

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

NOTICE TO APPLICANTS FOR BAR MEMBERSHIP

The United States District Court for the Southern District of Florida, as well as the Bankruptcy Court in the Southern District of Florida, requires you to take an examination to be admitted to our Bar.

This examination is usually administered four times per year, during the months of JANUARY, APRIL, JULY and OCTOBER. The test is administered in MIAMI, FORT LAUDERDALE and WEST PALM BEACH, all on the same day.

You will be given two hours to complete the exam. At present, the examination consists of 50 questions, which are randomly selected from the 500 questions in this booklet. A minimum score of eighty percent (80%) is required to pass the examination. Results are returned through the mail approximately six weeks after the examination is given and will NOT be given over the telephone.

Examinations can be taken three times without achieving a passing score. If the attorney is unable to pass the exam after the third attempt, the attorney must wait one full year before reapplying to take the examination again. There is a \$175.00 reapplication fee.

If you have any questions, call Attorney Admissions at (305)523-5265.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**EXAMINATION QUESTIONS
FOR
ADMISSION TO PRACTICE**

PROPERTY OF THE UNITED STATES DISTRICT COURT

LOCAL RULES

1. All civil and criminal cases shall be assigned on the following basis:
 - a) blind random basis;
 - b) blind random basis, unless a particular judge is requested due to his expertise regarding the legal issue involved in the cause;
 - c) blind random basis, provided however that in the interest of justice and expediency, the Court may modify the assignments made to active or senior judges;
 - d) the means of assignment is within the sound discretion of the Clerk of the Court.

2. Whenever an action or proceeding is terminated by entry of a notice or order of dismissal:
 - a) it may never be refiled;
 - b) it always may be refiled if it is accompanied by a certificate of good cause;
 - c) it shall be transferred to the judge to whom the original action was assigned if it is refiled without a substantial change in issues or parties;
 - d) both (b) & (c) are correct.

3. Whenever an action or proceeding is filed with this Court which involves subject matter which is a material part of the subject matter of another action or proceeding then pending before this Court, or for other reasons the disposition thereof would appear to entail unnecessary duplication of judicial labor if heard by a different judge:
 - a) the Clerk shall assign the newly filed action or proceeding the same number as the similar previously filed action and shall be assigned to the judge to whom the previously filed action was assigned.
 - b) the judges involved shall determine whether the newly filed action or proceeding should be transferred to the judge to whom the earlier filed action or proceeding is assigned.
 - c) the judges and attorneys involved shall determine whether the newly filed action or proceeding should be transferred to the judge to whom the earlier filed action or proceeding is assigned.
 - d) the judges involved, in conjunction with the parties, shall determine whether the newly filed action or proceeding should be transferred to the judge to whom the earlier filed action or proceeding is assigned.

4. All models, diagrams, books, or other exhibits received in evidence or marked for identification in any action or proceeding shall:
 - a) be delivered to the Clerk who shall keep them in his/her custody, except that any narcotics, cash, weapons, and other exhibits that require special handling, shall remain in the possession of the party introducing them.
 - b) remain with the party introducing the same during pendency of proceedings and any appeal.

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- c) be removed by the filing party within three months after final adjudication of the action or proceeding and disposition of any appeal.
 - d) both (a) and (c) are correct.
5. Other than those specified in the Local Rules, a motion when filed shall generally be accompanied by:
- a) a memorandum of law citing supporting authorities.
 - b) stamped addressed envelopes for each party entitled to notice of the order when issued by the judge.
 - c) a cover sheet.
 - d) both (a) and (b).
 - e) all of the above.
6. Counsel may, but are not required, to include his/her facsimile number in the signature block, e-mail address, along with name and Florida Bar Identification number on any papers filed with the Court.
- TRUE FALSE
7. Absent prior permission of the Court, no party shall file any legal memorandum in excess of:
- a) ten pages.
 - b) twenty pages in length, with the exception of a reply which shall not exceed ten pages in length.
 - c) twenty-five pages.
 - d) fifty pages.
 - e) not specified by Local Rule.
8. Absent prior permission of the Court, no party shall file any reply memorandum in excess of:
- a) ten pages.
 - b) twenty pages.
 - c) twenty-five pages.
 - d) fifty pages.
 - e) not specified by Local Rule.
9. A party who desires oral argument or a hearing of any motion:
- a) shall include such request in the concluding paragraph of the motion.
 - b) shall schedule a hearing through the courtroom deputy.
 - c) shall schedule a hearing through the Clerk of the Court.
 - d) shall request it in writing by separate request accompanying the motion or opposing memorandum.

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10. Hearings shall be held on motions:

- a) no sooner than five business days after the motion is filed.
- b) when requested by the opposing party.
- c) when requested by both parties.
- d) only when set by the Court.
- e) if the motion is complex or is dispositive of the case.

11. The practice of filing multiple motions for partial summary judgment which are collectively intended to dispose of the case (as opposed to one comprehensive motion for summary judgment) in order evade memorandum page limitations:

- a) is specifically prohibited.
- b) is disfavored in cases that are not complex.
- c) is an issue to be covered in the scheduling conference report.
- d) both (b) and (c).

12. When any motion or other matter has been pending and fully briefed with no hearing set thereon for a period of ninety days, any party may request the Clerk of the Court to send to the Court and to all parties a "Notification of Ninety Days Expiring and Ripeness for Hearing"

TRUE FALSE

13. Each party opposing a motion must serve the opposing party with a memorandum of law:

- a) within twenty days after service of the motion.
- b) not later than ten days after service of the motion.
- c) not later than ten days after service of the motion, unless the memorandum is in opposition to a motion for summary judgment, in which event the opposing memorandum shall be served not later than twenty days after service of the motion for summary judgment.
- d) a response to such motion is not necessary.

14. With respect to a discovery motion, the movant may serve and file a reply to a memorandum in opposition to the motion, provided that such reply:

- a) clarifies any ambiguities contained within the initial motion and memorandum of law.
- b) is strictly limited to rebuttal of matters raised in the memorandum in opposition without reargument of matters covered in the initial memorandum.
- c) is served within five days of service of the memorandum in opposition.
- d) both (b) and (c) are correct.
- e) none of the above.

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15. When an action or proceeding is removed to this Court with pending motions on which briefs have not been submitted:
- a) the presiding judge shall remand the case.
 - b) the moving party shall file and serve a memorandum in support thereof within ten days after filing of the notice of removal.
 - c) new motions and memorandum in support thereof must be submitted.
 - d) none of the above.
16. A motion for summary judgment must be accompanied by:
- a) a thorough statement of the material facts addressed in the motion, which shall not exceed twenty pages in length.
 - b) a thorough statement of the material facts addressed in the motion, which shall not exceed ten pages in length.
 - c) a concise statement of the material facts as to which it is contended there is no genuine issue to be tried, which shall not exceed twenty pages in length.
 - d) a concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried, which shall not exceed ten pages in length.
17. Where appropriate, motions for attorneys fees and/or to tax costs in an action or proceeding shall be filed by the parties not later than:
- a) twenty days after the answer.
 - b) thirty days after the case is at issue.
 - c) within thirty days of entry of Final Judgment or other appealable order which gives rise to a right to attorneys fees or costs
 - d) within sixty days of entry of Final Judgment or other appealable order which gives rise to a right to attorneys fees or costs
 - e) twenty days after the time to take an appeal has expired.
18. When a motion for attorneys fees and/or to tax costs is made upon entry of a final judgment or order:
- a) it shall be accompanied by certification that counsel has fully reviewed the time records and supporting data and that the motion is well grounded in fact and justified.
 - b) a statement certifying that counsel has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the motion, and stating the results of that conference, must be filed within three days after the motion is filed.
 - c) a statement certifying that counsel has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the motion, and stating the results of that conference, must be in the motion.
 - d) the motion shall state whether a hearing is requested.

