D. 'The law firm had given him custody of the book.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1133:

'A defendant was indicted and arrested for bank robbery. The defendant had an initial appearance before a magistrate judge in which he was notified of the charges and told that counsel would be appointed for him the next day. The police then required the defendant to participate with other prisoners in a lineup in which each person had to wear a white T-shirt and say, "Put your hands in the air." At the lineup, witnesses to the bank robbery identified the defendant as the bank robber. The next day, the defendant was arraigned on the charges. The defendant argues that his Sixth Amendment right to counsel was violated when he was denied counsel at two critical stages of the proceeding: his initial appearance in court before the magistrate initial appearance in court before the magistrate judge and the lineup identification. Was the defendant's Sixth Amendment right to counsel violated?', A. 'No.', B. 'Yes, based only on the denial of counsel at the initial appearance.', C. 'Yes, based only on the denial of counsel at the lineup.', D. 'Yes, based on the denial of counsel at both stages of the proceeding.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 1134:

'A well-established paper mill and a logging company signed a written contract in which the mill agreed to buy from the company all the logs the mill would need for one year. The company was unable to keep up with the mill's needs, and its log deliveries fell short by 10% to 15% in each of the four quarters of the year. The mill paid the company on time for all delivered logs. The mill paid an attorney \$2,000 for advice concerning its options in enforcing the contract. It paid a broker a reasonable fee of \$5,000 to find additional logs to make up for the company's shortfall. The mill also incurred reasonable costs of \$25,000 to transport the additional logs to its facility. Despite the mill's efforts to mitigate damages, it sustained \$200,000 in losses because of the company's failure to timely deliver enough logs. The mill has sued the company for breach of contract. If the court finds for the mill, how much should it award in damages?', A. '\$205,000.00', B. '\$225,000.00', C. '\$230,000.00', D. '\$232,000.00'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 1135:

'A rider entered a subway car at the 42nd Street station. Because all of the seats were occupied, the rider stood in the subway car and grabbed a pole to secure his balance. As the subway car was proceeding downtown, the rider glanced at a girl standing next to him. Suddenly, the subway car made an unexpected stop. The rider momentarily lost his balance and grabbed the girl around the waist (to avoid falling). Once the rider regained his balance, he removed his hands from the girl's waist and grasped the pole again. In a civil action instituted by the girl against the rider, he will most likely be found', A. 'liable for battery.', B. 'liable, because the rider believed that the girl consented to the contact under the circumstances.', C. 'not liable, because the rider's conduct was socially acceptable under the circumstances.', D. 'not liable, because the girl was not harmed by the contact.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1136:

'Base Electric Co. has entered an agreement to buy its actual requirements of copper wiring for six months from the Seymour Metal Wire Company and Seymour Metal has agreed to sell all the copper wiring Base will require for six months. The agreement between the two companies is', A. 'Unenforceable because it is too indefinite as to quantity.', B. 'Unenforceable because it lacks mutuality of obligation.', C. 'Unenforceable because of lack of consideration.', D. 'Valid and enforceable.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1137:

'A buyer contracted to purchase a used car from a seller for \$10000. On the date the sale was to take place, the buyer tendered a \$10,000 cashier's check to the seller. The seller rejected the tender and refused to deliver the car to the buyer. If the buyer brings an action for breach of contract against the seller, the buyer is entitled to which of the following remedies?', A. 'Damages measured by the difference between the market price and the contract price for the car.', B. 'Recovery of the contract price of the car.', C. 'Specific performance.', D. 'Recovery of the market price of the car.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1138:

'A 15 year-old minor who looks older than his years purchased a car from a private seller. The minor paid \$2000 down and agreed to pay the remaining \$4000 in installments over the next two years. The minor had to have the car for work because he had no other means of support. The minor later crashed the car in an accident. He disaffirmed the contract, returned the damaged car, and demanded his down payment back. Does the seller have a right to obtain any consideration in this matter?', A. 'No the seller must return the down payment because the minor has declared his disaffirmance of the contract.', B. 'The seller cannot keep the down payment and cannot obtain any other benefit from the transaction.', C. 'The seller can sue the minor for misrepresentation and fraud in not revealing his age prior to buying the car.', D. 'The seller can obtain only the reasonable value of the use of the car in a restitution action.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 1139:

'A pilot decided to fly his small airplane to another city for a weekend visit. He invited one of his best friends to join him as a passenger on the trip. Near the end of the flight, the pilot saw a cloud of fog ahead but decided that he could navigate through it. He got lost in the fog and crashed the plane into the side of a mountain. The pilot and his passenger were both killed instantly in the crash. If the passenger's family brings a wrongful death action against the pilot's estate, the most likely result is that the plaintiffs will', A. 'recover under strict liability, because the pilot engaged in an abnormally dangerous activity.', B. 'recover under negligence, because the pilot failed to exercise reasonable care in the operation of his airplane.', C. 'not recover, because the passenger did not pay to go on the flight.', D. 'not recover, because the passenger unreasonably exposed himself to a known danger.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 1140:

'A defendant worked as a short-order cook at a restaurant. After work, the defendant went out drinking with one of the other cooks, and they were commiserating about their lack of money. They decided that the only way out of their rut was to rob a local bank. They then agreed to carry out a bank heist on the following Friday. In accordance with their plan, the cook on Monday purchased two ski masks to be used in the robbery. On Wednesday, after learning that the cook had bought the masks, the defendant got cold feet and told the cook he was renouncing his involvement in the robbery scheme. On Friday, the cook carried out the robbery without the defendant's participation. This jurisdiction requires an overt act for the crime of conspiracy. Is the defendant guilty of conspiracy?', A. 'Yes, because the cook and the defendant did enter into an agreement to commit the bank robbery.', B. 'Yes, because the purchase of the ski masks was a sufficient overt act in the furtherance of the crime.', C. 'Yes, because the defendant did not thwart the cook from committing the robbery.', D. 'No, because the defendant's withdrawal was effective.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1141:

'Congress enacted a statute wherein the government would purchase and operate all of the nation's airlines. In all likelihood, Congress's power to enact this legislation will derive from', A. 'its power to tax and provide for the general welfare.', B. 'its power to raise and support an army and declare war.', C. 'its power to regulate commerce.', D. 'its power to make laws regarding territory and other property belonging to the United States.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1142:

'A brother and his sister, who was 15 years old, had just left a movie theater late one evening and were walking toward a dimly lit parking lot to get to their car. As they reached the car, a defendant, who was visibly intoxicated, emerged from behind a trash can and approached them. The defendant knocked the brother to the ground and hit him over the head with a trash can, causing the brother to lose consciousness. The defendant then forced the sister into the car and raped her. The defendant is charged with assault with intent to commit rape, based on his attack on the brother. The defendant's best defense would be which of the following statements?', A. 'Although the sister was only 15 years old, she appeared to be 16 years old to a reasonable man.', B. 'The defendant did not intend to rape the sister.', C. 'The defendant's intoxication at the time negated the required general intent.', D. 'It is impossible to prove that the defendant was the perpetrator because the parking lot was dimly lit.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 1143:

'An industrial town with a population of 100,000, is located on the north side of a river. On the south side of the river is situated a rural community with a population of 40,000. For many years, various civic groups have urged that both communities merge into one township with a single governmental body. Independent studies have indicated that such a merger would result in an enormous tax savings to the residents of both municipalities by eliminating the duplication of services. On one previous occasion, proponents of the merger plan succeeded in having the proposal appear as an election referendum in each community. Although the merger referendum passed in the industrial town by a sizable margin, the voters of the rural community rejected the measure, fearing the combined government would be dominated and controlled by its neighbor's larger representation. In order to alleviate the concern of the rural community's voters regarding under representation in a merged governmental system, the respective city councils of both municipalities appointed a steering committee to formulate a new proposal. Accordingly, the steering committee devised a merger scheme wherein the city council of the united city, would consist of eight members. Within this proposed new system of government, each former municipality would be divided into four districts. With respect to the industrial town, each district would consist of 25,000 persons and each would have one elected city council member. By the same token, the rural community would be divided into four elective districts, each containing 10,000 residents. One city council member would be elected from each of these districts as well. The mayor would be elected at large by a popular vote of all residents in the newly created eight districts. Before this merger proposal was placed on the ballot, the state attorney general issued an advisory opinion stating that the measure did not, in her opinion, violate any statutory or constitutional provisions. Thereafter, the proposal was placed on the ballot and was overwhelmingly passed by the voters in both municipalities. After the election, but before the merger had officially been carried out, two taxpayers from the industrial town initiated suit to enjoin the unification, attacking the constitutionality of the disproportionate representative districts. Which of the following represents the plaintiffs' strongest constitutional argument in support of their action?'. A. 'The plaintiffs and other residents of the industrial town have been denied the equal protection of the law.'. B. 'The plaintiffs and other residents of the industrial town have been denied the due process of the law.'. C. 'The plaintiffs and other residents of the industrial town have been denied the privileges and immunities of citizenship as guaranteed by Article IV, Section 2.'. D. 'The merged city would not constitute a republican form of government.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1144:

'A complaint filed on behalf of a woman against a nursing home and an ambulance service included the following allegations: The woman, who was 86 years old and unable to speak after suffering a stroke, was picked up from her daughter's house by the ambulance service and taken to the nursing home to stay while her daughter was out of town. When the woman's daughter returned a few days later, the ambulance service picked up the woman from the nursing home and returned her to the daughter's house. The daughter was shocked to discover that the woman had a broken leg; her leg had been uninjured when she left for the nursing home. A physician's report attached to the complaint stated that the woman's leg injury would not have occurred in the absence of negligence. The complaint further alleged that the woman was under the control, successively, of the ambulance service and the nursing home during the time when she must have sustained the injury, and that either the ambulance service or the nursing home must have negligently moved or handled the woman, causing the injury to her leg. Both defendants have argued that the allegations in the complaint are inadequate to support a negligence claim. What is the best response to the defendants' argument?', A. 'Both defendants owed a duty to the woman.', B. 'One of the two defendants probably caused the injury, and the circumstances of the injury are primarily within the knowledge and control of the defendants rather than the woman or her representative.', C. 'The defendants are concurrent tortfeasors, so each is vicariously liable for any tortious act committed by the other.', D. 'There are grounds for the fact-finder to infer that both defendants were negligent.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1145:

'A man and a woman had a romantic relationship for one year, but the man ended it. The woman was unable to accept the breakup and continued trying to contact the man. The woman would call the man's home and cellphone many times each day, and also tried to visit the man's home and workplace frequently. The man tried to discourage the woman's behavior, but the woman persisted. If the man asserts a claim against the woman based on invasion of privacy, the most likely outcome is that the man will', A. 'prevail, because the telephone calls intruded upon his seclusion and solitude.', B. 'prevail, but only if the man is able to prove malice on the defendant's part.', C. 'not prevail, because the telephone calls did not cause the man to suffer any economic loss or hardship.', D. 'not prevail, unless the woman's conduct was a crime in some respect.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1146:

The defendant was caught in a thunderstorm while walking down the street. As the defendant was about to open an umbrella that she was carrying, a stranger to the defendant came up to her, snatched the umbrella out of the defendant's hand, and said, "You thief! That's my umbrella. " Enraged by being accosted in such a manner, the defendant grabbed for the umbrella with one hand and pushed the stranger with the other. The stranger hung on to the umbrella but fell over backward onto the sidewalk, which was wet and slippery. When the defendant saw the stranger hit the ground, she calmed down, decided the umbrella was not worth all the commotion, and walked off. As it turned out, the umbrella did in fact belong to the stranger, and the defendant had picked it up by mistake when she was left a restaurant earlier that day. A few moments later, the stranger got up in a daze and stepped into the gutter, where he was struck by a car that was passing another car on the right, in violation of a state law. The stranger died in the hospital two hours later. Which of the following is the most serious crime for which the defendant could be found guilty?, A. 'Battery.', B. 'Larceny.', C. 'Involuntary manslaughter.', D. 'No crime.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 1147:

'A professional football player was seriously injured when the football helmet he was wearing shattered as he was being tackled during a game. The player subsequently asserted a claim against the manufacturer of the helmet to recover damages for his injury. At trial, the player's attorney calls a former employee of the manufacturer to testify that three weeks after the player suffered his injury, the manufacturer devised a new design for its football helmets. The former employee's testimony is', A. 'admissible as an admission.', B. 'admissible as circumstantial evidence that the player's injury was traceable to the defective design of the football helmet.', C. 'inadmissible, because of the public policy behind taking safety precautions.', D. 'inadmissible, because the former employee is no longer authorized to speak on behalf of the manufacturer.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 1148:

'A man was charged with first-degree murder. Two lawyers were appointed to represent him because the prosecution planned to seek the death penalty. On the first day of trial, the air-conditioning malfunctioned in the courtroom, so the judge directed that the selection of the jurors take place in his chambers. Because of the large number of potential jurors, the judge directed that only one lawyer for the prosecution and one for the defense participate in the jury selection process. The defendant remained in the courtroom during the questioning of the jurors. Once the jury was selected, the trial was postponed until the next day, when the air-conditioning was again working. Did the court's jury selection process violate the defendant's federal constitutional rights?', A. 'No, because a defendant's confrontation rights are limited to witnesses rather than jurors.', B. 'No, because there was good cause to conduct jury selection outside the defendant's presence.', C. 'Yes, because excluding the defendant undercut the presumption of innocence.', D. 'Yes, because jury selection is a critical stage at which a defendant is entitled to be present.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1149:

'A homeowner listed his home for sale with a real estate broker. The written six-month exclusive- right-to-sell listing agreement provided for the payment of a commission if the home sold. In accordance with the listing agreement, the broker promptly took reasonable steps to market the home, incurring expenses for her efforts. Five months into the listing period, without involving the broker, the homeowner accepted an offer to purchase from his cousin. The broker learned of the contract only when the sale of the home to the cousin closed, one month after the listing period had expired. Is the broker entitled to any payment?', A. 'No, because the broker engaged in no negotiations with the cousin.', B. 'No, because the closing occurred after the listing period had expired.', C. 'Yes, but only reimbursement for her expenses.', D. 'Yes, the full commission, because the homeowner accepted the cousin's offer to purchase during the listing period.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1150:

'A man was prosecuted for the alleged murder of his estranged wife. At trial, the government was allowed to present the testimony of several women who testified to having flirtatious or sexual encounters with the defendant over the past 20 years prior to the homicide. None of the testimony showed any such activity within three years of the murder date, and none of it showed any violent tendencies of the defendant or intentions expressed that he wanted to kill his wife. The defendant had an alibi for the time of the crime and presented many alibi witnesses. The government claimed that it was showing motive by proving the defendant's proclivity for extra-marital affairs over the years and therefore his bad relationship with his wife. The jury convicted him after hearing the testimony of 10 women regarding defendant's various sexual contacts with them over prior years. The defendant appealed the murder conviction, claiming that the women's testimony was prejudicial and inflammatory and showed only bad character, which is not admissible under evidentiary rules. Will the appeals court likely reverse the conviction and order a new trial?', A. 'Yes, the trial was unfair in presenting testimony of women going back over 20 years; it would have been proper to admit such testimony only as to the five years preceding the crime.', B. 'Yes, the defendant did not receive a fair trial; the testimony of the women only showed his bad character but because they were old incidents and not continuing, they did not allow a permissible inference that these affairs gave him a motive to kill his spouse.', C. 'No, if the testimony was admitted in error it was harmless error that did not sway the jury one way or another and so the defendant got a fair trial in all other respects.', D. 'No, the testimony was admissible because it tended to show a pattern of "transferred intent" that proved the defendant's great hostility to his wife, and his need to eliminate her from his life so that he could go back to having a wild life.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1151:

'A consumer from State A filed a \$100,000 products liability action in federal court against a manufacturer incorporated and with its principal place of business in State B. The consumer claimed that a flaw in the manufacturer's product had resulted in severe injuries to the consumer. In its answer, the manufacturer asserted a third-party complaint against the product designer, also incorporated and with its principal place of business in State B. Believing that the consumer had sued the wrong defendant, the manufacturer claimed both that the designer was solely responsible for the flaw that had led to the consumer's injuries and that the manufacturer was not at fault. 7. After being fired, a woman sued her former employer in federal court, alleging that her supervisor had discriminated against her on the basis of her sex. The woman's complaint included a lengthy description of what the supervisor had said and done over the years, quoting his telephone calls and emails to her and her own emails to the supervisor's manager asking for help. The designer is aware that the manufacturer did not follow all of the designer's specifications when making the product. Which of the following arguments is most likely to achieve the designer's goal of dismissal of the third-party complaint?'. A. 'The court does not have subject-matter jurisdiction over the third-party complaint, because both the manufacturer and the designer are citizens of State B.'. B. 'The manufacturer failed to obtain the court's leave to file the third-party complaint.'. C. 'The manufacturer's failure to follow the designer's specifications caused the flaw that resulted in the consumer's injuries.'. D. 'The manufacturer's third-party complaint failed to state a proper third-party claim.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1152:

'A husband suspected that his wife was having an affair. He found a letter in her car addressed to her boyfriend. When he confronted her with it she laughed derisively, admitted to the adultery in sordid detail, and taunted him with insults. He got into a rage and killed her on the spot. In the trial for first degree murder, defense counsel asked for a jury charge of voluntary manslaughter. The trial judge refused. On appeal will the husband prevail on an argument that the facts justified a charge of voluntary manslaughter?', A. 'No, voluntary manslaughter is only available when the adultery is witnessed in real time by the defendant.', B. 'No, mere words are never a sufficient provocation to establish voluntary manslaughter.', C. 'Yes, an admission of adultery always justifies a jury charge of voluntary manslaughter.', D. 'Yes, there was sufficient provocation to justify a jury charge of voluntary manslaughter.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1153:

'A property owner held title in fee simple to a tract of 20 acres located outside the boundaries of the city. Thereafter, the property owner constructed a shopping center on the property and leased commercial buildings and parking facilities to various tenants. The shopping center, which was located near a public high school, attracted many teenagers who often loitered in the parking lot. The youths frequently harassed shoppers and damaged autos by breaking off windshield wipers and radio antennas. Customarily, the local police department patrolled the shopping center and drove by three or four times each day. This, however, did not prevent the teenagers from hanging out at the shopping center. One afternoon, a shopper was shopping at the center when an unidentified youth damaged her car by throwing a rock through the back window. The shopper brings an action against the property owner to recover for the damage to her auto. She will most likely', A. 'prevail, unless the person who was responsible for damaging her car can be identified.', B. 'prevail, if the damage to her car could have been prevented had the property owner taken reasonable security measures.', C. 'not prevail, because the car was damaged by the malicious acts of an independent third person.', D. 'not prevail, because the local police had the primary duty to provide security protection at the shopping area.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1154:

'A homeowner gave his friend a mortgage on his property to secure a loan from the friend to the homeowner in the amount of \$100,000. The homeowner then gives an investor a mortgage on the property to secure a loan from the investor to the homeowner in the amount of \$80,000. The friend then records his mortgage. The homeowner then gives a bank a mortgage on the property to secure a loan from the bank to the homeowner in the amount of \$50,000. The investor then records. The bank then records. The homeowner lost his job and was unable to pay the mortgages on the property. In a foreclosure proceeding in which the friend, the investor, and the bank were parties, the property sold for \$160,000. The recording statute in this jurisdiction provided "unless recorded, all written instruments affecting title to land are void as to subsequent purchasers who paid value and without notice." What dollar amount, if any, should go to the friend?', A. '\$0. 00', B. '\$30,000. 00', C. '\$80,000. 00', D. '\$100,000. 00'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 1155:

'A buyer signed a contract to purchase a tract of land from a seller. The contract was signed on May 1, 2006, and the closing is set for June 15, 2006. The land was located in a jurisdiction that has in force the following statute: Statute of Limitations ■■■"an action to recover the possession of land shall be brought within twenty- one (21) years after the cause thereof accrued, but if a person who is entitled to bring such action at the time the cause accrued is within the age of minority (under 21) or of unsound mind, such action may be brought within ten (10) years after such disability is removed. "This statute was enacted in the jurisdiction in 1930. The land in question had been owned by a rancher in 1960. On September 1, 1960, the rancher died intestate, leaving his nephew as his only heir. The nephew had been born on October 1, 1954. In addition, there is a deed from the rancher's administrator to the seller dated November 1, 1960, which the latter recorded on the same date. During his title search, the buyer learned that the administrator had never obtained any license to sell the land in question; and also he (the administrator) never formally received the approval of any court with respect to the administration of the rancher's estate. Moreover, the buyer ascertained that the seller entered into possession of the land in question on November 1, 1960. On the assumption that there are no additional facts, the buyer should be advised that the seller became or will become the owner of the land in question', A. 'on November 1, 1960.', B. 'on November 12, 1981.', C. 'on October 1, 1985.', D. 'when the nephew dies.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: B

Question 1156:

'On April 10, the owner of a golf course entered into an oral agreement with a gardener whereby the gardener promised to install all new sprinkler heads on the sprinkler system at the 18-hole golf course. In return, the owner promised to pay the gardener \$2,400 upon completion of the job. Since a golf tournament was scheduled for the weekend of April 20 ■■■21, the gardener agreed to replace all the sprinkler heads no later than April 19. Before accepting the job, the gardener had inspected the golf course and determined that 240 sprinkler heads had to be replaced. By April 14, the gardener had installed 80 new sprinkler heads on the first six holes of the 18-hole golf course. That afternoon, however, the owner learned that the gardener had been adjudicated bankrupt on April 12, so he notified the gardener to discontinue the job. The next day, the owner hired a landscaper to complete the installation work at \$8 per head. The landscaper installed the remaining 160 sprinkler heads and completed the work on April 19. Despite making reasonable efforts, the gardener was unable to find any gainful employment during the period. Also, the gardener's application for unemployment compensation was rejected at the same time. Which of the following statements, if found to be true, would provide the owner with legally justifiable grounds for discharging the gardener?', A. 'The gardener had been adjudicated bankrupt on April 12.', B. 'The gardener had only completed 33 percent of the installation work when he was discharged.', C. 'The contract between the owner and the gardener was not in writing.', D. 'Half of the sprinkler heads installed by the gardener were determined to be defective, and the gardener refused to replace the sprinkler heads.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1157:

'A defendant was on the first day of her new secretarial job when her boss called her into his office. The boss directly suggested that if the defendant did not go out on a date with him, she would be fired in one week. Every day during the remainder of the week, the boss approached the defendant with his demand, and the defendant refused to cooperate. At the end of the week, when the boss called the defendant into his office and again tried to pressure her to go out on a date with him, the defendant knocked him unconscious with a giant stapler and choked him to death. The defendant is tried for murder. In accordance with the following statute, the state relies at trial on the presumption of malice: "When the act of killing another is proved, malice aforethought shall be presumed, and the burden shall rest upon the party who committed the killing to show that malice did not exist. "If the defendant is convicted of first-degree murder and challenges her conviction on the grounds of the above statute, on appeal she will', A. 'win, because the statute is unconstitutional.', B. 'win, because the statute violates due process.', C. 'lose, because she failed to overcome the presumption.', D. 'lose, because the presumption may be rebutted.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: A

Question 1158:

'A large man with red hair robbed a liquor store. Thereafter, a defendant was arrested and charged with the armed robbery. At the defendant's trial, several eyewitnesses testified that they had seen a large redheaded man pull out a gun and rob the owner of the liquor store. The defendant appeared at trial with a shaven head. The prosecution calls a corrections officer to testify that the defendant had red hair when he was first brought to jail. The defendant's counsel objects. The trial judge should rule the correction officer's testimony', A. 'admissible as a prior identification.', B. 'admissible, for the limited purpose of clarifying the discrepancy in the witnesses' testimony.', C. 'inadmissible as hearsay not within any recognized exception.', D. 'inadmissible, because it is opinion testimony.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1159:

'A plaintiff, a management trainee, brought a sex discrimination lawsuit against her employer for wrongful termination of her employment. At trial, the plaintiff is prepared to testify that a janitor at the company told her that he had heard her supervisor say to other male coworkers about her, "Make it hard for her. Maybe she'll go home where she belongs." Is the plaintiff's proposed testimony admissible?', A. 'No, because the janitor's statement is hearsay not within any exception.', B. 'No, because the statements of both the janitor and the supervisor are hearsay not within any exception.', C. 'Yes, because the janitor's statement is a present sense impression, and the supervisor's statement is a statement of his then-existing state of mind.', D. 'Yes, because the statements of both the janitor and the supervisor are statements janitor and the supervisor are statements concerning a matter within the scope of their employment.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: B

Question 1160:

'A couple were married, and four months later, they wished to obtain a divorce. However, the state in which they were married prohibits a couple from obtaining a divorce until they have resided in the state for at least 12 months. In an action by the couple challenging the constitutionality of the residency requirement of the state divorce law, the court will most likely declare the provision', A. 'constitutional, because the requirement promotes a compelling state interest.', B. 'constitutional, because it is within the area of state action.', C. 'unconstitutional, because it constitutes a violation of the equal protection clause.', D. 'unconstitutional, because it constitutes a violation of the privileges and immunities clause of Article IV, Section 2.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1161:

'The President may appoint which of the following with the advice and consent of the Senate?', A. 'Ambassadors', B. 'public ministers and consuls', C. 'justices of the Supreme Court', D. 'all of the above'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1162:

'A man who was emotionally upset due to marital problems voluntarily checked into a private medical facility for treatment. State law provided that if he tried to leave against medical advice, the hospital could hold him for 72 hours while trying to convince him to stay. During the stay, he told his medical providers that he was intensely angry at his wife, who was living with another man, and he wanted to harm her. Despite that knowledge, the hospital issued him an unrestricted weekend pass. When he got out he shot and killed his wife. The man's children sued the hospital for negligence. The hospital filed a motion to dismiss mainly because there was no privity with the decedent and no duty owed to her. Will the court grant the motion to dismiss?', A. 'No, because the hospital is strictly liable for releasing patients who it knows or should know represent an unreasonable danger to third persons.', B. 'No, because the special relationship and the control between doctor and an in-patient mandates due care by the doctor to prevent a foreseeable danger to others.', C. 'Yes, because there is no duty to control the conduct of another person to prevent that person from harming others.', D. 'Yes, because the intervening acts of third parties are unforeseeable and cannot give rise to liability.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1163:

'A defendant was prosecuted for mail fraud. At trial, the defendant moved to have all witnesses excluded from the courtroom, and the court granted the motion. The government named the investigating FBI agent as its designated representative. Upon learning that the agent would be giving testimony during the trial, the defendant moved that the agent also be excluded from the courtroom. Should the defendant's motion be granted?', A. 'No, provided that the government can show that the agent's presence is essential to the presentation of its case.', B. 'No, because the government has a right to have its designated representative remain in the courtroom through-out the trial.', C. 'Yes, because the agent's testimony might be influenced by the testimony of other witnesses.', D. 'Yes, because the defendant has a right to exclude all persons who may be called as government witnesses.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 1164:

The Secretary of Homeland Security administers and enforces the immigration laws. 8 U.S.C. Â§ 1103(a)(1). The Secretary has the discretion to implement "deferred action," which temporarily postpones the exportation of certain groups of undocumented immigrants. With 11.3 million people now here illegally, the Secretary implemented a program called the Deferred Action for Childhood Arrivals, or DACA. The program deferred removal for two years of individuals who came to the United States as children, met certain eligibility criteria, and cleared a background check. A Sheriff in a county near the Mexican border, sued the Secretary, claiming that the policy would increase crime and drain resources in his county. The U.S. District Court dismissed the Sheriff's claim for lack of standing. On appeal, will the U.S. Circuit Court of Appeals likely affirm the dismissal?', A. "Yes because the Sheriff is stressing a speculative possibility that his office may incur funding shortages and more enforcement problems at some undefined future time.', B. "Yes, because the Sheriff, as a part of the executive branch himself, is not legally qualified to bring a claim against the executive.', C. 'No, because anyone has the right to object to the executive branch when it tries to legislate its own opinion into the existing law.', D. 'No, because the Sheriff's county is near the border and it will in fact suffer an ingestion of more immigrants from the policy.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1165:

'A landlord is the owner in fee simple of a tract of land on which is situated a studio. The landlord leases the land and building thereon to a tenant for a term of seven years, commencing on August 1, 2001, and terminating at midnight on July 31, 2008. The lease contains the following provisions: "(1) The tenant covenants not to assign the leased premises without the consent of the landlord. "After three years of the lease had expired, the tenant, without the consent of the landlord, assigned the entire balance of the lease period to a dance instructor, who took immediate possession of the leased property. The landlord accepted rental payments from the dance instructor. Then in 2005, the dance instructor assigned his leasehold interest to a yoga instructor who went into possession. Assume for the purposes of this question only that the landlord, after learning of the dance instructor's assignment to the yoga instructor, brings suit against the dance instructor to have the assignment declared void. The landlord will most likely', A. 'succeed, because the original leasehold agreement prohibited assignments.', B. 'succeed, because the covenant prohibiting assignments did not run with the land.', C. 'not succeed, because in accordance with the Rule in Dymally's Case, where the landlord consents to one transfer, he waives his right to avoid future transfers.', D. 'not succeed, because the privity of estate between the dance instructor and the landlord terminated when he assigned the leasehold to the yoga instructor.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1166:

'An incumbent was running for re-election as the mayor of a city. During one of his opponent's campaign speeches, he stated that the mayor had once propositioned a prostitute. A television correspondent who was covering the election was present when the opponent made the statement. She recorded the opponent's remark about the mayor in her notebook. In a stunning upset, the opponent defeated the mayor in the election. Many of the pollsters attributed the mayor's loss to the question of his moral character following the opponent's smear campaign depicting the mayor as a client of prostitutes. Following the election, the mayor sued the opponent for defamation, basing his suit on the opponent's statement that the mayor had "once propositioned a prostitute. " At trial, the mayor calls the television correspondent to testify concerning her recollection of what the opponent said during the campaign speech attended by the television correspondent. The television correspondent's testimony is', A. 'admissible, because the television correspondent recorded the opponent's statement in her business capacity.', B. 'admissible, because the television correspondent had firsthand knowledge of the opponent's statement.', C. 'inadmissible, because the notebook entry is the best evidence.', D. 'inadmissible, because it is hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1167:

'Doug Dogman had a domesticated golden retriever named Rover. Rover was a good, friendly dog who loved to run and chase cars but had never hurt anyone. One dark evening before the street lights turned on, Rover was chasing cars in the street, and Ginny Grandmother, aged 85, swerved to avoid hitting the dog. As she swerved, Ginny hit a parked car and suffered a head injury. If Ginny brings suit against Doug Dogman under a strict liability theory, the court will likely find for', A. 'Ginny, because Doug's dog was a cause in fact of Ginny's injuries.', B. 'Doug, because Retriever is a domesticated animal.', C. 'Doug, unless a statute or ordinance bans unleashed dogs on public streets.', D. 'Doug, because the strict liability rule for dogs would not include dogs not displaying vicious propensities.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1168:

'One day, an 11-year-old boy came home from school with red lipstick stains on his collar. When the boy's mother inquired about the lipstick stains, the boy said that his teacher had kissed him. The mother then contacted the police, who subsequently conducted an investigation and arrested the teacher, charging her with two felony counts of child molestation. In accord with state law, a preliminary hearing was scheduled. After the boy was subpoenaed to testify at the preliminary hearing, the prosecution filed a motion to exclude the teacher from the courtroom during the boy's appearance. The motion, with supporting affidavits from a child psychologist, claimed that having the boy and the teacher in the same room would cause irreparable emotional and psychological harm to the alleged victim. The judge should', A. 'deny the motion, because a pretrial proceeding is an early stage of trial, and a defendant has a constitutional right of confrontation at every stage of the trial.', B. 'deny the motion, because the teacher's exclusion from the courtroom would have prejudicial impact on receiving effective assistance of counsel.', C. 'grant the motion, because the teacher's attorney still has an opportunity to cross-examine the witness despite the teacher's absence from the courtroom.', D. 'grant the motion, because cross-examination at a preliminary hearing is not required by the confrontation clause of the Sixth Amendment.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1169:

'A seller sold the eastern two-thirds of his land to a buyer, who soon thereafter constructed a house there. One year later, the buyer cleared a path from her home across the seller's retained land to a road that abuts the western boundary of the seller's land. The seller stood by and watched the buyer clear the path, but made no objection. This path is very convenient to the buyer's use of her land, and the buyer used it daily for several months. The path is readily apparent to anyone. Recently, the seller put a barrier across the path. The buyer now has brought an action to have the barrier removed. The theory giving the buyer her best chance of success would be that', A. 'the buyer has an easement by necessity. This would depend on the strength of the court's feeling about the use of the land.', B. 'the buyer has an easement by implication. This would depend on whether the convenience was sufficiently strong to amount to "reasonably necessary." ', C. 'the buyer has an easement by prescription. This would depend on the length of time she used the path prior to the erection of the barrier.', D. 'the buyer has an express easement.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1170:

'A state has a hit-and-run statute in effect that makes it a crime to leave the scene of an accident. One afternoon, a 9-year-old victim was riding her bicycle along the street. As the victim swerved into the southbound lane, her bicycle was struck by a car driven by the defendant. The victim was knocked off her bike and thrown onto the sidewalk adjacent to the street. Although the victim received some minor scrapes and bruises, she was not seriously injured. Following the accident, the car driven by the defendant sped away. Moments later, however, a tractor-trailer crashed into the rear of a car about 30 feet from where the victim was lying. The car almost instantly caught fire as its gas tank exploded. The victim, who was engulfed in the flaming wreckage, was killed. If the defendant is charged with involuntary manslaughter for the death of the victim, the defendant should be found', A. 'guilty, because she unlawfully fled the scene of an accident in violation of her statutory duty.', B. 'guilty, because her failure to render aid to the victim would make the defendant criminally responsible for the victim's death.', C. 'not guilty, because under the circumstances her failure to aid the victim cannot be a basis for imposing criminal responsibility for the victim's death.', D. 'not guilty, because there was not a sufficient causal connection between her actions and the victim's death to impose criminal responsibility.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1171:

'A married couple signed a contract to sell their home, and in it they affirmed that they did not know of any structural defects in the home. Prior to the date of closing, the purchasers noticed peeling paint and plaster erosion in a corner of a ceiling near the fireplace. They also noticed water marks lining the interior wall in the basement. The sellers explained that these were old problems that had been fixed and they just didn't get around to doing the cosmetic repairs and painting. The parties went to closing and finalized the deal. On their first week in the house, the purchasers found a virtual flood plain in their basement and they confronted water gushing in at the corner areas near the fireplace. They hired a contractor who reported the need for extensive structural repairs. They sued the sellers for fraud, misrepresentation, and implied warranties of habitability, and they asked for the funds to fix the property. Do they have a valid cause of action against the sellers?'. A. 'No, because the facts do not indicate an intention to deceive by the sellers.'. B. 'No, because buyers must always buy a used house in "as is" condition and they assume the risk of any hidden defects under the caveat emptor rule.'. C. 'Yes, the evidence indicates that the sellers made knowingly false representations of material fact to induce the buyers to rely thereon and buy the property.'. D. 'Yes, the sellers breached the contract of sale and must pay damages.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1172:

'A plaintiff has sued a defendant in a court of the state in which both parties reside. The plaintiff alleges only a cause of action arising under a federal statute, although state law provides a similar cause of action. The federal statute provides that claims under the statute can be brought in any court of competent jurisdiction. The statute has not yet been interpreted by any federal court. Should the state court hear the case?', A. 'No, because cases arising under federal law must be decided in federal court.', B. 'No, because state courts must abstain in cases arising under federal law until a federal court has decided the federal issue.', C. 'Yes, because state courts may not discriminate against cases arising under federal law.', D. 'Yes, because the parties cannot proceed in federal court since there is no diversity of citizenship.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1173:

'Which of the following types of regulations would not be reviewed under the strict scrutiny standard of review?', A. 'Gender', B. 'Interstate travel', C. 'Privacy', D. 'Alienage'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1174:

'A state is the only state that imposes a tax on the extraction of pitchblende. This black-colored mineral consists of massive uraninite and contains radium, which is the chief ore-mineral source of uranium. Minute quantities of plutonium are also found in pitchblende. This is particularly significant because plutonium undergoes slow disintegration with the emission of a helium nucleus to form uranium 235, and that is fissionable with slow neutrons to yield atomic energy. As such, pitchblende is vital to the economy of the entire country. Congress has recently enacted a statute forbidding any state from imposing a tax on the extraction of pitchblende. Because pitchblende is not mined in any other state, this federal legislation affects only the state. Thus, in practice, this federal law only limits the taxing power of the state. In light of the Constitution and this federal law, the state extraction tax on pitchblende is most likely', A. 'invalid, because when Congress exercises its plenary power over interstate commerce, the supremacy clause voids inconsistent state action.', B. 'invalid, because Congress may use its general welfare power to prohibit state legislation that it deems harmful to the nation as a whole.', C. 'valid, because Congress does not have the authority to interfere with the taxing policies of a state.', D. 'valid, because Congress may not enact a law that places one state on an unequal footing with other states.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1175:

'Wendy Wholesaler sold merchandise to Roberta Retailer. A dispute has arisen between the parties and Roberta is trying to prove that Wendy is a merchant as opposed to a "casual party." The least important factor indicating the status of a "merchant" is that Wendy', A. 'Is a wholesaler rather than a retailer.', B. 'Deals in the goods sold to Roberta.', C. 'Holds herself out as an expert in the goods sold to Roberta.', D. 'Sells under 10 units a year to Roberta.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1176:

'A motorcycle collector and his friend had known each other for years. The collector sent a letter to the friend that said, "I am willing to sell you my oldest motorcycle for \$4,000." The friend sent the collector an email saying, "I accept your offer." The collector owned three motorcycles: a 1985 model, a 1987 model, and a 1992 model. The friend did not know about the 1985 model, which was the one the collector intended to sell. The collector was unaware that the friend intended to buy the 1987 model. When the collector tendered the 1985 model, the friend refused to accept it. Is the friend likely to prevail in a breach of contract suit against the collector?', A. 'No, because by not inquiring further about the meaning of the phrase "oldest motorcycle," the friend assumed the risk of being mistaken.', B. 'No, because neither the friend nor the collector had reason to know of the other's interpretation of the words "oldest motorcycle."', C. 'Yes, so long as a reasonable person in the friend's position would have considered the letter as referring to the 1987 model.', D. 'Yes, because the friend had no reason to know of the collector's meaning and the collector could have avoided the confusion by more careful drafting.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 1177:

'A man borrowed money from a lender and mortgaged land that he owned to secure repayment of the loan. Before he had completely repaid the loan, the man conveyed the land to an investor, who expressly assumed the loan. The note and mortgage did not contain a due-on-sale clause. After the investor had made several payments on the loan, she defaulted on two payments. The lender notified the man and the investor of its intention to accelerate the loan pursuant to the terms of the note and mortgage unless the default was cured within 60 days. When neither the man nor the investor made the required payment, the lender accelerated the loan and initiated foreclosure proceedings, naming both the man and the investor as party defendants. The foreclosure sale resulted in a deficiency. The lender has sought a deficiency judgment against only the man, because the investor has become insolvent in the meantime. Will the court likely find the man liable for the deficiency?'. A. 'No, because the investor's express assumption of the loan released the man from liability.'. B. 'No, because the lender must first seek to obtain a deficiency judgment against the investor.'. C. 'Yes, because even after the assumption, the man remains liable as a surety of the investor in the absence of a release from the lender.'. D. 'Yes, because the note and mortgage did not contain a due-on-sale clause.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1178:

'A march was held to call attention to the fact that minorities are still disenfranchised from the electoral process. A congressional report revealed that in the certain parts of the country, only 42% of minorities eligible to vote were, in fact, registered. The report also indicated that certain states had residency laws restricting a person's right to vote. As a consequence, Congress enacted a statute that makes any law denying minorities the right to vote shall be deemed unconstitutional. This federal statute will most likely be upheld under which of the following constitutional provisions?', A. 'Thirteenth Amendment.', B. 'Fourteenth Amendment.', C. 'Fifteenth Amendment.', D. 'Twentieth Amendment.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1179:

'A state recently enacted a statute requiring the following of all construction companies that do business with and for the state (defined generally as selling goods or providing services to the state, its agencies, or subdivisions):Such businesses must purchase insurance only from insurance companies chartered in the state and thus be subject to regulation by the state insurance commissioner; ■■ In hiring any unskilled laborers for employment in connection with state business, preference must be given to citizens of the state;Nonresident aliens shall be prohibited from engaging in any state related business activities; ■■ All buildings constructed for the state must have roofs composed of adobe, which is composed of yellow silt or clay deposits found only in the state. The proposed statute's preamble recites that its provisions will ensure: ■■ responsible insurance coverage for all those who do business with the state;an increased standard of living for the citizens who comprise the state's labor force; ■■ the lowest possible expenditures by the state government; and ■■ a beautiful, uniform aesthetic decor for all new state buildings. If the state statute is attacked as violating the commerce clause, which of the following statements is most accurate?', A. 'The statute is a valid exercise of the state's police power to legislate to protect the health, safety, morals, and welfare of its citizens.', B. 'The statute falls within the reserved powers under the Tenth Amendment.', C. 'The statute should be invalidated if there are nondiscriminatory reasonable alternatives available to serve legitimate local interests.', D. 'The statute is a valid exercise of state action only if the federal government has not previously "occupied the field" in this area.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1180:

'Congress enacted a statute taxing the sale of automobiles. In an inseverable portion of that same law, the entire proceeds of the tax are appropriated on a continuing basis for direct payments to an education fund. The education fund is dedicated to educating people about the importance of mass transportation as an alternative to automobiles, which the fund considers a major source of pollution. As a matter of constitutional law, which of the following statements concerning the continuing federal appropriation to the education fund is most accurate?', A. 'It is constitutional because Congress could reasonably believe that such a subsidy to this particular museum will benefit the cultural life of the nation as a whole.', B. 'It is constitutional because Congress can demonstrate that such a subsidy is rationally related to a legitimate public interest.', C. 'It is unconstitutional because it is not apportioned among the several states on an equitable basis.', D. 'It is unconstitutional because it advances the welfare only of those persons who are interested in clean air.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1181:

'A hot-air balloon touring company operated near a golf course. The company's property was separated from the golf course by a fence on which the company had posted signs warning people not to enter the property because of the dangers of balloons landing. A golfer on the golf course hit an errant shot onto the company's property, ignored the warning signs, and jumped over the fence to retrieve her golf ball. At about the same time, one of the company's balloons experienced mechanical problems and had to make an emergency landing to avoid crashing. The balloon, which was out of control when it landed, struck the golfer and injured her. The jurisdiction has decided that hot-air ballooning is an abnormally dangerous activity. In an action by the golfer against the company, does the company have any affirmative defenses?', A. 'No, because the balloon was out of control when it struck the golfer.', B. 'No, because the company was engaged in an abnormally dangerous activity.', C. 'Yes, because the balloon landed to avoid crashing.', D. 'Yes, because the golfer assumed the risk by coming onto the company's property.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1182:

'A truck driver negligently changed lanes on the highway without checking to see if it was clear to do so. As a result, a car that was next to the truck was forced off the highway and crashed into a concrete barrier along the roadway. The driver of the car suffered a broken leg. An ambulance arrived and rushed her to the hospital. A doctor there examined the broken leg and ordered X-rays to be taken. The doctor carelessly misread the X-rays and set the broken bone improperly. As a result of the doctor's negligence, the driver's leg never healed completely, and the driver was left with a significant impairment of the use of her leg. If the driver of the car brings a negligence action against the driver of the truck, the most likely result is', A. 'the truck driver will not be liable for any damages, because the doctor's negligence constituted a superseding cause that relieved the truck driver of liability.', B. 'the truck driver will be liable for the harm suffered by the plaintiff when her car crashed, but not the additional or enhanced harm resulting from the doctor's careless mistake.', C. 'the truck driver will be liable only if his negligence is regarded by the jury as being more severe than the doctor's negligence.', D. 'the truck driver will be liable for all the harm suffered by the plaintiff, although the doctor may be liable to some extent, as well.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1183:

'A woman was standing in the aisle of a subway car and put her purse on the seat next to her. A man approached the woman from behind and grabbed the purse off the seat. He then pushed the woman out of the way and ran out of the subway car while carrying the purse. The man was apprehended on the subway platform while in possession of the purse. In a jurisdiction that follows the common law with respect to criminal offenses, of what crime can the man properly be convicted?', A. 'Larceny, because force was not used until after he took the purse.', B. 'Larceny, because he made no threat to use force.', C. 'Robbery, because he physically took the purse from the woman's presence.', D. 'Robbery, because he used force in leaving with the purse.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1184:

'An elderly woman was mugged and robbed on a public street. At the time of the offense, the victim only saw her assailant's eyes. A hooded sweatshirt and bandana concealed the rest of his face. A few days later, while the victim waited to be interviewed, she observed the defendant being escorted through the courthouse, in jail clothing, and restrained by handcuffs and leg irons. She identified him as the perpetrator shortly thereafter. Will the court allow that identification into evidence?', A. 'No, because it is not reliable enough and there was too much suggestion to make a reasonably accurate identification.', B. 'No, because prior statements of identification are considered hearsay and never allowed into evidence.', C. 'Yes, if the witness perceived the perpetrator by seeing his eyes, and made the identification on that basis it was reliable enough to be admitted.', D. 'Yes, because the witness' recognition of someone is all that is needed; the reliability or credibility of it is subject to cross examination.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 1185:

'A fifteen year-old boy was arrested for burglary. At a juvenile hearing, there was some circumstantial evidence presented but no direct evidence or eyewitness testimony. The juvenile court judge found the youth guilty and sentenced him to five years in a detention center. The juvenile's lawyer objected that the evidence did not prove guilt beyond a reasonable doubt, but the judge held that such proof was not required in a juvenile proceeding. Will the state's appellate court affirm the ruling of the juvenile court judge?'. A. 'Yes, a juvenile does not get all of the rights enjoyed by adults and proof does not have to be beyond a reasonable doubt.'. B. 'No, a juvenile cannot be convicted of a crime in a juvenile proceeding except upon proof beyond a reasonable doubt.'. C. 'Yes, the reasonable doubt standard does not in any event rise to a constitutional right under our system in which each state can declare its own constitutional mandates.'. D. 'No, a juvenile court proceeding is always followed by a de novo proceeding in adult court in which the reasonable doubt standard is guaranteed.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1186:

'A patient in a hospital was placed in a wheelchair with his broken leg extended straight out in front of him. As a nurse employed by the hospital was pushing the wheelchair through a set of automatic doors at a normal pace, the doors closed on the patient's foot, injuring it. The nurse attempted to pull the wheelchair back through the doors. This action caused the doors to close more tightly on the patient's foot, injuring it further. The patient sued the hospital, alleging improper maintenance of the doors. The patient has produced no evidence of specific conduct or neglect on the part of the hospital that would have caused the automatic doors to malfunction. The hospital has moved for summary judgment. Should the court grant the hospital's motion?'. A. 'No, because a jury could find that there was a latent defect in the doors.'. B. 'No, because a jury could find the hospital liable for negligence based on res ipsa loquitur.'. C. 'Yes, because proof of an accident, by itself, does not establish that an injured person was a victim of negligence.'. D. 'Yes, because the nurse's action was a superseding cause of the injury. ■■'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1187:

