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QUESTION 1

Which of the following is the MOST ACCURATE statement about the different types of alternative dispute resolution?

- A. In an arbitration proceeding, the arbitrator acts as a judge or jury by deciding the dispute at issue on its merits.
- B. The decisions reached in all arbitrations are always binding.
- C. The agreements reached in mediations are generally nonbinding.
- D. In a mediation session, the mediator decides who should win the dispute at issue.

Correct Answer: B

QUESTION 2

Ramona is investigating Eugene for misconduct. Ramona and Eugene both work for ABC Company, which operates in a jurisdiction with civil laws for defamation, invasion of privacy, and conflict of interest. During the investigation, Ramona obtained information that Eugene is cheating on his spouse. Ramona told a large group of ABC Company employees that Eugene was committing adultery, which turned out to be true. Which cause of action would give Eugene the BEST chance for success in a civil suit against Ramona?

- A. Defamation
- B. Conflict of interest
- C. Public disclosure of private facts
- D. Slander

Correct Answer: C

QUESTION 3

Evidence that tends to make some fact at issue more or less likely than it would be without the evidence is called:

- A. Testamentary evidence
- B. Circumstantial evidence
- C. Demonstrative evidence
- D. Relevant evidence

Correct Answer: D

QUESTION 4

Grant, a fraud examiner, is investigating Beatrice for embezzlement on his employer's behalf. During his investigation,

Grant learns that Beatrice has cheated on her spouse, and he tells several of Beatrice's coworkers about it. Beatrice discovers that Grant revealed the unflattering (albeit true) information about her and decides to file a claim of defamation against Grant. Which of the following is the BEST explanation of why Beatrice will not win her defamation case?

- A. The information was true.
- B. The communications to the subject's coworkers were privileged.
- C. The statement was not printed and distributed.
- D. The news was not communicated to enough people.

Correct Answer: B

QUESTION 5

Even if a government agent obtains consent to search by force, duress, or bribery, the consent will still constitute a valid waiver of the consenting party's right to be free from searches.

- A. True
- B. False

Correct Answer: B

QUESTION 6

Which of the following would be direct evidence that the criminal defendant, a former cashier for a home improvement store, committed a cash larceny scheme that resulted in the theft of more than \$5,000 from the store?

- A. A witness testifies that they saw the defendant take the money.
- B. A diagram is used to display the location of the store's registers.
- C. A witness testifies that the defendant was almost always the last cashier to leave the store.
- D. A coworker testifies that the defendant was acting nervously the day the money was taken.

Correct Answer: A

QUESTION 7

Which of the following is NOT an element generally required to establish a claim alleging the common law civil wrong for intentional infliction of emotional distress?

- A. The defendant acted intentionally or recklessly.
- B. The victim suffered distress as a result of the defendant's conduct.
- C. The victim was an employee of the defendant.

D. The defendant engaged in extreme and outrageous conduct.

Correct Answer: C

QUESTION 8

In systems using adversarial processes, an attorney may impeach an opposing party's witness by showing that the witness:

- A. Made prior consistent statements
- B. Is influenced by bias or self-interest
- C. Has a keen ability to observe
- D. Testified from personal knowledge

Correct Answer: D

QUESTION 9

Frederick has multiple high-volume foreign bank accounts. The country he lives in requires him to report such accounts annually for tax purposes, but he regularly and intentionally fails to report his accounts in order to reduce the amount of taxes he must pay. Which of the following schemes has Frederick MOST LIKELY committed?

- A. A tax credit evasion scheme
- B. An income and wealth tax evasion scheme
- C. An excise tax evasion scheme
- D. A value-added tax evasion scheme

Correct Answer: B

QUESTION 10

Raj is an employee who works in a jurisdiction that prohibits unreasonable workplace searches and surveillance in areas or items where employees have a reasonable expectation of privacy. In which of the following is Raj MOST LIKELY to have a reasonable expectation of privacy?

- A. A filing cabinet in the office lobby
- B. A waste bin in the employee's office
- C. A company-issued tablet computer
- D. A backpack brought from home

Correct Answer: A

QUESTION 11

Which of the following is TRUE in regard to authenticating evidence in most common law systems?

- A. Digital records cannot be authenticated by testimony from a witness with personal knowledge.
- B. For evidence to be authenticated, it must be reviewed and voted on by a jury.
- C. The purpose of authentication is to ensure that hearsay is not admitted into evidence.
- D. Exhibits that cannot be authenticated will not be admitted, regardless of relevance.

Correct Answer: B

QUESTION 12

Which of the following statements regarding the qualifications of expert witnesses in most inquisitorial jurisdictions is CORRECT?

- A. The qualification of an expert is generally based on standardized requirements.
- B. An expert is not qualified to testify unless all parties to the litigation approve.
- C. Certification in a specific field is always enough to qualify an expert.
- D. Experts are generally prohibited from serving as expert witnesses in multiple cases.

Correct Answer: A

QUESTION 13

Which of the following statements is TRUE regarding criminal proceedings and discovery in adversarial jurisdictions?

- A. The judge is the primary driver of the discovery process in criminal proceedings.
- B. Parties typically cannot request evidence from each other until after the trial begins.
- C. The majority of criminal discovery usually occurs before the trial begins.
- D. Most criminal proceedings are divided into pretrial, investigative, and trial phases.

Correct Answer: D

QUESTION 14

Which of the following statements regarding civil lawsuits in most jurisdictions is CORRECT?

- A. The plaintiffs initial filing does not typically need to contain a summary of the evidence.

- B. Civil lawsuits begin with the filing of a pleading, usually in the jurisdiction in which the defendant resides or where the claim arose.
- C. The plaintiffs initial filing with the court does not typically need to include the specific facts on which the claim relies.
- D. All of the above are correct.

Correct Answer: C

QUESTION 15

Cory has been charged with tax evasion for filing a false tax return. As a defense, Cory claims that he made an honest mistake due to the tax law's complexity, and he did not intentionally submit an incorrect tax return. If the court finds that his mistake was in good faith, he most likely will not be found to have "willfully" engaged in fraudulent actions to avoid reporting or paying his taxes.

- A. True
- B. False

Correct Answer: A

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