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e) (a), (b) and (d)

19. Proceedings during mediation are recorded and may be made part of the record for trial purposes.

TRUE FALSE

20. Any party aggrieved by a U.S. Magistrate Judge's non-dispositive ruling shall have the right to appeal to the district judge to whom the case is assigned by filing written objections which specifically set forth:

- a) the order, or part thereof, appealed from.
- b) statutory, rule, or case authority in support of the moving party's position.
- c) a concise statement of the alleged error in the Magistrate Judge's ruling.
- d) all of the above.

21. The presumptive limitation on the number of Interrogatories that can be served on a party, twenty-five questions including all discrete subparts, as set forth in Fed. R. Civ. P. 33(a), is the limit in this District.

TRUE FALSE

22. According to the local rules for the Southern District of Florida, no party may serve:

- a) more than twenty interrogatories, including subparts.
- b) more than forty interrogatories, including subparts.
- c) more than sixty interrogatories, including subparts.
- d) none of the above.

23. Interrogatories shall be served as follows:

- a) a copy on the party to whom directed, and all other parties, but shall not generally be filed with the Court or the Clerk.
- b) the original and a copy on the party to whom directed, and copies served on all other parties to the action
- c) the original and a copy on the party to whom directed; copies to all other parties to the action; and an executed certificate of service filed with the Clerk.
- d) original and a copy on the party to whom directed; and either copies to all other parties or a copy to the Clerk of Court with a certificate of service to all other parties.

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24. When the interrogatories have been completed by the responding party:

- a) a copy shall be served upon the party who propounded the interrogatories, and upon all other parties.
- b) the original shall be filed with the Clerk and all other parties shall be served with a notice of filing of interrogatories
- c) the original shall be filed with the Clerk and copies served upon all other parties.
- d) the original shall be filed with the Clerk, a copy shall be served upon the party who propounded the interrogatories, and all other parties shall be served a notice of filing.

25. Motions to compel discovery shall:

- a) quote verbatim each interrogatory, request for admission or request for production and the response to which objection is taken.
- b) set forth the specific objection and the grounds assigned for the objection.
- c) state the reasons assigned as supporting the motion.
- d) all of the above.

26. Requests for discovery and answers or objections thereto shall be filed with the Clerk:

- a) when the request is to be served upon a non-party.
- b) when filed contemporaneously with a motion to compel.
- c) at all times.
- d) none of the above.

27. When there are numerous similar objectionable responses, a motion to compel discovery may be stated generally and need not be addressed to the specific interrogatory, request for admission or production.

TRUE FALSE

28. Prior to filing a motion to compel or a motion for a protective order, counsel for the moving party shall confer with counsel for opposing party and file, at the time of filing the motion, a statement certifying that he/she has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised. Should the non-moving party fail to provide the Court with an adequate reason why they have been unable or unwilling to do so, the Court may grant the motion and sanction the non-moving party for its conduct.

TRUE FALSE

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29. If the moving party has made a diligent effort, but opposing party(ies) or counsel are unable or unwilling to confer in good faith prior to one party filing any discovery motion, the “Certificate of Counsel” (that such a good faith conference has occurred) required to be filed contemporaneously with the motion, may be omitted.

TRUE FALSE

30. Although subpoenas for deposition in criminal cases may be issued only by order of court, subpoenas for deposition in civil cases may be issued and signed by a member of the bar of this Court or by the Clerk of the Court.

TRUE FALSE

31. Papers opposing a motion for summary judgment shall include:

- a) a memorandum of law.
- b) necessary affidavits.
- c) a concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried.
- d) all of the above.

32. Unless the Court directs otherwise, all orders orally announced in Court shall:

- a) not be subject to appeal.
- b) be prepared in writing by the attorney for the moving party.
- c) be prepared in writing by the attorney for the prevailing party.
- d) be prepared by the court reporter who shall transcribe the order verbatim from the transcript.
- e) none of the above.

33. Unless the Court directs otherwise, an order announced orally in court shall be:

- a) jointly drafted by both parties and presented to the judge within five days.
- b) drafted by either party and presented to the judge within two days.
- c) drafted by the prevailing party and presented to the judge within five days.
- d) none of the above.

34. A pretrial conference shall be held in every civil action unless the Court specifically orders otherwise.

TRUE FALSE

35. A pretrial stipulation shall be filed:

- a) at the option of counsel.

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- b) either unilaterally or jointly, without a statement of the reasons why it is being filed unilaterally.
 - c) at least five days prior to the pre-trial conference.
 - d) both (a) and (c) are correct.
36. The record made at the pre-trial conference shall not be deemed part of the trial record.
- TRUE FALSE
37. Unless further time is allowed by order of the Court for good cause shown, all discovery proceedings must be completed no later than:
- a) five days prior to the date of trial.
 - b) five days after receiving notice of the trial date.
 - c) ten days prior to the date of the pre-trial conference.
 - d) five days after the date of the pre-trial conference.
38. Counsel shall serve and file memorandum treating any unusual question of law involved in the trial no later than five days prior to the pretrial conference, or if no pretrial conference is held, five days prior to the call of the calendar.
- TRUE FALSE
39. Where expert opinion evidence is to be offered at trial, summaries of the expert's anticipated testimony or written expert reports shall be exchanged by the parties:
- a) no later than thirty days prior to the pre-trial conference.
 - b) no later than ninety days prior to the pre-trial conference.
 - c) only if testimony or reports are to be used for rebuttal purposes
 - d) such information need not be disclosed.
40. Failure to comply with the Local Rules regarding pretrial procedure in civil actions will subject the party or counsel to:
- a) dismissal of the case.
 - b) striking of defenses.
 - c) entry of judgment.
 - d) any of the above potential penalties.
41. In regard to prisoner petitions for writs of habeas corpus, and prisoner complaints filed pursuant to 42 U.S.C. § 1983, Magistrate Judges are authorized to enter:
- a) orders granting an evidentiary hearing.
 - b) orders granting the petition.

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- c) preliminary orders necessary to a final determination of whether an evidentiary hearing is required, and final orders either granting or denying the petition.
- d) both (a) and (c) are correct.
- e) none of the above.

42. Other than required by authorized personnel in the discharge of official duties, all forms of equipment or means of photographing, tape-recording, broadcasting or televising within the environs of any place of holding court in the District, including courtrooms, chambers, adjacent rooms, hallways, doorways, stairways, elevators or offices of supporting personnel, whether the Court is in session or at recess, are prohibited.

TRUE FALSE

43. In the interest of justice and for the sake of judicial economy, the Clerk of the Court may select the particular judge to whom an action or proceeding is assigned.

TRUE FALSE

44. It is the duty of the attorneys of record to bring promptly to the attention of the Court and opposing counsel the existence of other similar actions then pending before this Court or before another Court or administrative agency by:

- a) telephoning the judge's chambers and opposing attorneys and verbally informing them of this matter.
- b) setting forth this fact in the complaint or answer.
- c) informing the Clerk of the Court.
- d) filing with the Court and serving on counsel a Notice of Pendency of Other Actions containing a list and description of the case sufficient for identification.