'A customer sued a printing company for negligence, claiming that the holiday cards he specially ordered were of poor quality and had his name misspelled. At trial, the customer shows the court a printed statement from a printer's association defining the minimum standard of skill for the printing industry in the community. The customer asks the court to take judicial notice that the printed statement constitutes the applicable standard of care for printing companies in the area. The court should', A. 'grant the request, because it promotes expeditious and economical disposition of the proceedings.', B. 'grant the request, because the standard of care is amply supported by information supplied to the court.', C. 'deny the request, because judicial notice cannot be taken of matters that are ultimate issues in the case.', D. 'deny the request if the judge determines that the statement is subject to reasonable dispute.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1188:

'A defendant went to a party at his friend's house. While he was there, the defendant drank a lot of beers and countless shots. The defendant eventually stumbled into the bathroom where he spotted a purse lying on the floor under the sink. Wondering vaguely if it might contain more beer, he opened it up and found his friend's wallet. He grabbed some money from the wallet and left the bathroom. As he was descending the stairs with the money in his hand, his friend spotted him. She was initially concerned he might tumble down the stairs but upon seeing the money in his hand, she asked him where he got it. The defendant responded, "Ha! Your money or your life!" Not taking him seriously, the friend let him pass by. It wasn't until later that she realized that the defendant had taken the money from her wallet. The defendant should be charged with which of the following crimes?', A. 'Larceny.', B. 'Larceny and burglary.', C. 'Larceny and attempted extortion.', D. 'Robbery and extortion.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 1189:

'A construction company, in preparing its bid for the construction of a new hospital, received a quotation of \$120,000 from a subcontractor who offered to do the kitchen work in the new hospital. This bid was \$30,000 lower than the construction company's next lowest bid for the kitchen work. As a result, the construction company lowered its bid by \$20,000 before submitting it to the hospital board. After the construction company was awarded the construction bid and had accepted the subcontractor's offer, the subcontractor discovered that in his preparation of the quotation, he had overlooked some subsidiary kitchen installments required by the plans. Immediately thereafter, the subcontractor brought suit for rescission of the contract. It should', A. 'prevail, because of the unilateral mistake.', B. 'prevail, because the mistake was an essential element of the bargain.', C. 'not prevail, unless the construction company knew or should have known of the subcontractor's error.', D. 'not prevail, because the computation mistake was antecedent to acceptance of the bid.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 1190:

'On January 1, a manufacturer of widgets received an e-mail from a widget distributor about purchasing widgets. The manufacturer sent the following return e-mail: "Have 1,000 widgets available at \$10 each for February delivery. Be advised that this offer will remain open until February 1. "On January 31, the distributor sent the following fax to the manufacturer: "Your offer is hereby accepted, but request delivery of 500 widgets in February and 500 widgets in March. " The manufacturer received the fax the same day, but did not respond. Which of the following is the most accurate statement regarding the legal effect of the distributor's January 31 fax?', A. 'It constitutes a counteroffer, because it contains different terms from those contained in the original offer.', B. 'It constitutes a rejection, because the offer implied limited acceptance to the terms contained therein.', C. 'It creates an enforceable contract with delivery of 500 widgets in February and delivery of 500 widgets in March.', D. 'It creates a reformation integrating the terms of both writings.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1191:

'A wife is the beneficiary of a policy issued by an insurance company, insuring the life of her husband, now deceased. The policy contained a clause providing that double indemnity is payable in the event that death of the insured "results directly, and independently of all other causes, from bodily injury effected solely through external violent and unexpected means. "The husband was found dead in the chicken shed of his farm. His death resulted from wounds caused by a shotgun blast. The wife filed the necessary papers with the insurance company concerning proof of her husband's death. The insurance company admitted liability for the face amount of the policy but rejected the wife's claim for double indemnity. The wife then instituted suit against the insurance company demanding judgment according to the double indemnity provisions of the husband's insurance policy. At trial, the wife was called to testify about the events on the day of her husband's death. The wife said that she was in the kitchen when she heard a gunshot in the shed. As she rushed out of the house, she saw their neighbor running from the shed. The neighbor is present in court. As a witness, the wife was', A. 'competent, because she had personal knowledge of the matter.', B. 'competent, because the neighbor is available to testify.', C. 'incompetent, because she had a personal interest in the outcome of the lawsuit.', D. 'incompetent, because she was testifying to facts occurring after her husband's death.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1192:

'A millionaire owned two adjacent 10-story commercial buildings. One building housed medical offices, and the other building housed dental offices. The first floors of both buildings were occupied by various retail establishments. The buildings' other floors were rented to professionals and used as offices. There was an enclosed walkway that connected the second floor of each building. Thus, shoppers and office staff could walk across the common walkway and gain access to each building. While the buildings were being used in this manner, the millionaire sold the dental building to an investor by warranty deed, which made no mention of any rights concerning the walkway. The walkway continued to be used by the occupants of both buildings. Thereafter, the walkway became unsafe as a consequence of wear and tear. As a result, the investor hired a contractor to repair the walkway area. When the millionaire saw the contractor removing the carpeting along the walkway, he demanded that the investor discontinue the repair work. After the investor refused, the millionaire brought an action to enjoin the investor from continuing the work. The most likely result will be a decision for', A. 'the millionaire, because the investor does not have rights in the walkway.', B. 'the millionaire, because the investor's rights in the dental building do not extend to the walkway.', C. 'the investor, because the investor has an easement in the walkway and an implied right to keep the walkway in repair.', D. 'the investor, because he has a right to take whatever action is necessary to protect himself from possible tort liability from persons using the walkway.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1193:

'An insured business owner stored valuable property in an insured warehouse owned by the business. During night time hours, when there were no employees in the warehouse, the building and its contents burned to the ground by a raging fire. The fire department ruled that the fire had an incendiary origin. The fire report, however, did not identify a perpetrator. The insurer responded by rejecting coverage and accusing the business owner of starting the fire. The business owner sued the insurance company in federal court for the policy proceeds to cover its property damages claim. At the trial on the business owner's civil claim for insurance coverage, the owner attempted to put several persons on the stand to testify to the owner's good character, which was submitted as proof that the owner did not commit the arson. The trial court ruled that the character evidence would be excluded because it was inadmissible character testimony under Fed.R.Evid. 404(a). On appeal, will the federal appellate court likely affirm the trial court's order?', A. 'Yes, because Rule 404(a) is firm in not allowing for character evidence in a civil trial.', B. 'Yes, because the facts do not apply to any of the several exceptions available in a civil case.', C. 'No, because Rule 404(b) permits the use of such evidence to show relevant prior bad acts.', D. 'No, because a business owner has a constitutional right to present and admit character evidence.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1194:

'A manager's competitor sent a defamatory letter to the manager accusing him of professional incompetence and calling him one of the worst businessmen in town. It was addressed to the manager. He read it, put it in a private drawer, and did not read it again. Later, he tried to sue the competitor for defamation as a result of the letter. Will the court likely grant the defendant's motion to dismiss, and on what grounds? Base your answer on the common law definition of defamation.', A. 'Yes, it will dismiss on the basis that the publication is made to the manager alone.', B. 'Yes, it will dismiss on the basis that the language is not damaging to the manager's reputation.', C. 'No, it will not dismiss because the circumstances show that all of the elements of defamation are all present.', D. 'No, it will not dismiss because a plaintiff in a defamatory action has an absolute right to a jury trial to prove defamation.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1195:

'A state law prohibits any barbershop licensed by the state from displaying posters in support of any current candidate for public office or displaying or distributing any campaign literature in support of such a candidate. No other kinds of posters or literature are subject to this prohibition, nor are any other types of commercial establishments in the state subject to similar prohibitions. Is this law constitutional?', A.

'No, because it treats barbershops differently from other commercial establishments.', B. 'No, because it imposes a restriction on the content or subject matter of speech in the absence of any evidence that such a restriction is necessary to serve a compelling state interest.', C. 'Yes, because it leaves political candidates free to communicate their campaign messages to voters by other means.', D. 'Yes, because the operation of a licensed barbershop is a privilege and therefore is subject to any reasonable restriction imposed by the state.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1196:

'A homeowner had a beautiful beach house overlooking the bay. Although the homeowner and his family lived in the beach house during the summer months, the house was left unoccupied for the remainder of the year. In order to protect the beach house from vandalism while it was vacant, the homeowner installed an automatic spring-gun device. The spring-gun was connected to the front door and calculated to automatically fire at chest level when the door was opened. No warnings were placed on the premises. A local man, knowing that the homeowner's beach house was unoccupied, decided to burglarize the home one evening. When the local man forced open the front door and was about to enter the premises, the spring-gun automatically discharged, killing him instantly. If the homeowner is subsequently prosecuted and charged with the local man's death, the most serious crime for which the homeowner will be found guilty is', A. 'voluntary manslaughter.', B. 'involuntary manslaughter.', C. 'murder.', D. 'assault with a deadly weapon.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1197:

'A driver was having trouble finding a place to park his car near a store at which he needed to make a quick stop to purchase something. He decided to just park along the road next to the store, even though there was not really a lane or space there intended for parking. The driver pulled his car as far off the roadway as he could and figured that it would be fine because he would only be in the store for a few minutes. While the driver was in the store, a car driven by a woman approached the spot where the driver had left his car. When the woman saw the driver's car and realized it was partially obstructing the road, she tried to avoid hitting it but crashed into it. The accident caused \$5,000 worth of damage to the driver's car and \$1,000 worth of damage to the woman's car. Assume that the jurisdiction follows traditional contributory negligence rules and that the woman had the last clear chance to avoid the collision. How much, if anything, could the driver recover in a lawsuit against the woman for negligence?', A. '\$5,000, or the full amount of damages to his car.', B. '\$4,000, or the full amount of his damages, minus the woman's damages.', C. '\$2,500, or half of his damages.', D. 'Nothing, because the driver was contributorily negligent for parking his car so that part of it stuck out into the street.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1198:

'A vehicle operator was driving on a highway at night. His girlfriend was in the passenger seat. They were returning from a college night class. She was smoking marijuana, blowing it out the open window, and not sharing it with the driver. The driver fell asleep, causing the car to veer off the highway and go into a ditch where it landed upside-down. Both the driver and passenger were seriously injured. She sued the operator for negligence. The operator filed a counterclaim asking for damages against the passenger by arguing that the passenger was herself negligent by "smoking weed" and causing him to fall asleep. Is the court likely to grant the passenger's motion to dismiss the counterclaim?', A. 'Yes, because the passenger was not actively participating in a joint enterprise and did not do enough to contribute to the cause of the accident.', B. 'Yes, because a vehicle operator is always liable and a passenger cannot be made liable for the driver's actions under any circumstances.', C. 'No, because the driver has properly alleged a joint enterprise situation where the passenger is liable for her share of the negligence in causing the accident.', D. 'No, because the passenger was breaking the law, making her negligent per se.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1199:

'A plaintiff filed a civil action asking for damages resulting from a tortious assault that the defendant inflicted on him. During trial, plaintiff's counsel asked an opposing witness on cross examination: "At any time during the assault did anyone attempt to leave?" Defense counsel objected to the question. How will the court rule on the objection?'. A. 'The objection will be sustained because the question is misleading.', B. 'The objection will be sustained because the question is leading.', C. 'The objection will be overruled because leading questions are allowed on cross examination.', D. 'The objection will be overruled because the question is not leading or misleading.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 1200:

'Neighbor says his home repair contract needs to be discharged because of frustration of purpose. Which of the following is not required for this to be discharged for this reason?', A. 'A supervening event.', B. 'That was reasonably foreseeable at time of contract formation.', C. 'Which completely or almost completely destroys the purpose of the contract.', D. 'The purpose of the contract was understood by both parties.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1201:

'A boyfriend decided to rob a grocery store after he was let go during a labor dispute. The boyfriend asked his girlfriend to drive the getaway car, to which she agreed, on the condition that no loaded weapons were used during the robbery. On the day of the robbery, the boyfriend and his girlfriend drove to the grocery store. Unknown to the girlfriend, the boyfriend entered the store with a loaded gun. The boyfriend approached one of the cashiers and told him to fill a bag with all the money from the register. When the cashier refused, the boyfriend shot and killed him. He then turned to the next cashier and pointed his gun at her. The cashier suffered a heart attack and died. The boyfriend then took the money from the registers himself and exited the store. One of the customers had called the police, and they were waiting outside. A shootout ensued, and the boyfriend was killed by the police. If this jurisdiction follows the agency theory of felony murder, the girlfriend is guilty if how many counts of murder?', A. '1', B. '2', C. '3', D. 'None.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 1202:

'A store published the following advertisement in a local newspaper on Monday, March 12:"8 Brand New COWBOY HATS Beaver Felt,selling for \$72. 50 . . . out they go . . . Sat. March 17,Each. . . \$5. 1 Navajo Turquoise Necklace . . . worth \$125, now selling for \$40. "FIRST COME, FIRST SERVED" On the following Saturday, a man was the first person to arrive at Store and demanded the necklace. The store clerk refused to sell it to him, because it was a "house rule" that the necklace was intended for women only. If the man brings suit against the store for its refusal to sell him the necklace, the man will', A. 'lose, because the advertisement was intended only as an invitation to make an offer.', B. 'lose, because the man did not noti' the store in writing that he intended to accept the offer.', C. 'win, because the advertisement should be construed as a binding offer.', D. 'win, because it is immaterial whether the man was the first customer to appear at the store to purchase the necklace.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1203:

'A railroad worker's widow brought a wrongful death action in federal court against the railroad, claiming that its negligence had caused her husband's death. At trial, the widow offered the testimony of a coworker of the husband. The coworker testified that he had seen the rail car on which the husband was riding slow down and the cars behind it gain speed. The coworker also stated that he later heard a loud crash, but did not turn around to look because loud noises were common in the yard. Three other railroad employees testified that no collision had occurred. At the close of the evidence, the railroad moved for judgment as a matter of law, which was denied, and the case was submitted to the jury. The jury returned a verdict for the widow. The railroad has made a renewed motion for judgment as a matter of law. What standard should the court apply to determine how to rule on the motion?', A. 'Whether the evidence revealed a genuine dispute of material fact supporting the widow's claim.', B. 'Whether the verdict is against the weight of the evidence.', C. 'Whether the widow presented a scintilla of evidence to support the verdict.', D. 'Whether there is substantial evidence in the record to support the verdict, resolving all disputed issues in the widow's favor.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1204:

"During a violent electrical storm one night, a bolt of lightning struck a public high school building and set it ablaze. The high school was severely damaged and needed to be rebuilt. As a consequence, the city council held an emergency meeting to determine what measures should be taken to locate an appropriate alternative facility in which to conduct classes. Thereupon, the city council passed the following resolution: "During restoration of the high school building, classes shall be conducted at the most suitable facility which submits the lowest bid. In determining a 'suitable' facility, the city council shall consider such factors as location and available classroom space. "Several bids were submitted. The lowest bid was submitted by a church. The church was located on the same block as the high school and contained sufficient seating capacity for all students. In addition, there were a sufficient number of separate rooms to allow different classes to meet at the same time. The city council voted unanimously to accept the church's offer. Furthermore, the church agreed to remove all religious symbols and paraphernalia from the classrooms utilized by the students. Only the main chapel was exempt, so that it could remain open for prayer. No high school classes or activities were to be held in the main chapel. A parent of one of the high school students is upset at this arrangement. On his son's behalf, the parent has filed suit in federal district court to challenge the constitutionality of permitting public school classes to be held in a church. Judgment for whom?", A. 'The city, because the classroom arrangement does not inhibit or advance religion.', B. 'The city, because the church was the lowest bidder in accordance with the emergency ordinance.', C. 'The plaintiff, because the present arrangement for conducting classes in a church-owned facility constitutes excessive entanglement with religion.', D. 'The plaintiff, because the emergency measure was not necessary to further a compelling state interest.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1205:

Two women lived in a one-bedroom house with 20 dogs. A dog-walker who entered the house was appalled by their deplorable living conditions. The animals' excrement was deposited throughout the house, they were kept in tiny pens, and some of the animals were sick. The visitor called the SPCA, a private non-profit humane society. State law authorized humane societies to receive abused or neglected animals from animal control officers, to care for them and adopt them out. The SPCA took the animals designated by the officers. The officers then arrested the women for animal neglect. At a hearing, the prosecutor was unprepared, and the judge dismissed the charges. The women then sued the officers and the SPCA under 42 U.S.C. Â§ 1983 for civil rights violations. The SPCA defendants filed a motion to dismiss based on the absence of the "state action" on their part. Will the court likely grant the motion to dismiss?, A. "Yes, because there was nothing that was done by the humane society that involved police action.", B. "Yes, because the SPCA personnel did not at any time act "under color of law" in their actions.", C. "No, because the SPCA was organized under a non-profit certificate of incorporation that was issued by the state.", D. "No, because the SPCA acted under the authority of the state statute and cooperated with state authorities to perform the authorized functions.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1206:

'A mother took her five-year-old child to a hospital emergency room for treatment. A doctor on the hospital staff molested the child while treating her. At the time, no one was in the treatment room except the doctor and the child; the mother had left the room to get a cup of coffee. Two weeks later, when the child told her mother what had occurred in the treatment room, the mother suffered severe emotional distress that caused her to become physically ill. In an action against the doctor by the mother on her own behalf to recover for intentional infliction of emotional distress, is the mother likely to prevail?', A. 'No, because the mother was contributorily negligent in leaving the child alone with the doctor during treatment.', B. 'No, because the mother was neither the direct victim of the doctor's conduct nor a contemporaneous witness.', C. 'Yes, because the doctor's conduct was outrageous.', D. 'Yes, because the mother's distress was the natural and foreseeable consequence of the doctor's conduct. ■■'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1207:

'A state has enacted a statute imposing a tax on the extraction of all platinum in the state. The extraction of other minerals is not taxed by the state. This is true even though there is considerable mining of silver, turquoise, sulfur, and stone within the state. As a result, the largest platinum mining company in the state has filed suit challenging the constitutionality of the state's platinum tax statute. Which of the following best states the burden of persuasion if the mining company attacks the statute as violating the equal protection of the laws?', A. 'The state must convince the court that the classification in the statute is rationally related to the advancement of a legitimate state interest.', B. 'The state must convince the court that the classification in this statute is the least restrictive means by which to advance a compelling state interest.', C. 'The mining company must convince the court that the classification in this statute is not necessary to advance a compelling state interest.', D. 'The mining company must convince the court that the classification in this statute is not rationally related to the advancement of a legitimate state interest.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1208:

'In a tavern, an intoxicated woman threatened to slash a man with a broken beer bottle. Another customer, who had not been threatened by the woman, forcefully grabbed the woman and locked her in the tavern's storeroom until the police could arrive. In the process, although the customer used reasonable force, the customer badly sprained the woman's wrist. Is the woman likely to recover in an action against the customer?', A. 'No, because the customer's conduct was privileged as a defense of others.', B. 'Yes, based on battery only.', C. 'Yes, based on false imprisonment only.', D. 'Yes, based on both battery and false imprisonment.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1209:

'A federal grand jury was investigating a corporation whose tanker ship had spilled crude oil into environmentally sensitive waters. The grand jury issued a subpoena requiring the corporation to produce all emails and internal documents regarding the corporation's knowledge of the risks of an oil spill. The corporation has objected, citing its Fifth Amendment privilege against self-incrimination. Can the subpoena be enforced?'. A. 'No, because the corporation was not granted transactional immunity.'. B. 'No, because the corporation was not granted use-and-derivative-use immunity.'. C. 'Yes, because a corporation has no Fifth Amendment privilege.'. D. 'Yes, because the Fifth Amendment privilege does not apply to the compelled production of documents.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1210:

'For which of the following preliminary questions of fact will the trial court judge, not the jury, determine admissibility?', A. 'Whether the voice on a sound recording is that of the defendant.', B. 'Whether defendant's copy of a document accurately reflects the contents of the original writing.', C. 'Whether a conspiracy existed and defendant and declarant were members of the conspiracy before admitting an alleged declaration by a co-conspirator.', D. 'A plaintiff sues on a lost writing, and the defendant contends that it was not lost because it never existed. The question to be decided is whether the original writing ever existed.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: C

Question 1211:

'A well-known Washington newspaper columnist was researching the background of a lawyer who had been nominated to become attorney general of the United States and was awaiting confirmation by the U. S. Senate. One of the columnist's eager young apprentices concocted a plan that he hoped would enable him to gain the columnist's favor. Late one evening, without telling anyone, the apprentice broke into the lawyer's private office and copied several letters pertaining to "dirty tricks" perpetrated by the lawyer during the most recent presidential campaign. When the apprentice presented the columnist with the fruits of his diligent research, the columnist was quite impressed and immediately printed excerpts from the material. If the lawyer asserts a claim against the columnist for invasion of right to privacy, the plaintiff will most likely', A. 'prevail, because the apprentice's action was an unlawful invasion of private facts.', B. 'prevail, because the publication was not newsworthy.', C. 'not prevail, because what the columnist printed was true, thus establishing there was no "false light. "', D. 'not prevail, because the columnist was not involved in the burglary and did not conspire with the apprentice with respect to the burglary.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1212:

'A gambler learned that a friend of his was planning a vacation to visit some casinos. The gambler, who was an avid college football fan, approached his friend. The gambler explained that he wanted to place a bet with a sports-betting agency that his beloved team would win the college football championship the next year. The gambler further explained that he had read that the odds of his team winning the football championship next year were listed as 100-1, and he wanted to place a \$1,000 bet on his team. The gambler told his friend that he would pay him for his efforts. After further discussion, the gambler wrote up the following agreement: "I hereby promise to pay my friend \$100 if he will place a \$1,000 bet for me that my favorite team will win the college football championship next year. The bet is to be placed at my lucky casino sports book. I further promise to pay my friend an additional \$100 within 30 days after the bet is placed. "Since the gambler knew his wife would be angry if she found out about the bet, the gambler included a clause that the friend promised not to tell anyone about the bet. After both the gambler and his friend signed the agreement, the gambler gave him \$1,100, representing \$1,000 to place the bet and \$100 as the initial payment for the friend's efforts. The friend then went on vacation. Shortly after arrival, the friend attempted to place the bet for the gambler. However, the friend discovered that the gambler's lucky casino had recently closed its sports book. The friend then entered another casino next door and discovered that they had a sports book, also offering 100-1 odds on the gambler's favorite team winning the college football championship the next year. The friend placed the bet with the other casino's sports book. After returning from his vacation, the friend gave the betting slip to the gambler. Nothing more was said until 30 days later, when the friend asked the gambler when he was going to receive the final \$100. The gambler then refused to pay anything more to the friend. In a breach of contract action by the friend to collect the \$100, which of the following, if true, is the gambler's best defense?'. A. 'The contract was void ab initio, because the contract could not be performed in its entirety within the span of one year.'. B. 'The friend's placing the \$1,000 bet at the other casino instead of at the gambler's lucky casino constituted a material breach of contract, thereby relieving the gambler of any further contractual obligations under the terms of their agreement.'. C. 'While on vacation, the friend told his girlfriend about the \$1,000 that he bet on the gambler's behalf.'. D. 'Since the gambler's lucky casino no longer had a sports book at which to place the bet, all contractual obligations would be suspended under the doctrine of frustration of purpose.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: B

=====

Question 1213:

'A center and a quarterback were 14-year-old eighth graders at the local high school. They were both members of the school's junior varsity football team. The center weighed 170 pounds and was stocky in build. The quarterback was lanky and weighed about 145 pounds. The center and the quarterback often engaged in friendly tests of strength, such as arm wrestling and weight lifting contests, to see who was stronger. One afternoon, both youngsters were in the school gymnasium getting ready for football practice. As they were putting on their football uniforms, the center turned to the quarterback and said, "Hey, weakling, why don't you punch me in the chest with your best shot?" The quarterback replied, "No, I'm afraid I might hurt you. " The center then said, "Are you kidding? You can't hurt me. C'mon, give me your best shot. " The center stood up, stuck out his muscular chest, and prepared to have the quarterback hit him. The quarterback proceeded to cock his fist and then punched the center in the chest as hard as he could. Immediately thereafter, the center slumped to the floor, gasping for air. Realizing that the center was seriously hurt, the quarterback tried to render assistance but to no avail. Seconds later the center stopped breathing and died. Unknown to either the center or the quarterback, the center had a defective heart and suffered a heart attack as a result of the blow to the chest. In a wrongful death action, the quarterback will likely', A. 'be held responsible, because he committed a battery by hitting the center in the chest.', B. 'be held responsible, because the center's consent was ineffective.', C. 'not be held responsible, because the center's consent was effective.', D. 'not be held responsible, because the quarterback delivered the punch with greater strength than the center anticipated.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1214:

'An elevator company installed an elevator in an apartment building. Under the terms of its contract with the owner of the apartment building, the company agreed to carry out regular monthly inspections of the elevator and to make all necessary repairs. The elevator was installed in the apartment complex in January. For the next 10 months, the company made regular inspections. However, starting in November, the company began to have some difficulties with its employees and failed to send inspectors out for three successive months. On February 20, a woman went to visit her friend, who was a tenant on the 20th floor of the building. The woman used the intercom to call up to the friend, who buzzed to unlock the front door so that the woman could enter the building. The woman headed to the elevator. When the doors opened, several people were already inside the elevator, apparently having entered the elevator from the parking garage below the building. One of the people in the elevator was a man who acted shifty and nervous. By the 12th floor, only four persons were left, including the woman and the man. At that floor, the other two people left, leaving the woman and the man alone on the elevator. Apprehensive at finding herself alone with such an unkempt stranger, the woman pressed the 13th floor button, intending to step out and hoping to find other persons on that floor. Unfortunately, the elevator stalled, and came to a stop between the 12th and 13th floors. The woman's fears were justified, as the man suddenly grabbed at her purse. When the woman resisted, the man struck her, and she fell unconscious. When the woman recovered consciousness, she found herself in a hospital with a concussion and multiple contusions on her body. She later learned that the elevator had remained stalled for 50 minutes. Thereafter, it moved to the 20th floor, where she was found by her friend, who took her to the hospital. Two weeks later, the police arrested the man and found the woman's purse in his possession. This was the first assault that had occurred in the apartment building. The elevator's stalling was caused by a defective cable that a routine inspection would have discovered. If the woman brings suit against the owner of the apartment building for negligence, she will most likely', A. 'recover, because she was an invitee of a tenant in the building.', B. 'recover, because the owner would be vicariously liable for the company's failure to inspect the elevator.', C. 'not recover, because the woman was negligent in failing to exit the elevator on the 12th floor when the other occupants exited the elevator.', D. 'not recover, because there had been no previous assaults in the apartment building.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: B

Question 1215:

'In a jurisdiction using the grantor ■■■grantee indices, the following events have occurred in the order listed below:(1) In 1993, a woman mortgaged a tract of land to a mortgage company to secure a note for \$25,000, due on December 31, 1993, with 9/2 percent interest per annum. (2) In 1996, the mortgage company recorded the mortgage on the tract of land. (3) In 2007, in a signed writing, which the woman delivered to her daughter, the woman promised to convey the tract of land to her daughter by quitclaim deed and pay the mortgage debt when it came due. (4) In 2008, the woman delivered to the daughter a quitclaim deed that made no reference to the mortgage. If the woman thereafter defaulted on the mortgage debt, which of the following is probably correct?', A. 'Only the daughter has a cause of action against the woman.', B. 'Only the mortgage company has a cause of action against the woman.', C. 'Both the daughter and the mortgage company have causes of action against the woman.', D. 'Neither the daughter nor the mortgage company has a cause of action against the woman.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1216:

'In which of the following situations is the defendant most likely guilty of manslaughter?', A. 'A defendant was a guide on a nature walk in a national park. The group was traversing a mountainous path when a mountain lion suddenly appeared. The defendant, who was carrying a loaded gun, knew that mountain lions and coyotes were in the area. The defendant saw that the mountain lion was about to attack one of the hikers. Although the defendant could have easily shot and killed it, he did nothing. The wild animal pounced on the hiker. As she was being savaged, the defendant and the other members of the group ran to safety.', B. 'A defendant, a registered nurse, asked her friend out to lunch. While eating, the friend suddenly began choking on a chicken bone. The defendant did nothing to help her friend. The friend choked to death.', C. 'A defendant, a physician, was walking home from his office one afternoon when he saw a car hit a man who was trying to cross the street. The victim was knocked to the ground and seriously injured, while the car sped away. The defendant, who could have saved the man's life if he had treated him, continued walking home without rendering assistance. The man died from loss of blood.', D. 'A defendant took his four-year-old daughter out in the yard to play. As they were playing catch, the telephone began to ring. The defendant ran into the house to answer the phone. While he was inside, the daughter's ball rolled into the street. As she went to retrieve it, the daughter was struck and killed by a car.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1217:

'On June 1, an owner of a business that built mobile homes was visited by a representative of a company that manufactured propane tanks. Propane tanks were an essential component of the mobile homes produced by the builder. The representative told the owner that the company could supply propane tanks at \$50 per tank, a substantial savings over what the owner currently paid for propane tanks. The owner asked if the company could supply 1,000 propane tanks by the end of the month, and the representative assured him that they could. The owner stated that he would think about it and decide what to do within a week. On June 3, the owner sent the following memo to the company headquarters at the address provided by the representative: "I am happy to confirm my order of 1,000 propane tanks, to be delivered by June 30. I have always received a 10 percent discount for cash payment, so I will assume you will grant me the same discount. I will have \$45,000 cash ready to give to your representative at the time of delivery. "On June 30, the company delivered 1,000 propane tanks to the owner. The representative accompanied the delivery and presented the owner with a bill for \$50,000. The owner refused to pay any more than \$45,000. Which of the following accurately states the legal rights of the parties?', A. 'The contract price was \$45,000, because the June 3 memo was an effective integration of their agreement.', B. 'The contract price was \$45,000, because the company did not specifically object to the 10 percent discount stipulated by the owner in his June 3 memo.', C. 'The contract price was \$50,000 if the discount term in the owner's June 3 memo materially altered the terms of the company's offer.', D. 'The contract price was \$50,000 even though the company's offer did not expressly limit acceptance to the terms contained therein.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 1218:

'A store owner noticed that an expensive electronic device was missing from the store. He assumed that a shoplifter had taken it. Later that day, the store owner was cleaning up the small room in the back of the store that the employees of the store used to store their personal items while they were at work. The store owner was straightening up the coat rack in the back room, when he accidentally knocked one of the employee's coats off the hanger. As the coat fell onto the floor, the missing electronic device fell out of the pocket of the coat. It was still in its original packaging, and the store owner checked the serial number on the package to confirm that it was the device missing from the store's shelves. The store owner knew that the coat belonged to a woman who worked as a cashier in the store. The store owner felt bad, but decided that he had no choice but to call the police. Two police officers arrived at the store. They gathered information from the store owner, who signed a criminal complaint against the woman. The officers then discussed the matter with the woman. Although she denied stealing anything, the officers arrested her and informed her that they would need to take her to the police station. After the police took the woman away, another employee of the store found out that the woman had been arrested. That employee immediately went to the store owner and admitted that he was actually the one who had stolen the device, and that he had hidden it in the woman's coat, intending to retrieve it later before the end of the woman's work shift. The store owner promptly called the police and told them that there had been a mistake and that the theft charge against the woman was invalid. The police released the woman, who spent a total of approximately 30 minutes in police custody. If the woman asserts a claim for false imprisonment against the arresting officers, will the woman prevail?'. A. 'Yes, because the woman had not committed a crime at the time she was arrested.'. B. 'Yes, because the woman was arrested and held in custody.'. C. 'No, because the woman was detained for only 30 minutes.'. D. 'No, because the officers had probable cause to arrest the woman based on the store owner's complaint and honest belief that the woman had stolen the device.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1219:

'A pilot was flying his small plane when he experienced engine trouble and was forced to make an emergency landing. He landed the plane safely in a large yard behind a home located in a relatively remote area. Unfortunately, when he disembarked from the plane, he was attacked and injured by two large dogs kept by the homeowner to discourage trespassers. The homeowner, who had seen the plane land, had ordered the dogs to attack. Several months earlier, the homeowner had posted large signs around the perimeter of the yard warning of the dogs. Does the pilot have a viable claim against the homeowner for battery?', A. 'No, because the homeowner had provided adequate warning.', B. 'No, because the pilot was a trespasser.', C. 'Yes, because the pilot can invoke the privilege of necessity.', D. 'Yes, because the pilot could not reasonably have been expected to see the warning signs posted by the homeowner.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1220:

'On March 1, a homeowner hired a landscaper to landscape his front yard. On March 25, as the landscaper was almost finished with the work on the front yard, the homeowner said to the landscaper, "I'm very pleased with your work to date. If you are willing, I would like you to landscape my backyard, on the same terms and conditions as our existing contract, the work to be completed by May 1. If you can meet that deadline, I'll pay you \$10,000 at that time. " The landscaper replied, "Agreed. Let's shake hands on it. " They shook hands. What is the probable legal effect of the landscaper's promise on March 25 to landscape the backyard?', A. 'The landscaper's promise created an enforceable unilateral contract.', B. 'The landscaper's promise created an enforceable bilateral contract.', C. 'The landscaper's promise was voidable, since it was not in writing.', D. 'The landscaper's promise was illusory, thereby creating an unenforceable contract.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1221:

The defendant was an off-duty police officer who frequently worked security at concerts on his free time. One night, he was working backstage security for one of his favorite bands when he noticed a groupie sneak in the back door, pick up a guitar, and begin to walk out with it. He drew his service revolver and exclaimed, "Stop or I'll shoot!" The groupie looked at him and then fled. The defendant fired at the fleeing groupie, fatally wounding her. Use of force was not authorized by the concert promotion company that employed him. On these facts, if the defendant is charged with murder, he should be found', A. 'guilty', B. 'not guilty, because the killing constituted justifiable homicide.', C. 'not guilty, because the killing constituted excusable homicide.', D. 'not guilty, because the defendant warned the groupie before he fired his gun.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1222:

'A homeowner awoke one night and observed a thief stealing chickens from his backyard chicken coop. He thought he saw a gun but could not tell for sure. While the thief was exiting with a sack of chickens, the homeowner got his hunting rifle and shot him dead. The authorities charged the homeowner with homicide. At the trial, he defended on the basis that he was in fear for his safety, and was legally authorized to use deadly force to defend his dwelling and person from the illegal threat. Is the defense to homicide valid under these facts?', A. 'Yes, he was authorized to use deadly force where he reasonably believed that the thief had a gun and would harm him.', B. 'No, because it is not reasonable to use deadly force to prevent the theft of the chickens.', C. 'No, because a homeowner can never legally use deadly force to stop a theft.', D. 'Yes, because a dwelling owner can always use deadly force to protect his property and person from an illegal trespasser or thief.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1223:

'An owner took his car to an auto mechanic to have the oil changed. When he returned to pick up his car later in the day, the mechanic told him the charge was \$1 The owner objected and said the charge was excessively high. The mechanic indicated that the amount was reasonable and showed the owner a price listing substantiating the charge. As the two men were arguing, the mechanic excused himself to answer the telephone in the rear of his shop. While the mechanic was on the phone, the owner got into his car and drove off without paying the servicing charges. If the owner is subsequently charged with larceny, he should be found', A. 'not guilty, because the car was his own property.', B. 'not guilty, if the jury finds the servicing charge to be excessively high.', C. 'guilty, if the jurisdiction has a statute making theft of services a crime.', D. 'guilty, because he took the car without the mechanic's consent.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1224:

'A state law imposes penalties for "any public statement containing false or misleading information about a service or product." An airline falsely claimed in an advertisement that its competitor had an inferior safety record. The claim was based on erroneous information, found on the website of a nonprofit consumer advocacy group, that the airline assumed to be true. The airline was charged under the state law for making a false statement. No federal statute applies. Which of the following best supports the airline in a defense based on the First Amendment?', A. 'Its statement about the safety record was made without malice.', B. 'Its statement about the safety record was protected noncommercial speech.', C. 'The state law is a prior restraint.', D. 'The state law is overbroad.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: D

Question 1225:

'Sarah Student was a third-year law student who had just purchased the Primer Series MBE Review program. She was studying in the law library and decided to take a short refreshment break. When she returned to her study desk ten minutes later, her Primer Series was gone. She ran into the student lounge and announced, "I will pay \$20 to anyone who identifies the dirty bum who took my Primer Series MBE Review books." Donna Doubtful saw Terry Thief pick up Sarah's Primer Series books, but did not believe Sarah would actually pay her the \$20, if she made the identification. Thus, Donna went up to Sarah and said, "I know the identity of the thief and promise to tell you, but I want the \$20 in advance." The effect of Donna's statement is to', A. 'Create a unilateral contract.', B. 'Create a bilateral contract.', C. 'Create no contract.', D. 'Create a contract which is defeasible unless Donna makes the required disclosure within a reasonable period of time.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 1226:

'A defendant entered a bar and ordered a beer. The bartender politely told the defendant he would have to wait until two other patrons were served. The defendant became irate and pulled out a small penknife. Although the defendant intended only to frighten the bartender, he accidentally nicked the bartender's arm with the penknife. The bartender's arm became infected, and he died from gangrene two months later. The most serious crime that the defendant can be convicted of is', A. 'battery.', B. 'involuntary manslaughter.', C. 'assault with a deadly weapon.', D. 'murder.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1227:

'A waitress sued her former employer, a restaurant, under Title VII in federal court. She claimed that the owner had sexually harassed her and then caused her wrongful termination. A jury returned a verdict of \$100,000 for the former employee. Two weeks after the court entered judgment on the verdict, the employer filed a motion to dismiss under Fed. Rule 12(b)(6), claiming that it did not have at least 15 employees as required by the definition of an "employer" under the civil rights statute. The employer claimed that there was therefore no federal subject-matter jurisdiction. The lower court agreed, dismissed the case and voided the judgment. On appeal to the U.S. Circuit Court of Appeals, will the appellate court likely uphold the lower court's decision?', A. 'Yes, because a challenge to jurisdiction can be made at any time, even after judgment has been entered, and here the jurisdictional requirement was missing.', B. 'Yes, because an appellate court has no authority to reverse a lower court's finding that there was no subject-matter jurisdiction.', C. 'No, because a judgment entered on a jury verdict can never be changed or attacked after a judgment is entered.', D. 'No, because this is a challenge to the existence of a cause of action, i.e., the failure to state a claim, which does not go to jurisdiction and cannot be raised post-judgment.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1228:

'A defendant was arrested one morning by a police officer for the attempted murder of the victim. The defendant had allegedly fired three shots at the victim, a physical education teacher, in the schoolyard of an elementary school. Immediately after the arrest, the arresting officer advised the defendant of his Miranda rights. The defendant responded that he would not make any statement until he consulted his attorney. Within minutes, a patrol car arrived and the defendant was taken into the car to be transported to the police station. The arresting officer sat in the front, next to the driver, and the defendant sat alone in the back seat, with his hands cuffed. On the way to the station, the driver stated to the arresting officer, "I hope that the gun involved in this crime doesn't get into the hands of those small children, because one of them could be seriously injured, to say the least. " The defendant interrupted the officers and told them where to look in the schoolyard for the abandoned gun. As a result of this information, the police found the gun where the defendant said it was. What is the state's best rebuttal to the defendant's argument that the gun was illegally seized?', A. 'The defendant was not entitled to be re-warned of his Miranda rights in the patrol car.', B. 'The defendant was not interrogated in the patrol car.', C. 'The defendant waived his right to consult counsel.', D. 'The seizure of the gun was not the fruit of the defendant's statement.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1229:

'A seller contracted to manufacture 1,000 toasters for a buyer for a specified price. The contract contained a provision that clearly stated: "This contract may not be assigned, and any violation of this prohibition voids the contract." After the contract was signed, the seller informed the buyer that the toasters would be manufactured by a competitor of the seller. Citing the non-assignment provision, the buyer claimed that it was no longer bound by the contract. Toasters manufactured by the competitor were of equal quality to toasters manufactured by the seller. Is the buyer bound by the contract?', A. 'No, because "this contract may not be assigned" means that duties may not be delegated, and the seller delegated a duty.', B. 'No, because the seller assigned a right despite the contractual prohibition.', C. 'Yes, because even though the seller breached the contract, there are no damages since the competitor's toasters are of equal quality to the seller's toasters.', D. 'Yes, because the non-assignment provision is not enforceable since public policy favors free assignment and delegation.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 1230:

'One evening, an undercover narcotics agent, with the help of a confidential informant, met with a man. The man took the agent to the home of a drug dealer, who sold the agent four pounds of marijuana. At trial, the drug dealer claimed the defense of entrapment and demanded that the informant's identity be disclosed and that he be produced. At no time prior to trial did the drug dealer seek to subpoena the man. However, the man was a fugitive from justice the whole time, and no subpoena could have been served. The government claims a right to protect the informant's identity. Should the government's claim be honored?', A. 'Yes, because an informant has a Fifth Amendment privilege against self-incrimination.', B. 'Yes, because informants would not assist in crime prevention unless they were reasonably certain that their identities would be kept secret.', C. 'No, because under the Fifth Amendment, a defendant has the right to be confronted by witnesses against him.', D. 'No, because under the Sixth Amendment, a defendant has the right to a fair trial.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1231:

'An ex-con who had just been released from prison approached two men and asked if they wanted to take part in a bank robbery. The two men both agreed. The ex-con went ahead and planned the robbery. As part of his scheme, the ex-con stole a van, which he intended to use as the getaway vehicle. According to the ex-con's plan, he would pick up the two men in the van on Friday morning and drive over to the bank where the robbery would occur. The ex-con instructed his cohort that he would be the getaway driver and wait in the van while they entered the bank, armed with shotguns. However, the day before the robbery was to take place, the excon was arrested on a parole violation for carrying a concealed weapon and was taken into custody. The two men, nevertheless, decided to carry out the robbery using the van that the ex-con had stolen. On Friday morning, the two men drove to the bank. When they entered, an undercover police detective was waiting and arrested the two men, as the police had received an anonymous tip regarding the robbery earlier that morning. The ex-con should be found guilty for which of the following crimes?', A. 'Automobile theft and solicitation.', B. 'Automobile theft and conspiracy.', C. 'Automobile theft and attempted robbery.', D. 'Automobile theft, conspiracy, and attempted robbery.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1232:

'A bank loaned a company \$1,500,000 for the manufacture of a widget control system. As a condition of the loan, a majority shareholder in the company agreed in writing to personally guarantee the loan. Thereafter, the company defaulted on the loan and entered into a repayment agreement with the bank. This agreement provided that the bank would "use maximum efforts in selling the company's assets at the highest possible price." The bank proceeded to sell the company's assets, discharging the indebtedness of the widget company. Later, it was ascertained that the bank did not realize the "highest possible price" in administering the sale of the company's assets. Consequently, the shareholder was forced into bankruptcy and lost her entire investment in the company. The shareholder brings an appropriate action against the bank to recover her investment in the company. She will most likely', A. 'not prevail, because the shareholder was an incidental beneficiary of the bank's sale of the company's assets.', B. 'not prevail, because the bank's sale of the company's assets discharged whatever contractual relationship existed between the shareholder and the bank.', C. 'prevail, because the bank did not realize the highest possible price from the sale of the company's assets.', D. 'prevail, because the bank breached its fiduciary duty to the shareholder under the terms of the contract between the bank and the company.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1233:

'A man, his brother and his friend all discuss murdering the man's neighbor because the neighbor took some shots at the man's dog but he missed. They agree on a plan. They decided on strychnine poisoning, which the friend told them how to get and they went and got it. When they asked the friend to go forward in poisoning the victim, he refused, saying, "I'm was only here for planning and advice, but I never intended to commit murder." The man and his brother took the poison to a meeting with the neighbor, but he wouldn't drink. They were caught and arrested. The statute requires an overt act for criminal conspiracy. Which of the following most accurately states the criminal responsibility of each of the three men?', A. 'The man and his brother have committed criminal conspiracy and attempted murder.', B. 'The man and his brother are guilty of conspiracy but not attempted murder.', C. 'The man and his brother are guilty of conspiracy and attempted murder, but the friend is guilty of nothing.', D. 'The man and his brother are guilty of conspiracy and attempted murder, and the friend is guilty of criminal conspiracy.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 1234:

'A patient entered the hospital to have a simple appendectomy. She signed a simple consent form allowing an appendectomy to be performed, and giving the surgeon the right to respond to any life-threatening conditions that required immediate surgical intervention . During surgery, the surgeon performed a full hysterectomy because he felt that it would be a sound medical procedure under the circumstances, even though no emergency existed. The patient sued the surgeon. An expert testified that the surgeon committed no negligence in performing the operation. Does the patient have a valid theory of recovery against the surgeon?', A. 'No, she cannot recover where there is no negligence by the surgeon.', B. 'Yes, she can claim a lack of informed consent as to the hysterectomy.', C. 'No, her consent implied that the doctor could perform any other procedures that were necessary.', D. 'Yes, she can recover on a theory of trespass beyond the bodily parameters.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1235:

'A homeowner conveyed his property to his cousin "for life, with remainder to (the homeowner's) heirs. " Later, the cousin conveyed the property to a farmer "for as long as he would continue to farm the property. " After the cousin's death, the homeowner's heirs brought suit against the farmer to quiet title. Which common law doctrine would be most applicable in the court's determination of the ownership of the property?', A. 'Rule in Wild's Case.', B. 'Doctrine of Destructibility of Contingent Remainders.', C. 'Doctrine of Worthier Title.', D. 'Rule against Remainders in the Grantees' Heirs.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1236:

'A county owns a large expanse of land next to the ocean. Four years ago, in order to enhance the recreational aspects of this land, the county leased most of it to a company. The lease required the company to construct and operate a first-rate luxury hotel ■■■complete with bar, restaurant, and private marina ■■■and to pay the county 15% of its net profits as rent. The company set up management and operations bylaws for its new hotel, which were reviewed and approved by the county at the time the lease was negotiated. Upon completion of the facilities, the state granted the company a license to sell alcoholic beverages in its restaurant and bar. The hotel announced that the least expensive room was \$1,000 per night. Much of the population in the county cannot afford to stay at the new hotel. One resident who cannot afford to pay the hotel fees brings an action against the company, claiming that the high fees operate to discriminate against the poor, in violation of the constitutional right to equal protection. What is the most likely result of this action?', A. 'The company will lose because social class constitutes a suspect classification under the equal protection clause.', B. 'The company will win, because hotel privileges are not an important or basic enough deprivation, for those unable to pay for them, to be held to violate equal protection.', C. 'The resident will win because all public rights cannot be limited to those who can afford them.', D. 'The resident will win because discrimination against poor people violates the equal protection clause of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1237:

'A state has recently enacted a statute requiring all prospective voters in state elections who wish to write-in a candidate to print the candidate's full name, and designate the office for which the candidate is running. The statute provides that such information must be written on the ballot in ink in an appropriate space. A write-in candidate is a German-American and is of the opinion that he needs a large turnout of German voters in order to win the election. As a result, his campaign manager decides to mail to every registered German voter a tear-off sticker, which bears the candidate's name and office for which he is running. Since many native German people are not proficient in reading and writing English, the campaign manager believes that many of the voters will have difficulty writing the candidate's name and office on the ballot. As a result, the campaign manager has mounted an extensive media campaign to inform voters on how to apply the stickers to the ballot. Five months prior to the election an election official notifies the candidate's campaign committee that the tear-off stickers do not comply with the state statute. In her letter, the official explains that state election officials are of the opinion that it is necessary for potential voters to write the candidate's name in ink. Therefore, she concludes that the stickers do not comply with statutory requirements. Three weeks later, the candidate filed suit in federal district court against state election officials, claiming that their interpretation of the state statute violates the U. S. Constitution. Which of the following sets forth the strongest constitutional argument the candidate could make against the interpretation of the statute by the state officials?', A. 'It unreasonably discriminates against German voters who lack a proficiency in the English language.', B. 'It unreasonably discriminates against write-in candidates for public office.', C. 'It unreasonably interferes with the exclusive federal election power as embodied in the Fifteenth Amendment.', D. 'It unreasonably interferes with the 1965 Voting Rights Act outlawing literacy tests.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1238:

'A woman from State A filed an action against a retailer in a state court in State B. The complaint alleged that the retailer had not delivered \$100,000 worth of goods for which the woman had paid. Twenty days after being served, the retailer, which is incorporated in State C and has its principal place of business in State B, filed a notice of removal in a federal district court in State B. Was the action properly removed?', A. 'No, because the notice of removal was not timely filed.', B. 'No, because the retailer is a citizen of State B.', C. 'Yes, because the parties are citizens of different states and more than \$75,000 is in controversy.', D. 'Yes, because the retailer is a citizen of both State B and State C.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1239:

'A buyer purchased a shovel at a local hardware store. The shovel had a metal blade and a wooden handle. While the buyer was using the shovel to dig out a tree stump in his back yard, the handle broke in half, causing the buyer to fall and injure his back. The buyer brought a negligence claim against the manufacturer of the shovel. He proved that the shovel broke because of a manufacturing defect that made the handle too weak and that the manufacturer acted unreasonably in allowing this to happen. While conceding that the handle had a defect that caused it to break, the manufacturer established that if the buyer had been using the shovel carefully, he would not have fallen down and would not have been injured when the shovel broke. Assume that the case is governed by the law of a jurisdiction that follows traditional contributory negligence rules. Who is most likely to prevail?', A. 'The buyer, because the manufacturer conceded that the shovel was defective.', B. 'The buyer, because the manufacturer failed to exercise reasonable care in the production and inspection of its product.', C. 'The manufacturer, because the manufacturer did not guarantee that the shovel would never break.', D. 'The manufacturer, because the buyer's negligence in the way he used the shovel was one of the causes of his injury.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1240:

'A city has adopted the following ordinance which provides:"Section 1: It shall be unlawful for any person, group, or organization to hold a meeting of 50 persons or more in any city park without first securing a city permit;Section 2: The application shall specify the day and hours for which the permit is sought. The fee shall be \$10 per hour, with a maximum fee of \$50;Section 3: Permits shall be issued on a first come basis; provided that the chief of police shall deny any application if, after hearing the applicant, it is his considered judgment that (a) the meeting would create serious traffic congestion, or (b) interfere with public enjoyment of the park, or (c) speakers at the meeting would advocate the commission of crime. "A religious fundamentalist who believes that other religions should be violently resisted, planned to hold a protest demonstration against other religions at a city park on July 25. Although his previous anti-religion protest rallies attracted fewer than 25 demonstrators, he decided to apply for a permit pursuant to the city's ordinance. After meeting with the fundamentalist, the chief of police denied his permit application because he believed that the demonstration would incite the protestors and threaten imminent violence or serious disorder. On July 25, the fundamentalist and his fellow demonstrators staged their protest at a city park. The rally attracted only about 20 protestors and was conducted peacefully. As he was making his final remarks to the gathering, the city police arrived at the park and arrested him and his fellow demonstrators charging them with violating the city ordinance. If the fundamentalist now brings suit to challenge the constitutionality of Section 3 of the city ordinance, his best argument would be that', A. 'the section is void for vagueness and overbreadth.', B. 'the section is content based.', C. 'the section permits the police chief to exercise unbridled discretion in approving or disapproving permits.', D. 'the section does not fall within the area of compelling state interest.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 1241:

'A man needed to have the oil changed on his car. On Friday, he decided to take his car to the local dealership to have the oil changed and asked his neighbor if she would give him a ride home from the dealership. The neighbor said, "Why pay the high prices a dealership will charge you? I can change the oil in your car for you. If you will agree to pay me \$50, I'll change the oil in your car over the weekend. "

The man readily agreed. On Sunday afternoon, the man noticed that his neighbor still had not started working on the car. He asked his neighbor if the car would be ready for him to drive to work Monday morning. The neighbor replied, "I thought about it and realized \$50 is too low a price for the work involved. I don't think I'm going to change the oil in your car. " The man then said, "Look, I realize \$50 is low for the work involved. If you can change the oil in my car by tomorrow morning, I'll pay you an additional \$25. And I won't sue you in small claims court for your failure to perform your promise. " The neighbor then changed the oil late Sunday afternoon, but the man refused to pay to the neighbor anything more than \$50. In a suit by the neighbor to recover the additional \$25 promised by the man, the neighbor will', A. 'win, because she performed her part of the bargain.', B. 'win, because the second contract for \$75 superseded the original \$50 contract.', C. 'lose, because the \$75 contract did not supersede the \$50 contract.', D. 'lose, because the neighbor had a pre-existing duty to change the oil in the car for \$50.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1242:

The Evergreen State University charges resident students \$1,200 per year and nonresident students \$4,800 per year in tuition. The University considered a student a "nonresident" if the student's primary residence was outside the state at any time during the previous school year. Imma Grant transferred from Sunshine State University to Evergreen State in her junior year, and paid nonresident tuition. She filed a declaratory judgment action against the Evergreen Registrar to have her considered a resident and asked for no money damages. Fourteen groups filed amicus briefs in support of Imma, advocating a change in Evergreen's protectionist regulation. Now that she is a senior, and spent the previous year within Evergreen so she is thus now considered a resident student. The federal court should', A. 'Dismiss the suit as moot.', B. 'Dismiss the suit, because Imma lacked standing to sue initially.', C. 'Hear the case if it appears that Ms. Grant is diligently prosecuting the matter.', D. 'Hear the case due to the amicus interests.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1243:

'A man was at a pub drinking beer and playing darts with a group of friends. Quite intoxicated, the man left the bar around midnight. He was staggering down the street when the defendant approached him from behind. The defendant took out a stick, stuck it against the man's back and told the man to give him his wallet or he was going to shoot him. Frightened, the man fainted and fell to the pavement. The defendant reached into the man's pants pocket and stole his wallet. The defendant is guilty of', A. 'attempted robbery.', B. 'robbery.', C. 'larceny.', D. 'assault and larceny.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1244:

'A defendant and a classmate were students at a state college. They were spending a leisurely afternoon listening to music in the defendant's dorm room. They had just consumed a six-pack of beer when the classmate asked the defendant if there was anything else to drink. The defendant indicated there wasn't and suggested that his classmate drive to the store and buy another six-pack. The classmate told the defendant that his car wasn't working and asked the defendant if he could borrow his. The defendant assented and gave his classmate the keys to his car. The defendant knew that the classmate was drunk when he lent him his car. The classmate was driving to the store at an excessive rate of speed. As he approached an intersection, he was traveling at 70 M. P.H. When he came to the intersection, the light turned red. The classmate, who made no effort to stop in time, drove through the red light and collided with another car. The driver of the other car, who had entered the intersection with a green light, was killed in the accident. In the event that the defendant can be convicted of manslaughter, it will most likely be upon the basis of', A. 'responsibility for the accident as an accomplice.', B. 'recklessness in lending his car to his classmate.', C. 'joint venture in lending his car to his classmate for a common purpose.', D. 'vicarious liability for the conduct of his classmate.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1245:

'A grantor conveyed her mansion and surrounding property to her nephew "for life, remainder after (the nephew's) death to his heirs." Two years later, the nephew entered into a real estate agreement for the sale of the property to his brother, whereby the nephew agreed to convey the premises to the brother in fee simple absolute. Prior to the settlement date, the brother contacted the nephew, telling him that he would not perform his part of the agreement because the nephew could not convey a fee simple. The Rule in Shelley's Case has been abolished by statute in this jurisdiction. Thus, the nephew's prayer for specific performance would be', A. 'denied, because the Rule would not be triggered, thus creating only a life estate in the nephew.', B. 'granted, because the remainder in his heirs would become vested into a full fee in those heirs.', C. 'granted, because the nephew's heirs receive a vested indefeasible interest in the property.', D. 'denied, because under the Doctrine of Worthier Title, at the termination of the nephew's life estate, the grantor has a reversionary interest.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1246:

'A wife and husband are married and own a dairy as tenants by the entirety. If the wife transfers her interest in the dairy by quitclaim deed to her aunt without the husband's knowledge, what interest, if any, does the aunt have?', A. 'No interest.', B. 'An undivided one-half interest with right of survivorship.', C. 'An undivided one-half interest without right of survivorship.', D. 'A lien against the entire property.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1247:

'A state passed a statute stating that it will pay for one-half of the tuition for any student attending a private school, whether religious or secular, as long as the school meets the educational requirements established by the department of education. The parents of two students who attend a public high school in the state sue for a declaratory judgment and injunction in federal court, claiming that the state statute violates the establishment clause of the First Amendment. Assume that the federal court decides to hear the case on its merits. Which of the following is the state's LEAST persuasive argument for sustaining the validity of the statute?', A. 'The state statute benefits the parents or guardians of all the children in private schools, religious and nonreligious.', B. 'The primary effect of the state statute is not to advance or inhibit religion.', C. 'The administration of the state statute by the department of education does not foster excessive governmental entanglement with religion.', D. 'The state statute is a valid exercise of state regulatory action in the field of education.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1248:

'A landowner owned a 10-acre tract of land, in fee simple. The tract was located in a small town. In 1974, the landowner conveyed the tract to the town development association "on condition that a ski lodge and resort area be built thereon and the land be used solely for skiing purposes and, in the event that said property is not used as a ski resort, the property shall revert to myself, the grantor, my heirs or assigns. " Subsequently, a ski lodge was built and the land was continuously used as a ski resort for more than 20 years. In 1979, a neighbor, owner of a farm abutting the northeast corner of the 10-acre tract, began to use a portion of the 10-acre tract for ingress and egress to his farm. He used this access road openly, visibly, and notoriously until 2000. The period of prescription in this particular jurisdiction was 20 years. In March 2000, the neighbor decided to sell the farm to a skier. Thereupon, the neighbor and the skier entered into a written real estate sales contract, with closing set for May 1, 2000. On April 1, 2000, the president of the town development association was approached by the skier with the request that a written easement be given over the used area and that an appropriate instrument be delivered to the skier concurrently with the skier's closing with the neighbor. Following the president's meeting with the skier, the town development association held a duly announced meeting and voted unanimously to authorize its trustees to grant such an easement. On April 15, 2000, the landowner died. The landowner's sole descendant and successor in interest was his wife. Upon her husband's death, the wife immediately notified the town development association that if it granted the easement to the skier, the 10-acre tract would revert to her. The skier then brought an appropriate action, joining the neighbor, the wife, and the town development association, seeking a declaratory judgment that the neighbor has a perpetual easement appurtenant to the 10-acre tract. In this action, judgment should be in favor of which of the following parties?'. A. 'The wife, because the skier could not obtain rights against the town development association by prescription.'. B. 'The wife, because the easement would violate the negative restriction that the landowner originally sought to impose.'. C. 'The skier, because the neighbor had already obtained an easement by prescription.'. D. 'The skier, because the language of the conveyance to the town development association was too vague to support any claim by the wife.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1249:

'A professor owned a building in a city. The building had a commercial space on the first floor, with two apartments above it; one on the second, and another on the third floor. Several years ago, a teacher, in a signed writing, entered a three-year lease agreement with the professor. The teacher agreed to pay \$800 monthly rent for the third-floor apartment in the professor's building. The original three-year term had long since expired, but the teacher has continued to pay his rent, and the professor continued to accept it. The professor rented the first floor to a restaurateur, who opened a sushi restaurant there. Within months, there was a citywide hookworm epidemic that was traced to the consumption of raw fish. The city council, in an attempt to protect the public from the parasites, passed an ordinance prohibiting all sushi restaurants from operating in the city. The restaurateur was forced out of business. She locked the doors and left a sign in the window: "Closed until further notice. "Within weeks, rats were attracted to the odor from the fish that was left in the restaurant, and the building became infested with them. The teacher could not tolerate the rats and served notice on the professor that he was moving to another city and has not been heard from since. The teacher's best defense is that the professor, by permitting the restaurateur to store the fish in the closed restaurant, caused a', A. 'partial constructive eviction.', B. 'partial actual eviction.', C. 'constructive eviction.', D. 'breach of implied covenant of habitability.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1250:

'A truck and a car collided at an intersection. Both drivers were injured, and each one filed a lawsuit against the other for negligence. At trial, the jury found each of the drivers liable for negligence. The jury found that the amount of the truck driver's injuries was \$10,000, and the amount of the car driver's injuries was \$8,000. The jury assigned 50 percent of the fault for the accident to the truck driver and 50 percent of the fault to the car driver. Assume that the jurisdiction has a statute in effect that provides: "Contributory negligence shall not bar recovery in an action to recover damages for negligence resulting in injury to person or property if such negligence was not as great as the negligence of the person from whom recovery is sought. Any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person who is seeking recovery. "Which of the following is the appropriate judgment in the case?', A. 'The truck driver recovers \$10,000, and the car driver recovers \$8,000.', B. 'The truck driver recovers \$5,000, and the car driver recovers \$4,000.', C. 'The truck driver recovers \$1,000, and the car driver recovers nothing.', D. 'Neither party recovers anything from the other.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1251:

'A man, a woman, and their son went to their neighbor's house. The man intended to take back some tools that he believed were his and that the neighbor was keeping unlawfully. The woman believed that the tools were the man's, and she intended to help the man take them. When the son learned that the man and the woman were going to break into the neighbor's home, he decided to accompany them. The son planned to find some items inside that might be worth taking. Arriving at the neighbor's home, the man opened the front door, which was closed but unlocked. Upon entering, the son went to the neighbor's upstairs bedroom and found a watch, which he took. In the meantime, the man and the woman went to the garage and began rummaging through the neighbor's tools. The man found the tools, which he seized. The three of them then left the neighbor's home. In this jurisdiction, burglary is defined as the breaking and entering of any structure with the intent to commit a felony therein. Which, if any, individuals should be found guilty of conspiracy?', A. 'The man, the woman, and the son.', B. 'The man and the woman.', C. 'The woman and the son.', D. 'None.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1252:

'A 2-week-old baby had developed a severe case of jaundice. A pediatrician informed the infant's father that unless his daughter received immediate medical treatment, she would die. The father, who was very religious, refused to permit the pediatrician to administer the necessary treatment. He explained that his faith in his religion would restore his daughter to good health. As a consequence, the pediatrician sought an order from the state court, where the father was present, permitting the pediatrician to provide the necessary medical treatment to the infant. Which of the following is the father's strongest constitutional argument against the court order?', A. 'The order violates the due process clause of the Fourteenth Amendment.', B. 'The order violates the equal protection clause of the Fourteenth Amendment.', C. 'The order violates the free exercise clause of the First Amendment, as incorporated by the Fourteenth Amendment.', D. 'The order violates the privileges or immunities clause of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1253:

'A truck driver was making deliveries for his employer. After telling his employer by phone that he was going for lunch and getting approval, he pulled into the entrance of a restaurant where he intended to have his usual 30- minute lunch break. While entering the parking lot, the driver carelessly ran over and seriously injured a pedestrian. The injured person sued the driver and the driver's employer for negligence in causing her injuries. Is the employer liable?', A. 'Yes, because of the doctrine of vicarious liability.', B. 'Yes, because the employer owned the truck.', C. 'No, because the employee was not within the scope of his employment.', D. 'No, because liability cannot be imputed from one person to another.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1254:

'A city entered into a small-cost construction contract with a construction company whereby the latter obligated themselves to perform certain minor sewer repair work. Two months after completion of the work, the company sued the city for its failure to pay under the terms of the contract. At trial, the company's construction supervisor who personally oversaw all the repair work was called to testify. He sought to testify about the amount of sewer pipe used, the number of hours required to complete the job, and the number of workers employed by the company during the construction repair work. The defendant's attorney objected on the grounds that the company routinely recorded such factual information in their log books, which were in the company's possession. As a consequence, the supervisor's testimony should be ruled', A. 'admissible, because it is based on firsthand knowledge.', B. 'admissible, because it is a report of regularly conducted business activities.', C. 'inadmissible, because such testimony would be violative of the best evidence rule.', D. 'inadmissible, because no evidence was introduced to show that the original log records are not available for examination.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1255:

'One night, a victim was in her home when she heard the doorbell ring. When the victim opened the door, she was confronted by three defendants. They pushed the victim inside her house and threatened her with bodily harm if she didn't cooperate. After tying her up with ropes, the trio then proceeded to ransack the victim's home. They then placed many of the victim's valuables and other possessions into a large sack and hurriedly left her house. What crimes should the defendants be convicted of?', A. 'Assault, battery, and robbery.', B. 'Larceny, robbery, and burglary.', C. 'Robbery and burglary.', D. 'Robbery only.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1256:

'A landowner owned a large building in the city. On January 15, the landowner leased the building to a tenant for a period of 20 years at a rental of \$10,000 per month. The leasehold agreement between the landowner and tenant provided that the latter was not permitted "to assign this lease to anyone except a corporation with an **■**A' credit rating from a well-known credit rating company." On February 1 of the following year, the tenant leased the premises to a corporation that did not have the required credit rating. The tenant **■**corporation lease was for a period of five years, with a rental of \$15,000 per month, payable by the corporation to the tenant. In addition, the corporation agreed to abide "by all of the terms and conditions of the lease between the landowner and tenant." Which of the following accurately states the legal effect of the non-assignability clause contained in the landowner **■**tenant leasehold contract?', A. 'The non-assignability provision had no legal effect.', B. 'The non-assignability provision made the assignment from the tenant to the corporation ineffective.', C. 'The tenant-corporation lease did not effectuate a breach of the landowner **■**tenant contract.', D. 'Although the tenant-corporation lease constituted a breach of the landowner **■**tenant contract, the landowner would nevertheless be required to recognize the validity of the transfer (of the premises) to the corporation.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1257:

'A company contracted with a builder to construct a new corporate headquarters for a fixed price of \$100 million. At the time of the contract, structural steel was widely available and was included in the contract as a \$6 million item. Before work began on the project, tornado damage shut down the production facility of the biggest structural steel supplier in the country, and the price of structural steel increased by 20% as a result. The builder informed the company of the steel price increase, and the parties then orally agreed to increase the project price to \$101 million. The builder proceeded with construction and delivered the project on time. The company paid the builder \$100 million but refused to pay the additional \$1 million. If the builder sues the company for \$1 million, is the builder likely to prevail?', A. 'No, because the modification was never reduced to a writing signed by the party to be charged.', B. 'No, because there was no consideration for the modification of the contract.', C. 'Yes, because the company's promise was supported by consideration.', D. 'Yes, because the modification was fair and equitable in view of the unanticipated increase in the price of structural steel.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 1258:

The defendant was walking down the street when he saw a woman struggling with a man over a briefcase. Unbeknownst to the defendant, the woman had just stolen the briefcase from the man on the street. Believing the woman to be the victim of an attack, the defendant intervened and punched the man until the woman was able to get away with the briefcase. Confused as to why he wasn't being hailed as a hero by the woman, the defendant eventually realized that he had been an unwitting accomplice to the woman's theft. The defendant apologized profusely to the man and went home. According to the alter ego rule, which of the following statements is correct with respect to the amount of force that the defendant was entitled to use in the woman's defense?'. A. 'Since the defendant did not stand in any personal relationship with the woman, he was not justified in using force in her defense.'. B. 'Not knowing the true facts, the defendant was not justified in using force to protect the woman because the man was privileged to recapture his briefcase.'. C. 'The defendant was justified in using reasonable force in the woman's defense, since he reasonably believed she was in immediate danger of unlawful bodily harm from the man.'. D. 'The defendant was justified in using reasonable force in the woman's defense, since his belief that she was in immediate danger of unlawful bodily harm from the man was both objectively and subjectively reasonable.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: D

Question 1259:

'A defendant hated a victim and decided to kill him. The defendant put a loaded gun in his coat pocket and went outside for a walk, not sure if and when he may see the victim. The defendant passed by a bar and decided to go inside for a drink. While in the bar, he drank several bottles of beer and became intoxicated. While walking home from the bar, the defendant bumped into the victim. As soon as the defendant recognized him, he pulled out his gun and shot and killed the victim. In this jurisdiction, first-degree murder is defined as a premeditated and deliberate killing. All other forms of murder are second-degree murder. The defendant is guilty of', A. 'first-degree murder.', B. 'second-degree murder.', C. 'involuntary manslaughter.', D. 'voluntary manslaughter.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1260:

'A state recently imposed a one cent tax on the playing of any coin-operated video game in any restaurant. Since virtually all of the video games required a payment of either a dime, quarter, or dollar, the imposition of this tax required a major costly adaptation on each video game to allow for the deposit of the additional one cent tax. Although many video game owners have complained about the video game tax, their only alternative is to absorb the tax themselves and lose one cent per game. As a consequence of the tax, fewer video games are purchased by the restaurant owners. No manufacturer of video games is located in the state. Which of the following is most likely to have standing to bring suit challenging the constitutionality of the video game tax bill in an appropriate federal court?', A. 'A manufacturer of video games who is attempting to sell them to a restaurant owner in the state.', B. 'A state resident who frequently plays video games at restaurants.', C. 'A national video game association whose members travel to the state to play video games at restaurants.', D. 'The director of the state's youth organization who wants to provide video games that only play for free at recreation centers within the state.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1261:

The buyer asked a manufacturer to make him 100,000 widgets for \$1,000,000. The buyer intended to retail them by mail order sales. The widgets had to have the buyer's logo imprinted on them. The manufacturer ordered the raw material and made a new widget mold that contained buyer's logo. The buyer wanted quick delivery of at least 10,000 right away. The manufacturer rushed the order and sent 10,000 conforming widgets two days later. The buyer paid for the widgets but rejected delivery on the remaining 90,000 widgets. The manufacturer filed suit and claimed damages for breach of contract.

Defendant buyer filed a motion to dismiss the complaint on the basis that the statute of frauds was violated in that it was a contract for over \$500 that was unenforceable under state law. Will the court likely grant the motion to dismiss?', A. 'Yes, the statute of frauds must be enforced when it involves goods over \$500.', B. 'Yes, the manufacturer did not protect its interests by agreeing to an oral contract and it must pay for its bad business practices.', C. 'No, because there is an exception for goods that are specially made for a buyer.', D. 'No, the law will enforce the "benefit of the bargain" rule.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1262:

'A newspaper printed an article stating that a local doctor was afflicted with a venereal disease and had volunteered for a program studying the various cures for the disease. The article was false, and was printed without adequate research. The doctor sued the newspaper company, claiming damages per se. The paper defended on the basis that this was a public interest article, that the paper was not reckless or malicious in its investigation and reporting, and that the doctor could not prove any special damages. Will the court adopt the defense reasoning and dismiss the case for failure to state a claim?', A. 'Yes, the doctor is a professional figure in the community and he must accept the risk of false reporting, especially where he cannot prove any special damages.', B. 'Yes, the newspaper is allowed to make mistakes as long as there is no malice, and the case must be dismissed as a matter of law.', C. 'No, this fits the requirements for slander per se and there is a valid claim of malice stated against the paper.', D. 'No, this fits the requirements for libel per se, which is so inflammatory that the doctor does not have to prove special damages.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1263:

'A man has four German shepherd dogs that he has trained for guard duty and that he holds for breeding purposes. The man has "Beware of Dogs" signs clearly posted around a fenced-in yard where he keeps the dogs. The man's next-door neighbor frequently walks past the man's house and knows about the dogs' ferocity. One summer day, the neighbor entered the man's fenced-in yard to retrieve a snow shovel that the man had borrowed during the past winter. The neighbor was attacked by one of the dogs and was severely injured. In a suit against the man, is the neighbor likely to prevail?', A. 'No, because the neighbor knew that the man had dangerous dogs in the yard.', B. 'No, because the neighbor was trespassing when he entered the man's property.', C. 'Yes, because the neighbor was an invitee for the purpose of retrieving the shovel.', D. 'Yes, because the man was engaged in an abnormally dangerous activity.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1264:

'A defendant had an argument with his neighbor. As they were quarreling, the defendant pulled out his penknife intending only to frighten the neighbor. The defendant accidentally slightly nicked the neighbor's arm with the knife. Unknown to the defendant, his neighbor was a hemophiliac who then died from the cut. What is the most serious crime that the defendant can be convicted of?', A. 'Murder.', B. 'Voluntary manslaughter.', C. 'Involuntary manslaughter.', D. 'Battery.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1265:

"Two college students were members of the same fraternity. During a fraternity party, the defendant pulled out a gun, pointed it at the other student and said, "Beg for your life, sucker. " The student, who knew that the defendant had a reputation as a practical joker, said, "Get lost, you jerk. " The defendant then pulled the trigger and shot the student to death. A statute in this jurisdiction provides: "Any intentional and premeditated killing with malice aforethought is murder in the first degree. Murder in the second degree is any killing that occurs during the commission or attempted commission of a serious or inherently dangerous felony. Manslaughter includes all other types of unlawful homicide and unjustifiable killings. "The defendant was subsequently prosecuted for killing the student. At trial, the defendant testified that a fellow fraternity member gave him the gun before the shooting and told him that it was unloaded. If the jury believes the defendant, it should find him', A. 'guilty of assault, but not murder or manslaughter.', B. 'guilty of manslaughter.', C. 'guilty of second-degree murder.', D. 'guilty of first-degree murder.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 1266:

'Defendant is on trial. Which of the following, if occurs, would NOT cause a due process violation in the trial?', A. 'The trial is conducted in a way that jurors would not be able to give evidence reasonable consideration.', B. 'The defendant is compelled to stand trial in street clothing.', C. 'The defendant is compelled to stand trial or appear at penalty phase proceedings visibly shackled (unless there are security concerns).', D. 'Jurors are exposed to influence favorable to the prosecution.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1267:

'A man is the owner of record of a parcel of land designated as "A. " It is the highest of three neighboring properties on a mountain. The man's friend is the owner of parcel "B," which is situated lower than "A" on the mountainside. The man's cousin owns parcel "C," which lies below parcels "A" and "B" on the mountain slope. In 2000, the man who originally owned all three parcels of land constructed a private drainage system. This system consisted of an underground pipeline that extended across all three parcels of land. Sewage from parcel "A" drained through the system to a municipal sewer, which was located at the bottom of the mountain. In 2005, the man sold parcel "B" to his friend. The following year, the cousin purchased parcel "C" from the man. The deeds to the friend and the cousin did not contain any mention of the man's drainage system. Located on each of the parcels are large ranch-style homes occupied by the respective owners. From the standpoint of the friend and the cousin, the drainage system would most likely be defined as a(an)', A. 'easement appurtenant.', B. 'easement by implication.', C. 'prescriptive easement.', D. 'express easement.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1268:

'A pet store owner opened a store in a new town. She was not aware that the city council had recently passed a law prohibiting the sale of cats and dogs from a retail pet store. The statute had a provision that allowed the pet store to give space to a non-profit humane society to adopt animals from the pet store. The owner sued the city in federal court, claiming a violation of due process and equal protection under the Fourteenth Amendment. The court used the rational basis test to conclude that the statute served a legitimate state interest and was enforceable. The pet store owner appealed the decision. Will the appellate court likely affirm the decision of the lower court?', A. 'Yes, because the pet store owner was not treated differently than any other pet store owner.', B. 'Yes, because the correct test requires only that the law in question will satisfy any set of facts that could establish a rational basis for achieving legitimate government ends.', C. 'No, the pet store owner has a vested constitutional right to earn a living and that is unreasonably precluded by the law in question.', D. 'No, because this ordinance is so invidiously discriminatory that it must pass the strict scrutiny test, which it fails to do.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1269:

'A football player was the star fullback for the local college football team. After missing two practices, the football player was dropped from the team by the head football coach. Following his dismissal, the football player met with the coach and asked if he could rejoin the team. The coach said that the football player was despised by the other players and under no circumstances could he return to the team. As the football player was leaving the coach's office, feeling very dejected, the coach then said to him, "Hope you decide to transfer, because everybody hates your guts around here. "Later that same evening, the football player wrote a suicide note in which he stated, "The coach is responsible for my despondency. If I can't play football, I don't want to live. " After swallowing a bottle of Quaalude barbiturates, the football player fell unconscious in his dormitory room. Moments later, the football player's roommate entered the room and saw his limp body on the floor. The roommate read the suicide note and then attempted to administer aid. Failing to revive him, the roommate picked up the football player and carried him to the college's first aid center. The football player received prompt medical attention and soon recovered from his drug overdose. If the football player asserts a claim against the coach based on intentional infliction of emotional distress, the football player will most likely', A. 'prevail, because the coach intended to cause him to suffer emotional distress.', B. 'prevail, because the coach's remark did, in fact, cause the football player to suffer emotional distress.', C. 'not prevail, because the football player's drug overdose resulted from his own voluntary act.', D. 'not prevail, because the coach acted reasonably under the circumstances, since everyone on the team hated the football player.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1270:

'A girlfriend lived with her boyfriend in a small apartment. The boyfriend was a gun enthusiast who kept a collection of antique pistols and firearms in the apartment. The boyfriend was also an avid baseball fan and had a fanatic devotion to his favorite team. One evening, the boyfriend was watching his beloved team play their archrival on television. His favorite team lost in extra innings. After the game, the boyfriend became despondent and told his girlfriend that he was so disgusted that he was going to kill himself. The boyfriend took one of the pistols from his gun collection and shot himself in the head. As the boyfriend fell to the floor, wounded, his girlfriend couldn't believe her eyes. At first she thought that she should call 911 for an ambulance. But she was afraid that the police might think that she was responsible for the shooting. Consequently, she decided to do nothing. She proceeded to leave the apartment and spent the night at her mother's home. The boyfriend did not immediately die from the gunshot wound. A subsequent medical examiner's report concluded that the boyfriend died from loss of blood approximately two hours after the shooting. If the girlfriend had sought immediate medical assistance, the boyfriend would have lived. The girlfriend is subsequently prosecuted for her boyfriend's death. She should be found', A. 'guilty of first-degree murder.', B. 'guilty of second-degree murder.', C. 'guilty of involuntary manslaughter.', D. 'not guilty, because she had no legal duty to render assistance.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1271:

'During a paternity trial, the mother's attorney asks to have the baby girl, now 36 months old, exhibited for the purpose of calling attention to certain facial resemblances between the child and the reputed father. The defendant's attorney objects to the offering of the baby into evidence for comparison. The trial judge should', A. 'permit the child to be exhibited as a non-objectionable form of demonstrative evidence.', B. 'not permit the child to be exhibited, because such an exhibition would be highly prejudicial to the defendant.', C. 'permit the child to be exhibited as within the hearsay exception of pedigree.', D. 'not permit the child to be exhibited, because such an exhibition would be self-serving to the complainant.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: B

Question 1272:

'A man was visiting his friend at the friend's cabin. The man decided to surprise the friend with some fireworks, so he purchased some fireworks and hid them under his friend's chair on the friend's porch. That evening, the friend went outside to smoke and dropped his unfinished cigarette next to his chair on the porch. The cigarette ignited the fireworks, and the fireworks immediately exploded, causing extensive damage to the friend and to his cabin. The man was arrested and is being prosecuted for arson. Will the man be found guilty of arson?', A. 'No, because the man never intended to hurt the friend.', B. 'No, because the man did not intend to burn down the cabin and was not guilty of wanton and willful misconduct.', C. 'Yes, because the man indirectly set fire to the friend's cabin.', D. 'Yes, because the injury to the friend and to his cabin was the natural result of the man's actions.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 1273:

'A man and a woman are adjoining landowners in an area of large estates located in the "chateau" region of southeastern Louisiana. In 2000, the man inherited his estate from his father, whose family had owned the property continuously since 1812. The woman purchased her estate in 2008. The man had a stable, which housed many valuable racing horses, on his property. The stable, built in 2002, stood on a portion of the man's land located only 10 feet from the border of the woman's property. Not infrequently, putrid stench arose from the man's property, caused by large accumulations of horse manure, which were left unattended. The woman had often complained to the man of the noises and odors emanating from the stable. The woman brought an appropriate action to enjoin the man's use of the stables. Judgment is likely to be for whom?', A. 'The man, because the woman moved onto her property after the stable had been built.', B. 'The man, because a homeowner is entitled to make reasonable use of his property.', C. 'The woman, because the noise, coupled with the odors, substantially interfered with the use and enjoyment of her land.', D. 'The woman, because the man was negligent in permitting the manure to be left unattended.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1274:

'A father conveyed a parcel of real estate to his three daughters by a warranty deed. The deed recited that the title was conveyed to the three siblings "as joint tenants with the right of survivorship, and not as tenants in common." One of the sisters, during the lifetime of all three, conveyed an "undivided one-third interest" to a third party. The third party died, leaving a will that bequeathed her one-third interest to her son. Is the son's ownership interest enforceable in the face of the claim by the two non-selling sisters that they own 100% of the property pursuant to the law regarding joint tenancies?'. A. 'No, because each joint tenant owns an equal and undivided interest in the whole of the property, making invalid the sister's attempted conveyance of a one-third interest.'. B. 'Yes, only a will can create a joint tenancy; the deed was invalid for that purpose and resulted in a tenancy in common by operation of law.'. C. 'Yes, because the conveyance severed the joint tenancy, and the third party took a one-third interest that she could pass by will to her son.'. D. 'No, because the selling sister did not take steps to get a court order to sever the joint tenancy prior to conveying a deed to a third party.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1275:

'During an ice storm, a man's car slipped down an embankment and became lodged against a large tree. The man called a towing company and told the company's manager that the car was 100 feet down the embankment. "That's lucky," said the manager, "because our winch only goes 100 feet." After the manager and the man agreed on a price, an employee of the company attempted to reach the car but could not because the car turned out to be 120 feet down the embankment. Is the towing company's performance excused on the grounds of mistake?', A. 'No, because both parties were uncertain about the distance.', B. 'No, because the towing company assumed the risk by the manager's failure to examine the distance himself.', C. 'Yes, because at the time of contracting, both parties were mistaken about a basic assumption on which the contract was based.', D. 'Yes, because the agreement did not allocate the risk of mistake to either party.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1276:

'A plaintiff sued a defendant in federal court for injuries arising out of an accident involving the parties. The plaintiff alleged and presented evidence at trial demonstrating that her injuries had left her legs permanently paralyzed. The jury found in favor of the plaintiff and awarded her \$5 million in damages. Two months after the court entered judgment, the defendant was given a videotape made that day showing the plaintiff jogging with her doctor. What is the best way for the defendant to seek relief from the judgment?', A. 'Move for a new trial or in the alternative for remittitur to reduce the award in light of the shortened duration of the plaintiff's injuries.', B. 'Move for relief from the judgment on the ground that the judgment was based on the jury's mistaken belief that the plaintiff's injuries would be permanent.', C. 'Move for relief from the judgment on the ground that the plaintiff committed a fraud in obtaining damages for permanent injuries.', D. 'Move for relief from the judgment on the ground that there is newly discovered evidence that the plaintiff's injuries were not permanent.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1277:

'A hotel guest suffered personal injuries from a fire started by an arsonist. The hotel had no sprinkler systems or smoke detectors. After settling with the hotel, the guest sued the manufacturer of the carpet that was in her room and elsewhere in the hotel. The carpet caused the fire to spread rapidly due to its easy flammability. Evidence proved that the manufacturer knew of the product's flammability and that it would be used in buildings lacking proper safety measures. The manufacturer argued that the hotel's negligence and the criminal act of the arsonist were both superseding causes, thus abrogating the manufacturer's liability as a matter of law. How did the trial court most likely rule on that issue?', A. 'The intervening causes relieved the manufacturer of liability.', B. 'The intervening causes did not relieve the manufacturer of liability.', C. 'The intervening causes were irrelevant due to the strict liability of the manufacturer.', D. 'By not suing the arsonist first, the guest waived her right to sue the manufacturer.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1278:

'A retailer agreed to purchase an orchard's total cherry production for a 12-month period. The contract included this provision: "Terms: Cash upon delivery ■■ deliveries to be made at least twice per month." The deliveries went as scheduled. At the beginning of the fifth month, the orchard sent notice to the retailer that a load of cherries was ready for pick up. The truck driver, however, forgot to take the retailer's check with him. The orchard turned over the cherries but advised the retailer to pay within three days. The retailer sent the check by mail but it arrived late by two days. The orchard refused to deliver any more cherries. The retailer sued the orchard for breach of the installment contract and demanded the difference in price between the cherries on the open market and what he would have paid under the contract. The orchard claimed that the delayed payment impaired the value of the contract and moved to dismiss. Will the court grant the orchard's motion to dismiss?', A. 'Yes, the agreement called for cash at delivery, which was not done when the driver forgot to deliver the check.', B. 'Yes, the failure to make an installment on time was a breach because time is of the essence in all installment agreements.', C. 'No, there is always a grace period of ten days for any single payment pertaining to an installment contract.', D. 'No, the delay in one payment under these facts was not enough to impair the value of the contract under the Uniform Commercial Code.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1279:

'Client has an estate that reads "To A on condition that if drugs are ever used on premises, B shall have the right to reenter and retake the premises." What is NOT true about this kind of estate?', A. 'It is a fee simple determinable, and title ends automatically if drugs are used.', B. 'It is a fee simple subject to condition subsequent, which requires a reentry first before title can end.', C. 'Estate does not revert automatically.', D. 'Grantor must exercise right of reentry.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1280:

'A defendant was arrested and charged with burglarizing a pharmacy. The break-in allegedly occurred late one evening after the store had closed for business. The defendant was identified as the perpetrator of the crime by a film that was recorded during the burglary from a hidden camera. When the defendant was apprehended, he denied involvement in the crime and told the arresting officers that he had been out of town when the burglary occurred. Prior to trial, the defendant's court appointed attorney filed a motion requesting discovery of the videotape film that was recorded during the perpetration of the crime. The trial judge granted the request and ordered the prosecution to send a duplicate copy of the videotape to the defendant's attorney. Following the judge's ruling, the prosecuting attorney, pursuant to state law, then filed a discovery motion specifically asking the defendant whether he planned to raise an alibi defense. The prosecuting attorney also sought discovery of the identity of such an alibi witness.

Assume that the judge requires the defendant to respond as to whether the defendant intends to raise an alibi defense. May the judge also require the defendant to disclose the identity of the alibi witness?', A. 'Yes, because the prosecution should have an opportunity to investigate the merits of the alibi.', B. 'Yes, because the defendant waived any claim of privilege when he sought discovery of the film from the prosecution.', C. 'No, because by requiring the defendant to reveal information before he is tactically ready to do so substantially impairs his ability to successfully defend himself.', D. 'No, because such disclosure constitutes an implied representation that is testimonial in character and, thus, violates the defendant's privilege against self-incrimination.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1281:

'A builder wanted to have security systems installed in a series of homes he was building. He contacted several companies and asked them to submit bids for the installation work. An alarm company decided to submit a bid and, in turn, requested bids from several wholesalers for the burglar alarms it planned to use if it was awarded the job. A supplier submitted a bid to the alarm company that the latter used in computing the bid that it was preparing for the builder. On September 1, the alarm company sent the builder its bid, in which it proposed to install the security systems for \$100,000. On September 9, the supplier notified the alarm company that it would be unable to supply any burglar alarms to them. On September 11, the builder sent the following fax to the alarm company: 'I hereby accept your offer to install the security systems for \$100,000. "The alarm company had to pay another wholesaler \$10,000 above the price quoted by the supplier for the burglar alarms. As a result, the alarm company advised the builder that the total price for the job would have to be increased to \$110,000. The builder replied that he would hold the alarm company to the initially agreed price of \$100,000. The alarm company installed the security systems, but the builder has not yet paid them anything. In an action by the alarm company against the builder for services rendered, the alarm company will probably be able to recover', A. '\$100,000, because that was the contract price.', B. '\$110,000 because of an unanticipated change of circumstances after the parties had entered into their contract.', C. 'only in quantum meruit, because of the doctrine of commercial frustration.', D. 'only in quantum meruit, because by demanding \$110,000 the alarm company repudiated its contract with the builder.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1282:

'Max entered a mini-mart store, pulled out a gun, and demanded that the cashier empty the register. As he nervously looked around for police, the cashier reached out and attempted to grab the gun. Max then dropped the gun, which accidentally discharged, killing a nearby customer. Max is charged with first degree murder. He will likely be', A. 'Acquitted, because he lacked the necessary intent required for first degree murder.', B. 'Acquitted, because the cashier's actions were the proximate cause of the death.', C. 'Convicted, because any death that is a natural and probable consequence of a felony is first degree murder.', D. 'Convicted, because intent to commit serious bodily harm is assumed when a deadly weapon is used.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1283:

'A man committed a series of heinous crimes, including a kidnapping, that took him across state lines and violated federal law. He was convicted and received a life sentence. The felon, however, was pardoned by the President of the United States, who was a childhood friend. A great hue and cry ensued, and the talking heads on television proclaimed that legislation was needed to prevent such injustice again. Would such legislation be constitutional?', A. 'No. While what the president did wasn't a good idea, the Constitution expressly grants the President an unqualified power to pardon.', B. 'Yes, under Article I.', C. 'Yes, under Article II', D. 'Yes, because Congress can put limits on the pardon power.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1284:

'Kendall and Thornton agree to form a partnership, but both agree that only Kendall will manage the business and make all business decisions and execute all contracts with third parties. After that time, Thornton then enters into a long-term service contract for the partnership with Clark, who does not know of the internal agreement. The contract of Thornton with Clark is', A. 'enforceable, as the partners' agreement cannot withhold statutory authority of a general partner to bind the partnership.', B. 'enforceable, as Clark has no knowledge of Thornton's lack of authority.', C. 'unenforceable, as Thornton is unauthorized to execute the contract by the partner agreement.', D. 'unenforceable, as Clark had an obligation to confirm Thornton's authority prior to entering into a service contract with the partnership.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1285:

'Fourth-grader Billy Bully started a fist fight with 10-year-old Jack DeLong. Billy thought Jack was a weakling, but Jack had been working out with weights and knew karate. Ike Intervenor, a large 25-year-old who knew neither party, strolled around the corner of the block in time to see Jack strike Billy twice. Billy fell back and Jack stepped forward to strike him again. Ike thought Jack was the aggressor and to protect Billy, Ike threw Jack into the bushes, accidentally breaking Jack's arm. Jack brought suit against Ike for his damages. Ike's best defense is', A. 'He thought Jack was the initial aggressor.', B. 'Billy had a valid defense if Jack sued him.', C. 'The force Ike used was not excessive.', D. 'He had no intention of injuring Jack, only to stop his beating of Billy.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1286:

'A woman and her 4-year-old son were Christmas shopping at a toy store. The toy store sells a complete array of toys, games, dolls, hobbies, and crafts. The items were displayed on a variety of tables and shelves, which were easily accessible to the customers. While the woman was walking down one of the aisles, her attention became focused on a doll that was prominently exhibited on an overhead display shelf. When the woman approached the doll display, she reached up to grab the doll. As she did so, the woman failed to see a baseball lying on the floor. She tripped over the baseball and fell down, fracturing her hip. If the woman asserts a claim against the toy store for her injuries, will the doctrine of res ipsa loquitur apply on the issue of whether the toy store was negligent and responsible for the baseball being on the floor?', A. 'Yes, because the woman was a business invitee on the premises of the toy store.', B. 'Yes, because the toy store was in control of the premises at the time of the accident.', C. 'No, because another customer may have caused the baseball to be on the floor.', D. 'No, because the baseball was an intervening act that cuts off the toy store's liability.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1287:

'At a defendant's trial for drug dealing, a prosecution witness testified that he had heard the defendant telling a group of people to come to the defendant's house because he had "a great crop of apples for sale." The prosecutor then called and qualified a drug enforcement agent as an expert in how drug dealing is conducted. The prosecutor now seeks to have the expert testify that in her opinion, based on years of experience with drug dealers, the defendant's statement about the apples was code for his having drugs for sale. Should the expert's opinion be admitted?', A. 'No, because an expert must base his or her opinion on scientific or technical data, not merely on experience.', B. 'No, because the opinion is based on the criminal actions of others engaged in drug dealing, and thus is substantially more unfairly prejudicial than probative.', C. 'Yes, because the opinion is based on her specialized knowledge, and it will assist the trier of fact in understanding the evidence and determining facts in issue in the case.', D. 'Yes, provided that the expert first testifies about the specific information upon which she based her view that the defendant was using "apples" as a code word to refer to drugs.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1288:

'An elderly married couple was shopping in a crowded retail store. The husband was several feet ahead of his wife when she saw him slip and lose his balance. He was able to prevent a fall by holding onto a counter. Wife saw something sticky on a wide part of the floor but became disoriented by seeing her husband slipping and gripping the counter. With other shoppers behind her, she stepped forward and fell on the wet floor, breaking her hip, and requiring extensive complicated surgeries. She sued the store for negligent maintenance. She proved through discovery that the retailer did not clean the mess soon enough and did not put up a warning sign. The store filed a motion for summary judgment pursuant to Fed.R.Civ.P. 56, alleging that the wife voluntarily assumed the risk as a matter of law. The trial court agreed, ruling there was no issue of material fact in dispute for the jury to decide. On appeal, is it likely that the appellate court will reverse and remand for a new trial?', A. 'No, because wife proceeded to encounter a known danger voluntarily, thereby assuming the risk of injury as a matter of law and there were no material issues of fact for a jury to decide.', B. 'No, because even taking the facts in the light most favorable to the non-moving party under Rule 56, it is nonetheless clear that she knew there was a danger and she accepted the risk.', C. 'Yes, because there is evidence that raises a material issue of fact whether the wife was in an emergency where she did not have time to deliberate on whether to move forward.', D. 'Yes, because the store was strictly liable to the wife, who was a customer invited on the premises to do business and the store had to protect her.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1289:

'A state legislature has proposed a bill setting up a postal service. Under the proposal, the postal service would be established as a separate state agency under the direction of a postmaster general. The postal service would be responsible for the overnight or express delivery of official governmental mailings within the state. The bill further provides that all state government employees may utilize the overnight postal service at no charge for sending mailings to persons or corporations within the state. Assume that no other state has established such a postal service to date. Moreover, assume there is uncontradicted evidence that the establishment of such an independent state postal service will diminish the revenues of the U. S. Postal Service. Which of the following, if established, is the strongest argument in support of the proposed legislation?', A. 'Under the Tenth Amendment, a state has exclusive authority to regulate transactions that are wholly intrastate.', B. 'Since the proposed bill is not inconsistent with congressional postal power, it is valid under the supremacy clause.', C. 'State employees may be exempt from paying for mailing charges under intergovernmental immunity provided Congress has enacted a similar exemption for federal governmental employees.', D. 'There is a legitimate state interest in ensuring that governmental mailings are delivered expeditiously.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1290:

'After two men robbed a local bank, they left the bank and went in different directions with a plan to meet three days later at the train station. Two days after the robbery, one of the men was involved in an auto accident. The man was rushed to the hospital and taken to the x-ray room. A doctor positioned the man so that the x-ray technician would be able to take x-rays of his lower back area. Based on the man's complaints about the area of pain, the doctor stated, "It seems as if you might have a fractured pelvis. If you do, you'll have to stay in bed for several weeks. " The man responded that he couldn't do that because he had to meet the other man tomorrow. A technician who was in the room at the time overheard the man's response to the doctor. Subsequently, both men are charged with robbery and conspiracy. At the man's trial, as evidence of a conspiracy, the prosecution attempts to introduce the doctor's testimony that the man said, "I have to meet the other man tomorrow. " The defense objects. This evidence is', A. 'inadmissible, because it violates the physician- patient privilege.', B. 'admissible, because the technician overheard the conversation.', C. 'admissible, because of the nature of the man's statements.', D. 'admissible, because the statement was not confidential, under the circumstances.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1291:

'While on routine patrol, police officers observed a driver make an illegal U-turn. After stopping the driver's car, they observed him reach under the driver's seat. They ordered him out of the car and saw a cellophane package protruding from under the seat. The package contained a white powdery substance, which the officers suspected to be cocaine. The officers placed the driver under arrest and put him in the rear of their patrol car. They then proceeded to search the rest of the driver's car. In the trunk they found an assault rifle that was later determined to be the weapon used in a liquor store robbery. Charged with that robbery, the driver moved to suppress the assault rifle as evidence on the grounds that the police did not have a warrant to search the trunk. The best theory that the prosecution can use in support of the admissibility of the assault rifle as evidence is that', A. 'the police conducted an automobile search.', B. 'the police conducted an inventory search.', C. 'the search was incident to a lawful arrest.', D. 'the search was made under exigent circumstances.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1292:

'As a legislative aide to a U. S. Senator you are called upon to provide an analysis of the constitutionality of a bill pending congressional approval. The bill imposes a 15% tax upon the gross annual receipts from the sales of all birth control devices. The bill has the strong support of conservative and pro-life organizations. The stated purpose of the proposed measure is to raise revenue and spur population growth across the country. In your learned opinion, the proposed tax is probably', A. 'constitutional, because the fact that the tax applies to all sales of every type of birth control device invalidates any possible objection to the tax on the grounds that it violates the equal protection clause of the Fourteenth Amendment.', B. 'constitutional, because the fact that controversial policy motives may have induced the enactment of an otherwise reasonable measure calculated to raise revenue does not ipso facto invalidate the tax.', C. 'unconstitutional, because in inseverable aggregates, the domestic purchases and sales of birth control devices affect interstate and foreign commerce.', D. 'unconstitutional, because the tax burdens the fundamental right to privacy of users of birth control devices without establishing a compelling national interest for doing so.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1293:

'In 1993, a landowner had good record title to a vineyard in fee simple absolute. In 1994, the landowner delivered to his son, for a sum of \$1,000, a deed signed by the landowner, naming the son and his heirs as grantee, and appearing valid on its face. The son neglected to record the deed. In 1998, a farmer, aware of the existence of the landowner-to-son deed, sought out the landowner and asked to buy for \$10,000 a deed of the vineyard from the landowner to the farmer and his heirs. The landowner executed such a deed, and the farmer promptly recorded it. The farmer's intent was to acquire color of title and obtain ownership of the vineyard by adverse possession. In 1998, the farmer constructed a fence around the vineyard. In 1999, the son presented his deed of the vineyard to an investor and, for \$15,000, paid by the investor, signed and delivered a deed of the vineyard in favor of the investor and his heirs. After receiving the deed, the investor made no effort to search the title, to examine the property, or to record the deed. In 2003, a vintner paid the farmer \$20,000, and the farmer delivered to the vintner a deed of the vineyard in favor of the vintner and his heirs. The vintner had examined the property, had searched the title, and had no knowledge of the farmer's awareness of the prior landowner-to-son instrument. Although the vintner did not reside on the property, he regularly visited the vineyard twice a week. The vintner recorded his deed. In 2007, for \$25,000, paid by a farmer, the investor signed and delivered a deed of the vineyard naming the farmer and his heirs as grantees. Before the farmer had paid the investor and taken his deed, the farmer visited the vineyard and observed the fence. However, the vintner was not present when the farmer visited the property, and nothing suggested who if anyone was using it. In any case, the farmer did not attempt to search the title before making his purchase. The farmer then recorded the deed. This jurisdiction uses Grantor-Grantee Indices and has no Tract Index. In 2008, what is the present state of title to the vineyard if the jurisdiction's recording act provides: "Every conveyance of real estate which is not recorded is void against a subsequent purchaser in good faith for valuable consideration, whose conveyance shall be first duly recorded"?', A. 'In a race-notice jurisdiction, the farmer, as a subsequent bona fide purchaser, would acquire record title to the vineyard, because he was the last in time to record.', B. 'In a pure race jurisdiction, the farmer would acquire record title to the vineyard, because he purchased the property for value and recorded first in time.', C. 'In a race-notice jurisdiction, the vintner, as a subsequent bona fide purchaser without notice of the prior landowner-to-son instrument, would acquire record title to the vineyard, because he recorded his deed first in time.', D. 'In a pure race jurisdiction, the vintner, as a subsequent bona fide purchaser without notice of the prior landowner-to-son instrument, would acquire record title to the vineyard, because he recorded his deed first in time.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1294:

'A woman was in a public restroom at a mall. While the woman was at the sink, a man entered the restroom and told her not to make a sound. Frightened, the woman ran to an open window in the bathroom and jumped onto the fire escape. As she exited down the fire escape, the woman accidentally fell, bruising her legs. Which of the following crimes, if any, would the man most likely be convicted of?', A.