45. If a motion does not require a memorandum of law citing supporting authorities, it must be accompanied by a proposed order.

TRUE FALSE

46. Failure of a party opposing a motion to serve and file an opposing memorandum of law within the time period set forth in the Local Rules may be deemed sufficient cause for granting the motion by default.

TRUE FALSE

47. The Southern District of Florida has opted out of the disclosure obligations prescribed by the Federal Rules of Civil Procedure.

TRUE FALSE

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48. Interrogatories shall be arranged so that following each question there shall be provided a sufficient blank space for inserting a typed response.

TRUE FALSE

49. Unless otherwise stipulated by all interested parties, pursuant to Rule 29 Fed. R. Civ. P., and excepting the circumstances governed by Rule 30(a) Fed. R. Civ. P., a party desiring to take the deposition within the State of Florida of any person shall notify in writing all other parties to the action and the deponent (if the deposition is not of a party) and:

- a) give at least five working days notice.
- b) give at least ten working days notice.
- c) set a date for taking the deposition that is mutually convenient for every other party to the action and for the deponent.
- d) none of the above.

50. Unless otherwise stipulated by all interested parties, pursuant to Rule 29 Fed. R. Civ. P., and excepting the circumstances governed by Rule 30(a) Fed. R. Civ. P., a party desiring to take the deposition of any person upon oral examination outside the State of Florida shall:

- a) give the deponent at least five working days notice in writing.
- b) give at least five working days notice in writing to every other party to the action and to the deponent.
- c) set a date for taking the deposition that is mutually convenient for every other party to the action and for the deponent.
- d) none of the above.

51. Failure by the party taking an oral deposition to comply with Local Rule 26.1.J (regarding giving reasonable notice for taking depositions) obviates the need for the aggrieved party to seek a protective order.

TRUE FALSE

52. Should the Court find that a party or an attorney has engaged in abusive conduct during a deposition, the Court may appoint a special master at the cost of the abusive party, to preside over subsequent depositions; who may in turn prepare reports as the Court shall direct.

TRUE FALSE

53. Should a Magistrate Judge determine that a party, or that party's counsel, unreasonably has interrupted, delayed, or prolonged any deposition, he/she may:

- a) only recommend to the District Judge to which the case is assigned, that such party or party's counsel be sanctioned in some manner, citing the specific conduct found unreasonable.

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- b) impose pecuniary sanctions upon such party, or party's counsel, pursuant to Rules 11 or 37, Fed. R. Civ. P.
 - c) order such party, or party's counsel, to pay the aggrieved party's expenses, including without limitation, reasonably necessary travel, lodging, reporter's fees, attorneys' fees, and videotaping expenses, for that portion of the deposition deemed unreasonable; as well as ordering such party, or party's counsel, to pay for all costs associated with any additional depositions required as a result of such conduct.
 - d) both (b) and (c).
 - e) none of the above.
54. Interrupting a deposition for an off-the-record conference between counsel and the witness, except for the purpose of determining whether to assert a privilege, is considered abusive deposition conduct.
- TRUE FALSE
55. Other than expert witness testimony that will be used solely for rebuttal, the exchange between parties of a summaries of their expert's anticipated testimony regarding any written expert reports shall be exchanged no later than _____ days prior to the pretrial conference, or that same period of time prior to the calender call should there be no pretrial conference scheduled.
- a) thirty days
 - b) sixty days
 - c) ninety days
 - d) no advance expert summary is required to be exchanged.
56. When a motion has been made to a judge and denied, in whole or in part, and a subsequent motion is made to a different judge for the same relief in whole or in part, it is the continuing duty of each party and attorney seeking such relief to:
- a) continue to zealously present the merits of their position.
 - b) not rely upon or proffer factual contentions or legal arguments that were expressly rejected by the former judge.
 - c) present to the judge to whom the subsequent application is made an affidavit setting forth the material facts and circumstances surrounding each prior application, including when and to what judge it was made, what ruling was made and what new or different facts and circumstances are claimed to exist.
 - d) preserve the anonymity of the former judge.
 - e) none of the above.
57. Counsel in a civil action must meet and confer prior to the pre-trial conference and:
- a) discuss settlement.

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- b) prepare a pretrial stipulation.
- c) examine all trial exhibits, except that impeachment exhibits need not be revealed.
- d) all of the above.
- e) both (a) and (c), but not (b).

58. For court-ordered mediation, the parties must choose a mediator from among the list of certified mediators maintained in the office of the Clerk of the Court.

TRUE FALSE

59. Every civil case, except those specifically exempt by Local Rule, shall be ordered to mediation.

TRUE FALSE

60. The jury instructions are within the domain of the Court; and counsel, therefore, may not submit proposed jury instructions to the Court.

TRUE FALSE

61. A party seeking to make a filing under seal shall:

- a) deliver to the Clerk's Office an original and one copy of the proposed filing.
- b) file an original and copy of a motion to seal.
- c) accompany the motion with a completed sealed document tracking form.
- d) all of the above.

62. If a case will require between three and ten days of trial, the court will generally assign the case to a(n) Case Management Track for purposes of discovery.

- a) Expedited
- b) Standard
- c) Complex
- d) None of the above

63. Except as otherwise ordered by a judge in a particular case or except pursuant to written stipulation of all affected parties, in all civil actions where a pleading contains a RICO cause of action, the party filing the RICO claim shall, within ninety days of the filing, serve a RICO Case Statement.

TRUE FALSE

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64. A Scheduling Conference shall be conducted among and between all of the parties in all civil cases within:
- a) thirty days of the filing of the Complaint.
 - b) ninety days of the filing of the Complaint.
 - c) sixty days of the filing of an answer by the last answering defendant.
 - d) the time specified in Rule 26(f) Fed. R. Civ. P.
 - e) none of the above.

65. Within fourteen days after the conclusion of the Scheduling Conference the parties shall:
- a) file a Scheduling Report of Scheduling Meeting.
 - b) file a Joint Proposed Scheduling Order.
 - c) the parties need not do anything within fourteen days after such conference.
 - d) both (a) and (b).
 - e) none of the above.

66. The filing of any pleading, unless otherwise specified, shall constitute an appearance by the person who signs such pleading. However, counsel may thereafter withdraw as a matter of course at any time prior to the pretrial conference, or if there be none, the call of the calender.

TRUE FALSE

67. A second or subsequent action, seeking post-conviction or other relief by petition for writ of habeas corpus filed by the same applicant involving the same offense as the previously filed action, shall be:
- a) assigned to and remain with a judge pursuant to the blind rotation assignment system.
 - b) assigned to the Magistrate Judge in the habeas corpus division.
 - c) transferred to the judge to whom the original proceeding was assigned.
 - d) denied.
 - e) none of the above.

68. A party opposing a motion which was properly filed and served need not file an opposing memorandum of law.

TRUE FALSE

69. The Clerk of the Court has a duty to notify the judge to whom the case is assigned as to when the action is at issue.

TRUE FALSE

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70. The Local Rules specify what should be included in a motion to compel.

TRUE FALSE

71. Material facts set forth in the moving party's motion for summary judgment will be deemed admitted unless controverted by the opposing party's statement of material facts filed with the papers opposing summary judgment provided that the Court finds that the movant's statement is supported by evidence in the record

TRUE FALSE

72. The Court, upon written notice and good cause shown, may waive the time requirements of the Local Rules regarding opposing and reply memoranda and grant an immediate hearing on any matter requiring expedited procedure.

TRUE FALSE

73. Pretrial conferences become part of the record at their conclusion. Therefore, statements made during the pre-trial conference concerning a possible compromise settlement shall become part of the trial record.

TRUE FALSE

74. Except in certified emergencies, all papers after the complaint that are required to be served upon a party shall be filed with the clerk where the assigned judge is chambered either:

- a) before service.
- b) within five business days after service.
- c) within three business days after service.
- d) both (a) and (b).
- e) both (a) and (c)

75. In resolving calendar conflicts between federal courts and the courts of the State of Florida, the case filed first shall be given priority.

TRUE FALSE

76. All civil actions arising in Dade County, and all criminal proceedings in which the offense was committed in Dade County, shall be tried at:

- a) Naples.
- b) Miami.
- c) Fort Lauderdale.
- d) Key West.

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77. All criminal proceedings in which the offense was committed in Palm Beach County shall be tried, unless otherwise directed by Order of Court, at:

- a) Naples.
- b) Miami.
- c) Fort Lauderdale.
- d) West Palm Beach.

78. All criminal proceedings in which the offense was committed in Monroe County shall be tried, unless otherwise directed by Order of Court, at:

- a) Naples.
- b) Miami.
- c) Fort Lauderdale.
- d) Key West.

79. All civil actions arising in Broward County shall ordinarily be tried at:

- a) Naples.
- b) Miami.
- c) Fort Lauderdale.
- d) West Palm Beach.

80. All civil actions arising in Highlands, Indian River, Martin, Okeechobee and St. Lucie Counties shall be tried, unless otherwise directed by the Court, at:

- a) Miami.
- b) Fort Lauderdale.
- c) West Palm Beach.
- d) Fort Pierce.

81. If a case is assigned to an "Expedited" track for purposes of case management, discovery must be completed within the period of _____ from the date of the Scheduling Order.

- a) forty-five to 120 days
- b) ninety to 179 days
- c) 120 to 199 days
- d) none of the above.

82. If a case is assigned to a "Complex" track for purposes of case management, discovery must be completed within the period of _____ of the date of the Scheduling Order.

- a) 120 to 199 days
- b) 270 to 365 days
- c) 365 to 445 days

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d) none of the above.

83. The Court may order a trial to be conducted at any jury division within the district:

- a) in the interest of justice.
- b) in the interest of the status of the dockets
- c) to assure compliance with the requirements imposed under the Speedy Trial Act.
- d) all of the above.
- e) the action must be tried in the division in which it was filed.

84. Judge A is physically absent from the Southern District of Florida. Upon written certification from the Judge's office, the Clerk's office may temporarily assign any emergency matter arising in a case of Judge A's to another Judge.

TRUE FALSE

85. An emergency matter has arisen in a case pending before Judge A. Which of the following are necessary before the Clerk's Office may assign another judge to hear the emergency matter:

- a) Judge A must be physically absent from the Southern District.
- b) Judge A's office must issue written certification setting forth the grounds for temporary reassignment.
- c) Judge A must be expected to be absent from the Southern District for at least thirty-six hours.
- d) both (a) and (b).
- e) all of the above.

86. The Duty Judge shall be available to hear and preside over:

- a) emergency matters arising in a case before a judge who is physically absent from this District.
- b) appeals arising from Magistrate Judge's bond hearing in which the case has been assigned to a District Judge, but that judge is not present.
- c) swearing in of attorneys to practice.
- d) all of the above.

87. The Duty Judge shall hear all emergency matters arising in a case before a Judge who is physically absent from the Southern District.

TRUE FALSE

88. All papers presented for filing shall contain a caption setting forth:

- a) the name of the court.
- b) the docket number.

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- c) title of the document
- d) all of the above.

89. Generally, when a motion is filed, a courtesy copy should be delivered by counsel to the chambers of the judge.

TRUE FALSE

90. All motions related to discovery shall be filed within:

- a) ten days after counsel have reached an impasse on the issues to be raised in the motion.
- b) fifteen days after the response or objection giving rise to the discovery motion.
- c) thirty days after the occurrence of grounds for the motion.
- d) none of the above.

91. After the jury has been discharged, counsel are free to interview jurors to determine whether the verdict is subject to legal challenge.

TRUE FALSE

92. Each paper served shall include a certification of service stating:

- a) the person or firm served.
- b) the method of service.
- c) the date of service.
- d) all of the above.

93. A motion to amend a pleading should have the proposed amendment attached, reproducing the entire pleading as amended; however, failure to comply with this requirement is not grounds for denial of the motion.

TRUE FALSE

94. Papers filed with this Court shall be on 8-1/2 x 11 white, opaque paper. It shall be typed or written on one side only with no less than one and one-half spaces between lines, except for quoted material, and be paginated at the bottom of each page. The original shall be two-hole punched at the top center.

TRUE FALSE

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95. If a party files an action in which it challenges the constitutionality of an Act of Congress affecting the public interest, and to which the United States or some agency is not a party, counsel representing the party challenging the Act shall forthwith notify in writing the Court of the existence of the constitutional question.

TRUE FALSE

96. If a party files an action in this Court in which it challenges the constitutionality of a statute of the State of Florida, counsel shall comply with the notice provisions of Florida Statutes § 86.091.

TRUE FALSE

97. A continuance of trial will be granted on stipulation of all counsel alone, without a showing of good cause.

TRUE FALSE

98. Civil actions not at issue which have been pending without any proceedings having been taken for more than _____ months may be dismissed for want of prosecution.

- a) one
- b) three
- c) six
- d) twelve

99. Party A files suit on May 7th but fails to effect service of process on the Defendant. The Court on July 7th may sua sponte dismiss for want of prosecution.

TRUE FALSE

100. Attorneys of record in both civil and criminal cases have an unfettered First Amendment right to provide information and opinions to the media about pending litigation.

TRUE FALSE

FEDERAL RULES OF CRIMINAL PROCEDURE

101. Which of the following is a true statement (in a criminal case)?

- a) More than one warrant or summons may issue on the same complaint.
- b) A complaint may be read with an affidavit or affidavits filed with it to establish probable cause.
- c) A complaint must establish probable cause without reference to any document which might be attached.
- d) (a) and (b)

102. If a Magistrate Judge determines that there is probable cause to issue an arrest warrant, the officer must have the warrant in his presence when arresting the defendant.

TRUE FALSE

103. A warrant may be executed or summons may be served:

- a) only in the district in which it is issued.
- b) at any place within the United States.
- c) within a 100 mile radius of the district in which it is issued.
- d) only by a United States marshal.

104. Failure to respond to a summons is grounds for:

- a) being held in contempt of court.
- b) issuing an arrest warrant.
- c) forfeiting any defenses to the offenses charged.
- d) none of the above.

105. Once a person is arrested, as a matter of federal procedure, the arrested person:

- a) shall be taken without unnecessary delay before a federal Magistrate Judge.
- b) must be taken before a Federal District Court.
- c) shall be taken to a state or local judicial officer authorized by Rule 5(c) if no Magistrate Judge is reasonably available.
- d) (a) or (c).