'Assault.', B. 'Battery.', C. 'Assault with intent to commit rape.', D. 'No crime.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1295:

'A man died in 1985. His will devised his estate in a Midwestern state to his son and daughter "to share and share alike as tenants in common. "At the time of their father's death, the daughter lived in a different part of the Midwestern state (in which the estate was located) while the son resided in a state in the Southwest. After the funeral, the daughter returned to her own residence, but the son decided to occupy the estate. He put his name on the mailbox and has paid the taxes and maintenance expenses. The daughter has been generally aware of this, but because she cared little about the estate, the daughter has never pressed her brother about the property. Since 1985, the daughter has not paid any rent or other compensation to her brother, nor has he requested such payment. In January 2010, a series of disputes arose between the son and daughter for the first time concerning their respective rights to the estate. The state in which the property is located recognizes the usual common law types of cotenancies and there is no applicable legislation on the subject. Now, the son claims the entire fee simple absolute title to the estate and brings an action against his sister to quiet title in himself. If the Midwestern states in which the property is located has an ordinary 20-year adverse possession statute, judgment should be for whom?', A. 'The daughter, because one cotenant cannot acquire title by adverse possession against another.', B. 'The daughter, because there is no evidence that her brother has performed sufficient acts to constitute an ouster.', C. 'The son, because the acts of the parties indicate the sister's intention to renounce her ownership rights to the estate.', D. 'The son, because during the past 25 years, the son has exercised the type of occupancy ordinarily considered sufficient to satisfy adverse possession requirements.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1296:

'A landowner, her aunt, and her brother are the owners of three contiguous lots. A downward slope exists from the landowner's land to the brother's land. The aunt, the owner in the middle of the three lots, was an amateur scientist. She began experimentation with electricity, using a lightning rod to conduct her experiments. Frequently, the electrical storms apparently originated in and over the area within which the brother's land is located. Because of this, the aunt would often angle her rod over the fence between her property and the brother's property to maximize her chances of success. After one entire rainy and windy season of experiments, the brother had grown tired of the aunt's lightning-rod intrusions because they interfered with his ham radio operations in his garage. The brother brought suit to enjoin such lightning-rod experiments. At trial, it was found that the aunt had been conducting her activities in the airspace directly above the brother's land. The court should', A. 'enjoin the aunt's experiments because they constitute an unreasonable interference with the space above the brother's land.', B. 'enjoin the aunt's experiments because one does not have the right to engage in such scientific experiment without permission.', C. 'not enjoin the aunt's lightning rod experiments if they were necessary to protect her property from the electrical storms.', D. 'not enjoin the aunt's experiments because the brother does not own the space above his land.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1297:

'Before the close of evidence in a federal negligence trial, the defendant submitted a proposed jury instruction on contributory negligence. Before instructing the jury, the judge informed the parties of the instructions she would give, which did not include the defendant's contributory negligence instruction or any instruction on contributory negligence. Neither party objected, either then or after the judge had given the instructions. The jury after the judge had given the instructions. The jury returned a verdict for the plaintiff, and the judge entered judgment on the verdict. The defendant would like to appeal the verdict on the ground that the judge should have instructed the jury on contributory negligence. Has the defendant preserved the issue for appeal?', A. 'No, because the defendant failed to object after the judge gave the instructions to the jury.', B. 'No, because the defendant failed to object after the judge informed the parties of the instructions she would give.', C. 'Yes, because the defendant submitted a proposed instruction on contributory negligence.', D. 'Yes, because the judge's failure to give the defendant's contributory negligence instruction amounted to a ruling on the instruction.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1298:

'A plaintiff sued the insurer of her home after the insurer denied coverage for water damage to the home allegedly caused by a frozen plastic pipe that burst. At trial, the insurer called as an expert witness an engineer, who testified that the pipe had burst because of age rather than freezing. On cross-examination, the engineer admitted that five years earlier, he had been convicted of tax fraud, even though he had asserted that it was his accountant's error. In response, the insurer calls a witness, who is well acquainted with the engineer and his reputation, to testify that (1) in the witness's opinion, the engineer is a truthful person, and (2) the engineer's neighbors all describe him as a truthful person. How much, if any, of the witness's testimony is admissible?', A. 'All of the testimony is admissible to support the engineer's credibility.', B. 'Only the portion concerning the engineer's reputation is admissible, because where both opinion and reputation evidence are available, only the latter is admissible under a rule of preference.', C. 'Only the portion concerning the witness's opinion of the engineer's character, because the witness's reporting of the neighbors' comments is hearsay.', D. 'None of the testimony is admissible, because it is collateral, having no bearing on the engineer's qualifications as an expert.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 1299:

'A rancher is the owner of a ranch that is situated upon the top of a mountain. Located below the ranch is an estate that is owned by a millionaire. A stream is a non-navigable watercourse that originates at the top of the mountain and runs all the way down into a valley. Both the ranch and the estate are within the watershed of the stream. When the millionaire purchased the estate in 1956, he started taking water from the stream and used it to irrigate the southern half of his property, which he has used as a farm. Prior to 1956, the southern half of the estate had been cleared and placed in cultivation, while the northern half remained wooded and virtually unused. The millionaire continued this established pattern of use and has never stopped using the water in this way. In 1986, the rancher built a home on the ranch and started taking water from the stream for domestic purposes. During that year there was heavy rainfall, and this caused the stream to run down the mountain at a high water level. However, in 1987, a drought caused the stream to flow at a very low level. Consequently, there was only enough water to irrigate the millionaire's farmland or, in the alternative, to supply all of the rancher's domestic water needs and one-quarter of the millionaire's irrigation requirements. The mountain is located in a jurisdiction where the period of prescription is 15 years. The rancher is continuing to take water for his personal needs and there is insufficient water to irrigate the estate. The millionaire then brings an appropriate action in 1996 to declare that his water rights to the stream are superior to those of the rancher. In addition, the millionaire moves to have the full flow of the stream passed to him, notwithstanding the effect it might have on the rancher. If this state follows the common law of riparian rights, but does not follow the doctrine of prior appropriation, judgment should be for whom?', A. 'The rancher, because as an upstream landowner, he would have superior rights to the water than a downstream owner.', B. 'The rancher, because domestic use is superior to and is protected against an agricultural use.', C. 'The millionaire, because he obtained an easement by prescription to remove as much water as he may need.', D. 'The millionaire, because he put the water to a beneficial use prior to the rancher's use and has continuously used the water.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1300:

'A state has recently enacted a statute prohibiting the sale of computer printer ink cartridges in plastic bags. In accordance with the new law, all ink cartridges within the state must be sold in paper cartons that are recyclable. Before the passage of the law, approximately 28% of all ink cartridges used in the state was packaged in plastic bags. Of that total, 75% of the ink cartridges was packaged outside the state, while 25% was packaged by companies in-state. The legislature passed the bill at the strong urging of the paper industry. It was estimated that one paper company alone spent over \$5,000,000 in its lobbying campaign for the passage of the bill. Ironically, the new law even received strong support from environmentalists who believed that recyclable paper would help prevent littering. Assume that the state Supreme Court adjudges the law to be unconstitutional on the grounds that it violates the contracts clauses of both the federal and the state Constitutions. The contracts clause of the state Constitution is similar to the one in the federal Constitution. The court so held because, in its judgment, the statute retroactively impairs the ability of plastic bag packagers to honor their existing contracts for the sale of ink cartridges packaged in plastic bags. The state attorney general now seeks review of this decision in the U. S. Supreme Court. How should the U. S. Supreme Court rule on this case?', A. 'Refuse to review this case on the merits because there is an adequate and independent state ground for the decision rendered below.', B. 'Reverse the decision on the merits with respect to the state constitutional issue because the federal constitutional holding rendered below makes such a state constitutional decision unnecessary.', C. 'Affirm the decision on the merits with respect to the federal constitutional issue and abstain from reviewing the state constitutional issue.', D. 'Affirm the decision on the merits with respect to both the federal and state constitutional issues because the state constitution must substantially conform with the federal constitution on this issue.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 1301:

'A husband and wife divorced after 17 years of marriage. They had one son, aged 10. As part of the divorce decree, the wife was given custody of the son, while the husband was entitled to weekend visitation. Thereafter, the husband accepted a new job in a neighboring state. Before relocating, the husband met with an attorney to seek his advice about how he could gain full custody of his son. The attorney told the husband that his new state did not give full faith and credit to divorce proceedings in his former state of residence. As a consequence, the attorney advised the husband that he could take the son to live with him and not be in violation of the law. This was erroneous legal advice, and his new state, in fact, did honor and give full faith and credit to other states' divorce decrees. When his next scheduled visitation took place, the husband picked up his son at his ex-wife's home. Instead of returning his son, he took him to live with him in his new state. After refusing to return his son to his ex-wife, the husband was subsequently arrested and charged with kidnapping. The applicable statute is defined as "knowingly abducting a person and moving him or her to another location. "Should the husband be found guilty of kidnapping?', A. 'Yes, because he unlawfully transported his son to another state, in violation of the divorce decree.', B. 'Yes, because mistake of law is no defense.', C. 'No, because he lacked the requisite state of mind.', D. 'No, because he received erroneous legal advice.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 1302:

'A supplier of ink for printers sent the following letter to all of its customers:"Closeout special! We have decided to no longer stock green ink cartridges. We have on hand a limited supply of green ink cartridges for all printers; when they're gone, they're gone! Please submit your orders as soon as possible to make sure your order can be filled. "One of the regular customers of the supplier sent the following reply by fax:"Sorry to hear that you will no longer carry green ink cartridges, since that is one of our favorite colors. Please ship 100 green ink cartridges to our office as soon as possible. "The supplier faxed an acknowledgement of the order to the customer with a promise that the cartridges would be shipped out in one week. The next day, the supplier received the following e-mail from the customer:"Please cancel our order. We just discovered that we already have plenty of green ink cartridges in inventory. " The supplier proceeded to sell its entire stock of green ink cartridges at its asking price to other customers. In an action for breach of contract by the supplier against the customer, what is the maximum amount of damages that the supplier should be entitled to recover?', A. 'Nothing.', B. 'Only incidental damages, if any, that the supplier has incurred in preparing the green ink cartridges for shipment to the customer before receiving the customer's e-mail.', C. '\$5,000, which was the asking price for the 100 green ink cartridges ordered.', D. 'Consequential damages, since the green ink cartridges were unique because they were the last of their kind to be offered for sale by the supplier.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 1303:

'Under Article III, federal judicial power extends to which of the following kinds of cases?', A. 'interpretation of treaties', B. 'interpretation of admiralty laws', C. 'disputes between states and foreign citizens', D. 'all of the above'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1304:

'Which of the following is a legislative act that inflicts punishment without a trial?', A. 'Bill of attainder', B. 'Ex post facto law', C. 'Statutes', D. 'Ordinances'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1305:

'On February 1, a woman conveys her farm to a man, and the man duly records the conveyance. The following day, the man conveys the property to his sister; she does not record her deed. Then on February 4, the man executes an identical conveyance of the farm to a friend. The friend gives the man a check for \$100,000 for the property and records the conveyance, even though he has actual knowledge of the prior conveyance to the sister. The sister, however, records her deed on February 6. The friend then conveys his interest in the farm to a farmer, who gives a purchase price of \$115,000 to the friend. On February 5, the farmer purchases the farm without notice of the conveyance to the sister and duly records the deed. If the property in question was located in a state having a notice-type statute, which of the following parties would ultimately prevail?', A. 'The farmer.', B. 'The sister.', C. 'The friend.', D. 'The man.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1306:

Two men attended a state fair airshow to watch the balloons go up in the air. When they got there, they saw a high-ticket group, apparently high-society people, attending an air history video. They took over the meeting room, waving their guns menacingly, and demanded their watches, wallets and jewelry. When they took inventory of their bounty, they found that the customers were actually from a university history club and that they had little real jewelry, watches or wallets, they became enraged and struck several of the participants, killing one and badly injuring another. Which of the following is the most accurate list of common law crimes that they may likely be convicted of? Do not select attempted crimes if they were consummated.', A. 'Attempted burglary, robbery and attempted murder.', B. 'False imprisonment, attempted murder and murder.', C. 'False imprisonment, robbery, aggravated assault, and murder.', D. 'False imprisonment, attempted robbery and first degree murder.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1307:

'Pete Smith is the active partner and Bill Jones is the silent partner in a general partnership known as "Pete Smith Plumbing." After six years of being uninvolved in the management of the partnership business, Bill purchases 100 toilets for the business. Pete is incensed because it will probably take years to use up the inventory of so many toilets and seeks your advice. The best advice is', A. 'Bill can bind the partnership by his act.', B. 'silent partners are investors only and cannot bind the partnership.', C. 'unless his name is in the partnership name, third persons are "on notice" that he is unauthorized to contract for the partnership.', D. 'Bill, as a silent partner, is not authorized to purchase and, therefore, the sale may be set aside.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1308:

'A homeowner entered into a written contract with a house painter to have his house painted for \$10,000. The contract stated in part: "It is agreed that the house painter will paint the house using off-white latex paint, and will finish the job within 30 days from the execution of this agreement. If the homeowner finds the completed job to be satisfactory, he will pay the house painter \$10,000 within one week after the job is completed." Which of the following is the most accurate statement regarding the homeowner's contractual obligation to pay the house painter \$10,000?', A. 'Payment of the \$10,000 by the homeowner would be an express condition precedent to the house painter's duty of performance.', B. 'Payment of the \$10,000 by the homeowner would be an express condition subsequent to the house painter's duty of performance.', C. 'The house painter's performance under the contract would be an express condition precedent to the homeowner's duty of payment of the \$10,000.', D. 'The performances of the homeowner and the house painter were, in essence, concurrent conditions.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 1309:

'A city imposes a municipal excise tax of \$200 per year on commercial photographic studios in the city. It also imposes an excise tax of \$100 per year on every itinerant commercial photographer for the privilege of using the streets and sidewalks. A credit is allowed against this latter tax for any excise tax paid to the city by the photographer or his employer in respect to the maintenance of a photographic studio in the city. In an action by a studio located in the city challenging the constitutionality of the \$200 per year excise tax, the court will most likely declare the tax', A. 'constitutional, as a nondiscriminatory license tax.', B. 'constitutional, as within the powers of the state to tax the instruments of interstate commerce.', C. 'unconstitutional, as an undue burden on interstate commerce.', D. 'unconstitutional, as a discriminatory tax on the privilege of doing business within the state.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1310:

'A state legislature has recently enacted an obscenity statute prohibiting "the selling or offering for sale of any obscene printed or video materials. " Following numerous complaints from a local citizens' group, the police entered an adult bookstore, examined materials on the shelves, and purchased magazines that depicted actual pictures of sexual intercourse. The owner was subsequently arrested and charged with violating the state obscenity law. At his trial, the owner's defense was that the sale of the materials complained of was constitutionally protected speech. Which of the following, if established, would be most helpful to the owner's defense?', A. 'The particular materials involved depicted normal, not deviant, sexual conduct.', B. 'The particular materials involved consisted of serious scientific studies of human sexual urges.', C. 'The police did not have a search warrant when they entered the bookstore to purchase the particular materials involved in this obscenity prosecution.', D. '85% of the citizens of the state believe that the sale of sexually explicit material does not contribute to antisocial sexual behavior.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1311:

'A man and a brother were identical twins. The man was having an affair with a woman. The woman's husband was aware of his wife's relationship with the man. One morning the husband saw the brother, whom he mistakenly believed was the man. The husband walked toward the brother and said, "I'm going to punch you in the face, you rat. " The brother immediately realized that the husband had mistaken him for his brother. The brother had enough time to inform the husband of his mistake but didn't say anything. When the husband came closer, the brother punched him in the mouth. If the husband brings suit against the brother for battery, he should', A. 'prevail, because the brother did not inform him of his mistake.', B. 'prevail, because the husband's threat was accompanied by an overt act when the husband approached the brother.', C. 'not prevail, because the husband was the initial aggressor.', D. 'not prevail, because the brother used reasonable force given the threat.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1312:

The police received an anonymous tip informing them that a pharmacist was engaged in the illegal manufacture of synthetic cocaine. As part of its investigation, the police placed an electronic tracking device on the pharmacist's car. The tracking device was attached to the underbody of the pharmacist's car while it was parked outside his home. The police did not secure a warrant before installing the device. By means of the tracking device, the police were able to trail the pharmacist's movements. The police followed the pharmacist every day for almost a month. Finally, one day the police tracked the pharmacist's car to a vacant warehouse on the outskirts of town. While the pharmacist was inside the building, the police peered in the window and saw drug paraphernalia and equipment used in the manufacture of synthetic cocaine. Based on these observations, the police secured a search warrant and gained entry into the building. Once inside, the police arrested the pharmacist and confiscated a large quantity of synthetic cocaine that had just been produced. At his trial for illegal possession and manufacture of a controlled dangerous substance, the pharmacist moves to suppress the cocaine confiscated by the police. The pharmacist's motion will most likely be', A. 'granted, because the information upon which the search warrant was based was illegally obtained by means of the tracking device.', B. 'granted, because the seizure must be suppressed as the fruit of an illegal search.', C. 'denied, because the police could have discovered the location of the warehouse simply by following the pharmacist's car.', D. 'denied, because the electronic surveillance of the pharmacist's car did not exceed 30 days.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: A

Question 1313:

'A large man with menacing tattoos all over his face and bald head followed closely behind a businessman who was lost in a long dark alley. The large man followed the businessman for several blocks of unending, unlit alleys. The businessman was in great fear. The large man was just a few feet behind, singing songs about how he was going to have a "big meal tonight" and it looked like he "had struck it rich," and other words indicating possible violence and robbery. Finally, the businessman threw his wallet in one direction and ran the other way, as he yelled, "You can have my money, just leave me my life!" The large man picked up the wallet and ran in the opposite direction, but when he came to the end of the alley he was arrested and charged with robbery. He appealed his conviction, arguing that he had no intent to steal and was trying to return the wallet to the victim. Will the appellate court likely affirm the robbery conviction?', A. 'No, the large man's songs could have been coincidental or unthinking, he made no threats, and later could have been trying to return the wallet.', B. 'Yes, because the large man followed too closely for too long, he sang menacing songs that placed the businessman in fear, and then he took the wallet and ran in the other direction.', C. 'Yes, because one should never pick up someone else's wallet laying on the ground for any reason.', D. 'No, because the wallet was not in the immediate presence of the victim when the large man picked it up.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 1314:

'It was raining hard one evening as a cab driver was looking for one last passenger. A passenger flagged him down and directed him to take her home. The cab driver recognized the passenger as a former girlfriend, and the passenger invited him into her house when they arrived. Unknown to the cab driver, the passenger was an undercover police officer who worked in the sex crimes unit. When they were inside the passenger's house, the cab driver made sexual advances toward the passenger, who responded by kissing him and holding his hand. The cab driver was about to kiss the passenger again, when she got up to answer the phone in the kitchen. If the cab driver is subsequently arrested and charged with the attempted rape of the passenger, he should be found', A. 'not guilty.', B. 'not guilty, solely because he was entrapped.', C. 'not guilty, if he raises the proper alibi defense.', D. 'not guilty, if he was predisposed to commit the crime.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 1315:

'A restaurant building was expanded into a vacant lot north of its original location. The contractor who was working on the restaurant expansion found that the north wall of the new structure needed extensive support, so anchor rods and concrete were added. The supporting anchor rods and concrete extended into a neighboring property farther to the north at a point 20 feet below the surface. Although there was no impact on the surface of his land or on existing uses, the owner of the neighboring property has sued the restaurant owner for trespass. Which party is likely to prevail?', A. 'The neighboring property owner, because he should have been given notice of the intrusion before it occurred.', B. 'The neighboring property owner, because the restaurant intruded upon his property the restaurant intruded upon his property without permission.', C. 'The restaurant owner, because the decision to provide the additional support was reasonable.', D. 'The restaurant owner, because there was no disturbance of peaceful enjoyment of the neighboring property. ■■'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1316:

'In a false imprisonment action by a plaintiff against a defendant, the plaintiff calls a witness to testify that the incident occurred on particular date. The witness was not questioned about an affidavit he made for trial in which he stated that the incident occurred on a different date. After the witness left the stand, but before he was excused, the defendant's attorney offers into evidence the affidavit. Assuming that the affidavit is properly authenticated, the trial judge should rule it', A. 'admissible as substantive evidence.', B. 'admissible for impeachment purposes only.', C. 'inadmissible, because the defendant's attorney failed to question the witness about the affidavit while on the stand.', D. 'inadmissible as hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: A

=====

Question 1317:

'A man knew that his neighbor frequently earned extra money by mowing lawns in the area. On Wednesday, the man slipped a note under his neighbor's door, which said: "If you will mow my lawn by Saturday I will pay you \$25." The neighbor mowed the lawn Friday afternoon, but the man refused to pay the \$25. The court, in evaluating the relationship between the man and his neighbor, would most probably find that', A. 'the neighbor's mowing of the lawn created a bilateral contract.', B. 'the neighbor's mowing of the lawn created a unilateral contract.', C. 'the note slipped under the door was an acceptance of a standing offer by the neighbor.', D. 'the neighbor is only entitled to recover in quasi-contract for the reasonable value of the mowing of the lawn.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1318:

'A mail carrier was on a homeowner's premises delivering the mail when he was bitten by a large dog owned by the next door neighbor. Although the owner used due care in keeping the animal in a securely fenced area, he knew of one prior incident where the animal got loose and bit someone. Is the dog's owner liable for the injuries to the mailman?', A. 'No, he is not liable because he used due care and was not negligent under the circumstances.', B. 'No, he is not liable because the man was on someone else's property at the time of the incident.', C. 'Yes, he is liable because a dog owner is always liable for any injuries caused to a third person.', D. 'Yes, he is liable because an owner who knows of the dog's dangerous propensities is strictly liable for ensuing damages.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1319:

'Liang, a talented student from another country, received degrees from several universities in the United States and then decided to stay in the states to teach. Could a state law requiring citizenship for teachers prevent him from doing so?', A. 'Yes, because states can regulate aliens.', B. 'Yes, because the teacher could exert too much influence.', C. 'No, unless they use the rationally related to a legitimate state interest standard.', D. 'No, there is no compelling state interest.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1320:

'A landlord owns a two-story building. The landlord leased the building and the surrounding property to a tenant for a term commencing on December 1, 2006 and terminating on November 30, 2008. Their leasehold agreement contained the following provisions: "The tenant covenants to pay the rent of \$500 per month on the first day of each month and to keep the building situated upon leased premises in as good repair as it was at the time of said lease until the expiration thereof. "On April 15, 2007, the tenant had her annual "Tax Time Party" where she and her friends would all walk to the post office together to mail their taxes and then have drinks and dinner at the tenant's apartment to celebrate. After a few drinks, one of the tenant's friends became belligerent toward one of the partygoers who challenged some of the friend's deductions. The friend charged at the other partygoer and crashed into the wall after the partygoer got out of the way. The crash caused extensive damage to one of the walls in the apartment. This state is a common law jurisdiction. In addition, the controlling Statute of Limitations for initiating an action for damages due to negligence is five years from the time the cause of damage occurs. In an appropriate action to construe the tenant's obligation under the covenant to keep the premises in repair, which of the following is the most accurate statement?', A. 'The tenant is liable for normal wear and tear under the covenant to repair.', B. 'The tenant is liable under such a covenant for all defects, including the damage to the wall.', C. 'The tenant's covenant to repair is void as against public policy, because the landlord is under an affirmative duty to make repairs on the demised premises.', D. 'The tenant's duty to keep the premises in good repair relieves the landlord of his obligation to disclose the existence of any latent defects.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1321:

'While parked on a downtown street, a police officer noticed a man sauntering down the street, whistling. As the man came under a street light, the officer recognized him as a parolee from a neighboring state. The officer got out, stood in front of the man, and asked him to give an account of himself. The man replied, "I'm the president, you dope . . . get out of my way or the Secret Service will gun you down," and reached into his coat pocket to bring something out, which he held in his clenched fist. The officer forced the man's hand open and found a number of diamond rings therein. Just then, the police radio in the officer's car announced that the burglar alarm of a jewelry store had rung in police headquarters. Believing that the man was responsible for burglarizing the jewelry store, the officer arrested him and took him to the police station where he was booked and fingerprinted. After he was given his Miranda warnings, the man requested to speak to his attorney. The officer led the man to a telephone and asked him if he knew his attorney's phone number. The man responded and gave the officer a phone number. The officer dialed the number and waited until a voice answered, "law offices. " The officer then handed the telephone receiver to the man. As the officer was walking out of the room, he heard the man say, "Hello, it's me. I just got arrested after robbing a jewelry store. "At trial, the officer is called to testify to what the man told his attorney during their telephone conversation. Upon proper objection by the man's attorney, the officer's proposed testimony should be', A. 'admitted, because the man's confession was not coerced.', B. 'admitted, because the statement was not the product of interrogation.', C. 'excluded, because the officer's conduct violated the man's Sixth Amendment right to counsel.', D. 'excluded, because the officer's conduct violated the man's attorney-client privilege.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1322:

'A newly elected mayor was charged with tax fraud. The prosecutor served a trial subpoena directing the mayor's attorney to produce private bank records that the mayor delivered to the attorney. The attorney refused the request. The prosecutor in a hearing then sought to compel compliance with the subpoena. The court should', A. 'compel production, because it would not violate the attorney-client privilege.', B. 'compel production, because there is no element of confidentiality.', C. 'not compel production, because it would violate the mayor's privilege against self-incrimination.', D. 'not compel production, because it would violate the attorney-client privilege.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1323:

'A man works at a tire warehouse, where his job duties consist of loading tires onto trucks. The job is exhausting, and the warehouse is always short of personnel. One day, while loading a heavy tractor tire onto a truck by himself, he experienced a sharp and excruciating pain in his lower back. He did not report the incident to his employer, but continued to work. A week later, after work, he went to the doctor for treatment. The man then sues his employer, alleging that the employer failed to provide him with adequate assistance, safety equipment, and training to load heavy tractor tires, thereby contributing to his injury. The employer alleges that the man is merely trying to obtain compensation for an old back injury, unrelated to his employment. At trial, the man's doctor testified that the man told her that his back began hurting while he was loading the tire on the truck. The doctor's testimony is', A. 'admissible as expert testimony.', B. 'admissible as a statement for the purposes of medical diagnosis.', C. 'inadmissible as a violation of the physicianpatient privilege.', D. 'inadmissible as hearsay not within any recognized exception.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1324:

'A defendant is on trial for theft of a used car that he took for a test drive and did not return. He was arrested in the car two days later. In his defense, the defendant has testified that he had no intention of keeping the car but got caught up in marital problems and simply delayed returning it. The defendant calls a witness to testify that the defendant told him, during the two days, "I'm going to return this car as soon as I work things out with my wife." Is the witness's testimony admissible?', A. 'No, because it is a self-serving statement by an accused.', B. 'No, because it is hearsay not within any exception.', C. 'Yes, as a prior consistent statement of the defendant.', D. 'Yes, as a statement by the defendant of his then-existing state of mind.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1325:

"Two women decided to steal some clothing from their favorite store. One of the women carried a large shopping bag containing a gun into the store. The other woman did not know that her partner had a gun in the shopping bag. After the women placed three dresses into the shopping bag, a clerk became suspicious and approached the women. The women tried to leave the store and, as they did, the clerk grabbed the bag, which fell to the floor. When the bag hit the floor, the gun discharged, killing the clerk. Which of the following would be the women's best defense to the charge of felony murder?", A. 'They committed a larceny by placing the three dresses in the shopping bag.', B. 'The jurisdiction requires the killing to be independent of the felony.', C. 'The jurisdiction follows the agency theory of felony murder.', D. 'The killing, was accidental and unintended.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: D

Question 1326:

'A baseball card dealer agreed to sell an extremely rare card to a collector. The collector lived in another state. As part of their agreement, a courier was hired to pick up the card from the dealer and transport it to the collector. The courier was then to get the purchase money from the collector and bring it back to the dealer. But rather than entrusting the genuine card to the courier, the dealer gave him a counterfeit replica that was valueless. After picking up the envelope containing the replica, the courier left the dealer's home and embarked on his trip. The police, however, received a tip concerning the scheme and intercepted the courier's car before he left the city limits. Thereafter, the dealer was arrested and charged with attempting to obtain property by false pretenses. If the dealer contends that the scheme had not progressed far enough to constitute an attempt, it will', A. 'be to his advantage to claim that the courier was his accomplice and was participating in the scheme to receive a share of the proceeds.', B. 'be to his advantage to claim that the courier knew nothing of the scheme but was simply hired by the dealer to make the delivery.', C. 'be to his advantage to claim that the courier knew nothing of the scheme but was simply hired by the collector to make the delivery.', D. 'make no difference whether the courier was the dealer's accomplice or was an innocent agent.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1327:

'A man attended a convention at a hotel, but did not get a room. One evening armed security officers detained him and accused him of stealing. According to the hotel, the security camera displayed him "wandering aimlessly", and at times "suspiciously" handling various items offered for sale. They seized the man's paper bags which contained various items sold by the convention vendors; due to being surprised and disoriented, he could not immediately locate his receipts. The officers made him sit on a chair in the hallway until the police arrived 20 minutes later. The man later produced receipts for the items and was released. He sued the hotel for the tort of false imprisonment. Will the court allow the case to go to the jury?', A. 'No, there was probable cause for an arrest and there can therefore be no false imprisonment.', B. 'No, the failure to immediately provide receipts gave the security personnel justification to confine him.', C. 'Yes, when one is told to sit in one place until further notice that is always false imprisonment.', D. 'Yes, the elements of false imprisonment are sufficiently established ■■■ there was an intentional illegal confinement that caused harm.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1328:

'A businessman living was an avid baseball fan who frequently traveled to a casino and placed wagers on baseball games. One October, his beloved baseball team was playing in the playoffs and he wanted to place a large bet on his team. He told one of his employees that he wanted to bet \$10,000 on his team to win the championship, but that he did not have the time to travel to the casino to place the bet. He then told his employee that he wanted the employee to travel to the casino and place the bet for him. The businessman and the employee agreed that the employee would travel to the casino, place a \$10,000 bet for the businessman and then immediately return. In exchange, the employee would be paid \$500. The parties reduced this agreement to writing. After the agreement was signed, the businessman handed the employee \$10,000 and a round-trip airline ticket. The businessman then told the employee that he would be paid \$500 after the employee returned. The employee arrived the next day and immediately went to the casino. There he noticed that the marquis in the parking lot was unlit and covered in a banner that read, "Casino Temporarily Closed Due to Renovations. " Unable to reach the businessman by telephone, the employee placed the bet at another gaming establishment located next door to the casino. The following morning, the employee flew back and gave the betting receipt to the businessman. When the businessman saw that the bet had been made at another gaming establishment, he angrily told the employee, "I purposely directed you to wager that \$10,000 at the casino. Since you failed to follow my instructions, the deal's off. " As a result, the businessman refused to pay the employee the \$500. If the employee initiates suit for breach of contract, the court will most likely determine that placing the \$10,000 wager at the other gaming establishment, rather than at the casino, constituted a', A. 'breach of contract.', B. 'modification.', C. 'constructive condition precedent that was substantially performed.', D. 'discharge by impossibility.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1329:

'Mike is arrested on suspicion of larceny. After receiving and acknowledging his Miranda rights, he is questioned by Officer. When he refuses to confess, Officer tells Mike that he has connections in the local prison that could make Mike's life there "unpleasant" if he does not confess. Mike confesses. At trial, the confession is not used in the prosecution's case-in-chief, but is admitted to impeach Mike's testimony. On appeal, Mike's conviction will likely be', A. 'Upheld, because he confessed with full understanding of his right to remain silent, and that his statements could be used against him.', B. 'Upheld, because his conviction would probably have been secured regardless of the admittance of his confession, and the decision was harmless error.', C. 'Upheld, because the confession may be admitted to impeach.', D. 'Reversed, because a coerced confession is never admissible.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1330:

'A law in one state forbids the transportation or sale of tomatoes in the state that have a more than 10% "genetic engineering factor." The U.S. Department of Agriculture does not use or mention genetic engineering factors in its standards for the sale and transportation of tomatoes. Tomato growers in a second state wish to ship tomatoes for sale into the first state but its tomatoes are in compliance only with the federal standards. The tomato growers' association in the second state brought an injunctive action in federal court against the agricultural department of the first state to enjoin enforcement of the genetic engineering rule on the basis of federal preemption. According to U.S. Supreme Court precedent, how will the courts decide the preemption claim?', A. 'There is no preemption because the first state's law does not contradict the federal law and both laws could be complied with simultaneously.', B. 'The injunction will be granted because tomatoes that are in compliance with federal law never have to be approved also under a state law.', C. 'When it comes to fresh produce, federal laws will always preempt state laws, and the injunction will be granted for that reason.', D. 'The first state's law sets standards that interfere impermissibly with the second state's law and therefore the first state's law is preempted.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1331:

'An employee wrkded as a delivery person for a drugstore. As part of the employee's duties and responsibilities, he would regularly deliver prescriptions and other items (such as toiletries, cosmetics, vitamins, and gift products) to customers. One afternoon while the employee was on duty, he remembered that it was his girlfriend's birthday. He went ahead and bought her a bottle of perfume from the pharmacy's cosmetics department. The employee paid the full price of \$79. 95 for the perfume and had the perfume gift wrapped. He then drove to the girlfriend's house in the company van to personally deliver the birthday present. This trip took place during the employee's regular working hours while he was en route to make another delivery from his van. As he was traveling to the girlfriend's house, he was in such a hurry that he drove through a red light and collided with a vehicle owned and operated by a driver. The driver, who had entered the intersection on the green light, tried unsuccessfully to swerve and stop but was unable to avoid the employee's vehicle. The driver was injured in the accident, which caused extensive damage to both vehicles. If the driver brings suit against the drugstore to recover damages arising from the accident, the driver will probably', A. 'prevail, because the employee paid for the perfume.', B. 'prevail, because the employee was under the control and direction of the drugstore at the time of the accident.', C. 'not prevail, because the employee was acting outside the scope of the employment relationship at the time of the accident.', D. 'not prevail, because the drugstore was not negligent in hiring the employee.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1332:

'A widower was the record owner of a lemon grove, a 30-acre parcel of land in a suburb. The widower lived in a farmhouse on the lemon grove and used the property to raise produce. Adjoining the lemon grove directly to the west was a 10-acre farm that was owned in fee simple by a farmer. There was a four-lane highway that adjoined the lemon grove directly to the east. The widower, by way of gift, executed a deed naming his daughter as grantee. The deed granted to the daughter and her heirs an antebellum mansion located near the southern edge of the lemon grove. The antebellum mansion was accessible by a little-used road that ran west to east from the farm/grove border to the four-lane highway along the southern boundary of the grove. The daughter recorded her deed and took immediate possession of the property. A short while later, the daughter and the farmer fell in love and began seeing each other quite frequently. In order for the farmer to reach the daughter's house, it was necessary for him to travel over the little-used road across the lemon grove. Many years later, the farmer, who was still having an affair with the daughter, met her father at a Rotary Club meeting. They struck up a conversation, and the widower asked the farmer, "Have you been driving your pickup along that little-used back road on my property?" The farmer, who was afraid to tell the widower about his love affair with the daughter, responded with a half-truth, "Yes, I've been using it as a shortcut to the four-lane highway. " Unaware that the farmer was also using the path to get to the antebellum mansion to see the daughter, the widower said, "No problem, I just wanted to be sure that it was you who was using the road. "Thereafter, the widower found out about his daughter's relationship with the farmer. Infuriated, the widower confronted the farmer and told him, "Listen, you lying sneak, if I catch you on my property again, I'm going to have you arrested for trespass. " The farmer replied, "Sorry, Pops, but I've acquired an easement over that roadway, and I'll continue to use it anytime I want. "Then, the widower institutes an appropriate action to enjoin the farmer from using the roadway across the lemon grove. If the widower prevails, it will be because the farmer's use was', A. 'fraudulent.', B. 'permissive.', C. 'not continuous.', D. 'not open and notorious.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 1333:

'Four years ago the owner of a shopping center leased a store in the center for a 10-year term to a pharmacist for use as a drugstore. The pharmacist established and operated a drugstore at the leased premises. The lease included provisions that described the shopping center by metes and bounds; identified the entrances, parking areas, signs, and other common facilities of the shopping center; and set out a covenant that the owner would not lease any part of the shopping center to another drugstore. Last year the owner purchased a parcel of land immediately adjacent to the shopping center. That parcel was improved with a building that, at the time of the owner's purchase and for ten years earlier, was occupied in part by a food supermarket and in part by a discount drugstore, under leases which the prior owner assigned to the owner. The owner reconstructed the common facilities of both shopping centers to integrate them and combine them so that, to the public, the two centers appeared as a larger single development. The pharmacist learned that the lease of the discount drugstore was about to expire and that the owner planned to enter into a new lease of the same space with the discount drugstore. The pharmacist protested the proposed new lease, but the owner declared his intention to go forward with it. The pharmacist brought an appropriate action to enjoin the new lease to the discount drugstore as a violation of the covenant in the pharmacist's lease. If the court finds for the owner, what will be the likely reason?', A. 'The covenant in the pharmacist's lease can be fairly construed as to apply only to the original shopping center premises.', B. 'A covenant cannot restrict the use of land not owned by the covenantor when the covenant was created.', C. 'A covenant that attempts to restrict competition is invalid as against public policy even if it runs with the land.', D. 'The drugstore use on the adjacent parcel was in existence when the owner and the pharmacist first entered into the lease.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1334:

'A group of residents sued a neighboring strip club for creating a nuisance. There are continuous nightly activities by the club, including loud music, unruly customers, throwing cans and bottles,urinating in public, shouting profanities, fist-fighting, and acts of vandalism. The neighbors are requesting an injunction to stop these activities and for remedial measures. The club defends that it cannot control its customers after they leave the premises, and it reminds the court that it has zoning approval. Its approval, however, is based on a grandfather clause that allows it as a non-conforming use ■■■ otherwise, the area surrounding the club is strictly residential. Will the court likely issue an injunction to attempt to alleviate the neighbor's problems?', A. 'No, the right of free speech granted to a strip club outweighs the minor and temporary inconvenience of the neighbors.', B. 'Yes, the interference is substantial, unreasonable and continuous ■■■ an injunction will be fashioned to control the nuisance.', C. 'No, because there is no remedy for interference with use and enjoyment of land other than a tort action for trespass or to abate an abnormally dangerous condition.', D. 'Yes, the activities of the club constitute an attractive nuisance that interferes with the public at large and must be abated.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1335:

'A cattle rancher owned substantial oil and mineral interests in the southwest. In July 1990, the rancher acquired title to a 200-acre tract in a rural area. In 1997, the rancher conveyed the 200-acre tract for a consideration of one dollar, receipt of which was acknowledged, "to my uncle, his heirs, and assigns, but if my uncle's wife dies without issue, to my personal assistant and her heirs and assigns. "After taking possession of the 200-acre tract, the uncle discovered considerable oil reserves on the property. He then began oil drilling operations and removed large quantities of oil, which he sold. At no time did he give notice to the personal assistant of his oil-drilling activities. Months passed before the personal assistant learned that the uncle was selling oil from the drilling operations. The personal assistant has now brought an action in equity for an accounting of the value of the oil removed and for an injunction against any further oil removal. If the decision is in favor of the uncle, it will be based on the fact that', A. 'the right to remove oil is an incident of a defeasible fee simple.', B. 'the personal assistant has no interest in the 200-acre tract.', C. 'there was no showing that the uncle acted in bad faith.', D. 'the right to remove oil is an incident of the right to possession.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1336:

'Defendant was seen leaving Neighbor's yard with Neighbor's new \$10 garden hose. Neighbor called the police, who charged Defendant with the second-degree misdemeanor of petit theft by issuing him a notice to appear in the county courthouse one week later. Defendant appeared at the scheduled place and time and asked the judge to appoint a lawyer to represent him. The judge found Defendant to be indigent. The judge', A. 'must appoint Defendant a lawyer.', B. 'must appoint Defendant a lawyer if the State subsequently charges Defendant by information.', C. 'need not appoint Defendant a lawyer if the judge states in writing that Defendant will not go to jail for more than six months if convicted.', D. 'need not appoint Defendant a lawyer if the judge states in writing that Defendant will not go to jail at all if convicted.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 1337:

'The attorney for a plaintiff in an action filed in federal district court served the defendant with the summons, the complaint, and 25 interrogatories asking questions about the defendant's contentions in the case. The interrogatories stated that they were to be answered within 30 days after service. The defendant is likely to succeed in obtaining a protective order on which of the following grounds?', A.