106. Which of the following is a true statement?

- a) Other than criminal contempt, a felony prosecution must be commenced by indictment.
- b) A defense attorney may waive his client's right to be prosecuted by indictment by filing a notice with the court.
- c) A defendant may waive his right to be prosecuted by indictment in open court after being advised of the nature of the charge and of his or her rights.
- d) (a) and (c)

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107. Two or more defendants may:

- a) not be charged in the same indictment or information without violating the defendants' rights against double jeopardy.
- b) be charged in the same indictment or information if they are alleged to have participated in the same act or transaction.
- c) be charged in the same indictment or information of unrelated offenses.
- d) not be charged in the same indictment or information without violating the defendants' Sixth Amendment rights.

108. A defendant or the government may complain that it is prejudiced by a joinder of offenses or of defendants in an indictment or information.

TRUE FALSE

109. Two or more defendants may be charged in the same indictment or information only if all defendants are charged in each count.

TRUE FALSE

110. If the court grants a motion to dismiss based on a defect in the information or indictment, a defendant must be released from custody or his bond discharged.

TRUE FALSE

111. The court may permit an amendment to:

- a) an information before a verdict is returned if the amendment does not charge an additional offense and the defendant's substantial rights are not prejudiced.
- b) an indictment before a verdict is returned if the amendment does not charge an additional offense and the defendant's substantial rights are not prejudiced.
- c) a bill of particulars.
- d) (b) and (c).
- e) (a) and (c).

112. The court may permit an information to be amended:

- a) any time before a verdict is returned.
- b) if no additional or different offense is charged.
- c) if the substantial rights of the defendant are not prejudiced.
- d) only if requirements in (a), (b) and (c) are met.

113. At an initial appearance for a misdemeanor, the court must inform the defendant of:

- a) the charge.

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- b) the maximum sentence.
- c) the rights to counsel, silence and trial.
- d) all of the above.

114. A defendant is not entitled to a preliminary examination if he has been indicted by a grand jury.

TRUE FALSE

115. At a preliminary examination, the defendant may:

- a) introduce evidence in his own behalf.
- b) cross-examine witnesses against him.
- c) object to evidence on the ground that it was acquired by unlawful means.
- d) (a) and (b).

116. A defendant in a felony case must always be physically present in court for arraignment.

TRUE FALSE

117. A criminal defendant may challenge the array of a grand jury but may not challenge the qualifications of individual jurors.

TRUE FALSE

118. An arrested person may be tried only by:

- a) a United States Magistrate Judge.
- b) a United States District Court Judge.
- c) a Magistrate Judge if the charge is a felony, upon consent of the defendant
- d) a Magistrate Judge if the charge is a petty offense.

119. Upon motion of the defendant, the court shall always dismiss an indictment if it appears that one or more members of the grand jury were not legally qualified.

TRUE FALSE

120. As prosecutor of the cause, a government attorney is always entitled to disclosure of the grand jury's deliberations and votes of individual jurors for use in the performance of his duty.

TRUE FALSE

121. A defendant must give notice prior to trial if he intends:

- a) to rely upon the defense of insanity.

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- b) to introduce expert testimony bearing upon the issue of whether he had the mental state required for the offense charged.
- c) both (a) and (b)
- d) neither (a) or (b)

122. Objections to an indictment for failure to charge an offense must be made in a pre-trial motion or may be deemed waived.

TRUE FALSE

123. Unless the court directs otherwise, the defendant must notify the prosecutor of his intention to rely upon an alibi defense:

- a) within ten days of his arraignment.
- b) within ten days of his preliminary hearing.
- c) within ten days after the government attorney makes written demand.
- d) at least ten days prior to a scheduled pre-trial conference.

124. If a criminal defendant does not comply with the notice of alibi requirements imposed by the rule:

- a) the court may exclude the testimony of any undisclosed witness.
- b) he may be prevented from testifying in his own behalf.
- c) the court may exclude the testimony of all alibi witnesses.
- d) none of the above.

125. In plea bargaining, the government can agree

- a) to dismiss other charges.
- b) to make a recommendation as to sentencing.
- c) that a specific sentence is appropriate.
- d) all of the above.

126. Depositions in a criminal case are guaranteed by the Fifth Amendment and may be taken as a matter of right without permission of the court.

TRUE FALSE

127. Discovery mechanisms available to the criminal defendant include:

- a) depositions, even if the defendant does not show exceptional circumstances.
- b) disclosure of physical evidence to be used by the government.
- c) pre-trial disclosure of statements made by government witnesses, even if the government witness is not the defendant.
- d) (b) and (c).

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128. A subpoena issued by the clerk, prior to trial, can be used to discover statements made by witnesses or prospective witnesses.

TRUE FALSE

129. A criminal defendant is not entitled to discover:

- a) his recorded testimony before a grand jury which relates to the offense charged.
- b) before trial, reports, memoranda and other internal government documents made by government agents in connection with the investigation or prosecution of the case.
- c) results or reports of scientific tests or experiments made in connection with a particular case.
- d) his own criminal record.

130. Which of the following is a false statement:

- a) A plea of nolo contendere is, for purposes of punishment, the same as a plea of guilty.
- b) A nolo contendere plea can be withdrawn in some circumstances after the court has accepted it.
- c) A nolo contendere plea cannot be used against a defendant as an admission in a subsequent criminal case but may be used in a civil case.
- d) A defendant must obtain consent of court to plead nolo contendere.

131. Which of the following statements is true regarding admissions made by a criminal defendant or his attorney at a pre-trial conference.

- a) The admission may never be used against a defendant.
- b) The admission may be used if reduced to writing and signed by the defendant's attorney, but not signed by the defendant.
- c) The admission may not be used unless reduced to writing and signed by the defendant and his attorney.
- d) The admission may be used only if the government makes an appropriate motion and the court grants its use.

132. A subpoena in a criminal case may be served:

- a) only within the district in which it was issued.
- b) within 100 miles of the place of trial.
- c) any place within the United States.
- d) only by a U.S. marshal.

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133. When a defendant is arrested, held, or present in a district other than that in which an indictment or information is pending against him, he:
- i. may state in writing that he wishes to plead guilty or nolo contendere and waive trial in the district in which the indictment or information is pending.
 - ii. must be transferred to the district in which an indictment or information is pending against him even for purposes of a guilty plea.
 - iii. may consent to disposition of the case without trial in the district in which he was arrested, held, or present, subject to the approval of the United States attorney for each district.
- a) i and iii above.
 - b) i and ii above.
 - c) ii and iii above.
 - d) all of the above.
134. A juvenile arrested, held, or present in a district other than that in which he is alleged to have committed an act in violation of a law of the United States not punishable by death or life imprisonment:
- a) may consent to be proceeded against as a juvenile delinquent in the district in which he is arrested, held, or present.
 - b) must obtain advice of counsel and approval of the court and the United States attorney for each district before being proceeded against in the district in which he is arrested, held, or present.
 - c) has a right to be returned to the district in which he is alleged to have committed the act.
 - d) all of the above.
135. If a criminal defendant moves to have the proceeding transferred to another district and the court is satisfied that there is in the district where the prosecution is pending so great a prejudice against the defendant that he cannot obtain a fair and impartial trial in that district, the court;
- a) must transfer the case to the district specified in defendant's motion.
 - b) must transfer the case to another district whether or not such district is specified in the defendant's motion.
 - c) may transfer the case upon approval of each United States attorney.
 - d) none of the above.
136. A criminal defendant may waive a jury trial:
- a) only in writing with the approval of the court and the consent of the government.
 - b) only if he is being tried for a misdemeanor.

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- c) in writing without the approval of the court or the consent of the government.
- d) orally if before the court with the approval of the court and the consent of the government.

137. The number of persons required on a jury in a criminal trial:

- i. is always twelve in federal court.
 - ii. may be less than twelve if the parties so stipulate in writing before the verdict and no court approval is necessary.
 - iii. may be less than twelve if the parties stipulate in writing with court approval that a valid verdict may be returned by a jury of less than twelve should the court find it necessary to excuse one or more jurors for any just cause after trial commences.
- a) i only.
 - b) ii only.
 - c) ii and iii.
 - d) iii only.

138. The examination of prospective jurors:

- i. may be made by the court and the attorneys for the parties.
 - ii. may be made by the attorneys for the parties upon the court's permission.
 - iii. may be made by the court.
- a) i and ii.
 - b) ii and iii.
 - c) ii only.
 - d) all of the above.

139. The extra peremptory challenges allowed where alternate jurors are impanelled:

- a) may be used against an alternate juror only.
- b) may be used against any prospective juror.
- c) may only be used by counsel for the defense.
- d) may only be used by counsel for the government.

140. Where an issue is raised concerning the law of a foreign country:

- a) the party who raises it should give reasonable written notice.
- b) the court is not bound by the rules of evidence in determining the foreign law.
- c) the court's determination shall be treated as a ruling on a question of law.
- d) all of the above.

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141. In a criminal case, when a motion for production of the statement of a witness is made:

- a) the court may order the entire statement produced to the moving party.
- b) the court may order the entire statement produced to the court.
- c) the court may deliver to the moving party the statement with the portions that do not relate to the subject matter of the witness's testimony excised.
- d) all of the above.

142. In a criminal case, the sanction(s) for failure to produce the statement of a witness pursuant to court order is (are):

- i. a court order that the testimony of that witness be stricken from the record.
 - ii. a mistrial if it is the attorney for the government who elects not to comply and a mistrial is in the interest of justice.
 - iii. a mistrial, if required in the interest of justice, regardless of which side fails to comply.
- a) i only.
 - b) i and ii.
 - c) i and iii.
 - d) iii only.

143. An official record or an entry therein or the lack of such a record may be proved in the same manner in criminal actions as in civil actions.

TRUE FALSE

144. If the evidence is insufficient to sustain a conviction of the offense(s) charged after the evidence on either side is closed, the court shall:

- a) grant a directed verdict.
- b) grant a mistrial.
- c) enter a judgment of acquittal.
- d) grant a summary judgment for the defendant.

145. If, at the close of the government's case, the court does not agree that the evidence is insufficient to sustain a conviction, the defendant may not offer evidence unless he has reserved the right to do so.

TRUE FALSE

146. If a motion for judgment of acquittal is made at the close of all of the evidence, the court:

- a) must rule on the motion before submitting the case to the jury.

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- b) may submit the case to the jury and must decide the motion before the jury returns the verdict.
- c) may reserve the decision on the motion and decide it after the jury returns a verdict of guilty.
- d) must decide the motion before the jury is discharged where a jury is discharged without having returned a verdict.

147. If the jury returns a verdict of guilty or is discharged without having returned a verdict:

- i. a motion for judgment of acquittal may be renewed within seven days after the jury renders its verdict or is discharged.
 - ii. a motion for judgment of acquittal may be made within seven days after the jury renders its verdict or is discharged, even if a similar motion was not made prior to submission of the case to the jury.
 - iii. a motion for judgment of acquittal may be made or renewed even if the jury fails to reach a verdict.
- a) i only.
 - b) ii only.
 - c) iii only.
 - d) i, ii, and iii.

148. Where a party believes a portion of the instructions to the jury to be erroneous or incomplete, (s)he:

- a) must object thereto before the jury retires to consider its verdict.
- b) may object out of the hearing of the jury.
- c) may object out of the jury's presence on request of any party.
- d) all of the above.

149. The verdict must be unanimous in a criminal case.

TRUE FALSE

150. Where there are two or more defendants and the jury cannot agree with respect to all defendants:

- i. the jury may return a verdict as to a defendant or defendants as to whom it has agreed.
 - ii. only the defendants as to whom the jury does not agree may be tried again.
 - iii. the jury is hung and the case must be retried.
- a) i and ii.
 - b) i only.
 - c) ii only.

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d) iii only.

151. Where a jury is polled after the verdict is returned and there is not unanimous concurrence:

- a) the jury must be discharged.
- b) the jury may be directed to retire for further deliberations.
- c) a mistrial must be declared.
- d) the alternate jurors must be polled.

152. After imposing a sentence in a case which has gone to trial on a plea of not guilty, the court:

- i. shall advise the defendant of his right to appeal.
 - ii. shall advise the defendant of the option of applying for leave to appeal in forma pauperis.
 - iii. shall advise the defendant of his option of attacking the sentence pursuant to 28 U.S.C. 2255.
- a) i only.
 - b) ii only.
 - c) i and ii.
 - d) i and iii.

153. The probation service of the court shall make a presentence report to the court before the imposition of sentence, unless:

- a) defendant waives the presentence report with the permission of the court.
- b) the court finds that there is sufficient information in the record to enable the meaningful exercise of sentencing discretion.
- c) the court explains in the record that the presentence report is not necessary.
- d) (b) and (c) together.

154. Before sentencing, the defendant or defendant's counsel may read the contents of the presentence report, but the court may, by local rule or in individual cases, direct that the probation officer's recommendation not be disclosed to the defendant or defendant's counsel.

TRUE FALSE

155. If objections are raised to the presentence investigation report:

- i. the court shall afford the parties' attorneys an opportunity to comment on the objections.
- ii. the court may allow the parties to introduce evidence on the objections.
- iii. the court must rule on every disputed objection.

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- a) i only
- b) i and ii
- c) iii
- d) all of the above

156. When a probationer is held in custody on the ground that he has violated a condition of his probation, he shall be given:

- a) a preliminary hearing to determine if there is probable cause.
- b) a revocation hearing if there is probable cause.
- c) an opportunity to present evidence on his own behalf.
- d) all of the above.

157. In a criminal case, a motion for a new trial based on the ground of newly discovered evidence must be made within three years after a verdict or finding of guilty.

TRUE FALSE

158. In a criminal case, a motion for a new trial shall be made:

- a) within three years after the verdict or finding of guilty if based on newly discovered evidence.
- b) within such time as the court may fix within seven days after the verdict or finding of guilty, if the motion for new trial is not based on newly discovered evidence.
- c) within seven days after the verdict or finding of guilty, if the motion for new trial is not based on newly discovered evidence.
- d) all of the above.

159. After judgment in a criminal case, if an indictment or information does not charge an offense or if the court was without jurisdiction of the offense charged, the court:

- a) must set aside the judgment and direct a verdict for the defendant.
- b) must retry the case.
- c) shall arrest judgment on motion of the defendant.
- d) may sentence defendant to probation only.

160. Acting within seven days after the imposition of sentence, the court may correct a sentence that was imposed as a result of arithmetical, technical, or clear error.

TRUE FALSE

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161. On motion of the Government, the court may reduce a sentence below the statutory minimum

- a) within one year of imposition of sentence, to reflect subsequent, substantial assistance in the prosecution of another person.
- b) one year or more after imposition of sentence, if the defendant's substantial assistance involves information unknown to the defendant until one year or more after imposition.
- c) both (a) and (b).
- d) neither (a) nor (b).