'Interrogatories are only proper to discover facts, not contentions.', B. 'Interrogatories may not be served until an answer to the complaint is filed.', C. 'Interrogatories may not be served until the parties have conferred to arrange for initial disclosures and prepare a discovery plan.', D. 'The interrogatories exceed the number permitted without permission from the court or an agreement between the parties.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1338:

'A patient who had surgery to repair a rupture in her spleen followed up with a full body MRI due to excruciating pain that had developed. During the MRI, the technicians saw at least two identifiable sponges that had been left in her body. She had to be hospitalized for additional surgery. The patient sued the hospital and doctor for medical malpractice. She did not produce the printouts of the MRI. Instead, she attempted to testify to what she observed on the MRI scan. The defense objected and insisted that she must produce the actual MRI printouts. What is the most likely ruling of the trial judge with respect to the objection?', A. 'She does not have to produce the MRI scan because a layperson can testify to things of common knowledge, such as what a sponge looks like.', B. 'She does have to produce the MRI scan because a layperson cannot testify to personal observations.', C. 'She does not have to produce the MRI scan because she can testify as to the content of her own medical records.', D. 'She must produce the MRI records because it represents the best evidence under the best evidence rule.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1339:

'Defendant was on trial for robbery. Defendant's direct examination continued until late in the day when it finally concluded. At this time, the trial court judge adjourned the proceedings for the evening. The judge then instructed Defendant not to speak with anyone during the night and scheduled cross- examination to begin in the morning. The judge's instruction to Defendant was', A. 'proper, because a judge has broad discretion to instruct witnesses in such a manner.', B. 'proper, because it would have the same effect as permitting cross-examination to continue after direct was concluded.', C. 'improper, because it violates the defendant's Sixth Amendment right to counsel.', D. 'improper, because it violates the attorney-client privilege.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 1340:

'A lady owns a house in fee simple absolute, which she devises to her cousin, in trust for her grandchild, for her grandchild's life, and then to the children appointed in a will by her grandchild. If there is no such appointment in a will, in equal shares to any surviving children of her grandchild. When the grandchild dies, she is in debt. Can the creditors attach the house?', A. 'Yes, because of the rule in Shelly's case.', B. 'No, because when property is put in a trust through a donee's special power of appointment, creditors cannot reach the funds.', C. 'Yes, because the will is invalidated by the rule of sequential appointments, and the grandchild does not take at all.', D. 'No, because the will as written violates the rule against perpetuities, and reconstructed, the funds revert to the original owner or her heirs.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: A

=====

Question 1341:

'A highway patrol officer stopped a driver for speeding and found that the person had a suspended license. He allowed her husband to drive the car home but arrested her for driving under suspension. After securing her inside the squad car, he conducted a search of her vehicle. The officer found a bag of cocaine inside a zippered jacket on the back seat. He arrested her for possession and possession with intent to deliver a controlled substance. Prior to trial, the driver moved for suppression of the cocaine. Is it likely that the trial court will grant the suppression motion?', A. 'Yes, it must be suppressed because she was secured in the squad car and the police could not expect to find evidence relating to the current arrest in the car.', B. 'No, the motion will be denied because there is no expectation of privacy toward property inside one's car.', C. 'No, the motion will be denied because this was a valid search incident to an arrest.', D. 'Yes, the motion will be granted because a search of a vehicle requires a search warrant unless there are exceptional exigent circumstances.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1342:

'A man was arrested and charged with robbery. Upon being taken into custody, he was given his Miranda rights and then taken to the police station for booking. At the stationhouse, the man told a police officer that he was prepared to make a confession. The police officer then turned on a video recorder and videotaped the man's confession. At trial, the prosecution called the police officer to testify to the incriminating statements that the man made in his confession. Upon objection by the man's attorney, the police officer's proposed testimony is', A. 'inadmissible, because the videotape is the best evidence of the man's confession.', B. 'inadmissible, because it is hearsay not within any recognized exception.', C. 'admissible, because the police officer had firsthand knowledge of the confession.', D. 'admissible, because the man was given his Miranda rights before the confession was elicited.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1343:

'A purchasing agent for a women's clothing store negotiated a contract with dressmaking company to purchase a specified quantity of khaki garments at a price of \$75,000. One week later, the purchasing agent received a telephone call from the vice president of the dressmaking company, who informed her that the dressmaking company's sales representative had made an error in calculating the contract price. As a result, the vice president said that unless the women's clothing store agreed to pay an additional \$15,000, the garments would not be delivered. If the purchasing agent should have known that the dressmaking company's original price term of \$75,000 was in error, but agreed to the contract anyway, which of the following is the most accurate statement?', A. 'There was an enforceable contract at the original price term, because the mistake resulted from an error in computation, not in judgment.', B. 'There was an enforceable contract at the original price term, because the mistake was unilateral.', C. 'There was no valid contract formed, because there was no mutuality of assent.', D. 'There was a voidable contract, because the purchasing agent should have known of the error.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1344:

'A student was a junior criminology major at state university and a member of a fraternity. While new members were pledging the fraternity, the student had a reputation for initiating pranks and hazing the pledges. Late one night, after a fraternity party, the student decided to kidnap one of the pledges. Enlisting the help of his friend, they grabbed the pledge, tied him up, and locked him in the trunk of the student's car. They then drove into the downtown section of a city where they dropped the pledge at a street corner. While the pledge was wandering around and trying to find a telephone booth, a gang of youths saw his predicament and attacked him. The pledge, who was severely beaten, suffered a broken nose, multiple lacerations, and contusions. When the pledge finally returned to the school, he filed a criminal complaint against the student who was charged with violating a state law, which provides: "Every person who hazes a student and thereby is responsible for causing bodily harm to said student is guilty of a felony punishable by three years in prison. "At that, the prosecuting attorney called the student's alleged accomplice as a witness. The friend refused to answer any questions and was cited for contempt. After the friend left the witness stand, the prosecutor offered into evidence a transcript of the friend's testimony given at the student's preliminary hearing. At the preliminary hearing, the friend testified under oath that he and the student were responsible for hazing the pledge and driving the victim against his will to the city. During the preliminary hearing, the friend was also cross-examined by the student's defense counsel. Over defense objections, the trial court admitted the transcript of the friend's testimony at the preliminary hearing. Thereafter, the student was convicted of violating the aforementioned hazing statute. The student appeals the conviction and contends that the admission of the transcript of the friend's testimony at the preliminary hearing violated his Sixth Amendment right of confrontation. As to this claim, the student's appeal will most likely be', A. 'granted, because there was no opportunity to cross-examine the witness at trial.', B. 'granted, because in order to admit prior testimony, the witness must be shown to be unavailable.', C. 'denied, because the witness was unavailable, and there was adequate opportunity for cross-examination at the preliminary hearing.', D. 'denied, because the testimony was a statement by a co-conspirator and, therefore, admissible as a recognized exception to the hearsay rule.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1345:

'In 1998, a farmer, advancing in age, realizes that he is no longer able to farm his 1,000 acres and therefore decides to sell some of the farmland in parcels of 250 acres. The president of a development company is interested in purchasing three of the four parcels. The president buys the three parcels from the farmer and begins formulating plans for constructing single-family dwelling units on the land. The original deed between the farmer and the development company contains a provision expressly binding "upon all subsequent grantees, their heirs, and assigns," stipulating that any further subdivisions by any such persons shall be restricted to minimum two-acre lots to be used for single-family dwelling units only. The development company immediately subdivided two of the parcels into lots of three, four, and five acres, and began construction of homes thereon. The original deed restrictions were enumerated within the special warranty deeds and were given to the purchasers of the homes in the new development, called phase 1. Two years later, the president sold the remaining parcel, which had not been included in the phase 1 subdivision plan, to a contractor. The contractor, in turn, drafted a subdivision plan for the last 250-acre parcel, dividing it into one-acre lots. The contractor then commenced construction of single-family dwelling units in the new development, to be known as phase 2. There was no mention of the restriction for two-acre minimum lots in the deeds to the purchasers of the new homes in phase 2. Meanwhile, after the farmer's death, his estate is required to sell the remaining 250-acre parcel of his farmland. The buyer is an investor, who proposes to construct a two-level shopping center and parking lot on the property. The area surrounding phase 1 and phase 2 was rezoned for commercial and industrial uses in 2010. The investor's shopping center has grown to include 150 stores. Now, one of the lot owners in phase 1 contracts to sell his property to two physicians who plan to start a suburban medical practice. In an action by the homeowners in phase 1 to prevent such commercial use by the physicians, the court will most likely hold that', A. 'the restrictions are still enforceable, thus preventing such commercial use.', B. 'the restrictions would no longer be enforceable, because the offering of personal services (i. e. , medical) would be a conforming use.', C. 'the restrictions would no longer be enforceable, because of the change in the character of the neighborhood.', D. 'the restrictions would no longer be enforceable, because the opening of a physician's office in a private home would not be construed as a commercial enterprise.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 1346:

'A ceramics studio contracted with an artist to produce cups and saucers designed by the artist. The artist was an established designer of collectible ceramic dinnerware, and the studio did production work for many artists who created ceramic dinnerware. The price and quantity term of the contract read: "2,000 sets of the cups and saucers at \$5 each, payable on delivery." The contract contained a merger clause. The studio produced the cups and saucers and delivered them along with a bill for \$20,000 (4,000 pieces at \$5 per piece). The artist refused to pay more than \$10,000 (2,000 sets at \$5 per set). At the trial of the studio's action against the artist for breach of contract, the studio introduced evidence of an established practice in the studio industry to price cup-and-saucer sets on a per-piece, not a per-set, basis. Is the studio's evidence admissible?'. A. 'No, because such evidence would vary an unambiguous term of the contract.', B. 'No, because the agreement was completely integrated.', C. 'Yes, because evidence of trade usage is always admissible.', D. 'Yes, because the usage of trade is offered to give meaning to the contract.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1347:

'Defendant was arrested on February 1 and released one month later on March 1 after being charged with a felony. On December 1 of the same year as his arrest, he filed a motion to discharge since no trial or other action had occurred to that point. The court held a hearing 3 days after the motion was filed. Defendant should be', A. 'discharged because more than 175 days passed between arrest and the filing of the motion to discharge.', B. 'discharged because more than 175 days passed between his release from jail and the filing of the motion to discharge.', C. 'brought to trial within 90 days of the filing of the motion to discharge.', D. 'brought to trial within 10 days of the hearing on the motion to discharge.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1348:

'A female tenant repeatedly asked her landlord to make repairs necessary for her security, but the landlord ignored her. The tenant was later robbed and beaten by an intruder. She sued the landlord for negligence in causing her injuries. The landlord relied on an exculpatory clause in the lease. The clause, set in fine print on the reverse side of the multi-paged, mass-printed, form lease, was a comprehensive, legalistic waiver in which the tenant gave up virtually all of her rights and remedies against the landlord. She responded that the clause was unconscionable and should not be enforced. What will the court most likely rule with respect to the exculpatory clause?', A. 'This is not a contract for the sale of goods ■■■ unconscionability is not available with respect to an agreement not covered by the UCC.', B. 'The exculpatory clause must be enforced because the tenant voluntarily signed the lease and agreed to its terms instead of choosing another place to live.', C. 'The clause is unenforceable because it discriminates against women who are unable to provide their own security.', D. 'The clause is unenforceable because the tenant was burdened by a lack of bargaining power and the provision was obscure and oppressive.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1349:

'In order to have an irrevocable offer under the Uniform Commercial Code, the offer must', A. 'Be made by a merchant to a merchant.', B. 'Be contained in a signed writing which gives assurance that the offer will be held open.', C. 'State the period of time for which it is irrevocable.', D. 'Not be contained in a form supplied by the offeror.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1350:

'A defendant, on trial for robbery, took the stand and testified in his own behalf. On cross-examination, the prosecuting attorney asked the defendant whether he had committed false pretenses by making long-distance telephone calls by the unauthorized use of a credit card number. The defendant replied, "That's a lie, I never did. " In rebuttal, the prosecuting attorney called the court officer to testify that the defendant admitted committing false pretenses. The court officer further testified, however, that the defendant was granted immunity from prosecution in exchange for his testimony against others. The court officer's testimony is', A. 'admissible, as bearing on the defendant's credibility.', B. 'admissible, as bearing on the defendant's guilt.', C. 'inadmissible, because the testimony is extrinsic evidence.', D. 'inadmissible, because the court order is the best evidence.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1351:

'Berg offered to sell a parcel of land to Jones for \$75,000 cash. The offer was in writing on March 1 and made by sending an e-mail to Jones' web site. Jones responded by mailing a letter on March 10 which stated "I accept but would like to request that I can pay \$25,000 in three equal installments over the next three years."■ Berg received the letter on March 15. A contract was', A. 'Formed on March 10.', B. 'Formed on March 15.', C. 'Not formed because Jones' addition of the three year payment request was a condition that Berg had to agree should be included.', D. 'Not formed because the addition of the three year request was, in effect, a rejection.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1352:

'An owner of a 3-story building, with apartments on the top two floors and a convenience store and gas station on the ground floor, resides with his family in one of the second-floor apartments. One day, a truck driver pulled into the gas station for some gas. After filling up the gas tank, the truck driver entered the convenience store for a bite to eat. He was eating a bowl of chili when he noticed a cockroach in the food. The truck driver demanded a new serving of chili. When the owner refused, the truck driver stormed out of the store in anger. The truck driver jumped into his truck and decided to get even by causing some damage. He purposely drove into one of the gas tanks, which ruptured the gas line. The collision caused a terrible explosion and the building became engulfed in flames. The owner could not escape the blaze and burned to death. At common law, the truck driver should be found guilty of', A. 'arson only.', B. 'murder only.', C. 'arson and murder.', D. 'arson, burglary, and murder.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1353:

'Having just stolen a car, a defendant was operating the car within the posted speed limit when the steering suddenly malfunctioned. The car swerved out of control, jumped the curb, and crashed into a home. The defendant was arrested and charged with the separate crimes of larceny and malicious destruction of property. During the trial the judge instructed the jury that the theft of the car was sufficient evidence to satisfy the malice requirement for the malicious destruction of property charge. The defendant's attorney has filed a motion objecting to the judge's jury instruction. The judge's instruction was', A. 'correct, because malice can be inferred from the intent to steal.', B. 'correct, because malicious destruction of property is a general intent crime.', C. 'incorrect, because larceny is not a lesser included offense of malicious destruction of property.', D. 'incorrect, because malice requires a showing of recklessness.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1354:

'A woman is the fee simple owner of a 1,000-acre tract of land. Half of the tract is swampland totally unfit for cultivation, though it is heavily covered with valuable hardwood timber. The other half is also covered with valuable timber, but it would be land fit for the raising of crops if it were cleared of the timber. The latter section of land is more valuable for cultivation than it is for the growing of timber and has clearings where someone could build a home and live. The woman conveyed the tract to her brother for life. At the time of the conveyance, the swampland had never been used for the production of timber. The brother took possession and cleared 40 acres of the timber on the section that was suitable for cultivation. In addition, the brother cut 60 acres of timber in the swampland, thus becoming the first person to exploit this area. The brother then proceeded to clear some timber on the tract and used it in repairing fences, buildings, equipment, and the like on the property. In an action by the woman to permanently enjoin the brother from cutting any more timber on the swampland section of the tract and to account for profits received in the sale of the timber, the woman will most likely', A. 'succeed, because a life tenant must account for permissive waste to the reversioner or remainderman.', B. 'succeed, because a life tenant may not exploit natural resources where no such prior use had been made.', C. 'not succeed, because a life tenant is not liable for permissive waste.', D. 'not succeed, because a life tenant has a right to make reasonable use of the land.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: B

Question 1355:

'A driver was prosecuted for speeding. It is conceded that the speed limit on the stretch of the highway in question at the time of the alleged speeding was 55 m. p. h. As part of its case-in-chief, the prosecution called a police officer who testified that at about 11:30 a. m. one mile east of the town line, he set up a radar apparatus. The officer testified that, with the use of tuning forks, he found the radar apparatus was accurate. The officer also stated that he had five years of experience in operating such radar devices. Furthermore, the officer testified that the radar's mechanism for recording the speed of vehicles by means of an ink line drawn mechanically on a roll of paper was also functioning properly. Upon further questioning, the officer stated that at about 1:30 p. m. , the needle of the speed indicator dial of the radar apparatus showed the driver's car passing his location at 65 m. p. h. If the driver's attorney makes an objection to the introduction of the radar finding that the driver was traveling at a speed of 65 m. p. h. , the court will most likely', A. 'sustain the objection, because the radar results are not conclusive evidence of speeding.', B. 'sustain the objection, because radar is not a technique recognized by the scientific community.', C. 'overrule the objection, because the court will take judicial notice of the accuracy of such tests.', D. 'overrule the objection, because the radar results would be construed as an admission against interest.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1356:

'A group of women employed by a state government recently sued the state under Title VII of the Civil Rights Act of 1964, on the basis of allowing the creation of a hostile work environment against them. An amendment to that act extends coverage to the states as employers. The federal district court allowed an injunction to prevent further discrimination but refused to allow money damages and legal fees against the state on the basis of 11th Amendment sovereign immunity. The plaintiffs appealed. What should the Court of Appeals decide based on the established jurisprudence regarding sovereign immunity?'. A. 'There is no sovereign immunity due to the First Amendment rights of the women to protest against discrimination.'. B. 'There is sovereign immunity that protects a state from any lawsuit by private citizens that the state does not authorize.'. C. 'There is no sovereign immunity where the federal law provides a remedy to women in a civil rights law intended to apply the Fourteenth Amendment enforcement rights against the states.'. D. 'There is sovereign immunity under the Supremacy Clause and it would take a new constitutional amendment to abrogate the immunity granted to the states.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1357:

The owner of a test prep company sent an advertisement regarding the company's review courses to a local newspaper. In an accompanying letter, the owner instructed the newspaper to publish the ad in an upcoming edition. The ad was received by the newspaper's advertising editor. The next day the editor phoned the owner and told her that he would not permit the newspaper to run the ad. When the owner asked for an explanation, the editor replied, "My daughter took your review course and scored low on her entrance exams to college and didn't get into the college of her choice. Because of your instructors, she's now working at the mall. That's why I'm prohibiting the newspaper from publishing your ad. " The editor then forwarded a letter to the owner reiterating his newspaper's refusal to have the ad published. In an appropriate action, the owner brings suit against the editor and the newspaper seeking an order that would require the newspaper to publish the advertisement. In such action, who will prevail?', A. 'The owner, because such advertising is protected by the First Amendment under the commercial speech doctrine.', B. 'The owner, because there is a constitutional right of advertising under the First and Fourteenth Amendments.', C. 'The editor and newspaper, because Congress is empowered to prohibit untruthful advertising, even where it urges the purchase of a legal, validly offered item.', D. 'The editor and newspaper, because there is no constitutional right of advertising under the First and Fourteenth Amendments.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1358:

'A corporation owns a shopping mall that includes a grocery store. The union that bags fruit wants to strike in front of the store, even though it is in the mall. The mall has a Social Security Office and the real estate is owned by the state. The grocery store pays rent to the state. Any type of picketers are prevented from entering the mall to picket inside by the owners of the mall, who also pay rent to the state for the land, and there is no outside entrance of the store at the mall where the picketers could strike. If the picketers go before the court to claim violations of First and Fourteenth Amendment rights, will state action likely be found against the store and the mall owners?', A. 'No, under the mantle of authority test there are not enough connections between the state and the private actions of the mall and the store.', B. 'No, because a private actor can never be held liable in a constitutional rights claim that requires state action.', C. 'Yes, because the equal protection balancing test shows that there is state action in renting the property to private actors who are discriminating.', D. 'Yes, because First Amendment violations require strict scrutiny, and here the connection between the state and the mall cloaks the mall and store with state action status.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1359:

'A company operates passenger buses to all the major cities on the east coast. This service is authorized under a certificate of convenience and necessity issued by the Interstate Commerce Commission, pursuant to federal statute. The certificate does not, however, specify particular highways, streets, or locations for the bus service. The company's advertising stresses that it picks up and delivers passengers at the center of each city that it serves. The company's management regards this as a particularly effective advertising point in competition with the airlines and the railroads, because short-haul traffic supplies a major part of the bus company's revenues. One of the major cities on the east coast, acting to relieve traffic congestion and air pollution, has recently enacted an ordinance that prohibits (a) the operation of all trucks and buses in a five- square- mile central business area, known as center city, between the hours of 10:00 A. M. and 4:00 P. M. on weekdays, and (b) all on-street parking of passenger automobiles in center city between the same weekday hours. The company's bus station in this city is located in the heart of the center city area. According to its transportation schedules, more than 75 buses either enter or leave this station between the hours of 10:00 A. M. and 4:00 P. M. each weekday. If the company brings suit challenging the constitutionality of the city ordinance, the court will most likely declare the ordinance', A. 'constitutional, because it is within the city's police power to regulate transportation services in the center city business district.', B. 'constitutional, because it is a valid exercise of municipal regulation in the area of intrastate commerce.', C. 'unconstitutional, because it violates the dormant commerce clause.', D. 'unconstitutional, because the ordinance is discriminatory per Se.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1360:

'A man entered a half-opened window to a neighbor's trailer and waited in the dark bedroom inside. After a while, he got in bed and had sexual relations with the woman while she slept. At trial, he claimed that he believed that the woman had consented because he had dated her many times and had consensual sexual relations with her many times in the past. He hadn't seen her in about one week but assumed her consent. He denied specific intent to rape and claimed a desire to surprise her with a "romantic" variation of their usual activities. The woman admitted to prior consensual relations but denied consent on this occasion. Has he stated a viable defense to rape?'. A. 'No, his belief that she consented in advance was unreasonable and impermissible.'. B. 'Yes, rape is a specific intent crime and there's no evidence that he intended a criminal result.'. C. 'Yes, his belief that she consented was reasonable based on prior experience.'. D. 'No, rape of an unconscious woman is a strict liability crime that does not permit a defense.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1361:

'A 50-year-old nurse who had been fired from his job at a hospital told his attorney, 'I was fired because of my age, and I want to sue the hospital.' Based on this information, the attorney filed an age discrimination complaint against the hospital in federal court. As it turned out, the hospital had hired a 52-year-old man as the nurse's replacement, a fact that rendered an age discrimination claim unavailable. The hospital responded to the complaint by filing a motion for sanctions against the nurse's attorney. Is the court likely to grant the hospital's motion?', A. 'No, because sanctions are not proper against the attorney of a represented party.', B. 'No, because the hospital failed to give the attorney the chance to withdraw the complaint in advance of filing the motion with the court.', C. 'Yes, because the nurse's attorney failed to conduct a reasonable pre-filing inquiry.', D. 'Yes, because the nurse's complaint contained legal contentions that were not warranted by existing law based on the facts in this case.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1362:

'A firm contracted with a municipality to repair a drawbridge and began work on February 1. The contract provided that the firm would be paid an additional \$1,000 for each day the repair was completed before the April 1 completion deadline. On March 14, an unusual gear on the bridge broke. On that same day, the firm contracted with a supplier for a March 15 delivery to the bridge site of the only available replacement gear. The supplier did not know about the early-completion incentive- pay provision in the firm's contract. The supplier misdirected the delivery of the gear, and the firm did not receive it until March 20. The work on the bridge was completed on March 21. But for the late delivery of the gear, the firm would have completed the bridge repair on March 16. In an action against the supplier for breach of contract, will the firm be permitted to recover, as part of its damages, the additional \$5,000 early- completion incentive pay it would have received from the municipality but for the supplier's breach?', A. 'No, because the supplier did not expressly agree to be responsible for such damages.', B. 'No, because the supplier did not know and had no reason to know about the early- completion incentive-pay provision.', C. 'Yes, because the supplier is liable for all damages flowing directly from its breach.', D. 'Yes, because, by the nature of its contract with the firm, the supplier should have known that time was of the essence.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1363:

'A 3-week-old baby, came down with a very high fever. The baby's pediatrician informed the mother that unless her son received immediate medical treatment, he would die. The mother objected on religious grounds. She claimed that it would be better for her son to die if that was his fate. The pediatrician sought an order from the state court. The mother was present with her lawyer at the court. In deciding whether it may issue such an order in face of all relevant constitutional defenses by the mother, which of the following must the state court consider?', A. 'Whether medical treatment is necessary to save the baby's life.', B. 'Whether the mother's refusal to authorize medical treatment is justified on the basis of current knowledge.', C. 'Whether the hospital is owned and operated by the state.', D. 'Whether the mother is a taxpayer of the state in which the court is located.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1364:

'A brick mason was hired by a builder under a written one-year contract, at an annual salary of \$45,000, with employment to begin on March 1. Because the builder was unable to secure enough building contracts to keep all its employees busy during the season beginning March 1, it notified the brick mason on February 15 that it could not afford to employ him as a mason. At the same time, however, the builder offered to employ the mason, for the same contract period, as a night guard at an annual salary of \$25,000. The mason declined the offer and remained unemployed during the year. No offer and remained unemployed during the year. No employment for brick masons was available in the community during the year, but the mason could have obtained other employment as a day laborer that would have paid up to \$25,000 a year. At the end of the year, in an action against the builder for breach of contract, how much, if anything, is the mason entitled to recover?', A. '\$20,000 (the \$45,000 contract price less the \$25,000 the mason could have earned in other employment).', B. '\$45,000 (the contract price).', C. 'Nothing, because the builder did not act in bad faith when it discharged the mason.', D. 'Nothing, because the mason did not mitigate his damages.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: A

Question 1365:

Two men held-up a liquor store in a city. During the robbery, one of the participants shot and killed the owner of the store. Over a year later, police detectives arrested a defendant after obtaining reliable information that the defendant was the robber who was responsible for killing the store's owner. Afterward, the defendant was taken to the station house where he was booked for the crime and then incarcerated. The next day, the prosecuting attorney made a decision to delay indictment until he could discover the identity of the defendant's accomplice. The defendant was then released from police custody. In this jurisdiction the statute of limitations for murder is five years. Five months later, the prosecuting attorney, after unsuccessfully attempting to secure information on the defendant's cohort, indicted the defendant, charging him with felony murder. Shortly before trial, the only eyewitness to the crime died. He would have testified that the defendant did not participate in the robbery. The defendant's motion to dismiss the indictment because of the delay between the date of the crime and the date of the indictment will most probably be', A. 'granted, because the prosecutor is constitutionally required to press charges, if at all, within a reasonable time after probable cause is established.', B. 'granted, because the delay in prosecuting the defendant actually prejudiced him.', C. 'denied, because pre-indictment delay does not violate the Constitution, as long as it does not exceed an applicable statute of limitations.', D. 'denied, because the delay was not excessive and was for a permissible purpose.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1366:

'On September 1, a buyer contracted to purchase 10,000 widgets from a seller for \$1 per widget, delivery to be made no later than September 30. On September 15, a worldwide shortage of widgets caused a steep increase in the market price for widgets, so the seller decided not to deliver the widgets to the buyer. The seller sent a letter to the buyer, stating that the widgets would not be delivered. The buyer received the seller's letter on September 20. On October 15, the buyer filed suit against the seller for breach of contract. In determining the damages to which the buyer is entitled, which of the following would be taken as the market price of widgets?', A. 'The market price on September 1.', B. 'The market price on September 15.', C. 'The market price on September 20.', D. 'The market price on September 30.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1367:

'A high school student was running for president of the student council. He was a top scholar who had been selected to be the class valedictorian. Inexplicably, he gave a campaign speech at a school assembly that was filled with graphic stories and anecdotes about the imagined sexual adventures and prowess of certain teachers and students. Several teachers and students complained. The principal suspended him for five days and retracted the valedictorian honors. The student, with his parents, sued in federal court, seeking an injunction and damages based on denial of First Amendment free speech rights. The federal courts ruled for the student but the case came before the U.S. Supreme Court for final decision. Did the Supreme Court uphold the relief granted to the student?', A. 'No, the school exercised its appropriate function of trying to restrict the use of vulgarity and offensive discourse in a high school setting where free speech may be limited.', B. 'Yes, despite some inconvenience to teachers and students, the immature presentation must be tolerated in deference to the need to provide platforms for free speech to students.', C. 'No, the student had no rights to free speech, especially considering the violent disruptions in the schools in recent years.', D. 'Yes, in today's society sexual images and sexual humor is so intertwined into the fabric of society that it is something that has to be tolerated in the interest of free speech.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1368:

'A state has recently enacted a statute wherein aliens are forbidden from owning more than 10 acres of land within the state. Subsequent to the statute a resident alien enters into a contract to buy 50 acres of land located in the state. Assume that the statute empowers the state to bring an ejectment action against any alien who owns more than 10 acres of land. If the resident alien brings an action in federal court to enjoin the state from enforcing the statute against him, his best argument is', A. 'the statute violates the privileges or immunities clause of the Fourteenth Amendment.', B. 'the statute violates the contract clause.', C. 'the statute violates the commerce clause in that it interferes with land ownership.', D. 'the statute violates the equal protection clause of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 1369:

'A certified airline pilot owned a single-engine Cessna plane. One afternoon, the pilot invited his girlfriend, to go flying with him. The girlfriend, who was scared of flying, reluctantly agreed. During the flight, the pilot decided to play a practical joke and shut off the plane's engine. When the plane went into a nosedive, the pilot said, "Oh my God, we're going to crash. " The girlfriend became panic- stricken and started screaming hysterically. A few seconds later, the pilot re-started the engine and said, "Don't worry ■■■ was only joking. " The plane landed safely and neither person was injured. If the girlfriend brings suit against the pilot for intentional infliction of emotional distress, she will probably', A. 'recover, because a reasonable person would have been distressed by the pilot's actions.', B. 'recover, because the pilot's conduct was extreme and outrageous.', C. 'not recover, because the pilot intended his actions as a practical joke and, therefore, lacked sufficient intent for an intentional tort.', D. 'not recover, because the girlfriend did not suffer any physical injury.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1370:

'A man entered into a written contract with a nationally famous artist. Their contract provided that the artist would paint a full-color portrait of the man, to be delivered by November 1, in exchange for \$15,000. A contractual provision recited that the artist "guarantees that the quality of the portrait will be fully satisfactory. "The artist finished the portrait and presented it to the man on November 2. The man looked at the portrait and said, "This is awful! I really expected better. I'm not paying for this!" The artist was enraged by the man's reaction, as he felt the finished portrait was one of his best works. Which of the following arguments would be LEAST helpful to the artist in his efforts to recover on a breach of contract theory?', A. 'The man's dissatisfaction with the quality of the portrait was not genuine.', B. 'The man failed to make an adequate examination of the quality of the portrait.', C. 'The man's dissatisfaction with the portrait was the result of delivery after November 1, rather than of any lack of quality in the portrait.', D. 'Because of a recent hand injury, the artist did not have sufficient time to produce a portrait of a quality satisfactory to the man.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1371:

The Farstate Department of Wealth Equality is a state agency dedicated to taking from the rich to give to the poor. The head of the department has promulgated the following hiring rule: "Because the rich are the source of all problems of society and cannot understand the plight of the poor, anyone who has a net worth over \$10,000.00 is ineligible for employment with this department." Immediately, 25 employees in the department are fired due to their net worth above the designated level. They sue the state. Which of the following is the correct analysis and conclusion?, A. 'The action is arbitrary and capricious, so it is unconstitutional under the strict scrutiny standard.', B. 'The action is not deemed done by a state actor because wealth redistribution is not an essential government function.', C. 'The right to public employment is a protected property interest and the employees would likely prevail because of lack of procedural due process.', D. 'Wealth is a quasi-suspect class, so the rule must promulgate an important governmental purpose. Eliminating poverty is important, so the rule meets this level of scrutiny.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1372:

'At a no-reserve auction, the auctioneer put up a painting that was unsigned and apparently quite old. A woman made the highest bid, which was \$100, and the auctioneer slammed the gavel down, completing the transaction. Before the day's auction ended, an art historian told the auctioneer in private during a break that the piece was an original by Claude Monet, worth about \$1 million. The auctioneer quickly told the successful bidder that the amount was rejected by the seller and that the piece would be withdrawn from the sale that day. The woman sued the auctioneer, claiming that there was a binding contract and requesting specific performance. Based strictly on the rules of offer and acceptance, is the auctioneer in danger of losing the painting to the successful bidder and, if so, why?', A. 'No, the auctioneer can always reject an offer made by a bidder at a public auction sale.', B. 'No, the auctioneer is the offeree at a no-reserve auction and, as such, the offeree has the absolute power to reject the offer if it is not accepted by the owner.', C. 'Yes, in a no-reserve auction there is a binding contract based on the highest amount offered by the winning bidder.', D. 'Yes, in a no-reserve auction there is a binding contract as soon as the bidding starts, with each bid being a new binding contract.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1373:

"The owner of real estate neglected to pay his real estate tax bills. The county tax bureau sent a notice by certified mail to him at the property address informing that the property would be sold at a public sale if the taxes were not paid. Nobody was home to sign for the letter and nobody claimed it. It was returned to the county marked "unclaimed." One year later the property was advertised in the local newspaper and exposed to public sale. Prior to completing the sale, the county sent another notice to the owner that came back "unclaimed." The buyer at the sale tried to evict the owner. The owner filed a complaint against the county and the buyer claiming a taking of his property without due process. The state courts held that the procedure complied with due process notice. The case came before the U.S. Supreme Court. What was the likely decision of the Supreme Court regarding the method of notice provided here?", A. 'Additional attempts at notice are required if at all possible when the county knows in advance that its methods were returned as unclaimed.', B. 'The notice was adequate because it was sent twice and was fairly calculated to get to the right person.', C. 'Certified mail addressed to the owner of the property is always sufficient notice for due process purposes.', D. 'The county's notice was inadequate because it must have the sheriff serve the notice personally on the owner under U.S. Supreme Court precedent.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1374:

'A man was in jail after being arrested for burglary. When the police attempted to question him, the man invoked his Miranda rights and refused to answer any questions. The man was subsequently tried, convicted, and sentenced to a prison term for the burglary. Three years later, while the man was serving his prison sentence for the burglary, a police detective from a nearby town questioned him about an unsolved homicide. The detective did not know that the man had invoked Miranda at an earlier time. that the man had invoked Miranda at an earlier time. The man waived his Miranda rights and made several incriminating statements to the detective. When he was later charged with the homicide, the man moved to suppress these statements, claiming that his earlier refusal to waive his Miranda rights should have been honored. Should the court suppress the statements?', A. 'No, because the detective was unaware that the man had originally invoked his Miranda rights.', B. 'No, because the man's prior invocation of his Miranda rights did not preclude the later interrogation.', C. 'Yes, because the man had earlier invoked his Miranda rights, and the police were not permitted to resume questioning, even after a time lapse of years.', D. 'Yes, because the man was incarcerated, and his earlier invocation of his Miranda rights shielded him from further questioning until shielded him from further questioning until he was released.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1375:

'A city "flow control" ordinance mandated that all solid waste that was within the limits of the town was to be transported to a local facility in the city for processing before it could be sent to other states for further disposal. A solid waste processor sued the city in federal court claiming that the ordinance discriminated based on local economic protectionism. The city responded that the ordinance did not discriminate because it does not differentiate solid waste due to geographic origin. All solid waste, regardless of origin, must be processed and made environmentally safe at the transfer station before it leaves town. Will the federal court rule that the flow control ordinance is a discriminatory law against the free flow of interstate commerce?', A. 'Yes, because it allows only the favored operator to process waste that is within the limits of the town, to the exclusion of outside processors who might be interested in getting some of the business.', B. 'Yes, because it requires processors to come into the state to be allowed to do processing instead of being able receive the waste at their out-of-state location.', C. 'No, because the city did not discriminate against anyone's waste, if it was in the city limits the state from where the material originated did not come into consideration.', D. 'No, because the city simply wanted to assure that the solid waste leaving the area was not environmentally harmful.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1376:

'A general contractor about to bid on a construction job for an office building invited a carpenter and several others to bid on the carpentry work. The carpenter agreed to bid if the general contractor would agree to give the carpenter the job provided that his bid was lowest and the general contractor was awarded the main contract. The general contractor so agreed. The carpenter, incurring time and expense in preparing his bid, submitted the lowest carpentry bid. The general contractor used the carpenter's bid in calculating its own bid, which was successful. Which of the following best supports the carpenter's position that the general contractor is obligated to position that the general contractor is obligated to award the carpentry subcontract to the carpenter?', A. 'The carpenter detrimentally relied on the general contractor's conditional promise in preparing his bid.', B. 'The carpenter gave consideration for the general contractor's conditional promise to award the carpentry subcontract to the carpenter.', C. 'The general contractor has an implied duty to deal fairly and in good faith with all bidders whose bids the general contractor used in calculating its main bid to the building owner.', D. 'The general contractor has an obligation to the owner of the building to subcontract with the carpenter because the carpenter's bid was used in calculating the general contractor's bid, and the carpenter is an intended beneficiary of that obligation.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1377:

'A professor was employed by a bar review course as a lecturer. After lecturing for the bar review course for 10 years, the professor was suddenly fired. Because the professor was such a popular and well-respected individual in the bar review industry, there was much speculation and interest concerning his termination. A reporter for the local law journal telephoned the bar review course's administrative director and inquired why the professor had been fired. The director told the reporter that the professor was fired because the president of the bar review course believed that the professor had embezzled money. The next day, the reporter wrote an article that was published by the law journal, which quoted the director and stated that the professor "was fired because he had embezzled money. " It was later learned that the professor was not responsible for any unlawful conduct and had not embezzled funds. If the professor asserts a defamation action against the law journal, he will most likely', A. 'prevail, if the professor proves malice.', B. 'prevail, if the newspaper was negligent in notascertaining whether the professor had actually embezzled any funds.', C. 'not prevail, because the director was merely providing an opinion about the reason for the professor's termination.', D. 'not prevail, because the law journal was merely repeating what it had been told by a source.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1378:

Two defendants were playing poker one night with some friends. Everyone that was playing, including the defendants, was drinking heavily. After losing a large amount of money, the defendants accused the victim of cheating. When the victim tried to leave, the defendants beat him with their fists and, as the victim fell to the ground, they continued by kicking him in the head. The victim suffered a fractured skull in the beating and died as a result of severe head trauma. Thereafter, the defendants reached into the victim's pocket and stole his wallet. The defendants were arrested and charged with the murder of the victim. Prior to trial, the prosecutor admitted that it was impossible to determine which defendant was responsible for actually fracturing the victim's skull. If the defendants are prosecuted for felony murder, which of the following would provide their best defense?', A. 'The jurisdiction adheres to the inherently dangerous felony requirement.', B. 'The jurisdiction follows the independent felony murder rule.', C. 'The jurisdiction follows the proximate cause theory.', D. 'The jurisdiction follows the agency theory.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1379:

'In transactions between merchants, what is not true about additional terms proposed in the acceptance?'. A. 'They become part of the contract unless they materially alter the agreement.', B. 'Additional terms always become part of the contract.', C. 'They become part of the contract unless the offer expressly limits acceptance to the terms of the offer.', D. 'They become part of the contract unless the offeror objects within a reasonable time to the additional terms.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1380:

'A motorist who was injured in an accident sued the negligent other driver for his damages. The defense medical expert did an independent medical examination and reviewed all medical records. The expert testified that the accident did not cause the injuries because the medical records proved a long history of prior treatment for the same symptoms. The jury returned a verdict for the plaintiff but awarded only \$10 in damages. On post-trial motions, the plaintiff argued that the expert's testimony was inadmissible hearsay because he based it on prior treating physicians' records, and the prior doctors were not available for cross-examination. Under the Federal Rules of Evidence, what is the correct ruling?', A. 'Testimony regarding the plaintiff's condition prior to the accident is irrelevant and the testimony is inadmissible.', B. 'The Federal Rules of Evidence allow the admission of hearsay statements that were made for the purpose of medical diagnosis or treatment.', C. 'Medical testimony that is relevant to the issues can never be excluded from the defendant's case because it is always reliable.', D. 'The testimony is inadmissible hearsay because there was a constitutional right under these facts to cross-examine the doctors who wrote the prior records.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1381:

'A defendant parked his car illegally in a handicapped parking space while he went into a store to get a cup of coffee. The defendant was inside the store waiting for his coffee when a member of the city's parking enforcement department drove by the vehicle. Seeing that there was no handicapped sticker on the car, the parking official stopped and started ticketing the vehicle. When the defendant came outside, he got into an argument with the parking official. After the defendant became verbally abusive, the parking official told him to desist or he was going to impound the vehicle. After the defendant continued his badgering, the parking official told him that he was impounding the vehicle and called the station house for officer assistance. A few minutes later, a police officer arrived on the scene. He asked the defendant for identification and then proceeded to frisk him for weapons. The officer found a clear vial containing heroin in the defendant's back pocket. He then placed the defendant under arrest. Thereupon, the parking official went into the defendant's car and began an inventory search. In this jurisdiction, parking enforcement personnel have statutory authority to conduct inventory searches of impounded vehicles. The parking official did not find anything of interest. After the police officer placed the defendant in the patrol car, the officer asked the parking official if he could search the vehicle, to which the parking official responded yes. The officer looked under the floor mat and found a bag containing marijuana. The defendant was taken to the station house and charged with unlawful possession of heroin and marijuana. Prior to trial, the defense filed a motion to exclude the heroin and marijuana from being admitted into evidence. The motion will be granted with respect to', A. 'the heroin only.', B. 'the marijuana only.', C. 'both the heroin and the marijuana.', D. 'neither the heroin nor the marijuana.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 1382:

'Congress has recently enacted a statute legalizing marijuana. The law, signed by the President, imposes a tax of \$1 on each pack of marijuana cigarettes sold in the United States. In an inseverable portion of that same law, the entire proceeds of the tax are appropriated on a continuing basis for direct payments to an art museum. The public museum is dedicated to the collection of pictures, artifacts, weapons, and other historical memorabilia of past wars. Which of the following most clearly has standing to attack the constitutionality of this appropriation of the tax monies to the art museum?', A. 'A state, other than the one in which the museum is located, in which several other public museums are located that are not subsidized by this law.', B. 'A nonprofit organization of war veterans that claims it can demonstrate a greater need for the funds than can the museum.', C. 'A purchaser of marijuana cigarettes who is required to pay the tax.', D. 'An association of medical doctors that alleges that the legalization of marijuana will result in a public health hazard.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1383:

The local jurisdiction has a modified comparative negligence statute in effect that provides: "Contributory negligence shall not bar recovery in any action by any person or his legal representative to recover damages for negligence resulting in death or injury to person or property, if such negligence was not as great as the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person for whose injury, damage, or death recovery is made." In addition, this jurisdiction follows joint and several liability for joint tortfeasors. A buyer recently purchased an undeveloped beachfront lot in the jurisdiction. He hired a building contractor to construct a new house on the property. Thereafter, the contractor employed a subcontractor to provide on-site maintenance. The contractor contracted with a cement company to supply concrete for the foundation of the structure. After excavation started, an employee of the cement company delivered a load of concrete to the construction site. To facilitate delivery, the contractor and the subcontractor had built an access ramp extending from the street to the lot. As the employee was driving over the ramp, it suddenly collapsed and caused the truck to overturn, seriously injuring the employee. A subsequent investigation determined that the contractor and the subcontractor negligently used substandard materials in constructing the ramp. In addition, the employee was partially at fault for driving while intoxicated. The employee brought suit against the contractor and the subcontractor to recover damages for his injuries. A special trial was held on the issue of negligence, and it was adjudged that each party was contributorily negligent as follows: PARTY DEGREE OF NEGLIGENCE Plaintiff: (the EE) 40% Defendant: (the contractor) 35% Defendant: (the subcontractor) 25% The employee, who suffered damages in the amount of \$100,000, brings a personal injury action against the contractor individually. He will most likely, A. 'recover nothing, because he was more at fault than the contractor.', B. 'recover \$100,000.', C. 'recover \$55,000.', D. 'recover \$35,000.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1384:

'Jan sues the Chicago Times for defamation in a Florida circuit court. At trial, Jan wishes to offer into evidence a copy of the edition of the Times containing the allegedly libelous article. Before the newspaper may be admitted, Jan must', A. 'call as a witness an employee of the Times to testify that the proffered newspaper was in fact published by the Times.', B. 'have a certification affixed to the newspaper signed by an employee of the Times attesting to its authenticity.', C. 'establish that the newspaper has been properly certified under the law of the jurisdiction where the newspaper was published.', D. 'do nothing because the newspaper is self-authenticating.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1385:

'On February 1, a man dispatched the following letter to a mechanic: "My car has not been running very well lately. I'll pay you \$275 if you will change the oil, replace the oil filter, and adjust the carburetors by February 10. "The mechanic received the man's letter on February 3. That same day, he telephoned an auto supply company and ordered the necessary materials to perform the repair work. Two days later, the mechanic met the man at a party and this conversation took place: The man: "Disregard the letter I sent you last week. "The mechanic: "No way, man, I already ordered the materials on from the auto supply company. "The man: "Sorry, but I sold my car yesterday, so forget the repair work. "If the mechanic initiates suit for breach of contract, which of the following is the man's strongest argument that no enforceable contract was formed between the parties?', A. 'The mechanic had not completed performance before the man revoked his offer.', B. 'The man's offer could only be accepted by a return promise.', C. 'Because the man made his offer by letter, the mechanic could accept only in the same manner.', D. 'Although the mechanic was preparing to perform the repair work, he had not begun the requested acts of acceptance when the man revoked his offer.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1386:

'An athlete hoped to sign a contract with a professional baseball team to play baseball. He had succeeded in arranging for a tryout at the baseball team's training facilities in a neighboring state. Short on funds and needing a way to get to the training facilities, the athlete approached his friend and said, "If you will drive me to and from the baseball team's training facilities for my tryout and pay for our housing and meal expenses during our stay, I will assign to you 10 percent of my first-year earnings. " The friend agreed and drove the athlete to the training facilities. After the tryout, the baseball team offered the athlete a contract to play baseball for the team at \$100,000 per year. When the friend asked when he would be receiving his 10 percent, the athlete replied that \$10,000 was much more than the friend deserved and he would pay the friend \$1,000 for his efforts. The friend then filed suit to enforce the assignment. If the court holds the assignment unenforceable, the most applicable legal principle would be', A. 'a purported assignment of a right expected to arise under a contract not in existence operates only as a promise to assign the right when it arises and as a power to enforce it.', B. 'a contract to make a future assignment of a right is not a validly enforceable assignment.', C. 'the friend did not detrimentally rely on the assignment prior to the attempted revocation of the assignment by the athlete.', D. 'a gratuitous assignment is revocable, and the right of the assignee is terminated by the assignor's subsequent revocation.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: B

Question 1387:

'On August 10, a retail stationery store sent the following purchase order to a wholesaler of office supply equipment: "Please ship immediately 24 pairs (two dozen) 3 1/2-inch, right-handed scissors at your current list price of \$4 per pair. "The wholesaler received this purchase order on August 12. The next day, the wholesaler ascertained that there were only 18 pairs of 3 1/2-inch, right- handed scissors in stock. The wholesaler, however, found that he had six pairs of 3 1/2-inch, lefthanded scissors in stock. Without noti'ing the stationery store, the wholesaler shipped the 18 pairs of right-handed scissors, along with the six pairs of left-handed scissors, to the stationery store. The stationery store was aware that the wholesale price for the left-handed scissors was \$3 per pair, or \$1 less than the list price for the right-handed scissors. Was an enforceable contract formed when the wholesaler shipped the 24 pairs of scissors to the stationery store?', A. 'Yes, because the wholesaler's shipment constituted acceptance of the offer, absent a seasonable notification by the wholesaler to the stationery store that the shipment was made for accommodation only.', B. 'Yes, because the wholesaler acted in good faith in making the shipment in reliance on the stationery store's offer.', C. 'No, because the wholesaler could accept the stationery store's offer only by a prompt promise to ship the goods ordered.', D. 'No, because acceptance by performance of an offer for immediate or prompt shipment is legally binding, unless the nonconforming goods are not reasonably resalable.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1388:

'A landlord rented an apartment to a tenant for \$250 per month in accordance with a month-to-month agreement. On September 3, the landlord mailed the following letter to the tenant: "September 2 In consideration of one dollar, receipt of which is acknowledged, I hereby give you an option for 20 days from the above date to sign a two-year lease at \$225 per month, provided you pay two months' rent in advance. "The tenant received the letter on September 4, but did not read it until September 5. On September 23, the tenant telephoned the landlord and said, "I want to give you the \$450 and sign the two-year lease as soon as possible. " The landlord replied, "I've change my mind. I do not want to sign a lease with you. Moreover, I want you to vacate the apartment immediately. " At no time after receiving the landlord's letter on September 4 did the tenant pay him the one-dollar consideration. Did the landlord's letter constitute an effective offer for a two-year lease?', A. 'Yes, because it manifested a willingness to enter into a specific bargain that could be concluded by the tenant's assent.', B. 'Yes, because consideration for the option can be infeffed from the previous month-to-month lease.', C. 'No, unless the tenant paid or tendered to the landlord the one-dollar consideration.', D. 'No, because it contained a condition precedent to execution of the proposed lease.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 1389:

'A salesman, who had worked 20 years for the same company, was suddenly terminated for no apparent reason. Thereafter, the salesman sued the company, alleging age discrimination. At trial, he wants to call an employee of the company as an adverse witness. The salesman seeks to have the employee testify that she was present at a company board meeting when the company's president allegedly said, "Now, I'm sure that everyone agrees that the salesman is too old, and he really doesn't typify the image we want our employees to project. " It is the common practice of the company to tape record all such board meetings. Moreover, it is customary for the company's secretary to transcribe the tapes following the board meetings. Upon objection by the company's attorney, the employee's proposed testimony will be held', A. 'admissible, because the employee was present during the board meeting.', B. 'admissible, because the president's statement was an admission by a company representative.', C. 'inadmissible, because the tape of the meeting is the best evidence.', D. 'inadmissible, because the secretary's transcribed notes are the best evidence.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1390:

'A woman entered a jewelry store and asked the store's owner if he had any bracelets with turquoise and mother-of-pearl inlay. The owner answered affirmatively and showed the woman two display trays of bracelets. As the woman was looking at a few of the pieces, the telephone in the store began to ring. The owner excused himself and walked to the rear of the store where he answered the telephone call. While the owner was speaking on the phone, the woman placed one of the bracelets in her pocketbook and walked a few feet toward the front door of the store. She was about to leave the store, without paying for the bracelet, when she suddenly noticed one of the other employees. Thinking that the employee had seen her place the bracelet in her pocketbook, the woman walked back to the counter and returned the bracelet to the display tray. In fact, the employee had seen the woman take the bracelet but decided not to say anything after she put it back. If the woman is subsequently prosecuted for larceny of the bracelet, she will most likely be found', A. 'guilty, because it is not relevant that she returned the bracelet to the display tray.', B. 'guilty, because the employee had actually seen her place the bracelet in her pocketbook.', C. 'not guilty, because she returned the bracelet to the display tray.', D. 'not guilty, because she didn't leave the store with the bracelet in her possession.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: A

Question 1391:

'Which of the following executive orders will most likely be found unconstitutional?', A. 'The President issued an executive order requiring all executive branch employees to use exclusively one brand of ballpoint pens and pencils as their writing utensils. According to a study, the federal government could save in excess of \$250,000 a year in office supply costs if all executive agencies were to use standardized pens and pencils.', B. 'The President issued an executive order requiring all executive branch employees to wear only white shirts and blouses during regular working hours. According to the President's directive, executive employees are prohibited from wearing colored (e. g. , blue or yellow) or striped shirts and blouses while on duty. The President issued the order in an effort to establish a uniform dress code for all executive employees.', C. 'In 1887, Congress passed a law establishing a federal Commission of Birdwatchers. The Commission, which is still in effect, consists of seven members who are appointed by the President. The Commission's main function is to go on periodic retreats to photograph and study North American birds and their migratory habits. Believing that the Commission is archaic, the President decides that any future funding will simply be a waste of money. He thus executes an executive decree abrogating the Commission of Birdwatchers.', D. 'A devastating hurricane damages an island which is part of a foreign country. The storm destroys many homes, resulting in death and injury to thousands. In response to a request from the foreign government for emergency aid, the President, without seeking the advice and consent of the Senate, issues an executive decree authorizing U. S. Army troops to the island to provide medical and humanitarian assistance.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1392:

'A husband is charged with murder in the shooting death of his brother-in-law. In the jurisdiction in which the husband is on trial for murder, the defense of insanity is an affirmative defense. The husband pleads insanity as his defense. At trial, in order to prove his defense of insanity, the husband has', A. 'the burden of production.', B. 'the burden of persuasion only.', C. 'both the burden of production and the burden of persuasion.', D. 'neither the burden of production nor the burden of persuasion.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1393:

'A school hired a senior citizen to act as a crossing guard at a crosswalk located in front of the school. The contract signed by the parties required the senior citizen to be at the crosswalk every weekday afternoon from 2 pm to 4 pm, and to escort children leaving the school across the street. The senior citizen was to be paid \$250 per week for his efforts. The contract also stressed the importance of the safety of the children, and stated that if the senior citizen should fail to show up for work without giving notice in advance so a substitute can be located, the senior citizen would be subject to a \$200 per incident penalty. The contract provision making the senior citizen liable for a \$200 per incident penalty may best be described as a (an)', A. 'liquidated damage clause.', B. 'unliquidated damage clause.', C. 'penalty and forfeiture clause.', D. 'aleatory clause.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1394:

'On February 1, a homeowner entered into a contract with a famous landscape architect, to landscape her five-acre estate. The homeowner entered into the contract with the architect because she was pleased with the work he had done on her neighbor's gardens. The architect promised to complete the job before May 30, the date of the homeowner's annual garden party. On March 1, the homeowner left for a month's vacation. Unknown to her, the architect, because of previous commitments, assigned the contract to a gardener. After the gardener had completed 60 percent of the work, the homeowner returned and was displeased with the landscaping already completed. The homeowner contacted the architect, who informed her of the assignment to the gardener and told her that he was no longer obligated under their original contract. Disgruntled, the homeowner fired the gardener. If the homeowner asserts a claim against the architect based on breach of contract, the fact that the architect assigned the contract to the gardener will', A. 'relieve the architect of liability, because the contract was assignable.', B. 'relieve the architect of liability, because the gardener's work was the cause of the homeowner's dissatisfaction.', C. 'not relieve the architect of liability, because a personal service contract of this nature is non- delegable.', D. 'not relieve the architect of liability, unless there was an express contractual provision against assignments.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1395:

'A woman was employed as a legal secretary for a local attorney. After the attorney terminated the woman's employment, she sent a job application and résumé to another attorney. In the résumé she sent to the second attorney, the woman listed her former employment with the first attorney. After receiving the woman's résumé, the second attorney telephoned the first attorney for his opinion of her qualifications. The first attorney replied that he dismissed the woman "because she was unprofessional and incompetent. " The first attorney's assessment was based on one malpractice incident for which he blamed the woman, but which, in fact, was attributable to another secretary in his law firm. Although the first attorney reasonably believed that his low rating of the woman was a fair reflection of her performance, he wrongfully held her responsible for the malpractice incident. Based on the first attorney's poor recommendation, the second attorney did not hire the woman. In a defamation action by the woman against the first attorney, the plaintiff will most likely', A. 'prevail, because the first attorney's statement reflected adversely on the woman's professional competence.', B. 'prevail, because the first attorney was mistaken in the facts upon which he based his opinion of the woman's performance.', C. 'not prevail, because the first attorney had reasonable grounds for his belief that the woman was incompetent.', D. 'not prevail, because the woman listed her former employment with the first attorney in her résumé to the second attorney.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1396:

'A business owner had a feud and "bitter blood" with a former employee. One day that employee came uninvited into the owner's office brandishing a loaded shotgun, approached the owner's desk and raised the weapon. The owner, however, was secretly waiting for the opportunity. As the employee began to press on the trigger, the owner pulled a gun from her drawer and killed him. The owner admitted she felt malice toward her enemy. The authorities charged her with murder. Can she be convicted?', A. 'No, because she acted in self-defense.', B. 'No, because these facts constitute justifiable homicide.', C. 'Yes, because she had been lying in wait for the victim.', D. 'Yes, because the owner cannot claim self-defense when her motive is evil.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1397:

'A defendant was prosecuted for aggravated assault after he stabbed a man in the chest during a dispute over a gambling debt. The defendant claimed he acted in self-defense after the man drew a knife on him and made menacing gestures with it. The defendant called a witness to the stand to testify that the defendant had a reputation in the community for being a peaceful person. On cross-examination of the witness, the prosecuting attorney asked the witness if he had heard that the defendant had often engaged in fights and brawls. Upon objection by the defendant's attorney, the trial judge should rule the question', A. 'proper, because it tends to show the witness's knowledge of the defendant's reputation.', B. 'proper, because it is relevant to prove the defendant's violent propensities.', C. 'not proper, because it puts into evidence separate and unrelated offenses.', D. 'not proper, because character cannot be proved by generalities.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 1398:

'An obese woman signed up for a weight loss program that promised weight loss down to her medically recommended range. The promotional material claimed patented methods and nutritional supplements that were a "miraculous discovery" that would work for anyone within 24 months. The cost was \$1,000 per month; the woman paid a total of \$24,000 for two years but she lost only 6 pounds and remained excessively obese. A former program employee told her that there was no patent, no miraculous discovery, and the supplements were the same as a common vitamin brand. She sued the program for misrepresentation. Will she likely prevail?', A. 'No, because statements that are mere "puffing" or opinions cannot be the basis for misrepresentation.', B. 'Yes, because the program had a fiduciary duty to make full disclosure to her of all of the facts.', C. 'No, because she did not justifiably rely on the incredible representations that were made.', D. 'Yes, because the program knowingly made false factual representations that the customer relied on.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1399:

The victim owned and operated a small convenience store that was situated on the first floor of the building in which the victim occupied a second-floor apartment. Late one evening, the defendant was walking past the convenience store when he decided to break into the store to steal beer and cigarettes. The defendant threw a brick through the window of the convenience store and quickly went inside. Awakened by the alarm, the victim went down the stairs and into the convenience store. Seeing the victim, the defendant turned and began to run. Seeing the defendant running away with a case of beer and a carton of cigarettes, the victim ran after the defendant but tripped and fell, breaking his neck, which resulted in his immediate death. If the defendant is subsequently charged with the victim's death, he will most likely be found', A. 'guilty of felony murder.', B. 'guilty of involuntary manslaughter.', C. 'guilty of voluntary manslaughter.', D. 'not guilty, because it was unforeseeable that a death would occur under the circumstances.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1400:

The Latino American Party was founded and chartered in a state to promote the political power of Latino Americans. Members pledged themselves to vote only for candidates nominated by the party. At first, membership was open to any voter who pledged himself to those tenets, but after the defeats in a recent election, the Party expelled all nonLatino members upon the grounds that experience showed that only Latinos could be trusted to honor the obligation to vote only for the Party's nominees. Membership is currently confined to Latinos. In every election since, the Party's nominees have easily won election in their Congressional District. Subsequently, the Executive Committee proposes that the Party choose its own Latino candidate for governor of New Mexico in the upcoming election. It will put its slate for U. S. representatives, governor, and U. S. senator before Party members for mail ballot, along with any rival candidates who qualify for the pool. In an action by non-Latino citizens in the relevantCongressional District to enjoin the Latino AmericanParty from conducting the mail ballot primary, thefederal court will most likely', A. 'grant relief, because the primary would be proscribed by the Thirteenth Amendment.', B. 'grant relief, because the primary would be proscribed by the Fifteenth Amendment.', C. 'deny relief, because the Party's primary would be private action and not subject to restriction under the Constitution.', D. 'deny relief, because a pre-primary election is not within the scope of federal election control.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1401:

Two parties entered into a contract. The one party was a one-man manufacturer's independent distributor and the other party was an international conglomerate that manufactured construction materials for eventual delivery to new home builders. The contracting parties got into a dispute over the terms of the contract. The choice-of-law provision mandated Delaware law for all disputes. The independent distributor sued in California where most of his business on behalf of the manufacturer was conducted. The manufacturer was based in Illinois. The manufacturer argued for the application of Delaware law which was favorable to its position. Will the presiding state court have a sustainable reason for rejecting the choice-of-law provision and applying the law of the forum court?'. A. 'No, there is no basis for rejecting a choice-of-law provision in a contract.'. B. 'Yes, where there is no relationship between the chosen forum and the parties and where one side obtained a contract of adhesion, the court will not generally enforce the choice-of-law provision.'. C. 'No, one of the parties is incorporated in Delaware and that is enough for the choice-of-law provision to be strictly adhered to.'. D. 'Yes, the party who brings the lawsuit can designate which state's law applies regardless of the existence of a choice-of-law provision in the contract.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1402:

'A company incorporated and headquartered in State A sued a plumber domiciled in State B in a federal court in State A, alleging that the plumber had negligently installed pipes in a manner that resulted in \$250,000 in damage to the company's headquarters building. In response to the complaint, the plumber filed a motion to dismiss for lack of personal jurisdiction. The court denied the motion. Thereafter, the plumber did not file an answer or any other response to the company's action. Sixty days after the court's order denying the motion to dismiss, the company asked the clerk to enter default, and the clerk did so. The company applied to the court for the entry of a default judgment and notified the plumber three days before the default judgment hearing. After an ex parte hearing in which the court received evidence on the damages amount, the court entered a default judgment for the full amount sought. Ten days later, the plumber filed a motion to set aside the default judgment. Is the court likely to grant the plumber's motion?', A. 'No, because the court could fix the amount of damages even without hearing the plumber's evidence.', B. 'No, because the plumber failed to plead or otherwise defend against the company's action.', C. 'Yes, because the plumber was not given adequate notice of the hearing on the company's application for the entry of a default judgment.', D. 'Yes, because the State A federal court lacked personal jurisdiction over the plumber as a State B citizen.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1403:

'A 25-year-old concert pianist lived in a small studio apartment in a city. The pianist could not keep a piano in her apartment because of its small dimensions. In order to practice each day, she had to travel to a school of performing arts to use its musical facilities. Finally, the pianist decided to move out of her apartment and buy a more spacious home, where she could have her own piano. As she was house hunting, the pianist found a quaint home in the county that she wanted. She put a bid down on the home with the seller's broker. She was informed that the owner was in Europe on a business trip and would not be entertaining any offers until he returned. While she was awaiting word on the county property, the pianist's friend orally agreed to sell his piano to her for \$8,000. The pianist explained that she wanted the piano only if she should succeed in her efforts to buy the county home. For this reason, the parties agreed that the piano sale would not take effect unless the pianist bought the county home. The next day, the parties reduced their oral agreement to a signed writing, but did not include in the writing any mention that the sale would not take effect unless the pianist bought the county home. Two weeks later, the owner of the county property returned from a trip and rejected the pianist's offer. The friend now brings an action against the pianist for breach of contract to buy the piano. How should the court rule on the pianist's offer to prove, over the friend's objection, that she has not been able to buy the county home?'. A. 'The evidence is admissible, to show that the written agreement did not become a contract.'. B. 'The evidence is admissible, to show frustration of the purpose of the contract.'. C. 'The evidence is barred, because the oral agreement is within the statute of frauds.'. D. 'The evidence is barred, because the oral agreement would contradict the written agreement, which is unconditional on its face.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 1404:

'A western parcel, a central parcel, and an eastern parcel are three business lots abutting each other, with the central parcel between the other two lots. A business owner owns the central parcel in fee simple and maintains his dwelling house thereon. He has a right-of-way, granted in a written agreement, across the eastern parcel for crossing the eastern parcel on foot, by bicycle, or automobile. A landscaper is the owner of the eastern parcel. An investor owns the western parcel and conveys it to the business owner in fee simple. The business owner then builds a 15-story office building, covering the western parcel and the central parcel, which houses 6,000 persons during working hours each day. All of these persons use the right-of-way over the eastern parcel, and the business owner uses the way for delivering as many as 30 loads of supplies per day to the office building. In an action by the landscaper to enjoin the business owner and the office workers from using the right- of-way across the eastern parcel, the court will most likely hold that', A. 'the business owner's right-of-way would be extinguished due to excessive use by the office workers.', B. 'the business owner's right-of-way would be forfeited due to the unauthorized use by the office workers.', C. 'the business owner, by making use of the right-of-way beyond the scope of the original privilege, would permanently be enjoined from using the servient tenement.', D. 'Although the business owner may continue to use the right-of-way, the office workers would be enjoined from making such use.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1405:

'An uncle owns his property in fee simple. The uncle executes and delivers a deed to the property with the following granting clause:"To my nephew and my niece for the life of my nephew, then to my gardener. "As a result of the grant, which of the following is the most accurate statement regarding the ownership rights of the property?', A. 'The nephew and niece are joint tenants in fee simple defeasible, and the gardener has an executory interest.', B. 'The nephew has a life estate, the niece has a life estate pur autre vie, and the gardener has a vested remainder.', C. 'The nephew and niece are tenants in common for the life of the first of them to die, the nephew and niece have contingent remainders in fee simple defeasible, and the gardener has an executory interest.', D. 'The nephew has a life estate, the niece also has a life estate, and the gardener has a vested remainder.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 1406:

'On May 10, 1955, a rancher, owner of a 300-acre cattle ranch in Texas, conveyed a 20-acre strip across the property as follows:"To the railroad, its successors and assigns, to have and to hold so long as the same shall be used for railroad purposes. "In 1972, the rancher made the followingconveyance:"To my daughter and her husband and their heirs, as much of the 300-acre cattle ranch as is not described in my deed to the railroad dated May, 10, 1955. "The following year, the rancher, a widower, died intestate, survived by the daughter and a son. In 2000, the railroad decided to discontinue operating its trains over the strip conveyed in 1955. By 2004, the growth of a nearby town had made the 300-acre cattle ranch valuable as a potential site for homes or for an industrial park. However, as of January 1, 2005, the governing body of the county (in which the ranch sits) took appropriate action, in accordance with Texas statutes, to zone the 300-acre cattle ranch as single-family residential property with a minimum lot size of one acre. The ordinance provided that the exclusion of ranching operations and industrial development was necessary to protect the health of county residents by limiting the extent of waste disposal and preventing pollution of air and the nearby river, the county's major water supply. The state's power authority has now taken appropriate action to condemn half of the 300-acre cattle ranch, which will be flooded as a result of construction of a dam for a proposed hydroelectric facility. The 150 acres taken includes the 20-acre strip described in the deed to the railroad. Is the railroad entitled to any compensation from the state's power authority?', A. 'Yes, because if all the leased land is condemned for the full balance of the lease term, the lessee is entitled to compensation for the taking of the leasehold estate.', B. 'Yes, because the holder of an easement benefit is entitled to compensation for the value lost.', C. 'No, because by discontinuing its operation of trains, the railroad's determinable, feeterminated.', D. 'No, because the holder of an easement is not entitled to compensation when the servient tenement is extinguished by condemnation.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 1407:

'A defendant is charged with murder and relies upon a claim of self-defense. At trial, the defendant attempts to show that prior to the killing, he was told by a drinking buddy that "The victim has killed five men and would as soon kill a man as look at him. "If the statement by the drinking buddy is offered into evidence to prove that the victim, in fact, killed the five men, the statement should be ruled', A. 'admissible, because the statement is offered to demonstrate its effect on the defendant.', B. 'admissible, because it qualifies under the state of mind exception to the hearsay rule.', C. 'inadmissible, because it is hearsay not within any recognized exception.', D. 'inadmissible, because it is self-serving.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1408:

'A defendant and his friend were walking down the street when they ran into a victim. The friend turned to the defendant and said that the victim owed him some money. The friend then stopped the victim and demanded the money. The victim refused to pay the money. The friend suddenly said to the defendant, "Give me your gun. I'm going to blow this lowlife away. " The defendant gave his friend his gun, and the friend shot the victim to death. As the friend and the defendant were about to leave, the defendant turned to his friend and said, "Let me have my gun back. I think the creep's still alive. " The defendant then fired two more shots into the victim's body. Unknown to the defendant, the victim was already dead. Which of the following is the most serious crime that the defendant can be convicted of?', A. 'Attempted murder.', B. 'Murder.', C. 'Assault with a deadly weapon.', D. 'Concealment of a deadly weapon.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1409:

'A state government enacted a law that prohibited the state's agencies from purchasing services or goods from and companies doing business with Cuba. The federal government at the time was implementing a thaw in relations with the Cuban government. The U.S. Congress passed a statute regarding various policies and dealings toward Cuba. A National Trade Council sued the state in federal court seeking an injunction and declaratory judgment that the state law toward Cuba was unconstitutional. 30 of the business entities that were discriminated against by the state were members of the council. Is the federal court likely to grant the declaratory judgment and declare the state law unconstitutional?', A. 'No, the state law was consistent with the federal law and with federal policy on Cuba.', B. 'No, a state has the sovereign right to pass its own laws concerning its policies toward foreign countries.', C. 'Yes, the state law is unconstitutional because it denies equal protection to citizens of other states.', D. 'Yes, the state law is unconstitutional because it illegally interfered with the foreign affairs power of the federal government.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1410:

'A resident lived in a house across the street from a small office building. One of the offices in that building was that of a criminal defense lawyer. The resident hated the idea of the lawyer's office being close to her home. She felt that it meant dangerous criminals were coming and going in her neighborhood. The resident spent a lot of time looking out her window, trying to figure out which people going in and out of the office building were criminals, and imagining what sorts of crimes they had committed. The resident eventually decided that she needed to drive the lawyer out of the neighborhood. She made a telephone call to the lawyer and said, "You are scum, and so are all of your clients. I know that you're conspiring to commit crimes with all those bad people you represent. The police should arrest you and put you in jail with your clients. " The lawyer was very upset by what he heard. If the lawyer asserts a claim for defamation against the resident based on the telephone call, he will most likely', A. 'succeed, because the resident's remarks constituted slander per Se.', B. 'succeed, because the lawyer found the remarks to be upsetting.', C. 'not succeed, because the resident's remarks were a matter of personal opinion rather than statements of fact.', D. 'not succeed, because the resident's remarks were not published or communicated to anyone but the plaintiff.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1411:

'A fumigation company was hired to eliminate pests in one of two buildings in a condominium complex that shared a common wall. The owners of the complex told the fumigation company that the common wall separating the infested building from the uninfested building was an impenetrable fire wall. The fumigation company did its own thorough inspection and determined that the buildings were indeed completely separated by the wall. Residents of the condominium units in the building that was to be sprayed were told to evacuate, but the residents of the uninfested building were told that they could remain while the other building was treated. During and shortly after the fumigation, in which a highly toxic chemical was used, many residents of the uninfested building became sick. It was determined that their illnesses were caused by the fumigation chemical. In fact, there was a hole in the fire wall separating the two buildings, but because it could only be observed from a specific position in the crawl space underneath the floor of the uninfested building, it had not been discovered by either the fumigation company or any previous building inspector. Are the residents of the uninfested building likely to prevail in a tort action against the fumigation company?', A. 'No, because the condominium complex owners were responsible for accurately conveying the condition of their buildings.', B. 'No, because the fumigation company exercised a high level of care.', C. 'Yes, because the fumigation company can be held strictly liable for its activity.', D. 'Yes, because the fumigation company put a dangerous product into the stream of commerce.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1412:

'Police received information from a reliable informant that a defendant would be extorting money from a victim. The informant gave the police explicit details about the extortion scheme: the defendant would be calling the victim from a public phone booth on a particular street corner on a certain date and time to make the extortionist demand. Without notifying the telephone company or seeking a warrant, the police installed an eavesdropping device on the public phone. At the time on the date specified by the informant, the defendant phoned the victim from the telephone booth and said, "You better pay me \$5,000 by next week or I'll kill you and your family. " The defendant provided additional details about how and where to make the payoff. Based on the taped conversation, the police arrested the defendant and charged him with extortion. Prior to trial, the defendant's attorney moves to exclude the taped conversation from evidence. The defense motion should be', A. 'granted, because the police did not secure a warrant before installing the eavesdropping device.', B. 'granted, because the police did not obtain prior approval of the telephone company before installing the eavesdropping device.', C. 'denied, because the defendant did not have reasonable expectation of privacy.', D. 'denied, because the police had probable cause based on the information supplied by the informant.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 1413:

'An owner ran a sporting goods store that specialized in hunting and camping supplies. His friend had often cautioned him that he should not leave so much of his merchandise out in the open. One day, as the friend entered the store to pay a visit, he decided he'd put his unheeded warnings into action by playing a joke on the owner. The friend took a hatchet that was lying on a display case and swung it over his head as if he were going to strike the owner, who was standing at the register with his back turned. The friend then said, "All right buddy, one false move and it's over. " The owner was very frightened at almost being hit with the hatchet but suffered no actual physical or other harm. If the owner asserts a claim against the friend, the most likely result is that he will', A. 'recover, because the friend was negligent.', B. 'recover, because he feared the friend would hit him.', C. 'not recover, because he suffered no physical harm.', D. 'not recover, because the friend was only joking.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1414:

'The state constitution in one state guaranteed the right to marry to same-sex and opposite-sex couples alike. A political group got a proposition on the ballot, and a majority of the people voted to eliminate the right of same-sex couples to marry. The proposition did not affect any of the other rights that same-sex couples may have possessed from existing state law. Persons affected sued the state government for unconstitutionally taking away the rights that they had and doing it for no legitimate purpose, in violation of the due process clause of the Fourteenth Amendment. Will the court grant the requests of the lawsuit and declare the proposition void and reinstate the rights of same-sex couples to marry?'. A. 'Yes, under the due process clause no compelling state interest justifies denying same-sex couples the fundamental right to marry.'. B. 'Yes, because under the Fourth Amendment it would be an illegal interference against the right of privacy guaranteed to everyone.'. C. 'No, because the people voted to take a provision out of the existing constitution and when that is done by public vote it cannot be altered.'. D. 'No, because the ballot proposition was properly placed on the ballot and all statutory procedures were followed, thus precluding the courts from taking adverse action.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1415:

'A defendant was smoking marijuana as he was driving home from work one afternoon. A police officer approached him on the freeway and stopped the car to issue a citation for speeding. As the defendant handed the officer his driver's license, the officer smelled burnt marijuana, saw the joint, and saw an open envelope on the seat next to the defendant containing a substance that looked like marijuana. The officer ordered the defendant out of the car, arrested him for unlawful possession of marijuana. The officer then searched the defendant and found a sealed envelope in the defendant's back pocket. Without asking the defendant's permission, the officer opened the envelope and discovered that it contained cocaine. The officer then unzipped one of the jacket pockets on the jacket the defendant was wearing and found more cocaine and arrested the defendant for possession of cocaine. The defendant was taken to the police station and immediately escorted to an interrogation room. He was given his Miranda warnings, waived his rights, and gave a statement admitting to possession of cocaine and marijuana. Which of the following is a correct statement of the applicable legal principles regarding the search of the defendant?', A. 'When a police officer has made a lawful custodial arrest of an individual, he may, as a contemporaneous incident of that arrest, search the person of the individual.', B. 'The exclusionary rule requires that if an officer conducts an unconstitutional search, the evidence acquired in the course of the officer's subsequent activities is inadmissible.', C. 'If an individual effectively consents to a search of their person, the evidence gathered during the search is admissible.', D. 'One who drives an automobile on a public highway does not have a legitimate expectation of privacy.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1416:

'A defendant hated his boss, who had recently demoted him to a less prestigious position. Late one afternoon, the defendant saw his boss walking down the hallway. The defendant pulled out a gun and fired four shots at his boss. Although none of the bullets directly hit his boss, one of the shots ricocheted against a wall and struck the boss in the head, killing him instantly. What is the most serious crime that the defendant can be convicted of?', A. 'Murder.', B. 'Voluntary manslaughter.', C. 'Involuntary manslaughter.', D. 'Battery.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1417:

'A graduate of law school received notice that she had successfully passed the bar exam. To celebrate passing, the graduate went out with a few friends to a popular campus bar. The graduate's friend ordered a round of Hula Girls for everyone. A Hula Girl is an extremely potent alcoholic drink consisting of 2 ounces of dry gin, 1 ounce of French vermouth, and 1 teaspoon of grenadine. After the drink is mixed, it is then served in a glass with an inverted lemon peel, which is cut at the ends to represent a grass skirt. Although the graduate had never heard of a Hula Girl, she was in a festive mood and drank it, anyway. A few minutes later, the graduate became very dizzy and attempted to stand up from the barstool. As she tried to walk to the restroom, she became nauseated and vomited over a customer sitting at a nearby table. The customer was embarrassed and greatly humiliated by the incident. If the customer asserts a claim against the graduate, the plaintiff will most likely', A. 'prevail, because the graduate's conduct was extreme and outrageous.', B. 'prevail, because an offensive touching resulted.', C. 'not prevail, because the graduate's actions were involuntary.', D. 'not prevail, because the graduate was unaware what she was drinking.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 1418:

'A security guard relocated to a state which required all persons wishing to practice private security to have graduated from a security training program within the state. The security guard, having already graduated from a program in his former state, wishes to work again as a private security guard. He began to advertise his services but was informed by the state that he must cease and desist from working as a private security guard until he complied with state law and graduated from an in-state program. The security guard challenges the constitutionality of the licensing statute on grounds that it violates the due process clause of the Fourteenth Amendment. Which of the following statements is most accurate?', A. 'The security guard has the burden of persuasion to show that the state does not have a compelling state interest in enacting such legislation.', B. 'The security guard has the burden of persuasion to show that the denial of a license to work in private security violates his rights of due process.', C. 'The state has the burden of persuasion to show a compelling state interest in enacting such legislation.', D. 'The state has the burden of persuasion to show that the denial of a license to work in private security does not violate the petitioner's rights of due process.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1419:

'A defendant was arrested at an airport when the small suitcase he was carrying was found to contain heroin. The defendant, who did not challenge the legality of the airport search, was subsequently prosecuted for possession of heroin. At trial, the defendant testified on his own behalf and said that the suitcase belonged to his girlfriend who was accompanying the defendant when he was arrested. The girlfriend died in a skydiving accident two weeks before the defendant's trial. Moreover, the defendant testified that although he was a former heroin addict, he had not used any heroin in the past three years. On cross-examination, the prosecuting attorney asked the defendant to roll up the sleeves of his shirt and exhibit his arms to see if there were any needle marks. This request is', A. 'objectionable, because the defendant has a privilege against self-incrimination.', B. 'objectionable, because the probative value is substantially outweighed by the danger of unfair prejudice.', C. 'permissible, because such evidence is relevant to the defendant's credibility.', D. 'permissible, because the defendant waived his privilege against self-incrimination by taking the stand.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1420:

'A manufacturer of appliances put a washing machine of a new and advanced design on the market. Two years of experimental use prior to commercial marketing had demonstrated that the machine laundered clothes more cleanly, more rapidly, and at a lower cost than any previous model. After nine months of commercial sales on a nationwide basis, the manufacturer discovered that an electrical unit in the machine tended to overheat greatly when the machine was heavily loaded or used continuously for more than one hour. The manufacturer promptly notified all dealers that it was recalling machines still in dealers' stock for corrective adjustment. It also provided all dealers with forms of notice to previous purchasers, warning the purchasers of the hazard, urging the purchasers to arrange with the dealers to pick up the machines, with full reimbursement to the purchasers (at the manufacturer's expense); and advising the purchasers who wished to use the machines pending pickup by the dealer to do so only with a clothes load of not more than one-half the machine's capacity and for no longer than three-quarters of an hour. A purchaser of a washing machine, having been notified, arranged on Thursday to have a dealer pick up her machine on the following Monday. Over the weekend, the purchaser was visited by her married daughter and two grandchildren, aged 5 and 3. On Saturday, the purchaser left the house to go shopping. She forgot to warn her daughter about the washing machine. The daughter undertook to do a heavy load of accumulated laundry, including children's clothing and bedding. She loaded the machine fully and repeatedly for an hour and a quarter. Leaving the laundry room with the children in it, she retired for a brief nap. The machine overheated; its paint caught fire, and the fire spread to the window curtains. The children were felled by the smoke. Awakened by the smell of smoke, the daughter rushed down to the laundry, screaming for help. A neighbor rushed into the house after phoning the fire station. Together they entered the laundry room and lifted and carried out the children. The daughter and the neighbor both suffered injuries from the fire and smoke in rescuing the children. Firemen soon arrived and extinguished the fire. If the daughter asserts a claim based on strict liability against the manufacturer for damages, the probable result is that the manufacturer will', A. 'win, because the daughter was not the purchaser of the washing machine.', B. 'win, because the manufacturer issued warnings to dealers and purchasers regarding the defect.', C. 'lose, because the manufacturer negligently designed the washing machine.', D. 'lose, because the washing machine was defective and unreasonably dangerous.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1421:

'A restaurant ran a promotion in a local newspaper, stating the following:"MOTHER'S DAY SPECIALWe will be open for brunch on Mother's Day from 10 am to 2 pm offering an extensive selection of dishes to honor mothers of all ages. Call us to reserve your table. "The response to the promotion was more than the restaurant expected, and the restaurant was soon overbooked for the Mother's Day brunch. On the day before Mother's Day, the restaurant owner decided to double-check inventory to make sure the restaurant had enough food and supplies to handle the large Mother's Day crowd. To her horror, she discovered that the restaurant was almost out of eggs. Knowing that a large supply of eggs would be needed for the omelet station, the owner immediately sent the following e-mail to her egg supplier:"Desperately need 20 flats of Grade AA eggs for tomorrow's brunch. Money is no object. The eggs must be delivered today. "The supplier e-mailed back:"No problem! I'll load them on the truck and deliver them within the hour. "With respect to the agreement between the owner and the supplier, which of the following statements is most accurate regarding the omittance of a fixed contract price?', A. 'The contract is unenforceable as violative of the statute of frauds.', B. 'The contract is unenforceable, because of indefiniteness.', C. 'The contract may be enforceable if it is later modified to include the price term.', D. 'The contract is enforceable with reasonable price being fixed at time of delivery.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1422:

'A state's constitution reserves to the people of each municipality in the state the power of referendum with respect to all questions that the municipality is authorized to control by legislation. A real estate developer applied for a zoning change to permit construction of a water park on land he owned in a city within the state. While the application was pending, the city's charter was amended by popular vote so as to require that any changes in land use agreed to by the city council be approved by a 55% vote in a referendum. The city planning commission and the city council both approved the proposed zoning change. However, the commission rejected the developer's subsequent application for "recreational area" approval for the proposed water park on the grounds that the council's rezoning action had not been submitted to a referendum. Assume that while the action was pending in the state court, the proposed zoning change was defeated in a referendum. Which would be the most applicable rule of constitutional law with respect to the referendum procedure when applied to a rezoning ordinance?', A. 'The referendum procedure as a basic instrument of the democratic process does not violate the due process clause of the Fourteenth Amendment.', B. 'The referendum procedure is arbitrary and capricious and thus should be held invalid as an unlawful delegation of legislative power.', C. 'The referendum procedure is violative of the due process clause of the Fourteenth Amendment.', D. 'The referendum procedure in this context is invalid as against public policy.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: A

Question 1423:

'A consumer purchased a new station wagon from a car dealer. The car dealer performed a thorough inspection of the station wagon before the sale was completed. One evening, the consumer was driving along a city street when he saw the traffic light facing him turn from green to amber. He sped up, hoping to cross the intersection before the light turned red. However, he quickly realized that he could not do so and applied the brakes, which failed because of a defect in the brake mechanism. The consumer then swerved to avoid hitting a bus that was crossing the intersection at a right angle to him. As a result of the swerve, the consumer's car rode up on the sidewalk and overturned, pinning a pedestrian. Both the consumer and the pedestrian were severely injured. If the consumer asserts a claim against the car dealer based on strict liability in tort, will the plaintiff prevail?', A. 'Yes, because the brakes failed while the consumer was driving his car.', B. 'Yes, because the brakes failed because of a defect present when the consumer purchased the car.', C. 'No, because the consumer contributed to his own injury by speeding up.', D. 'No, because the car dealer carefully inspected the car before selling it.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1424:

'A high school junior was charged by the school administration with violating certain sections of the disciplinary code, specifically, he was charged with being disrespectful to a teacher by using profanity and with using abusive language to a fellow student. The principal, sent the student's parents a letter notifying them of the three-day suspension for the above-mentioned charges. The suspension was to take effect on February 1. The principal also included a copy of the disciplinary code in the letter. On January 19, the student and his mother met with the principal in his office to discuss the matter, and the student admitted that he used abusive language to a fellow student. On January 22, the student's parents received a letter informing them that his teacher had upheld the school administration's decision to suspend their son. They were then notified of a hearing on the recommended suspension to be held at the school. The parents did not attend this hearing, but were advised that the school board upheld the suspension, effective February 1. Which of the following most accurately summarizes the applicable rule of constitutional law with respect to the student's suspension?', A. 'The student's suspension deprived him of liberty and property without due process, as guaranteed by the Fourteenth Amendment.', B. 'The student's conduct was protected under the First Amendment's guarantee of freedom of speech.', C. 'The student's suspension did not constitute a denial of due process.', D. 'The disciplinary code violated the student's right to a compulsory school education.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1425:

'A defendant, who was an indigent, was arrested and charged with possession of less than one ounce of marijuana. Under the relevant state statute, possession of less than one ounce of marijuana is a misdemeanor, punishable by a maximum of one year in jail and/or a fine of \$500. At trial, the defendant pleaded not guilty and requested that an attorney be appointed to represent him. The trial judge refused to honor the defendant's request for an attorney. If the defendant is subsequently found guilty, which of the following is the most severe sentence that can constitutionally be imposed?', A. 'A \$500 fine.', B. 'Six months in jail.', C. 'One year in jail.', D. 'No sentence, because the defendant was denied the right to counsel.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1426:

'A man was at a hotel bar having a drink when the defendant approached him and sat down next to the man. The man was attracted to the defendant and immediately engaged her in conversation. After having a few drinks together, the man invited the defendant back to his room for a nightcap. Sensing that the man was wealthy, the defendant agreed to accompany him back to his hotel room. When they got back to the room, the man excused himself to go to the bathroom. While he was inside the bathroom, the defendant took some narcotics from her purse and placed them in the man's drink. The defendant realized that the narcotics were a strong sedative and hoped that they would cause the man to pass out. She then planned to steal his wallet and jewelry. Upon returning from the bathroom, the man proceeded to finish his drink. Shortly thereafter, the man passed out. While he was unconscious, the defendant took his watch off his wrist and pulled the wallet out of his pants. She took \$300 in cash from the wallet. As she was leaving, the defendant noticed that the man had a diamond earring in his left ear. She then ripped out the earring from his ear and stole that, as well. The man suffered a cut in his earlobe when the defendant snatched the earring. Which of the following crimes should the defendant be convicted of?', A. 'Larceny.', B. 'Robbery.', C. 'Larceny and robbery.', D. 'Battery and larceny.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1427:

'An accountant had an office on the eighth floor of a downtown building. The accountant wanted to have renovations done to the entrance to the office. He hired an interior designer to do the work. The designer told the accountant that he had several options for the type of glass to be used in the door to the office. He could use half-inch thick plate glass, which would look nice and be relatively inexpensive. On the other hand, he could use tempered glass, which would cost twice as much but would be five times stronger than plate glass, more difficult to scratch, and capable of withstanding a blow from a hammer. The designer explained that the great majority of residential and small business establishments use plate glass for such doors. The accountant chose to go with the plate glass. The accountant ordered a plate glass door from a manufacturer and had the designer install the door when it arrived. A few months later, the door shattered when one of the accountant's clients pulled on the handle to open it. The glass cut the client's hand. If the client asserts a claim against the accountant based on negligence and establishes negligent manufacture of the glass door by the manufacturer that was not discoverable through reasonable inspection, the plaintiff will', A. 'prevail, because the accountant is liable for its supplier's negligence.', B. 'prevail, because the accountant instructed the designer to install plate glass rather than the more durable tempered glass.', C. 'not prevail, because the accountant could not reasonably have been expected to discover the defect.', D. 'not prevail, because the proper defendant is the manufacturer or the designer, not the accountant.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 1428:

'Police were conducting a house-to-house search for an escaped convict. During the search, a police officer went to a home and rang the doorbell. When a teenage male opened the door, the police officer told him that a convict had escaped and asked if he had seen anyone suspicious in the neighborhood. The teenager said he hadn't but then asked the police officer to come inside to ensure the house was safe. The police officer entered the home and proceeded to look around. When he went into the kitchen, the police officer noticed a bag containing white powder on the counter. Suspecting that the bag contained narcotics, the police officer questioned the teenager as to its contents. The teenager said he didn't live in the house and had never seen it before. The police officer confiscated the bag and took the teenager to the station house for questioning, at which time it was determined that the teenager had escaped from a psychiatric hospital and had broken into the home earlier in the day. Furthermore, the results of a police lab test found that the bag contained heroin. As a result, the police issued an arrest warrant for the owner of the home. He was apprehended and charged with possession of heroin. The homeowner's attorney has filed a motion to suppress, claiming that the heroin confiscated by the police was unlawfully obtained. The motion should be', A. 'granted, because the teenager did not have the authority to consent to a search of the house.', B. 'granted, because the teenager did not have an ownership or shared occupancy interest in the premises.', C. 'denied, because the police officer reasonably believed that he had permission to enter the dwelling.', D. 'denied, because the police officer reasonably believed that he had permission to enter the dwelling and reasonably believed that the teenager was competent to give consent.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1429:

'In most states, the division of homicide into degrees is distinguished according to which of the following?'. A. 'the causal relationship between the defendant's act and the resulting death.', B. 'the attendant circumstances surrounding the death.', C. 'the nature of the act causing the death.', D. 'the defendant's state of mind at the time the killing was committed.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1430:

'A man was driving his car when he suddenly hit a pedestrian as she was crossing the street. Following the accident, an ambulance was summoned and the pedestrian was taken to a nearby hospital. The man, who also drove to the hospital, approached the pedestrian in the emergency room while she was being treated for her injuries. When the pedestrian saw the man, she told him, "You went through that red light. You could have killed me. " She then asked the man for \$5,000 to cover her anticipated medical expenses. The man replied that he would have to think about it. Shortly thereafter, the man sent a letter to the pedestrian in which he wrote, "I realize I drove through the red light. Naturally, I would like to settle this without any litigation. I'm willing to pay all your medical expenses and give you \$2,000 if you don't sue me. " The pedestrian did not accept the man's offer and brought suit against him. At trial, the pedestrian's attorney offers the first sentence of the letter into evidence, and the man objects. The trial judge should rule the evidence', A. 'admissible as an admission.', B. 'inadmissible as an admission made in connection with an offer to pay medical expenses.', C. 'inadmissible as an admission made in connection with settlement negotiations.', D. 'inadmissible, because documents must be offered in their entirety.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 1431:

'A man was on a date when he realized that he didn't have enough money to pay the bill. The man excused himself and went to the men's room. The man decided to set fire to the waste paper in a trash container. He hoped that the fire would serve as a diversion so he and his date could run out of the restaurant without paying. He set fire to the waste paper and then went back to his table. As he anxiously waited, the maitre d' grabbed the man and told him that he had seen what occurred in the bathroom. The maitre d', who had been seated in a bathroom stall, saw the man, through a crack in the door, set the fire. The maitre d' extinguished the fire, which had charred a portion of the ceiling. This jurisdiction defines arson as the malicious burning of any structure. If charged with arson, the man should be found', A. 'guilty, because he was reckless as to the restaurant's being damaged by fire.', B. 'guilty, because he set the fire for the purpose of committing an unlawful act.', C. 'not guilty, because he did not intend to burn down the restaurant.', D. 'not guilty, because the fire only charred a portion of the ceiling.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 1432:

'What is not true about conversion?', A. 'It is an interference with another's right of possession so severe as to warrant defendant to pay full price of chattel.', B. 'The intent is to do the act that brings about the interference.', C. 'The remedy is recovery of actual damages from harm to chattel or loss of use.', D. 'Remedy is damage award of fair market value of chattel.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1433:

'A rancher was the owner of a parcel of land in fee simple. The rancher left the parcel in 1977 to move to the city. A man took possession of the land in 1978 as an adverse possessor and remained on the land from 1978 to 1988; he then left the property to care for his sick mother for one year, returning the following year, 1990. Meanwhile, during the man's possession, the rancher devised the parcel to his son in 1994. The man remained on the property until 2010. Assume that the statutory period for adverse possession in this state is 20 years. Upon the rancher's death in 2010, his son, as his sole heir, brings an ejectment suit to recover possession of the property from the man. In his action, the son will most probably', A. 'lose, because the man has acquired title by adverse possession.', B. 'win, because the statutory period for adverse possession does not run against a remainder- man until his interest becomes possessory.', C. 'win, because the man left the property to take care of his mother for one year.', D. 'win, because his title was perfected at the time of conveyance.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1434:

'A woman owned four beach houses. Each house had star-shaped windows. As the hurricane season was approaching, she hired a carpenter to build storm windows for the star-shaped and deliver them to the four houses. Because of the unique shape of the windows, the carpenter had to do all work by hand. The carpenter and woman signed a contract under which the carpenter promised to build and deliver the storm windows to all four beach houses within 30 days, and the woman promised to pay \$8,000 (\$2,000 per beach house) within one week of completion of the job. Two weeks after the contract was signed, a fire destroyed the carpenter's workshop, where he was storing all the completed storm windows before delivery. The carpenter then sent a letter to the woman that read:"The fire destroyed my equipment and inventory ■■■ including the storm windows, which had been completed and which were awaiting delivery. I am dead broke and cannot complete my obligations under the contract. " The woman then telephoned the carpenter and told him, "Unless you fulfill your contractual obligations, I will sue you!"In an action for specific performance to compel the carpenter to build and deliver the storm windows, the woman will most likely', A. 'succeed, because the carpenter's loss of the inventory would not excuse his duty of performance.', B. 'succeed, because the beach houses would suffer severe damage in the event a hurricane struck without the storm windows having been installed.', C. 'not succeed, because the carpenter's performance would be excused by the unforeseeable act of God.', D. 'not succeed, because the carpenter's loss of inventory would render his performance impossible.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1435:

Two cousins took title to real estate as joint tenants with the right of survivorship. The first cousin put up his interest in the joint tenancy as security for a \$20,000 loan and signed a judgment note. It was later entered as a judgment against the first cousin's interest in the real estate. The first cousin died a year later. The second cousin decided to sell the property, but the mortgagee filed an action to prevent the sale and to enforce his interest in the property. The second cousin defended on the basis that any lien on the first cousin's interest in the property was extinguished on the first cousin's death. Will the court enforce the lien of the mortgagee against the sale of the property by the surviving second cousin?', A. 'Yes, because the second cousin's assent to the judgment lien was presumed by law and that assent destroyed the joint tenancy.', B. 'Yes, because a mortgage or judgment lien against one joint tenant destroys the tenancy and destroys the right of survivorship.', C. 'No, because a joint tenant cannot legally file a judgment note on just that joint tenant's interest because it would be an unconstitutional interference with the other's property rights.', D. 'No, because when the first cousin died the second cousin became the sole owner due to the right of survivorship, as per the joint tenancy which was still fully intact.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1436:

'A teachers union, a nongovernmental entity, seeks to picket the local city school board for its decision to require higher certification for instructors who wish to teach in the gifted and talented classes in elementary school. After a few days of picketing, the school board seeks a temporary injunction in the state court to restrain further picketing of the school board. The school board insists that the teachers union has violated Section 101 of the city's picketing ordinance. Section 101 reads as follows: "Section 101. No picketing shall be permitted inside of, or on any sidewalk or street immediately adjacent or contiguous to public elementary and secondary schools without express permission of the mayor. Applications for such permission shall be filed at least three days before such picketing is intended to begin and shall state the purpose, place, and time of the proposed picketing. "The court will most likely', A. 'grant relief, because the teachers union failed to follow the procedure outlined in the ordinance.', B. 'grant relief, because the ordinance is unconstitutional.', C. 'deny relief, because the picketing ordinance was unconstitutional on its face.', D. 'deny relief, because the ordinance does not provide procedural due process.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1437:

'A man mailed a letter to a woman promising to sell her his motorcycle for \$1,000. After receiving the letter, the woman sent the man a fax that stated, "The price is a little high, I'll give you \$800. " The man responded by fax, "I will not accept \$800. " The next day, the woman telephoned the man and said, "I changed my mind, I will pay \$1,000 for the motorcycle. " The man refused to sell the woman his motorcycle. If the woman sues the man for breach of contract, which of the following defenses would be the man's best defense?', A. 'Since the woman's purported acceptance was oral, it constituted a different mode of communication from the written offer.', B. 'The contract was unenforceable under the statute of frauds, because the woman's purported acceptance was oral.', C. 'The woman's counter offer terminated her power of acceptance.', D. 'The man's rejection of the woman's counter offer terminated the woman's power of acceptance.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1438:

'A freight company offered to purchase a large order of tires from a wholesale tire distributor for specified terms. Before receiving an answer, the purchasing agent called the wholesaler to state, "We are confronting a critical financial crisis and cannot afford to make the purchase." The seller sent an acceptance form the next day, and shipped the goods with an invoice. When the purchasing company did not pay and shipped the goods back, the seller sued for his lost profit. The seller claimed that the purchasing agent's words did not clearly communicate a revocation of the offer. Will the seller prevail?', A. 'Yes, because a revocation of an offer requires explicit words of rejection in order to be enforced.', B. 'Yes, because the seller must be able to rely on a definite order of goods.', C. 'No, because the words of revocation were clear enough to communicate that the deal was off.', D. 'No, because a buyer is never in breach of an agreement when it rejects goods prior to their shipment.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1439:

'A state has a statute generally prohibiting the installation and use of radar detection devices in any motor vehicle operating on the roadways within the state. This prohibition was enacted to prevent motorists from evading radar or speed checkpoints on county and state highways. A neighboring state has no such regulation in effect. By the same token, Congress has taken no action on the matter. A resident of the neighboring state has installed a radar detection device in his automobile. While driving to visit his mother he is arrested and charged with violating the aforementioned state statute. The resident files a complaint challenging the constitutionality of the state statute. As applied to the resident, the state prohibition against the use of radar detection devices is likely to be held', A. 'constitutional, because it protects a legitimate state interest.', B. 'constitutional, because the commerce clause does not invalidate a state regulation relating to interstate commerce unless Congress takes express action to do so.', C. 'unconstitutional, because the state statute fails to give credit to the law of a neighboring state.', D. 'unconstitutional, because it unduly burdens interstate commerce.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1440:

'A man went shopping to buy a used car. He found one on a used car lot that was offered "as is." He looked at it thoroughly. The tag on the window indicated a special 30-point inspection was done on the car. The 30 points included the drive train, the engine, spark plugs, oil, transmission, and numerous other major items. The man put a \$1,000 down payment on the car. He took the car to an independent mechanic who told him that the car had been in an accident and had sustained severe damage, including a cracked engine block. The mechanic offered that the dealer must have known of that kind of massive damage. The man tried to return the car and get his down payment back, but the dealer refused, claiming the car was sold "as is," and all express or implied warranties under the Uniform Commercial Code were disclaimed in the purchase contract. Stuck with a lemon, the man sued the company under a common law fraud theory. The company counterclaimed for the balance of the purchase price. Will the man likely prevail in the litigation against the car dealer?', A. 'Yes, because the dealer withheld material information intentionally and knowingly misrepresented the condition of the car.', B. 'Yes, because the dealer has a duty to give every reason why an "as is" car may go bad and to list those reasons on the window.', C. 'No, because the dealer cannot be held responsible for possible damage that the used car may have developed after years of use.', D. 'No, because the dealer is absolutely protected when he sells a used car in "as is" condition, and where the warranties under the Uniform Commercial Code are duly waived.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1441:

'A teenage male was on trial on charges of illegally entering an owner's property and stealing a car. The witness can only confirm for the prosecution that a car was stolen, the model and type of car, and that it was missing from the property on a certain date. The defense asks witness "isn't it possible that my client did not steal the car, that someone else did it, and that the police are lying about the charges against him? The prosecution objected to the question. Will the court likely sustain the objection?'. A. 'Yes, because this is an objectionable question based on pure speculation.'. B. 'Yes, because it is not permissible to question the credibility of the police without substantial supporting evidence.'. C. 'No, questioning about the possibility of other perpetrators, or about police misconduct, is always permissible.'. D. 'No, because the witness may know something that he is not revealing and for that reason, a cross-examiner is given wide latitude in questioning.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1442:

'Several persons together stole a painting from an art museum. One of them, who was the driver, was caught during the commission of another crime. He told police that "I didn't even get any money from the art museum. It all went to the first guy and the second guy." When the first and second guy go on trial for the theft of the art painting, is the driver's statement admissible in court?', A. 'Yes, as an admission by a party opponent.', B. 'Yes, as a statement against the interests of the other defendants.', C. 'No, because it was made while in custody and therefore is unreliable.', D. 'No, because the statement was not made in the course of or in furtherance of the conspiracy and thus it is hearsay.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1443:

'An indigent man was suffering from a chronic asthmatic and bronchial illness. The man redomiciled to a new state and shortly thereafter suffered a severe respiratory attack and was sent by his attending physician to a nonprofit private community hospital. Pursuant to a state statute governing medical care for indigents, the hospital notified county officials that it had in its hospital an indigent who might qualify for county care and requested that the man be transferred to the county's public hospital facility. In accordance with the approved procedures, the private hospital claimed reimbursement from the county in the amount of \$1,069 for the care and services it had provided. Under the relevant state statute:"Individual county governments are charged with the mandatory duty of providing necessary hospital and medical care for their indigent sick. In order to qualify for such hospital and medical care, an indigent shall be resident of the county for the preceding 12 months in order to be eligible for free non-emergency medical care. "As a consequence, the county refused to admit the man to its public hospital or to reimburse the private hospital because the man had not been a resident of the county for the preceding year. In an action in federal court against the county challenging the constitutionality of the residency requirement for providing free medical care for indigents, the court will most likely declare the statute', A. 'constitutional, because the statute promotes a compelling state interest.', B. 'constitutional, because the statute is a proper exercise of state action.', C. 'constitutional, because the statute is within the state's police power to regulate the health, safety, and welfare of its citizens.', D. 'unconstitutional, because it violates the equal protection clause of the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1444:

'At approximately 3:00 p. m. on December 3, a motorist was speeding down a street at the same time that a pedestrian was crossing the street. When the pedestrian started to cross the street, she saw the traffic light was red. She momentarily stopped, thought about waiting until the light turned green, but then decided to cross anyway. As the pedestrian was halfway across the street, the motorist, who was driving 50 m. p. h. in a 25 m. p. h. zone, struck her with his vehicle. The pedestrian suffered a broken pelvis and internal injuries in the accident. While in the hospital, the pedestrian's insurance company paid \$10,000 of her medical expenses. Six months later, the pedestrian brought suit against the motorist to recover damages for all her medical expenses. This jurisdiction has a "modified" comparative negligence statute in effect. Suppose a jury returned a special verdict with the following findings: (1) The motorist was 60 percent negligent in speeding; (2) The pedestrian was 40 percent at fault in crossing the street against the red light; and (3) The pedestrian suffered damages from the accident totaling \$50,000. After the verdict, the court was advised that the pedestrian's insurance company had already paid the pedestrian \$10,000. As a result, the court should enter a judgment for the pedestrian in the amount of', A. '\$50,000, because the motorist's negligence was greater than the pedestrian's.', B. '\$30,000, the proportion of the pedestrian's damages caused by the motorist's negligence, but the payment of \$10,000 in hospital expenses will be disregarded under the collateral source rule.', C. '\$20,000, the proportion of the pedestrian's damages caused by her own negligence, but the payment of \$10,000 in hospital expenses will be disregarded under the collateral source rule.', D. '\$10,000, the proportion of the pedestrian's damages caused by her own negligence, less the \$10,000 in hospital expenses already paid by the insurance company.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1445:

'A doctor owned a two-acre tract just outside the city. She subdivided the parcel into 12 lots, numbered 1 through 12, 11 of which she sold to 11 different buyers. The doctor retained lot 12 to live on. Each deed to the 11 lots sold contained the following restriction: "It is an express covenant and condition that the property hereby conveyed shall not be used for other than single-family residences." Two years after the doctor subdivided and sold off the parcels, the purchasers of lots 1 through 11 had each built residences on their property. In December of that year, the doctor dug a well on her property. From that well, the doctor supplied water to all of the lot owners. One year later, a veterinarian, who lived on the lot adjacent to the doctor's, dug a well in her backyard. Her well caused water to be diverted from the doctor's well, and the doctor is no longer able to get any water. In an appropriate action by the doctor against the veterinarian, what remedy, if any, is available?', A. 'An injunction should be decreed enjoining the veterinarian from using her well.', B. 'The doctor should be entitled to recover money damages from the veterinarian.', C. 'The veterinarian should be required to supply water to the doctor.', D. 'There is no remedy.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1446:

'A witness sees a murder in the park and is called to testify in the criminal case. Can the defense attorney ask her on cross examination about her habit of feeding the pigeons? The defense knows that she was cited several times for illegally feeding the pigeons. Defense counsel tries to ask, "You have a longtime habit of feeding the pigeons, don't you? You have in fact been ticketed several times for feeding pigeons, haven't you, and yet you persisted in doing it, isn't that so?" Will the trial court likely allow the witness to be questioned on these matters?', A. 'No, because the question has no probative value regarding the credibility of the witness or the guilt of the defendant.', B. 'No, because a witness can never be asked about personal prior bad acts.', C. 'Yes, because the statement indicates that the witness' attention was always focused on feeding the pigeons.', D. 'Yes, because feeding pigeons in the park and persisting in it after being ticketed may show an antisocial trait of the witness.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1447:

'A defendant decided to rob a bank. She used an unloaded gun in the robbery. The defendant approached the bank teller, pointed her unloaded pistol at him and said, "This is a stick-up. . . give me your money and no one will get hurt." While the teller was handing the money to the defendant, the victim, a bank patron who was in line, saw the defendant pointing the gun at the teller and fainted. He fell backward and cracked his head on the marble floor. This resulted in a fatal head injury. Moments later, the defendant left the bank with the money. Thereafter, the defendant was arrested. If the defendant is prosecuted for felony murder and acquitted, the most likely reason will be because', A. 'her gun was unloaded.', B. 'there was not a sufficient connection between the victim's death and the robbery.', C. 'the defendant didn't intend to harm anyone during the robbery.', D. 'this jurisdiction has adopted the Redline limitation to the felony murder rule.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1448:

'A man is on trial for securities fraud. He takes the stand to testify in his own behalf. On direct examination, the man's attorney proffers evidence of his good character. Upon objection by the prosecution, which of the following statements is correct?', A. 'The defendant may introduce evidence to show truthfulness.', B. 'The defendant may introduce evidence to show honesty.', C. 'The defendant may not introduce evidence to show honesty because character evidence is inadmissible.', D. 'The defendant may not introduce evidence of truthfulness unless it is inquired into on cross- examination.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1449:

'A small commercial airplane crashed in State A. The passengers and pilot, all citizens of State B, were killed in the crash. The airline that owned and operated the airplane is incorporated and has its maintenance facilities and principal place of business in State C. One day before the statute of limitations on their claims would have run, the estates of the pilot and each of the passengers filed a wrongful death action against the airline in federal court in State A. The airline was served one week later and wants to prevent the State A federal court from hearing the action. Which of the following motions is most likely to accomplish the airline's goal?', A. 'A motion to dismiss the action for improper venue.', B. 'A motion to dismiss the action for lack of personal jurisdiction.', C. 'A motion to dismiss the action under the doctrine of forum non conveniens.', D. 'A motion to transfer the action to a federal court in State C.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: C

Question 1450:

'After the close of the pleadings both plaintiff and defendant duly made motions for summary judgment. Which of the following statements is correct?', A. 'Summary judgment can be entered only after all discovery has been completed.', B. 'Motion for summary judgment is the proper motion on the ground that plaintiff's complaint fails to state a cause of action.', C. 'Since both parties have filed summary judgment motions that assert there are no genuine issues of material fact, summary judgment for plaintiff or defendant will be granted.', D. 'If plaintiff's proofs submitted in support of his motion for summary judgment are not contradicted and if plaintiff's proofs show that no genuine issue of material fact exists, summary judgment will be granted even if defendant's answer denied plaintiff's complaint.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1451:

'A state labor code provided that no employer in the state shall knowingly employ an alien who is not lawfully residing in the United States if such employment would have an adverse effect on lawful residents' right to work. A group of immigrant farm workers were continually refused employment contracts by the labor contractors in the state. Instead, the labor contractors had employed many alien workers since they would toil longer hours for less wages. The immigrant farm workers now bring suit in state court pursuant to the above-mentioned statutory provision. Which of the following determinations would most likely result as a consequence of the immigrant farm workers' lawsuit?', A. 'The court would declare the statute unconstitutional as violative of the equal protection clause of the Fourteenth Amendment.', B. 'The court would declare the statute constitutional as within the realm of rights reserved to the states by the Eleventh Amendment.', C. 'The court would declare the statute unconstitutional since the regulation of immigration is preempted.', D. 'The court would declare the statute constitutional since the states are not preempted in the area of economic regulation of illegal aliens.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1452:

'A defendant was charged with illegally selling arms to a foreign country without a government license. During the trial, the defendant admitted selling the weapons, which included missiles, rocket launchers, bazookas, and ammunition, to agents of the foreign country. In his defense, however, the defendant testified that he did not sell the arms as a private citizen, but rather for his employer, a federal agency. In rebutting the defendant's testimony, the government called a high-ranking official from the federal agency to the stand. He testified that if the defendant were, in fact, a member of the agency, that information would ordinarily be contained in the agency's employment records. Asked whether the defendant's employment records were on file with the agency, the official then testified, "I have searched the agency employment records diligently, but I haven't found any documentation that the defendant was employed by the agency. "Upon objection by the defendant's attorney, the official's testimony is', A. 'admissible, because it shows the absence of an entry in the record of a public agency.', B. 'admissible, because the official had firsthand knowledge of the information contained in the agency's employment records.', C. 'inadmissible, because it is hearsay not within any recognized exception.', D. 'inadmissible, because the agency employment records are the best evidence to substantiate whether the defendant was actually in the employ of the governmental intelligence agency.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1453:

'While on a camping trip, a defendant became intoxicated and decided to take a walk late at night. He was so drunk he could not find his way back to the campsite. He did, however, come across a secluded mountain cabin, in which he decided to take shelter for the night. Since the door to the cabin was locked, he broke a window and entered the structure. Once inside, he fell asleep on the sofa. When he awoke the next morning he was hungry. The defendant then found some food in the refrigerator, which he cooked and ate. Before leaving the cabin, the defendant looked around to see if there was anything worth stealing. He opened the door to the bedroom and found a gold watch on the nightstand. He placed the watch in his pocket and left the cabin. The defendant was later arrested and charged with burglary. The defendant's strongest defense would be that', A. 'he was drunk when he broke into the cabin.', B. 'the crime was not completed until the morning hours.', C. 'he did not have the requisite intent at the time of the breaking and entering.', D. 'the cabin was empty when he entered it.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1454:

'A woman was the fee simple owner of a 20-acre tract of land. When the woman moved to another state, a man took possession of the tract. The man's possession has at all times complied with the requirements of the applicable adverse possession statute in effect. Twelve years after the man took possession, the woman died intestate, leaving her six-year-old son as her only surviving heir. Nine years after the woman's death, when the son was 15, the son's guardian discovered that the man was in possession of the tract. Assume that the statutory period of adverse possession is 20 years and the age of majority is 18. Which of the following correctly describes the state of title to the tract?', A. 'The man has acquired title by adverse possession.', B. 'The man will not acquire title unless he continues in adverse possession for an additional three years, or until the son reaches the age of 18.', C. 'The man will not acquire title unless he continues in adverse possession for an additional eight years, making a total of 12 years after the woman's death.', D. 'The man will not acquire title unless he continues in adverse possession for an additional 12years, or nine years after the son attains the age of 18.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1455:

'A state enacts a statute that will allocate funds generated by state taxes to pay for one-half of the annual salaries of teachers in private schools, whether the schools are public or private, as long as the schools satisfy the requirements established by the United States Department of Education. In an action brought by several state taxpayers, all avowed atheists, to challenge the constitutionality of the statute, the enactment will most likely be declared', A. 'unconstitutional, as violative of the First Amendment's establishment clause.', B. 'unconstitutional, as violative of the First Amendment's establishment clause as applicable through the Fourteenth Amendment.', C. 'constitutional, as nonviolative of the First Amendment's establishment clause.', D. 'constitutional, as being within the area of compelling state interest.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1456:

'A police detective received an anonymous call that marijuana was being grown in someone's home, but no other details were given. She went to the home with an investigative team including a drug-sniffing dog. On the front porch of the home the dog began pacing back and forth frantically, which indicated smelling illegal drugs. The team retreated while some of them went to get a warrant. A warrant was issued based on the dog's behavior. The search inside revealed large quantities of marijuana. The homeowner was arrested. Through counsel, he filed a motion to suppress based on the assertion that the use of the dog was an illegal search without probable cause thus rendering the warrant invalid. Should the court suppress the evidence?', A. 'No, because the detective had probable cause after receiving the anonymous call, which justified the use of the dog for a valid search -- the warrant was thus valid and the evidence will not be suppressed.', B. 'No, because the detective had a right to take the dog to make a reasonable search, which led to the finding of probable cause and the issuance of a valid warrant.', C. 'Yes, because the anonymous call was insufficient cause to allow for a search of the front porch with the dog, which made the warrant invalid ■■■ the suppression motion will be granted.', D. 'Yes, because the dog's reaction did nothing to tell them that there were drugs inside ■■■ a warrant can never be based on a dog's information.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 1457:

'A purchaser signed an agreement of sale to buy real estate. It had a contingency clause requiring him to make a completed application for a mortgage within a specified time. It said that time was of the essence. The purchaser failed to apply but instead asked a mortgage broker friend for his opinion as to whether he would qualify. The seller told the purchaser that she rescinded the sale because there was no mortgage application within the agreed time. A few days later, the purchaser made a belated application and received approval, but the seller insisted on a rescission of the contract. Will the seller likely prevail in rescinding the transaction?', A. 'Yes, because the purchaser did not make a timely application and lost the protection of the contingency clause.', B. 'Yes, because she rescinded the sale prior to his notifying her of the approval ■■■ the first notice communicated is the effective one.', C. 'No, because the amount of time that he was late was a "de minimus" delay that should not preclude him from the benefit of the bargain.', D. 'No, because the original request to his mortgage broker friend was a timely application within the spirit of the agreement.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1458:

'A man owned real estate in fee simple. He transferred a life estate in it over to a friend for the friend's lifetime. When the fee simple owner died, the life estate owner conveyed his interest to his children. The deceased fee simple owner's son sued the children on the basis that the life estate was now broken and he owned the property absolutely. Do the children of the life estate owner have an enforceable interest in the property?'. A. 'No, the life estate was broken when the owner of the fee simple interest died.', B. 'No, the life estate owner is not allowed to convey his interest to other persons.', C. 'Yes, the life estate owner became the owner in fee simple when the original fee simple owner predeceased him.', D. 'Yes, the life estate owner could convey his life estate to third persons.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1459:

'Loretta Landlord owned a commercial building in a commercial strip surrounded by a residential community. One of her largest spaces was rented on a month-to-month basis at \$500 per month by a dance troop which held performances in the facility. The director of the dance troop moved to New York for a starring role Off-Broadway. Unfortunately the troop was unable to find another dance director, so it folded and vacated the space. Sally Sleazy learned of the closure and decided the location would be perfect for a topless strip joint. Sally rented the space from Loretta under a two-year lease at \$1,000 per month without disclosing her intended use of the space. One month after the strip joint opened, the County Commissioners passed a new law prohibiting topless strip joints in that neighborhood. Sally told Loretta the new law made it impossible to operate the business, so she was leaving. If Loretta then sued Sally for breach of the lease contract, the likely outcome is a judgment for', A. 'Sally, because the law made performance of the lease contract impossible.', B. 'Loretta, because the new law was passed after the lease was executed.', C. 'Loretta, only if she did not know of the use Sally intended for the space.', D. 'Sally, because the lease contract was discharged under impossibility of performance.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 1460:

'A state statute contained reasonable provisions for the regulation, sale, possession and use of certain weapons for self-defense in one's home, including semi-automatic rifles and handguns. The statute stressed registration and the individual's personal characteristics. The law prohibited the issuance of a license to felons and mentally ill persons or others presenting a danger of violence. It prohibited the commercial sale of guns from residential locations and required a commercial permit. Certain semi-automatic weapons were prohibited. A citizen who wished to purchase and maintain various guns in a manner violative of the statute sued the state. He claimed that the statute was a violation of the Second Amendment, which provides for the "right to keep and bear arms." The case was accepted for review by the U.S. Supreme Court. What will the Court decide?', A. 'The statute is a reasonable regulation that will not hinder the right to possess a handgun for self-defense in the home and the individual's lawsuit will be dismissed.', B. 'The Second Amendment prohibits all forms of gun control because of the need for a strong militia, and the man's lawsuit will be successful.', C. 'Semi-automatic guns cannot be restricted in any way and the lawsuit will be successful.', D. 'The regulation of firearms for the safety of society is an absolute, unfettered right of the state governments and the individual's lawsuit is dismissed for that reason.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1461:

'A chef owned a summer cottage on the lake. In order to facilitate the access to the cottage, the chef entered into an agreement with a neighbor, an adjoining land owner, whereby the neighbor, in writing, granted the chef a right-of-way over a strip of land 30 feet in width and a quarter of a mile in length along the eastern margin of the neighbor's property. Without notifying the neighbor, the chef proceeded to improve the roadbed by having the road asphalted in order to make it more accessible for motor vehicle traffic. Several years later, the neighbor started a sand business, which required him to do heavy hauling that subsequently destroyed the asphalted surface on the road. Ten years after the neighbor started his sand business, the chef sold his lakefront property to his assistant. Shortly after the assistant took possession of the cottage and property, the neighbor erected wooden barriers across the roadway, thus obstructing the access to the assistant's property. The assistant's strongest argument in an action against the neighbor for removal of the barriers, which are obstructing his access to the property, would be that', A. 'an easement appurtenant is alienable in that any conveyance transferring possession of the dominant tenement also passes the easement privilege.', B. 'the assistant, as a bonafide purchaser, is protected from the neighbor's obstruction, even though the easement was unrecorded.', C. 'because the easement was created by implication, the chef's prior and continuous use gave rise to a prescriptive easement.', D. 'the chef and the assistant, being in privity of estate, could "tack on" their successive use periods.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1462:

'A brother and a sister purchased land under a deed that conveyed title to them as joint tenants with right of survivorship. Common law joint tenancy is unmodified by statute in the jurisdiction. The purchase price was \$50,000, of which the sister paid \$10,000 and the brother paid \$40,000. The sister later mortgaged her interest in the land. The brother then died testate, leaving his entire estate to a cousin. The sister later paid off her mortgage debt, and the mortgage was released. At the present time, who owns the land?', A. 'The answer depends on whether the jurisdiction follows the lien theory or the title theory of mortgages.', B. 'Title is entirely in the sister as the surviving joint tenant.', C. 'Title is in the sister and the cousin as equal tenants in common.', D. 'Title is in the sister and the cousin as tenants in common, with the sister having a 20% interest and the cousin having an 80% interest.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1463:

'A husband and wife were unhappily married. The husband was an alcoholic who physically abused the wife when he became drunk. After the husband beat up the wife one night, she decided to kill him. The wife, who was experienced in firearms, planned to shoot her husband while he slept. Before carrying out her plan, the wife took out a \$1,000,000 life insurance policy on her husband, naming herself as beneficiary. Shortly thereafter, the husband and wife celebrated their 10th wedding anniversary. They went out to dinner and had a truly enjoyable evening together. After a great night, the wife experienced a change of heart and decided she really loved her husband and didn't want to kill him after all. The wife confessed and told her husband about her plan, begging forgiveness. The husband was outraged. He proceeded to file for divorce and notified the police about his wife's plan. If the wife is charged with attempted murder, she should be found', A. 'guilty, because she purchased the life insurance policy.', B. 'guilty, because she intended to kill her husband.', C. 'not guilty, because she did not perform a substantial step in carrying out the murder.', D. 'not guilty, because she effectively withdrew from the criminal endeavor.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: C

=====

Question 1464:

Two people who have been cohabitating decide to get married. The man asks the woman to agree that all of his property that he now owns will remain in his name if they ever get divorced. She agrees to that but demands a written document. However, they got married without having signed anything. Three months later, the husband leaves the wife for another woman. He sends her notice to vacate the home due to their prenuptial agreement. When she doesn't move, husband sues, asking for enforcement of the oral prenuptial contract. Will the court likely enforce the husband's claim?', A. 'Yes, because the consideration for the contract was the marriage and the consummation of the marriage made the contract complete and enforceable.', B. 'Yes, because prenuptial agreements are given the benefit of the doubt when it comes to enforcement decisions.', C. 'No, because a contract in consideration of marriage must be in writing and the prenuptial was therefore not legal as long as it remained oral.', D. 'No, because husband did not live up to his promise to put the agreement in writing and therefore he was guilty of fraud.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1465:

'A hiker was enjoying a journey through a large forest when he was caught in an unexpected blizzard. As it grew dark and the snow continued, he realized he was completely lost. He felt sure that he would freeze to death during the night. When all hope seemed lost, he stumbled across a small cabin. He knocked on the door, but no one answered. He tried to open the door, realized it was not locked, and went inside. In the cabin, he found some food to eat and some blankets that kept him warm through the night. By the next morning, the snow had stopped, and he was able to make his way out of the forest. If the owner of the cabin sues the hiker, seeking to recover damages for the cost of the food and for the use of his cabin, what is the most likely outcome of the case?', A. 'The hiker does not owe anything because the importance of his survival outweighs the property interests of the cabin owner.', B. 'The hiker must pay for the cost of the food and the rental value of the cabin for one night.', C. 'The hiker must pay for the use of the cabin, but nothing else.', D. 'The hiker must pay for the cost of the food, but nothing else.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: B

Question 1466:

'A woman owned a 10-acre tract of rural farmland in fee simple absolute. The woman agreed to sell the farmland to a man, and each signed a writing stating that the farmland was being sold: "... for \$10,000, receipt of which is acknowledged. " In actuality, the man had not yet paid the woman the \$10,000. At the date set for closing, the woman transferred a deed to the farmland to the man, who gave the woman a check for \$10,000. However, a few days after the woman deposited the check, she received notice from her bank that the check had not cleared, due to insufficient funds in the account. The woman then brought suit against the man. At trial, the woman seeks to testify that the man did not in fact pay her the \$10,000 as recited in their written instrument. The man objects to the woman's proposed testimony. Will the trial court judge be correct in sustaining the man's objection?', A. 'No, because the parol evidence rule does not apply to events occurring after the forming of the writing.', B. 'No, because the parol evidence rule does not operate to exclude evidence to show lack or want of consideration.', C. 'Yes, because the written instrument appears to be a complete integration of the parties' agreement.', D. 'Yes, because the doctrine of promissory estoppel will prevent the woman from denying her own signed acknowledgment that she received the \$10,000.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1467:

'A man entered a store with a gun, planning to rob the store. He was unfamiliar with guns and thought that the safety lock was on. When the store manager refused to give him any money, the man shook the gun at her to scare her into cooperating. The gun fired, killing the manager. A clerk ran in from the back stockroom. The man fired a shot into the air to scare the clerk. Unbeknownst to the man, the clerk had a heart condition, and the fright caused her to suffer a fatal heart attack. Can the man properly be convicted of felony murder?', A. 'No.', B. 'Yes, but only for the death of the store manager.', C. 'Yes, but only for the death of the clerk.', D. 'Yes, for the deaths of both the manager and the clerk.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1468:

'A man became ill while at work and decided to go home early. When he entered his bedroom, the man saw his wife engaged in sexual intercourse with a neighbor. The man grabbed a gun from a dresser drawer and shot and killed the neighbor. He was later charged and prosecuted. In a jurisdiction that follows the common law for homicide offenses, which crimes should the court instruct the jury on?', A.

'Murder and involuntary manslaughter.', B. 'Murder and voluntary manslaughter.', C. 'Murder, voluntary manslaughter, and involuntary manslaughter.', D. 'Voluntary manslaughter and involuntary manslaughter.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1469:

'A preacher and his posse make a habit of showing up at funerals of soldiers suspected to be gay, carrying obnoxious signs and yelling out hurtful epithets. Finally, the parents of one dead soldier has enough and sues the preacher, and the case goes all the way to the Supreme Court. Would the Court likely find in favor of the preacher or the father?', A. 'The father, as a funeral is a private affair.', B. 'The preacher, because it involves a matter of public interest.', C. 'The father, because time, place, and manner restrictions should have been in place.', D. 'The father, because the First Amendment does not include protection for vicious verbal assaults such as this.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1470:

'A prominent judge lived next door to a father. Recently, the judge had sentenced the father's son to six months in prison on a narcotics charge. One afternoon while the judge was mowing his lawn, the father decided to avenge his son's conviction. The father set up his water sprinkler behind some shrubbery separating their adjoining properties. As the judge was mowing his lawn and came within reach of the water sprinkler, the father turned on the sprinkling device. The judge did not see the water coming toward him. The water hit the judge in the back and drenched him. The judge would be able to recover against the father for which of the following tort or torts?', A. 'Negligence and battery.', B. 'Battery and assault.', C. 'Negligence and assault.', D. 'Battery and trespass to land.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: A

=====

Question 1471:

'A plaintiff filed an action in federal district court and served the defendant with the summons and complaint. The defendant moved to dismiss the complaint for failure to state a claim. Instead of opposing the motion to dismiss, the plaintiff voluntarily dismissed the action and filed a new action, alleging the same claims but also addressing the pleading defects outlined in the defendant's motion to dismiss. The defendant then moved to dismiss the second action, and the plaintiff again voluntarily dismissed the second action instead of filing opposition papers. The plaintiff then filed a third action, alleging the same claims but also including additional allegations that were responsive to the defendant's second motion. The defendant has moved to dismiss the third action; the plaintiff opposes the motion. Is the court likely to grant the defendant's motion?', A. 'No, because the plaintiff has promptly and diligently attempted to address the pleading defects.', B. 'No, because the plaintiff voluntarily dismissed each previous action before the defendant filed an answer or moved for summary judgment.', C. 'Yes, because the plaintiff failed to seek a court order dismissing the second action.', D. 'Yes, because the plaintiff's previously dismissed actions asserting the same claims dismissed actions asserting the same claims operate as an adjudication on the merits.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1472:

'A professor, being fee simple owner of an apartment building, made a conveyance thereof in these words, "I hereby convey my apartment building to my son and daughter as tenants in common. " In the deed instrument, which was properly executed, the professor reserved a life estate to himself. The professor then told his children of his conveyance and put it in the family vault in the library for safekeeping. Thereafter, the son married a doctor. The professor, who disliked the doctor, then executed another deed that he labeled "a correction deed. " In the "correction deed," the professor conveyed the apartment building "to my son and daughter as joint tenants with right of survivorship. " According to the new deed, the professor again reserved a life estate to himself. Both children accepted delivery of the "correction deed. " Six months later, the son died intestate, leaving the doctor as his sole heir. Title to the apartment building is in', A. 'the daughter and the doctor as tenants in common.', B. 'the daughter subject to the professor's life estate.', C. 'the daughter and the doctor as tenants in common, subject to the professor's life estate.', D. 'the daughter and the doctor as joint tenants with survivorship rights, subject to the professor's life estate.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1473:

'A housing corporation owned a tract of land and prepared a development plan to divide the land into 100 lots and create a residential community on the property. The Declaration of Covenants created the community association, an administrative entity that would administer and enforce the regulations' and restrictions recited in the Declaration of Covenants. One of the restrictions reads:"There shall never at any time be erected, permitted, or maintained upon any part of the property any structure designed for or used as a saloon or place for the sale or manufacture of malt, vinous, or spirituous liquors. "The Declaration of Covenants was duly recorded and was included in the deed taken by a psychologist when he purchased lot 24 in the housing development. The psychologist recorded his deed. The psychologist gave his lot to his son. The deed conveying lot 24 to the son contained no reference to the Declaration of Covenants or any of its provisions. The deed provided that "these premises are conveyed to (the son), his heirs, and assigns, as long as they are used for residential purposes only. " The son did not record his deed. The son was unaware of the Declaration of Covenants. The son started a home business selling imported wine from his home. A geologist, the owner of lot 26, which was situated next to the son's lot, brought an action of ejectment against the son. Which of the following is the best argument for the son?', A. 'The deed to the son created a fee simple determinable with a possibility of reverter, giving the psychologist, but not the geologist, the right to sue the son.', B. 'Not having been recorded, the condition cannot be enforced against the son.', C. 'The geologist is entitled only to an injunction against the son.', D. 'The law prohibits a fee simple determinable.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1474:

'A defendant went to a convenience store intending to rob it. The defendant had a gun inside his coat pocket. When the defendant entered the store, the owner saw that he had his hand in his coat pocket. Although the owner did not actually see the gun, he noticed a bulge in the defendant's coat pocket. Paranoid because of a rash of recent robberies, the owner said, "Please don't hurt me I do anything you want. " The owner then fainted and fell to the floor. The defendant walked behind the counter and opened the cash register. He took the money from the register and left the store. If the defendant is charged with robbery, he should be found', A. 'guilty, because the owner was placed in fear.', B. 'guilty, because the defendant entered the store with a gun in his possession.', C. 'not guilty, because the defendant did not make any threat of force.', D. 'not guilty, because the defendant did not take any money from the victim's person.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 1475:

'A city enacted an ordinance prohibiting the singing and chanting of songs from 1:00P. M. to 1:00A. M. by two or more persons if such noise is audible off the premises where the singing takes place. The ordinance expressly exempted from its purview the singing or chanting of religious songs. After the ordinance was enacted and went into effect, several college students were walking down the street on their way to a victory celebration following a big college football game. They began loudly chanting, "We're number 1. . . we're number 1. " One of the residents who lived on the street was greatly disturbed by the noise and reported the incident to the police, who were immediately summoned to the scene. The students who engaged in the chanting were arrested and charged with violating the ordinance. The students who were prosecuted now bring suit challenging the constitutionality of the city ordinance. Which of the following would constitute their WEAKEST argument against enforcement of the city ordinance?', A. 'The ordinance deprives persons of their freedom of expression, in violation of the First and Fourteenth Amendments.', B. 'The ordinance deprives persons of their liberty without due process of law because the ordinance is not related to any legitimate community interest.', C. 'The statutory language of the ordinance is vague and overbroad since it attempts to encompass all forms of singing.', D. 'The ordinance deprives the persons of the equal protection of the laws by impermissibly distinguishing between religiously inspired singing and all forms of singing.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: D

=====

Question 1476:

'A plaintiff sued a defendant for injuries that the plaintiff suffered when he was struck by the defendant's car. At trial, the plaintiff testified that he was walking across the street inside a crosswalk at the time the defendant's car hit him. This action takes place in a jurisdiction that has a statute in effect requiring all motorists to stop and permit pedestrians to cross streets at designated crosswalks. The defendant contended that the plaintiff ran into the street outside the crosswalk. Furthermore, the defendant testified that he immediately applied his brakes when he saw the plaintiff dart into the street, but couldn't stop his car in time to avoid hitting him. In support of the defendant's testimony, the defendant calls a neighbor to testify that she has observed the plaintiff frequently during the years that she has lived on that street, and that the plaintiff "always crosses the street outside the crosswalk. "The neighbor's testimony is likely to be', A. 'admitted, because it tends to show that the plaintiff was careless.', B. 'admitted, because it is probative of the plaintiff's habit of crossing the street outside the crosswalk.', C. 'excluded, because the neighbor was not an eyewitness to the accident.', D. 'excluded, because her testimony is impermissible evidence of character to show defendant's plaintiff's conduct on a particular occasion.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: B

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1477:

'A defendant shot and killed a victim at close range with a revolver. After the shooting death, the defendant was arrested and charged with first-degree murder. In this jurisdiction, first-degree murder is defined as "knowingly or willfully causing the death of another human being. "Which of the following situations, if believed by the jury, would most likely result in the defendant's acquittal of the first-degree murder charge?', A. 'The victim, who was the defendant's brother, suffered from an incurable case of cancer and asked the defendant to kill him to put an end to his pain and suffering.', B. 'The killing was not done with premeditation or deliberation.', C. 'The defendant intended to kill himself, but the bullet grazed his head and struck and killed the victim.', D. 'The defendant intended to kill another man, but the victim unknowingly stepped in front of the other man and was struck and killed by the bullet.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1478:

'A defendant was wearing a black leather jacket when he entered a deli for lunch. He placed his jacket on a coat rack located in the front of the deli. After his meal, the defendant picked up a similar black leather jacket, believing it to be his own. The jacket he took, however, belonged to another customer. The defendant left the deli and walked a short distance before realizing he had taken the wrong jacket by mistake. He then returned to the deli and placed the jacket back on the coat rack. He found his own jacket, which had been partially hidden under a stack of other coats. If the defendant were arrested and charged with larceny of the other customer's jacket, he will most likely be acquitted because', A. 'there was a mistake of fact.', B. 'he returned the jacket after discovering his mistake.', C. 'he lacked the requisite state of mind.', D. 'there was no fraudulent conversion.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1479:

'A plaintiff domiciled in State A brought a wrongful death action in a federal court in State A against a State B parent corporation and one of its foreign subsidiaries. The plaintiff alleged that a tire manufactured by the subsidiary in Europe had caused his wife's death in an automobile accident in Europe. The parent corporation does significant business throughout the United States, including in State A. The subsidiary conducts no business and has no employees or bank accounts in State A. The no employees or bank accounts in State A. The subsidiary manufactures its tires for the European market, but 2% of its tires are distributed in State A by the parent corporation. The subsidiary has moved to dismiss for lack of personal jurisdiction. Should the court grant the subsidiary's motion?', A. 'No, because 2% of the subsidiary's tires entered State A through the stream of commerce.', B. 'No, because of the general personal jurisdiction established over the parent corporation.', C. 'Yes, because the accident did not occur in the United States.', D. 'Yes, because the subsidiary lacks continuous, systematic, and substantial contacts with State A.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1480:

The State of Florida is prosecuting a former police officer for extortion of money from prostitutes. One of the State's witnesses is Sally. Sally has an adult conviction for vehicular homicide. She was charged with driving a car in a reckless manner resulting in the death of her sister, a passenger in the car. Sally pleaded nolo contendere, was adjudicated guilty and received a suspended sentence although she could have received a sentence of state imprisonment up to 5 years. At trial, evidence of this conviction is', A. 'admissible to impeach Sally because vehicular homicide carries a maximum penalty in excess of 1 year.', B. 'inadmissible to impeach Sally because she never admitted her guilt since she entered a plea of nolo contendere.', C. 'inadmissible to impeach Sally because she received a suspended sentence.', D. 'inadmissible to impeach Sally because she is only a witness and not the criminal defendant.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1481:

'A manufacturer of widgets sent a letter to an international widget retailer offering to sell ten truckloads of construction-quality widgets for \$1,000 per truck. The retailer emailed a note back saying "Please send 10 truckloads as promised." No shipment was sent, but four months later when the market demand for widgets skyrocketed, the retailer sued the manufacturer for breach claiming that the retailer suffered damages by not having received the shipment of ten trucks as agreed. Does the retailer have a legal right to collect damages under these facts?', A. 'Yes, there is a specific and detailed enough offer, followed by an unequivocal acceptance, indicating an intent to form a contract.', B. 'No, the parties do not set a date for delivery, which always invalidates a contract between merchants for the delivery of goods.', C. 'No, the retailer never called back and asked for the widgets, which means that the contract was not finally confirmed and legalized.', D. 'Yes, the retailer is entitled to collect damages because the manufacturer violated the doctrine of avoidable consequences.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1482:

The Traditional Religion Advocacy Party (TRAP) has successfully lobbied the State of Texarkana for a statute named "Equal Rights for All Religions." The law requires broadcasters that air segments discussing Christianity to allow equal time for segments on Judaism, Islam, Hinduism, and Buddhism. The American Atheism Association (AAA) has put together a broadcast segment about atheism, rejecting all religions, but four of the five Texarkana stations have declined to air the segment because they believe it would violate the statute. AAA has filed suit against the state, challenging the constitutionality of the statute. What is the strongest argument AAA can make in support of striking down the Equal Rights for All Religions statute?', A. 'The First Amendment prohibits government interference with freedom of the press.', B. 'The fact that the statute involves only broadcast media and not print media is an Equal Protection violation.', C. 'The First Amendment prohibits government interference with the free exercise of religion.', D. 'The statute is not narrowly tailored to promote a compelling governmental interest.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 1483:

'A car manufacturer produced a car that was sold nationwide. Problems with the car's brakes allegedly caused several accidents and injuries. Two individual buyers of the car each filed a class action, in different states, against the manufacturer, asserting the same products liability claims on behalf of all buyers nationwide. One class action was filed in federal court and the other was filed in state court. The parties in the federal action reached a court- approved settlement, and the court entered judgment dismissing the action with prejudice. The manufacturer's attorney has moved to dismiss the state court action on the basis of res judicata (claim preclusion). Should the state court look to federal or state law to decide the effect of the judgment?', A. 'Federal law, because the judgment was entered in federal court.', B. 'Federal law, because the judgment was the result of a nationwide action governed by the federal class action rule.', C. 'State law, because the judgment is being asserted in a state court.', D. 'State law, because there is no general federal common law and preclusion is a common law doctrine.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1484:

'A state was facing a fiscal problem. In order to raise funds, the state decided to consider the creation of a state postal service that only its residents may use for intrastate mail. The price for stamps printed by the state postal service would be half the cost of stamps printed by the U. S. Postal Service and would always be guaranteed to arrive within 24 hours. In addition, any employees of the state would be able to send their mail for free through the state postal service. Which of the following is the strongest constitutional argument against the proposed legislation?', A. 'It constitutes a denial of equal protection of the laws, because employees of the state receive personal benefits that are not enjoyed by employees of other states.', B. 'The negative implications that flow from the delegation to Congress of the power to establish a post office prohibit such a state postal service.', C. 'It denies citizens of the state who are not state government employees their rights under the privileges or immunities clause of the Fourteenth Amendment.', D. 'It interferes with the sovereign autonomy of the U. S. Postal Service to operate as an independent federal agency.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: B

=====

Question 1485:

'In 1993, a rancher had good record title to a 20-acre orange grove in fee simple absolute. In 1994, the rancher delivered to his son, for a sum of \$1,000, a deed signed by the rancher, naming the son and his heirs as grantee, and appearing valid on its face. The son neglected to record the deed. In 1998, a farmer, aware of the existence of the rancher-to-son deed, sought out the rancher and asked to buy for \$10,000 a deed to the orange grove from the rancher to the fanner and his heirs. The rancher executed such a deed, and the fanner promptly recorded it. The farmer's intent was to acquire color of title and obtain ownership of the orange grove by adverse possession. In 1998, the farmer constructed a fence around the orange grove. In 1999, the son presented his deed of the orange grove to a retiree, and for \$15,000, paid by the retiree, signed and delivered a deed of the orange grove in favor of the retiree and his heirs. After receiving the deed, the retiree made no effort to search the title, to examine the property, or to record the deed. In 2003, a buyer paid the fanner \$20,000, and the farmer delivered to the buyer a deed of the orange grove in favor of the buyer and his heirs. The buyer had examined the property, had searched the title, and had no knowledge of the farmer's awareness of the prior rancher-to-son instrument. Although the buyer did not reside on the property, he regularly visited the orange grove twice a week. The buyer recorded his deed. In 2007 for \$25,000 paid by an orange grower, the retiree signed and delivered adeed of the orange grove naming the orange grower and his heirs as grantees. Before the grower had paid the retiree and taken his deed, the grower visited the orange grove and observed the fence. However, the buyer was not present when the grower visited the property and nothing suggested who ■■■if anyone ■■■was using it. In any case, the grower did not attempt to search the title before making his purchase. This jurisdiction uses Grantor ■■■Grantee Indices and has no Tract Index. In 2008, what is the present state of title to the orange grove if the jurisdiction's recording act provides: "Every conveyance of real property shall be invalid as against any person, except the grantor, his heirs, and assigns, having actual notice thereof, unless it is recorded as provided by statute"?', A. 'In a notice jurisdiction, the grower, as a subsequent bonafide purchaser, is only chargeable with notice of what appears in his chain of title and, therefore, would acquire record title to the orange grove.', B. 'In a race ■■■notice jurisdiction, the farmer would acquire equitable title to the orange grove, because he erected the fence and failed to inform the buyer of the prior rancher-to-son instrument.', C. 'In a race ■■■notice jurisdiction, the buyer, as subsequent bonafide purchaser without notice of the prior rancher-to-son instrument, would acquire record title to the orange grove.', D. 'In a notice jurisdiction, the retiree would acquire record title to the orange grove even though he failed to record his deed.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1486:

'A young boy and a young girl were playing with a football on the sidewalk next to a street. They were laughing as they pushed and pulled each other, trying to get the ball and keep it away from each other. Just as a car approached on the street, the girl lost her balance and fell off the sidewalk and into the street. The driver of the car tried to swerve to avoid her, but ran over her leg. The girl suffered a broken leg. If the girl's parents assert a claim on her behalf against the driver to recover damages for her injuries, they will most likely', A. 'prevail, unless the driver was driving his vehicle within the posted speed limit.', B. 'prevail, unless the girl fell because the boy negligently pushed her toward the street.', C. 'not prevail, unless the driver was driving negligently when the accident occurred.', D. 'not prevail, unless the driver had the last clear chance to avoid the accident'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1487:

'Each year, the local boys' and girls' club sponsors a "Baseball Card Bonanza. " During the three- day event, collectors of baseball cards gather, exchanging and swapping old cards. A boy and a girl, both 12-year-old youngsters at the bonanza, were looking at each other's cards when they were approached by a 32-year-old collector. The collector asked the boy and girl if he could look through their baseball cards. The boy and girl nodded affirmatively. As the collector was flipping through the boy's cards, he found a 1948 card featuring Branch Rickey, the former owner of the Brooklyn Dodgers. The collector, who knew the card was worth more than \$500, offered the boy 50 cents for the card. The boy thought the card had very little value because he knew that Rickey was not a major league baseball player. The boy accepted the 50 cents and gave the Rickey baseball card to the collector. The next day the boy found out that the baseball card was worth\$600. If the boy asserts a claim against the collector for deceit, will the boy prevail?', A. 'Yes, because the collector did not disclose the true value of the card.', B. 'Yes, because the boy was the true owner of the card and was entitled to the benefit of the bargain.', C. 'No, because the collector made no false representations of fact.', D. 'No, because the boy was not justified in relying on the collector's offer.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1488:

'On January 31, a supermarket entered into a written contract with a produce company to purchase oranges. The contract contained a provision wherein the supermarket promised to purchase "as many oranges as required, but at a minimum 100 bushels per month at a price of \$20 per bushel for the next year. " The agreement also provided that any modifications must be in writing. On February 1, the produce company shipped the supermarket 70 bushels of oranges, which were accepted and paid for. On March 1, the produce company tendered 80 bushels of oranges, which the supermarket accepted and paid for. On April 1, the produce company delivered 100 bushels of oranges to the supermarket. This shipment was accepted and also was promptly paid for. On April 2, the manager of the supermarket became concerned because a Florida drought had resulted in a sharp increase in the price of oranges. Consequently, the manager consulted the supermarket's attorney, who advised him to demand adequate assurances that the produce company would perform its obligations under the terms of the contract. Heeding the attorney's advice, the manager sent a letter on April 3 to the produce company, expressing his concern and requesting an adequate assurance of due performance for the balance of the contract. This letter was received by the produce company on April 4. Which of the following best states the supermarket's legal rights against the produce company?', A. 'Cancel the contract on May 1, cover immediately and then sue for damages.', B. 'Wait until the May 1 shipment; if it doesn't comply, demand adequate assurances, and not obtaining them, then sue for damages.', C. 'Wait until the end of the contract and then sue for damages.', D. 'Wait a reasonable time not to exceed 30 days; if adequate assurances are not received, cancel the contract, cover immediately and then sue for damages.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1489:

'A uniformed United States Park Policeman pulled over a motorist for going through a red light. The man reacted gruffly, telling the officer that he had no authority to stop him. There was a brief scuffle, and the officer issued two more charges, for disorderly conduct and failure to obey an officer. Eventually, the defendant pled guilty to the red light citation and the other two charges were dismissed. He then filed a federal court action against the park policeman in which he asserted a Bivens civil rights claim for false arrest and malicious prosecution. The first legal theory was that the park officer lacked authority to stop the plaintiff on a New York street and arrest him for a state traffic violation. He claimed that the officer was outside of his federal park land jurisdiction. Will the court likely uphold the authority of the park police under these facts?', A. 'The U.S. Park Police have the authority to make a warrantless arrest for a state law violation because of statutory grants of authority from the various states.', B. 'All federal officers can make arrests for all criminal offenses within a state's geographical jurisdiction under the priority status of federal law and federal law officers.', C. 'The federal officer was way outside his scope of authority and he clearly cannot make an arrest outside of the confines of the federal park systems.', D. 'The federal officer is allowed to arrest for homicide and serious felonies but cannot make traffic arrests within a state's geographical jurisdiction.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1490:

'An avowed communist was elected vice president of a union. A senator, in his investigation of communist infiltration of national labor unions, found a provision in a statute passed by Congress, which makes it a crime for a member of the communist party to act as an official of a labor union. After a subsequent legislative hearing, the communist is dismissed from his position by the union. Which of the following most accurately summarizes the applicable rule of constitutional law regarding the aforementioned provision of the statute?', A. 'The statutory provision is a form of unconstitutional prior restraint on a person's First Amendment right of free association.', B. 'Making it a crime for a Communist to hold a union office is a suspect classification, which violates the equal protection clause.', C. 'The statutory prohibition is a reasonable method of discrimination since the benefit to the public outweighs the injury or restrictions that would be inflicted upon the person.', D. 'The statutory provision in the act is a form of legislative punishment violative of the Constitution as a bill of attainder.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1491:

'A bakery incorporated and headquartered in State A had a dispute with a mill incorporated and headquartered in State B over the quality of the flour the mill had delivered to the bakery. The bakery sued the mill in a federal court in State A for breach of contract, seeking \$100,000 in damages. The contract between the bakery and the mill contained a clause designating State B courts as the sole venue for litigating disputes arising under the contract. Under precedent of the highest court in State A, forum-selection clauses are unenforceable as against public policy; under U.S. Supreme Court precedent, such clauses are enforceable. The mill has moved to transfer the case to a federal court in State B, citing the forum-selection clause in the parties' contract and asserting the facts that the flour was produced in State B and that the majority of likely witnesses are in State B. Is the court likely to grant the mill's motion?', A. 'No, because State A law treats forum- selection clauses as unenforceable.', B. 'No, because the mill should have instead filed a motion to dismiss for improper venue.', C. 'Yes, because federal common law makes the forum-selection clause controlling.', D. 'Yes, because federal law governs transfers of venue, and it would be more convenient for the witnesses and parties to litigate the claim in State B.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 1492:

'A 16-year-old boy was bullied regularly at school by several older boys. The 16-year-old was developmentally disabled and his mannerisms were a magnet for malicious bullies. One day the boy stole his father's licensed handgun and shot one of the bullies dead. The district attorney announced prosecution of the teen as an adult and asked for the death penalty due to aggravating circumstances. The trial court certified the boy over to adult criminal court. The boy was convicted and sentenced to death. An appeal was taken on his behalf all the way to the U.S. Supreme Court. The Supreme Court agreed to hear the case on the merits. Will the Court affirm the sentence of death?', A. 'Yes, children aged 14 and older are treated as adults and, as adults, they are subject to the same capital punishment penalty as other adults.', B. 'No, a minor under 16 cannot be tried in adult court because the Eighth Amendment clause against cruel and unusual punishment forbids it, and the whole prosecution was unconstitutional.', C. 'Yes, when a crime is committed by malice aforethought, the age of the perpetrator doesn't matter because the same criminal intent requires the same punishment.', D. 'No, the Court applied the bright-line test that forbids capital punishment of youth under the age of 18 because there are distinct differences between an adolescent and an adult.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1493:

'A recent law school graduate took and passed the bar examination. Before the swearing-in ceremony, however, the graduate received a letter from the bar examiners indicating that his admission would be delayed until a character fitness investigation had been completed. The examiners also requested information as to whether the graduate had ever been arrested, convicted, or placed on probation for a criminal offense. The graduate had been arrested as a juvenile for possession of marijuana. He was placed in a special drug education program for first-time juvenile offenders and was told that the arrest would be expunged. Since the graduate believed that he had been totally exonerated of criminal liability, he didn't report the arrest on his bar application form. The bar examiners had, in fact, received an anonymous letter making reference to the graduate's juvenile arrest and suggesting that he was not morally fit to be admitted as an attorney. In addition, the letter provided detailed information about the facts related to the offense. As a result, the examiners hired a special investigator, to look into the matter. As part of the investigator's inquiry, he went to the clerk of the juvenile court where the offense occurred and demanded access to the records concerning the graduate. The clerk refused, citing a state statute that required all court and police records relating to juveniles be sealed. After all other attempts to gain access to the records proved futile, the bar examiners filed suit in federal district court demanding access to the relevant documents. The court should rule that, as applied to this case, the state statute regarding the sealing of juvenile records is', A. 'constitutional, because juveniles are entitled to the equal protection of the laws.', B. 'constitutional, because the state has a strong and legitimate interest in rehabilitating juvenile offenders, and this is furthered by protecting them from embarrassment in later life through revelation of juvenile offenses.', C. 'unconstitutional, because the bar examiners, as a quasi-judicial agency, is entitled to have access to all relevant public documents.', D. 'unconstitutional, because it hinders the interests of justice by preventing the bar examiners from determining the fitness of candidates to practice law.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1494:

'A construction worker sued an insulation manufacturer in federal court, claiming that he had developed a chronic health condition as a result of 20 years of exposure to the manufacturer's insulation at his work sites. The manufacturer answered, denying all liability and stating that it had never supplied its insulation to the worker's employer. The worker's attorney deposed the manufacturer's president, and the manufacturer's attorney deposed the worker. Immediately thereafter, the manufacturer moved for summary judgment on the ground that the worker had no evidence showing that the insulation had ever been used by the worker's employer. What would be the worker's best response to the motion for summary judgment?', A. 'Argue that more time is needed for additional discovery to show the manufacturer's liability, and attach a declaration describing the desired discovery.', B. 'Argue that the motion should be denied, because a central issue in the case will be the manufacturer's credibility on the question of its distribution of the insulation, and only a jury can decide questions of credibility.', C. 'Argue that the motion should be denied, because the manufacturer failed to attach any evidence to its motion to show that the insulation was not used by the worker's employer.', D. 'Make a cross-motion for summary judgment arguing that the manufacturer has introduced no evidence to show that its insulation did not harm the worker.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1495:

Two days before his home was to be sold at a foreclosure sale, a homeowner obtained a temporary restraining order (TRO) in federal court that prevented his lender from proceeding with the sale for 14 days or until a preliminary injunction hearing could take place, whichever was sooner. When a preliminary injunction hearing could not be scheduled within the original 14-day period, the court extended the TRO for another 30 days. The lender appealed the court's order extending the TRO. The homeowner has moved to dismiss the appeal. Is the appellate court likely to dismiss the appeal?', A. 'No, because a TRO is immediately appealable.', B. 'No, because the 30-day extension makes the TRO equivalent to a preliminary injunction and therefore appealable.', C. 'Yes, because a TRO is not appealable under the interlocutory appeals statute.', D. 'Yes, because there is no final judgment from which an appeal may be taken.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: C

=====

Question 1496:

'A woman was seven months pregnant with her first child. One afternoon, the woman was in the kitchen of her home preparing a snack when she glanced out the window and saw a horrible crime being committed. The woman watched in horror as a local gang member pulled out a handgun and used it to shoot the victim, a member of a rival gang. The gang member did not know anyone was witnessing his act of shooting the victim. The woman watched as the victim collapsed and fell dead on her neighbor's front lawn. As a result of her shock from viewing this horrible incident, the woman suffered a miscarriage. If the woman asserts a claim against the local gang member who shot the victim, the woman will', A. 'recover, because she suffered a physical injury, rather than just emotional harm.', B. 'recover, because the gang member acted intentionally in shooting the victim.', C. 'not recover, because the woman was not within the zone of danger.', D. 'not recover, because the gang member was unaware that the woman was watching.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1497:

'A man allowed his friend to borrow a debit card to buy a computer. When the friend refused to return the card during a later conversation in a bar, the man pointed a handgun at the friend, held his finger on the trigger, and said, "Give it back!" A bystander screamed and threw a beer bottle at the man. The bottle struck the man's hand and caused the gun to discharge, killing the friend instantly. The man was convicted of murder in a jurisdiction that follows the common law of homicide. On appeal, he argues that the evidence, which essentially set out the facts above, was insufficient to support a verdict of murder. Should the man's conviction be reversed?', A. 'No, because the evidence was sufficient to support a verdict of depraved-heart murder.', B. 'No, because the evidence was sufficient to support a verdict of felony murder.', C. 'Yes, because the evidence showed that the man did not intentionally pull the trigger.', D. 'Yes, because the evidence showed that the man's intent was not to kill the friend, but to take property from him under a claim of right.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1498:

"An assault is an unlawful attempt, with or without present ability, to commit a battery on the person of another. It is a misdemeanor punishable by imprisonment of up to six months. "A defendant was a lawyer who worked in a law firm located in the state. The defendant, who had a reputation of being a prankster, decided to play a practical joke on the senior partner of the law firm. The defendant donned a cowboy mask and entered the senior partner's office. As the senior partner was talking on the phone with his back to the door, the defendant pulled out a toy cap gun and said, "This is a stickup . . . give me your wallet or I'll shoot. " When the senior partner turned around to face the defendant, he pulled the trigger of the gun. This caused the toy pistol to make a loud noise. Although the senior partner was not frightened, he fired the defendant because of the incident, citing unprofessional conduct. The defendant was subsequently charged with criminal assault under the above mentioned statute. At trial, the defendant testified that he was only playing a practical joke on the senior partner and was trying to scare him as a harmless prank. If the jury believes the defendant, they should find him', A. 'guilty, because he intended to frighten the senior partner.', B. 'guilty, because the statute does not require the present ability to commit a battery.', C. 'not guilty, because the defendant did not intend to cause physical injury to the senior partner.', D. 'not guilty, because the facts state that the senior partner was not frightened.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1499:

'After a severe thunderstorm had struck the area, a homeowner discovered that her roof had suffered extensive damage. She telephoned a roofer to inquire about having the necessary repairs done to her roof. The roofer agreed to finish the work within 30 days, and the homeowner promised to pay\$10,000. Which of the following statements is most accurate?', A. 'The performance of the roofer would be a constructive condition precedent to the performance by the homeowner.', B. 'The performance by the homeowner would be an implied condition subsequent to the performance by the roofer.', C. 'The performances of the homeowner and the roofer would be constructive concurrent conditions.', D. 'The contract would be unenforceable, because it was oral.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1500:

'A county owns a large expanse of land next to the ocean. Four years ago, in order to enhance the recreational aspects of the land, the county leased most of it to a private company. The lease required the company to construct and operate a first-rate golf course and country club ■■■complete with bar, restaurant, and private marina ■■■and to pay the county 15% of its net profits as rent. The company set up bylaws, which were reviewed and approved by the county at the time the lease was negotiated. According to the bylaws, the golf course and country club, complete with its restaurant and bar, would be open to members only, and the membership committee is empowered to set up strict membership "standards," as well as the cost of membership fees and dues. Upon completion of the facilities, the state granted the company a license to sell alcoholic beverages in its restaurant and bar. The membership committee announced that the membership fee is \$5,000 and the monthly dues \$75 per month. Furthermore, the membership committee had a policy of approving only membership applications for Latino Men, while disapproving and denying all applications of women, African Americans, white Americans, and other minorities. A white resident of the county, upon denial of membership, brings an action against the company seeking injunctive relief to compel his admission claiming that denial of membership to white residents violates his right to equal protection. Which of the following statements is most accurate?', A. 'The company will prevail because its denial of membership lacks the requisite state action.', B. 'The plaintiff will win because even though the company is a privately owned corporation, the state has affirmatively encouraged or facilitated its discriminating acts.', C. 'The company will win, because the plaintiff lacks standing to assert the rights of discrimination against white Americans as a group.', D. 'The plaintiff will win, because denial of membership to white residents cannot be justified by a rational basis.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1501:

'A national distributor of windows selected a retailer to sell its windows in a specified geographic area. The parties negotiated a written distribution agreement, which stated that any order for windows placed by the retailer would be binding on the distributor "only when expressly accepted by the distributor." For the next two years, the retailer forwarded orders to the distributor, and the distributor always filled the orders. In the third year, the distributor accused the retailer of overcharging customers to install the distributor's windows. The retailer responded that the distributor had no control over the retailer's installation prices. When the distributor received the retailer's next order for windows, it refused to fill the order. If the retailer sues the distributor for breach of contract, will it be likely to prevail?'. A. 'No, because the retailer's forwarding of orders to the distributor did not give rise to an obligation on the distributor's part to fill the orders.'. B. 'No, because the retailer's practice of overcharging customers excused the distributor's refusal to fill the order.'. C. 'Yes, because the distributor's claim regarding overcharging customers is independent of its obligation to fill the retailer's order.'. D. 'Yes, because the parties' course of dealing binds the distributor to fill the retailer's order.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1502:

'One evening, a defendant set fire to an occupied house. As a result of the blaze, the homeowner's daughter was killed. The defendant was charged with felony murder on the first count and arson on the second count of the two-count indictment. The jury found the defendant guilty on the first count, but returned a not guilty verdict on the second count. The defendant's attorney's motion to set aside the guilty verdict on the felony murder charge will be', A. 'granted, because the guilty verdict is plain error that adversely affects the defendant's constitutional rights.', B. 'granted, because the verdicts are legally inconsistent and should lead to an acquittal of both charges.', C. 'denied, because the verdicts do not amount to a reversible error.', D. 'denied, because the defendant's proper remedy is to seek an appellate review for a non-constitutional error.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1503:

'A housing corporation owned a tract of land and prepared a development plan to divide the land into 100 lots and create a residential community on the tract of land. The Declaration of Covenants created the community association, an administrative entity that would administer and enforce the regulations and restrictions recited among the covenants. One of the regulations set forth in the Declaration of Covenants reads:"Each purchaser, by the acceptance of a deed therefore, promises to pay the community association an annual assessment or charge to be determined on the basis of the valuation of each individual lot and the improvements thereon. Nonpayment of any annual assessment or charge when due shall result in a lien upon the parcel of the property. "A gardener, the owner of lot 29 in the development, sold his land to a landscaper with a deed containing no restrictions. The community association, pursuant the Declaration of Covenants, sues the landscaper to collect the annual assessment for lot 29. Which of the following is the best argument for the landscaper?', A. 'There is not privity of contract between the housing corporation and the community association.', B. 'Because the charge constitutes a lien, there is no personal obligation on the landscaper's part.', C. 'There is no privity of contract between the gardener and the landscaper.', D. 'There is no privity of estate between the gardener and the landscaper.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1504:

'A creditor loaned his friend \$15,000 to help pay for the friend's daughter's college tuition. Six months later, the friend lost his job and was unable to repay the loan to the creditor. After learning of his friend's situation, the creditor sent his friend the following letter on June 1:'I promise to discharge the \$15,000 debt which you owe me upon delivery of your autographed baseball bat if you promise to deliver the bat to me by August 1 . "After receiving this letter, the friend telephoned the creditor and accepted the offer. The friend's verbal acceptance of the creditor's offer most likely effectuated', A. 'a bilateral executory accord.', B. 'an accord and satisfaction.', C. 'a substituted compromise agreement.', D. 'a novation.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1505:

'A father died leaving a will by which he devised a 100-acre tract to his daughter. At the time of the father's death, he believed that he owned all of the 100-acre tract. However, the father actually owned 95 acres of the tract. The other five acres were owned by a farmer. After taking possession of the tract, the daughter executed and delivered a warranty deed to a buyer, purporting to convey all 100 acres of the tract. The agreed purchase price was \$100,000. According to the terms of the sale, the buyer paid the daughter a down payment of \$25,000, with the unpaid portion of the purchase price (i. e. , \$75,000) secured by a mortgage. The mortgage instrument described the property interest as covering all 100 acres of the tract. After the daughter ■■■buyer transaction was completed, the farmer came forward and informed the parties that she was the true record owner of five acres of the 100-acre tract. Upon the farmer's threat to sue to quiet title, the daughter negotiated a deal whereby she paid the farmer \$5,000 for the five-acre tract. As part of their agreement, the farmer executed and delivered a quitclaim deed quitclaiming to the buyer all of her interest in the five-acre parcel. Thereafter, the buyer defaulted on the mortgage debt, and the daughter properly consummated foreclosure proceedings, becoming the purchaser of the tract at her own foreclosure sale. The description of the deed in the foreclosure sale referred to the tract as consisting of all 100 acres. After the foreclosure sale was finalized, the buyer brought suit claiming title in fee simple to the five-acre tract, formerly owned by the farmer. In an appropriate action to determine the title to the said five-acre tract, the buyer will', A. 'lose, because the daughter did not have good and marketable title at the time she purported to convey the 100-acre tract to the buyer.', B. 'lose, because the doctrine of after-acquired title controls.', C. 'win, because the deed from the farmer to the buyer was a quitclaim deed.', D. 'win, because the quitclaim deed from the farmer to the buyer was subsequent to the deed from the daughter to the buyer and to the mortgage.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1506:

'A woman owned a four-unit apartment building and lived in one of the units. When one of her tenants vacated his apartment, the woman placed an advertisement in the local paper that read as follows:

"Large two-bedroom apartment available for rent. White male preferred." The woman's preference was motivated by the fact that she liked to have a mix of tenants of both genders and from various racial and ethnic backgrounds in her building, and of the remaining rented units, one was rented to an African American man and the other to a Pacific Islander woman. Based upon these facts, which of the following statements is true?', A. 'The federal Fair Housing Act makes it illegal for the woman to refuse to rent her units to prospective tenants because of their race or gender.', B. 'The woman's motive absolves her from any liability under the federal Fair Housing Act.', C. 'There are no violations of any federal laws under these facts.', D. 'Under the federal Fair Housing Act, the woman was not permitted to state a racial or gender preference in the advertisement.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: D

Question 1507:

'An owner had a record store in the downtown business area of a city. A famous rock group was scheduled to perform at the local civic center and the owner featured the band's records in a special sale for the two weeks prior to the concert. In order to promote his sale, the owner installed loudspeakers on the outside of his store window so that he could play the band's records for people walking by to hear. It was the owner's hope that when they heard the records, the passersby would turn into customers and buy the band's records. Subsequently, the owner was cited for violating a city ordinance which provides that:"An owner of property located within the city limits shall not permit to be used on his property any device which causes sounds, other than clock chimes, to be heard upon the street or sidewalk. Violation of this ordinance shall subject the property owner to a fine of \$50. 00 for each occurrence. "If the owner is successful in challenging this ordinance in court, the court would most likely reason that', A. 'the ordinance violates equal protection because some sounds are permitted, while others are not.', B. 'the ordinance violates the owner's rights of freedom of speech, because there is not valid interest to support the ordinance.', C. 'the ordinance violates the owner's rights of freedom of speech, because a municipality may not regulate the use of sound amplification equipment.', D. 'the ordinance violates the owner's rights under the First and Fourteenth Amendments, because it is vague in defining unpermitted sounds.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: B

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: B

Question 1508:

'A doctor parked her car in a public parking lot in a downtown area. A construction company was using a large crane to build a new office building next to the parking lot. When the crane was manufactured, some of the welding of its parts was done improperly. No one had ever noticed this manufacturing defect in the crane. The defect caused the crane to break and topple over. Part of the crane fell on the doctor's car. The doctor's car was completely destroyed. The car was valued at \$35,000. The doctor had auto insurance, and the insurance company promptly paid the doctor \$35,000 under the insurance policy. If the doctor brings suit against the manufacturer of the crane, will the doctor prevail?'. A. 'No, because the doctor had auto insurance, so she suffered no loss.'. B. 'No, because the manufacturer was unaware of the defect in the crane.'. C. 'Yes, because the manufacturer sold a product with a dangerous defect.'. D. 'Yes, because the manufacturer failed to inspect the crane adequately before selling it.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1509:

'During a hotly contested gubernatorial election, a local newspaper endorsed the candidacy of a corporate official of a chemical company. Inspired by a progressive revolt against the chemical company's domination of the state government, the corporate official's opponent, won by an extremely close margin. After the new governor took office, he vowed to get back at the company that owned the local newspaper for its newspaper's endorsement of the corporate official. Using his influence, the new governor was instrumental in getting the state legislature to pass a bill that imposed a special tax on the sale of ink and paper used in the publication of newspapers and periodicals of general circulation. The tax bill was signed into law by the governor. The strongest constitutional basis upon which to challenge the validity of the tax would be the', A. 'equal protection clause of the Fourteenth Amendment.', B. 'bill of attainder provision under Article I, Section 10.', C. 'privileges or immunities clause of the Fourteenth Amendment.', D. 'First Amendment, as incorporated in the Fourteenth Amendment.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1510:

'A legislative assistant to a state senator approached various wealthy lobbyists without the senator's knowledge to solicit illegal campaign contributions for the senator's upcoming re-election campaign. The assistant dictated several letters requesting such contributions, which the senator signed without reading, along with a pile of other correspondence. Before the letters were mailed, however, the senator discovered what had happened and then immediately terminated the assistant's employment. Later that same evening, after being notified that he was fired, the assistant returned to the senator's office and used his keys, which had not yet been returned, to enter. The assistant made copies of the letters in question. The following day, the assistant turned over the copies of the letters to an investigative reporter from the local newspaper in the area. The reporter had heard about the assistant's dismissal from another staff member and was curious about all the underlying circumstances. After the assistant provided the reporter with all of the pertinent facts, the reporter wrote a news story regarding the senator's solicitation of illegal campaign contributions. Although the reporter's story was printed in the newspaper, he did not reveal the source of his information. As soon as the publication was made, the FBI initiated an investigation of the senator's campaign finances. If the senator asserts a claim based on invasion of privacy against the newspaper for the publication of the article concerning the solicitation of illegal campaign contributions, the most likely result is that the senator will', A. 'prevail, because the newspaper story placed him in a "false light in the public eye."', B. 'prevail, because the newspaper disclosed private facts about the plaintiff.', C. 'not prevail, unless he is able to prove malice on the defendant's part.', D. 'not prevail, because the newspaper was acting in the public interest by printing the news story.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1511:

The prime minister of a foreign country was assassinated by a group of right wing extremists. The prime minister's death triggered a civil war between rival factions within the country. To prevent U. S. involvement in this country's political crisis, Congress passed an appropriations bill prohibiting any funding for U. S. military operations in this foreign country. The appropriations bill was passed over a presidential veto. Thereafter, the President issued an executive order directing U. S. Navy and Army troops to the foreign country to restore order. Is this executive order constitutional? A. 'Yes, because the President, as commander-in-chief of the armed forces, has the power to authorize such military expeditions.', B. 'Yes, because the President has inherent power to regulate foreign affairs as long as there is no formal declaration of war.', C. 'No, because the President cannot usurp Congress's spending power by taking action that supersedes a congressional appropriations bill.', D. 'No, because the executive order was neither authorized by federal statute nor ratified by the Senate.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1512:

'A young man called his casual friend to get together after work to go to a nearby ski lift. They each went up on the lift individually, because neither liked to share. Close to the top of the mountain, the friend fell off of his ski lift, and sustained injuries. The young man then decided he had had enough of skiing, but his friend called out, "...you have to help! You have to call someone! I cant walk and it is your fault I am up here!" The man did not respond and went home. His friend froze to death with no help ever coming to him. The people on the lift behind them both heard and saw everything, and the prosecutors office investigated the incident as a possible negligent homicide. What is the most likely decision of the prosecutor?', A. 'The prosecutor will not file charges because the two men were not related to each other in a way that might create a duty, nor was there a special relationship that would create a duty.', B. 'The prosecutor will not file charges because the man broke no laws when he walked away and it does not matter what the relationship was between them.', C. 'The prosecutor will file charges because there are eyewitnesses who will testify to the young man's callous behavior to his friend.', D. 'The prosecutor will file charges because their friendship was a special relationship that created a legal duty for the man to act.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1513:

'A woman owned an extensive art collection that she displayed in a special room of her home. While the woman was away on a vacation, there was a burglary at her home, and her favorite painting was stolen. Although the painting was insured for \$1,000,000 by an insurance company, it had a market value of over \$1,500,000. When the woman returned from vacation, she met with a detective employed by the insurance company to investigate the theft. During their meeting, the woman told the detective that she would pay him an extra \$50,000 if he recovered the painting. For the next three weeks, the detective investigated the theft as part of his job responsibilities with the insurance company. Within the course of this investigation, the detective learned who was responsible for the burglary. As a consequence, the culprit was apprehended, and the painting was recovered and returned to the woman. The detective then requested the \$50,000 that the woman had promised to pay him. After the woman refused to make the payment, the detective sued the woman for breach of contract. Who is most likely to prevail?', A. 'The woman, because her promise was gratuitous.', B. 'The woman, because the insurance company owed her a pre-existing duty to find the painting.', C. 'The detective, because he did the act necessary to constitute an acceptance of the woman's offer.', D. 'The detective, because the market value of the painting exceeded its insured value, so there was sufficient consideration to support the woman's promise.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1514:

'A defendant was charged with and tried for murder. At trial, the defendant testified that he had acted in self-defense. The trial court instructed the jury that the defendant had the burden of proving by a preponderance of the evidence that he had acted in self-defense. The defendant objected, arguing that this instruction violated the constitutional requirement that the prosecution prove the offense beyond a reasonable doubt. Did the trial court's instruction violate the defendant's federal constitutional rights?', A. 'No, because due process does not preclude requiring a defendant to prove self-defense by a preponderance of the evidence.', B. 'No, because due process does not regulate the burdens of proof in criminal cases.', C. 'Yes, because due process precludes placing any evidentiary burden on a criminal defendant.', D. 'Yes, because due process precludes requiring a criminal defendant to bear the burden on an issue that would make an act lawful.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: D

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: D

=====

Answer Option 9:

Final Answer: D

=====

Question 1515:

'After learning that a new housing development was about to be built, a developer began looking for property near the housing development on which he could build a shopping center. After an extensive search, he purchased a three-acre undeveloped tract of land for the purpose of developing a small shopping center. At the time the sale was finalized, the developer told his plans to the seller of the three-acre tract, and also mentioned that he was worried whether he had sufficient funds to complete the project. The seller agreed to lend money to the developer to allow for completion of the project. The seller then wrote out the following contract: "In order to help the developer with his plans for development of a shopping center on the three- acre tract he has this day purchased from me, I will lend him \$50,000 at 10 percent interest provided he signs a contract with a builder for construction of the shopping center on this tract. Repayment to me at the rate of \$5,000 per year to be secured by a mortgage on the three-acre tract. "Both parties then signed the contract. The seller's promise to lend \$50,000 to the developer is', A. 'a condition precedent in form but subsequent in substance to the developer's duty to enter into a building construction contract.', B. 'a condition subsequent in form but precedent in substance to the developer's duty to enter into a building construction contract.', C. 'a condition subsequent to the developer's duty to enter into a building construction contract.', D. 'not a condition, either precedent or subsequent, to the developer's duty to enter into a building construction contract.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: A

Answer Option 3:

Final Answer: A

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: A

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: A

Question 1516:

'A shopper purchased a can of sardines, which had been produced by a fish company. A short while later at home, the shopper was preparing a sardine sandwich when she opened the can and, to her astonishment, she saw a decomposed mouse. The shopper became nauseated and vomited upon seeing the mouse. After consulting her attorney, the shopper initiated a strict liability action against the company. At trial, the shopper presented into evidence the sardine can with the company's label, along with other corroborating evidence. The attorney representing the company objected to the introduction of the label on the can. The trial court should', A. 'overrule the objection, because the label is self-authenticating.', B. 'overrule the objection, because the label is the best evidence showing that the can was produced by the company.', C. 'sustain the objection, because there is no corroborating evidence that the company placed the label on the can.', D. 'sustain the objection, because the shopper's proper cause of action is for infliction of emotional distress, not strict liability.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: A

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1517:

'A man wants to sell his bungalow for \$10,000. His neighbor wants to buy it so he can make his yard bigger and use the structure as a storage space, so he agrees to buy the bungalow in a written agreement. The sale is to be complete on October 14. On October 10, the neighbor realizes he cannot pay \$10,000, and offers to pay \$8,000 instead. The man agrees, and the exchange takes place on October 14. The man then sues for the remaining \$2000. Would he likely prevail in getting the additional \$2,000 that is part of the signed contract?', A. 'No, the modification of the sales price was accepted and therefore both parties are bound to the \$8000 price.', B. 'Yes, there was a lack of additional consideration under the pre-existing duty rule so that the modification was invalid and the original price was still valid.', C. 'No the original contract was a unilateral contract that could not be modified and had to be performed at the original price.', D. 'No, there was full performance of the contract.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: A

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: A

=====

Answer Option 5:

Final Answer: A

=====

Answer Option 6:

Final Answer: A

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: A

=====

Question 1518:

'A worker was injured when a machine he was using on the job malfunctioned. The worker brought a federal diversity action against both the machine's manufacturer and the company responsible for the machine's maintenance. At trial, the worker submitted a proposed jury instruction on negligence. The court did not accept the proposed instruction and instead gave a negligence instruction that the worker's attorney believed was less favorable and legally incorrect. The attorney did not object to the negligence instruction before it was given. The jury returned a verdict for the defendants. The worker has moved for a new trial on the ground that the court's negligence instruction was improper. What argument has the best chance of persuading the court to grant the motion?', A. 'Issues of law can be raised at any time.', B. 'The court's negligence instruction was incorrect and the worker's objection to it was preserved when he submitted his it was preserved when he submitted his proposed negligence instruction.', C. 'The court's negligence instruction was plain error that affected the worker's substantial rights.', D. 'The need for a formal objection to a judicial ruling in order to preserve an argument has been eliminated in the Federal Rules of Civil Procedure.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1519:

'A city imposes a municipal excise tax of \$200 per year on commercial artists' studios in that city. It also imposes an excise tax of \$100 per year on every itinerant commercial figure drawer for the privilege of using the streets and sidewalks. A credit is allowed against this latter tax for any excise tax paid to the city by the drawer or his employer in respect to the maintenance of an artist's studio in the city. A gallery, located in a neighboring state, has been sending two itinerant artists into the city. Their practice is to draw a picture of a pedestrian, ask him to order a finished painting, and collect a payment of \$2. 00. The drawing is sent to a studio, which frames it and mails the framed painting to the customer. The neighboring state does not impose a tax on artists' studios. The gallery challenges the constitutionality of the \$100 per year excise tax that is imposed upon its itinerant artists in the city. The court will most likely declare this tax', A. 'constitutional, as a valid ad valorem tax on interstate commerce.', B. 'constitutional, since the tax was levied not on the commercial art business as a whole but on the local activity of drawing pictures.', C. 'unconstitutional, since a state or municipality may not impose a license tax on orders for goods or services to be performed in another state.', D. 'unconstitutional, as a discriminatory privilege tax.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: D

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D

Question 1520:

'A man informed the police that he wanted to confess to a murder. After they read him his constitutional rights, he insisted that he was acting voluntarily. He then took them to the scene of the murder where they found the victim's body. By the next day, the man claimed that "voices" had ordered him to confess and he didn't act voluntarily. A physician verified that the man suffered from hallucinations that impaired his volitional abilities, preventing a voluntary confession. Will the court suppress the statements?', A. 'Yes, he was insane and could not have given a voluntary confession.', B. 'Yes, the police overreached by not having him mentally evaluated before questioning him.', C. 'No, there was no police misconduct or overreaching, and as a result the confession is voluntary.', D. 'No, a confession is admissible when accompanied by actions by the defendant that prove the truth of the statements.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: B

=====

Question 1521:

'A law bookstore entered into a written contract to purchase from the publisher 100 copies of the latest edition of a certain casebook for \$10 per book. Three days after the contract was formed, but prior to delivery of the casebooks, the publisher called the owner of the law bookstore and informed him that, because of a calculation error, the price for the casebooks should have been \$11 per book, and the shipment could not be delivered unless the owner promised to pay that amount. The owner reluctantly agreed. The owner's agreement to pay \$11 per book is', A. 'enforceable, because it was not supported by any new consideration.', B. 'enforceable, under the principle of promissory estoppel.', C. 'unenforceable, because it is violative of the statute of frauds.', D. 'unenforceable, because the error resulted from the publisher's computational error.'

=====

Answer Option 1:

Final Answer: B

Answer Option 2:

Final Answer: B

Answer Option 3:

Final Answer: B

Answer Option 4:

Final Answer: B

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: B

Answer Option 8:

Final Answer: B

Answer Option 9:

Final Answer: B

Question 1522:

'A state has had a tremendous influx of retired people in recent years. There has been considerable concern among state health officials who foresee that many of the senior citizens will become victims of price gouging on certain medical supplies and services. In an attempt to curb such fraudulent sales practices, the state legislature has enacted a law prohibiting the sale of hearing aids by non-physicians. The measure provides, however, that all non-physician sellers who are presently engaged in the business of selling hearing aids will not be affected. Assume that after the statute goes into effect, a non-physician moves to the state and wants to open a business selling hearing aids. After being advised that the state law prohibits him from doing so, he brings suit challenging the constitutionality of the statute. The most likely result is that the state law will be declared', A. 'constitutional, because there is a rational basis for distinguishing between non-physicians are not so engaged.', B. 'constitutional, because a state has the power to regulate any phase of local business, even though such regulations may have some effect on interstate commerce, provided that Congress has not enacted legislation regarding the subject matter.', C. 'unconstitutional, because it denies non- physicians who are not presently engaged in the business of selling hearing aids the equal protection of the law, in violation of the Fourteenth Amendment.', D. 'unconstitutional, because it violates the commerce clause, since Congress has plenary power to regulate any activity that has any appreciable effect on interstate commerce.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: A

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: A

Answer Option 9:

Final Answer: A

Question 1523:

'Under the Establishment Clause, if a government regulation or statute has no sect preference, it may then be deemed to be valid after it first passes an additional three-pronged test under traditional analysis.

Please choose which of the following concepts will NOT help a statute or action to be free from establishment of religion suspicions.', A. 'It must have a nonspiritual legislative purpose.', B. 'The statute must not foster an excessive government entanglement with religion.', C. 'The statute must prohibit purely secular considerations.', D. 'The statute must have a primary effect that neither advances nor inhibits religion.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1524:

'A woman was hired by a restaurant as a cashier under an at-will employment contract. On the woman's first day at work, she noticed a sign in the kitchen area that read:"IMPORTANT NOTICE TO ALL EMPLOYEESEmployees are not permitted to smoke during working hours. Any employee who is found to be in violation of this policy will be fined \$50 for the first offense; \$100 for the second offense; and fired for the third violation. "The woman, who was a smoker, read the notice, but did not object or make any comment regarding the restaurant's nonsmoking policy. For six months, the woman worked at the restaurant and never smoked during business hours. One afternoon, the woman was working when an armed robber stormed into the restaurant. He pointed a pistol at the woman and demanded all the money from the cash register. Frightened and panic stricken, the woman handed over the money and then collapsed. Moments later, she regained consciousness and then smoked a cigarette while she regained her composure. Thereafter, the woman resumed her duties for the rest of the day. The next week, however, when the woman received her pay check, she noticed that the restaurant had deducted \$50 from her check. A note was attached indicating that the woman was being fined for smoking during business hours. Although the woman protested, the restaurant refused to make any waiver and stood by its policy. In an action by the woman against the restaurant to recover the \$50, which of the following is the best argument in the woman's favor?', A. 'The restaurant's nonsmoking policy concerned a collateral matter that was not incorporated within the terms of their employment contract.', B. 'The restaurant impliedly waived the nonsmoking provision by permitting the woman to continue working for the rest of the day.', C. 'The nonsmoking provision constituted a constructive condition subsequent that was excused because of temporary impracticability.', D. 'The nonsmoking provision concerning disciplinary action is unenforceable, because it attempts to impose a penalty instead of reasonably liquidating the damages, if any, sustained by the restaurant.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: D

=====

Question 1525:

'A state assemblyman made a visit to a foreign country. To protest U. S. foreign policy, the assemblyman and the foreign country's leader issued a joint statement criticizing the United States' involvement in the political affairs of neighboring countries. Following the assemblyman's return to the United States, he was prosecuted under a federal criminal statute making it unlawful for any citizen not specifically authorized by the President to negotiate with a foreign government for the purpose of influencing the foreign government in relation to a dispute with the United States. The law further provides that "any citizen who knowingly counsels, aids, or abets a foreign government in a dispute with the United States. . . shall, upon conviction. . . be punished by imprisonment for not more than five years or a fine of not more than \$10,000, or by both fine and imprisonment. . . . "Which of the following is the strongest constitutional basis for upholding the validity of the aforementioned federal statute?', A. 'Federal criminal laws dealing with international affairs need not be as specific as those dealing with domestic affairs.', B. 'Under its enumerated powers, Congress may legislate to preserve the monopoly of the national government over the conduct of U. S. foreign affairs.', C. 'The President's inherent power to negotiate for the U. S. with foreign countries authorizes him to punish citizens who engage in such negotiations without permission, even in the absence of statutory authorization.', D. 'Article I, Section 8 of the Constitution grants Congress concurrent power with the President to regulate external affairs with foreign countries.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1526:

'A mother has an 11-year-old daughter. The mother is legally separated from her husband and has filed for divorce. The mother and her husband own their home in joint tenancy. One night, the mother went out to dinner and left her daughter at home. Upon leaving the house, the mother locked the door to her bedroom. While the mother was gone, the daughter found a spare key to her mother's bedroom and opened the door. While rummaging through her mother's dresser, she found a bag containing white powder. Concerned that the bag might contain drugs, the daughter called her father to ask his advice. The husband instructed her to call the police. The daughter then telephoned the police station and reported what she had found. A patrol car was immediately dispatched to her home. The daughter allowed the police to come inside and led them to her mother's bedroom. She gave the officers the bag, which they took to the station house for a lab test. After the results confirmed that the bag contained cocaine, the mother was arrested and charged with illegal possession of a controlled dangerous substance. The mother's attorney has filed a motion to prevent the cocaine from being admitted into evidence. The motion should be', A. 'denied, because the daughter, and husband, as co-owner, had the authority to allow the police inside the home and make the seizure.', B. 'denied, because the daughter lived with her mother and had equal control over the premises.', C. 'granted, because the daughter, as a minor, did not have apparent authority to permit the police to enter the home.', D. 'granted, because the daughter did not have apparent authority to permit the police to enter her mother's bedroom.'

=====

Answer Option 1:

Final Answer: A

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: A

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: A

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: C

Question 1527:

'On November 1, Beeson contracted to purchase from Sloan for \$250,000 certain property located in the City of La Mirada. In the contract of sale, Beeson and Sloan agreed that the property was to be used for the purpose of building a commercial shopping mall. The contract required Beeson to pay Sloan a deposit of \$12,500, with the balance of the purchase price payable at closing a month later on December 1. On November 24, the city council rezoned the property so that it could be used only for single-family residential purposes. As a consequence, Beeson refused to honor the contract. Sloan now brings an action for specific performance arguing that the doctrine of equitable conversion places the loss on the buyer. Beeson argues that to enforce the contract would be harsh and oppressive to him. If judgment is for Beeson, it will most likely be because', A. 'Sloan assumed the risk.', B. 'Sloan would be unjustly enriched.', C. 'legal title remained in Sloan.', D. 'equity will relieve Beeson of a bad bargain.'

=====

Answer Option 1:

Final Answer: D

=====

Answer Option 2:

Final Answer: D

=====

Answer Option 3:

Final Answer: A

=====

Answer Option 4:

Final Answer: D

=====

Answer Option 5:

Final Answer: D

=====

Answer Option 6:

Final Answer: D

=====

Answer Option 7:

Final Answer: D

=====

Answer Option 8:

Final Answer: A

=====

Answer Option 9:

Final Answer: D

=====

Question 1528:

'On February 1, a retiree conveys his farm to an artist, and the artist duly records the conveyance. The following day, the artist conveys the property to a bartender; she does not record her deed. Then on February 4, the artist executes an identical conveyance of the farm to a caterer. The caterer gives the artist a check for \$100,000 for the property and records the conveyance, even though he has actual knowledge of prior conveyance to the bartender. The bartender, however, records her deed on February 6. The caterer then conveys his interest in the farm to a dancer, who gives a purchase price of \$115,000 to the caterer. On February 5, the dancer purchases the farm without notice of the conveyance to the bartender and duly records the deed. In conducting a title search, the dancer should pursue his investigation by looking in the', A. 'Grantor Index under the caterer's name to ascertain if the caterer acquired title.', B. 'Grantee Index under the caterer's name only.', C. 'Grantee Index under the caterer's name, then the Grantor Index under the caterer's name, and then in the Grantee Index again, this time under the artist's name to discover if he acquired title.', D. 'Grantee Index under the bartender's name, then to the Grantor Index, also under the bartender's name to find out if she made any prior conveyances.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1529:

'A football player sued a football team for breach of contract. He was a star player for the team before suffering a serious hip injury. Although the player attempted to continue playing for the team, he failed a physical examination and was cut from the team roster. After failing his physical, the team discontinued making contract payments to the player as per the terms of his employment contract. In his lawsuit, the player claimed that he was physically fit to continue playing but that he was cut from the team because they wanted to stop making contract payments. At trial, the team called its physician, an orthopedist, to testify that the player's hip injury was, in fact, career-threatening and, in his opinion, sufficiently serious to warrant failing his physical. The team physician stated during his testimony that his diagnosis was based, in part, upon an examination of the player's x-rays and review of an MRI test conducted by another doctor. Neither the x-rays nor the MRI test results have been admitted into evidence. In all likelihood, the team physician's testimony should be', A. 'admissible, provided that the other doctor testifies as to the validity of the MRI test results.', B. 'admissible, provided the team physician based his opinion on data reasonably relied upon by other orthopedic physicians in the field.', C. 'inadmissible, because neither the x-rays nor the MRI test results had been admitted into evidence at the time he formulated his opinion.', D. 'inadmissible, because the team physician's opinion was not based in part upon his own firsthand observation of the player's physical condition.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: C

=====

Question 1530:

'A man and woman lived together but were never married. They bought a house together but the deed went in the man's name alone due to better credit and ability to obtain a mortgage in his name. He worked as a school vice-principal. She gave up her night law school classes to stay home and be a homemaker. She worked as a waitress and paid for all household expenses, food, laundry and other items. He paid for the mortgage, taxes, utilities, insurance, repairs and other expenses. After several years, they became estranged and the man ordered the woman out of the house. She moved out and brought an action to obtain one-half of the home's equity value and a share of the other property and accounts built up in the man's name during the marriage. Which of the following is the best and strongest argument that the woman may assert to obtain a fair share of the property?', A. 'There is an express contract between them to share the property equally.', B. 'He has been unjustly enriched and he owes her restitution under a quasi-contract legal theory.', C. 'She is entitled to damages based on a legal theory of fraudulent conversion.', D. 'She is may be remunerated under the federal civil rights laws prohibiting gender discrimination.'

=====

Answer Option 1:

Final Answer: B

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: B

=====

Answer Option 4:

Final Answer: B

=====

Answer Option 5:

Final Answer: B

=====

Answer Option 6:

Final Answer: B

=====

Answer Option 7:

Final Answer: B

=====

Answer Option 8:

Final Answer: B

=====

Answer Option 9:

Final Answer: B

=====

Question 1531:

'During a deer-hunting season open to rifle hunters, a hunter saw a deer in the forest. He shot his rifle at the deer, hoping to hit and kill it. Instead, he hit and injured a hiker. The hunter had not realized that the hiker was there. Does the injured hiker have an actionable battery claim against the hunter?', A. 'No, because the hunter did not intend to shoot the hiker.', B. 'No, because the hunter did not make direct physical contact with the hiker.', C. 'Yes, because the bullet from the hunter's rifle made direct physical contact with the hiker.', D. 'Yes, because the hunter intentionally shot the rifle.'

=====

Answer Option 1:

Final Answer: C

=====

Answer Option 2:

Final Answer: B

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1532:

'A man was charged with tax fraud. He wished to offer evidence, on his behalf, of his honesty while running for mayor. During his political campaign, he refused to lie about a psychiatric problem in his past, and his honesty cost him the election. The man was quoted as saying, "If I lied, I'd be mayor today, but that's no way to win an election. "The BEST argument of the objector to such evidence in the tax fraud case would be which of the following?', A. 'Character evidence is not admissible in such cases.', B. 'One incident doesn't prove character.', C. 'This is an impermissible way to prove character.', D. 'The evidence is irrelevant.'

=====

Answer Option 1:

Final Answer: C

Answer Option 2:

Final Answer: C

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: C

Answer Option 5:

Final Answer: C

Answer Option 6:

Final Answer: C

Answer Option 7:

Final Answer: C

Answer Option 8:

Final Answer: C

Answer Option 9:

Final Answer: C

Question 1533:

'A victim was standing on a street corner waiting to make a drug buy. The drug dealer was always late, so the victim continued to wait outside in the freezing cold weather because he needed a quick fix. Suddenly a car rounded the street corner and a shot rang out. The victim slumped over and fell to the sidewalk. Immediately after being shot and before he died, the victim exclaimed, "The defendant did it!" The defendant was indicted and is now on trial for the victim's murder. Based on these facts alone, the admissibility of the victim's statement should be determined by', A. 'the jury, after a preliminary determination by the judge.', B. 'the jury, without a preliminary determination by the judge.', C. 'the judge, with instruction to the jury that it may consider the dying declaration if it determines that the victim knew he was dying.', D. 'the judge, without assistance from the jury.'

=====

Answer Option 1:

Final Answer: A

=====

Answer Option 2:

Final Answer: C

=====

Answer Option 3:

Final Answer: C

=====

Answer Option 4:

Final Answer: C

=====

Answer Option 5:

Final Answer: C

=====

Answer Option 6:

Final Answer: C

=====

Answer Option 7:

Final Answer: C

=====

Answer Option 8:

Final Answer: C

=====

Answer Option 9:

Final Answer: C

=====

Question 1534:

'A homeowner said to a roofer, "My roof leaks. I think the old tiles are cracked. If you will replace them with all new tiles, I will pay you \$5,000. " The roofer replied, "Sure, if I can clear my busy schedule. " The homeowner then remarked, "That's all right, but let me know soon. " Three days later, the roofer drove his pickup truck to the homeowner's home and unloaded the materials and equipment needed to perform the roofing job. When the homeowner looked out his window and saw what was transpiring, he immediately ran outside and exclaimed, "Stop! The deal's off. I decided to repair the roof myself. "In an action by the roofer against the homeowner for breach of contract, which of the following would provide the roofer with his best theory of recovery?', A. 'A bilateral contract was formed when the roofer purchased the materials and equipment needed to do the job.', B. 'A bilateral contract was formed when the roofer said, "Sure, if I can clear my busy schedule. "', C. 'The homeowner made an offer that proposed a unilateral contract, and the offer became irrevocable when the roofer purchased the materials and equipment needed for the job.', D. 'The homeowner made an offer that proposed a unilateral contract, and the roofer manifested an intent to accept the offer when he began performance by unloading the materials and equipment at the homeowner's house.'

=====

Answer Option 1:

Final Answer: D

Answer Option 2:

Final Answer: D

Answer Option 3:

Final Answer: C

Answer Option 4:

Final Answer: D

Answer Option 5:

Final Answer: D

Answer Option 6:

Final Answer: D

Answer Option 7:

Final Answer: D

Answer Option 8:

Final Answer: D

Answer Option 9:

Final Answer: D