162. Habeas corpus relief pursuant to 28 U.S.C. 2255 may be sought by:

- a) a person in custody pursuant to a judgment of a state court.
- b) a person in custody awaiting trial in a federal court.
- c) a person in custody pursuant to a judgment of any federal court.
- d) all of the above.

163. A motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. 2255 is appropriate where:

- a) a judgment was imposed in violation of the Constitution or laws of the United States.
- b) the court had no jurisdiction.
- c) the sentence imposed was in excess of the maximum authorized by law.
- d) all of the above.

164. If an appeal is taken from the conviction or sentence, the court:

- i. shall stay a sentence of death.
 - ii. may stay a fine.
 - iii. may stay an order placing defendant on probation.
- a) i, ii, and iii
 - b) i, and ii.
 - c) i and iii.
 - d) i only.

165. The Federal Rules of Criminal Procedure do not apply in proceedings for the civil forfeiture of property when the forfeiture is for violation of a statute of the United States.

TRUE FALSE

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166. The Federal Rules of Criminal Procedure apply to criminal cases removed to U.S. District Courts from state courts, except that dismissal by the attorney for the prosecution shall be governed by state law.

TRUE FALSE

167. The taking of photographs in the courtroom during the progress of judicial proceedings is permitted with the consent of the defendant.

TRUE FALSE

168. In criminal cases, errors committed by the trial court are always waived for purposes of appeal if no timely objection is made to them.

TRUE FALSE

169. A party's failure to take exception to a ruling of the court does not waive the objection for purposes of appeal provided the party had made known to the court the action the party desires or the party's objection and grounds to the court's action.

TRUE FALSE

170. Calendaring preferences shall be given to criminal proceedings as far as practicable.

TRUE FALSE

171. Leave of court is required for voluntary dismissal of an indictment but not an information.

TRUE FALSE

172. During the trial of a criminal case, voluntary dismissal is permitted without the consent of the defendant.

TRUE FALSE

173. If there is a breach of a condition of bond, the district court shall declare a forfeiture of bail.

TRUE FALSE

174. The court may set aside a bail forfeiture only if the surety, or bail bondsman, brings the defendant before the court.

TRUE FALSE

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175. At any time prior to the forfeiture of bail, a surety, or bail bondsman, may obtain exoneration of his obligation by surrendering the defendant into custody.

TRUE FALSE

176. Enlargement of the time in which any motion or response is to be made under the Federal Rules of Criminal Procedure may be ordered at any time in the court's discretion.

TRUE FALSE

177. In a criminal case in which two or more defendants are represented by one attorney, unless the court finds good cause to believe that no conflict of interest is likely to arise, the court shall take such measures as may be appropriate to protect each defendant's right to counsel.

TRUE FALSE

178. An indigent defendant may waive the appointment of counsel.

TRUE FALSE

179. In a felony case, the presence of the defendant at arraignment may be waived by the non-organization defendant.

TRUE FALSE

180. In prosecutions for offenses punishable by fine or imprisonment for not more than one year or both, the defendant may waive the requirement of his presence at trial.

TRUE FALSE

181. Trial of a criminal felony case may not proceed in the absence of the defendant, except under narrowly defined circumstances.

TRUE FALSE

182. In a criminal case, a corporation must appear through a corporate officer.

TRUE FALSE

183. The presence of a defendant is not required for misdemeanor proceedings if the court, upon written request of the defendant, permits the defendant's absence.

TRUE FALSE

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184. In criminal contempt proceeding, the defendant always has the right to a jury trial.

TRUE FALSE

185. When a criminal contempt allegedly occurred in the presence of the court, the judge who observed the conduct is prohibited from presiding over the criminal contempt.

TRUE FALSE

186. A warrant may not issue to seize property that is not contraband but is merely evidence of a crime.

TRUE FALSE

187. A search warrant is valid for thirty days.

TRUE FALSE

188. Warrants are returnable to a federal Magistrate Judge.

TRUE FALSE

189. A search warrant authorized by the Federal Rules of Criminal Procedure may be issued by a judge of a state court of record within the federal district where the property is located.

TRUE FALSE

190. A warrant may not be served in the nighttime unless expressly authorized by the issuing judge, upon a showing of reasonable cause.

TRUE FALSE

191. A written affidavit must be submitted to the Magistrate Judge before a search warrant may issue.

TRUE FALSE

192. The officer taking property under a warrant shall provide an inventory of the seized property to the owner of the searched premises within 48 hours after a written request is made for such inventory.

TRUE FALSE

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193. A motion for the return of seized property must be made in the district court for the district in which the property was seized despite the fact that the property has been removed to another district.

TRUE FALSE

194. The Federal Rules of Criminal Procedure apply to extradition and rendition of fugitives.

TRUE FALSE

195. A criminal defendant may be removed from the trial of his case for persistently disruptive conduct, without warning by the court.

TRUE FALSE

196. In a habeas corpus proceeding, discovery is permitted only by leave of the court for good cause shown.

TRUE FALSE

197. The district court may direct the U.S. Magistrate Judge to preside over evidentiary hearings in habeas corpus proceedings.

TRUE FALSE

198. In a habeas corpus proceeding, an evidentiary hearing shall be conducted unless the court finds, by reviewing the petition, a hearing is not necessary.

TRUE FALSE

199. The district court in a 2255 habeas corpus proceeding may apply either the rules of criminal procedure or the rules of civil procedure, whichever the court deems most appropriate, if no procedure is specifically prescribed by the Rules Governing Proceedings under 28 U.S.C.A. §2255.

TRUE FALSE

200. An issue presented in a §2254 habeas corpus petition shall not be reviewed unless remedies available in the courts of the state have been exhausted or there is an absence of an available state corrective process or the state court process can not effectively protect the rights of the appellant.

TRUE FALSE

FEDERAL RULES OF CIVIL PROCEDURE

201. The Federal Rules of Civil Procedure are similar to the Florida Rules of Civil Procedure in that both require a party filing a cause of action to set forth “ultimate facts” showing that the party is entitled to relief.

TRUE FALSE

202. A party who intends to raise an issue concerning the law of a foreign country must give notice of this by a sworn affidavit submitted within a reasonable time before the issue is expected to arrive.

TRUE FALSE

203. The number of peremptory challenges in a diversity case follows the state practice.

TRUE FALSE

204. In Federal Court a commercial process server must always have leave of the Court by way of a special appointment before he can effectively service a summons and complaint.

TRUE FALSE

205. Under the Federal Rules of Civil Procedure misjoinder of parties is a ground for dismissal of an action.

TRUE FALSE

206. As with all civil actions, a class action may be dismissed by the parties as part of a settlement agreement without court approval.

TRUE FALSE

207. Under the Federal Rules of Civil Procedure an action is not deemed commenced until service of process has been effected on all parties named as defendants.

TRUE FALSE

208. The statute of limitations is an affirmative defense which must be plead and proved by the defendant -- otherwise it is waived.

TRUE FALSE

209. Under the Federal Rules of Civil Procedure, the clerk of the Court is required to issue a summons, submitted in proper form, automatically when the complaint is filed.

TRUE FALSE

Attorney Admission Study Questions
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210. Under the Federal Rules of Civil Procedure, a party may set forth as many separate claims as he has regardless of whether they are consistent with each other.

TRUE FALSE

211. In a contract action based upon a written contract, the plaintiff must attach a copy of the document to the complaint.

TRUE FALSE

212. In a civil action, malice and intent need not be pled with particularity unless a statute specifies otherwise.

TRUE FALSE

213. If a civil action is dismissed for lack of jurisdiction, improper venue or failure to join a party under the compulsory joinder of parties rule, it does not operate as an adjudication on the merits.

TRUE FALSE

214. If a civil action is dismissed for lack of prosecution and the Court does not specify that the dismissal is without prejudice, the dismissal constitutes an adjudication on the merits.

TRUE FALSE

215. A motion for summary judgment by the plaintiff may be filed contemporaneously with the complaint.

TRUE FALSE

216. Under the time limits set forth in the Federal Rules of Civil Procedure, where the time allowed is less than eleven days, intermediate Saturdays, Sundays and legal holidays are excluded.

TRUE FALSE

217. In computing the time allowed to do a certain act under the Federal Rules of Civil Procedure, the day from which the designated period of time begins to run is included.

TRUE FALSE

218. When service of a pleading or paper is made by mail, three days are added to the prescribed period for responding.

TRUE FALSE

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Federal Rules of Civil Procedure**

219. Where a party fails to deny averments as to damages in the responsive pleading, such averments are deemed admitted.

TRUE FALSE

220. Inconsistent defenses are permitted only upon leave of the Court.

TRUE FALSE

221. Cross-claims are always permissive and never compulsory.

TRUE FALSE

222. Under the Federal Rules of Civil Procedure, a reply must be filed if a plaintiff wishes to deny or avoid affirmative defenses raised in an answer to the complaint.

TRUE FALSE

223. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion.

TRUE FALSE

224. A motion for a judgment on the pleadings attacking the complaint may properly be filed before an answer to the complaint has been served.

TRUE FALSE

225. Where a complaint is filed against the United States, the government has sixty days after service of the complaint within which to serve its answer.

TRUE FALSE

226. Under the Federal Rules of Civil Procedure, intervention is always within the sound discretion of the Court and does not exist as a matter of right.

TRUE FALSE

227. A party is under a duty to supplement responses with respect to discovery questions directly addressed to the identity and location of persons having knowledge of discoverable matters.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Civil Procedure

228. A party who has responded to a request for discovery which was complete when made is under no duty to amend the response, unless the party learns that the response is in some material respect incomplete or incorrect, and the additional or corrective information has not otherwise been made known to the other parties.

TRUE FALSE

229. Unless the court orders otherwise, the parties may, by written stipulation, modify the discovery procedures of the Federal Rules of Civil Procedure, except that stipulations regarding extensions of time for responses to Rule 33, 34 or 36 discovery, if the extension would interfere with a discovery deadline, hearing or trial, must be approved by the court.

TRUE FALSE

230. In a civil trial, any deposition may be used by any party for the purposes of contradicting or impeaching the testimony of the deponent as a witness.

TRUE FALSE

231. As an officer of the court, an attorney may issue and sign a subpoena on behalf of a court in which the attorney is authorized to practice.

TRUE FALSE

232. A party may, as a matter of right, take as many voluntary dismissals without prejudice as she chooses so long as the notice of dismissal is filed before the adverse party files an answer or moves for summary judgment.

TRUE FALSE

233. On a motion to dismiss for failure to state a claim upon which relief can be granted, or on a motion for judgment on the pleadings, the court generally does not consider matters outside the pleadings. If it does, the motion shall be treated as one for summary judgment and disposed of as provided in Fed.R.Civ.P. 56.

TRUE FALSE

234. In response to the plaintiff's complaint, the defendant files a motion to dismiss without filing an answer. The plaintiff has an absolute right to meet the challenges raised in the motion by means of an amendment to the complaint.

TRUE FALSE

**Attorney Admission Study Questions
Federal Rules of Civil Procedure**

235. A plaintiff may join a third party as a third party defendant if a counterclaim has been filed against the plaintiff.

TRUE FALSE

236. If an “indispensable party” is not and cannot be joined, the court must dismiss the action.

TRUE FALSE

237. The application of the res judicata doctrine may be waived by a failure to raise it at the appropriate stage of the proceedings.

TRUE FALSE

238. Generally, a consent judgment has the same res judicata force and effect as a judgment after a trial on the merits.

TRUE FALSE

239. It is the duty of the Clerk of the Court to enter defaults, though the Court may enter a default as well.

TRUE FALSE

240. The Clerk of the Court never has jurisdiction to enter a default judgment without prior approval from the Court.

TRUE FALSE

241. A verdict may be set aside as to one party and a new trial ordered, while the verdict is allowed to stand as to a co-party.

TRUE FALSE

242. A trial court is without jurisdiction to vacate a judgment on the basis of fraud in the procurement six months after the judgment was rendered.

TRUE FALSE

243. Upon the court’s discretion, it is permissible to vacate a default upon a showing of good cause.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Civil Procedure

244. A party may take an interlocutory appeal as of right following an adverse ruling on a motion for a protective order where the ground asserted for the protective order is the attorney-client privilege.

TRUE FALSE

245. The right to a trial by jury in a civil action may never be waived.

TRUE FALSE

246. The Federal Rules of Civil Procedure do not create a right to trial by jury for issues in admiralty or maritime claims.

TRUE FALSE

247. A subpoena requiring a non-party witness to appear for a deposition may only be issued by the clerk of the district where the action is filed.

TRUE FALSE

248. Oral depositions, as a discovery device to perpetuate testimony, may be used even before an action has been filed.

TRUE FALSE

249. Under the Federal Rules of Civil Procedure, requests for admissions may be served upon non-party witnesses.

TRUE FALSE

250. In a civil action, the Court may, on its own initiative, order a new trial not later than ten days after the entry of judgment.

TRUE FALSE

251. Absent stipulation of the parties, judicial approval of the discovery process in a federal court civil action is:

- a) required for a physical or mental examination.
- b) required for the taking of a deposition upon written questions, even if the deponent is not confined in prison.
- c) an integral part of the production of documents.
- d) all of the above.
- e) none of the above.

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252. Intervention as of right under Fed.R.Civ.P. 24(a) is available if:

- a) a statute of the United States confers an unconditional right to intervene.
- b) the intervenor serves a motion to intervene upon the parties as provided in Rule 5 of the Federal Rules of Civil Procedure.
- c) the intervenor's interest is adequately represented by existing parties
- d) all of the above.
- e) (a) and (b) above.

253. Depositions on written questions under Fed.R.Civ.P. 31 are:

- a) sent to the officer who is to take the deposition.
- b) available as to non-parties.
- c) both (a) and (b).
- d) neither (a) nor (b).

254. Cross-claims in a federal court action:

- a) may be permissive or compulsory.
- b) are asserted against one not a party to the original action.
- c) are always tried with the claims asserted in the original action.
- d) are technically called counterclaims.
- e) none of the above.

255. A pleading in a federal court action:

- a) may be assisted by judicial notice.
- b) if unanswered, may result in the entry of a default judgment.
- c) must be made in numbered paragraphs.
- d) all of the above.
- e) none of the above.

256. The failure to file a reply to any affirmative allegations contained in the answer:

- a) is deemed an admission of those allegations.
- b) subjects the plaintiff to a dismissal for want of prosecution.
- c) renders judgment on the pleading for the defendant appropriate.
- d) is irrelevant since the allegations in the answer are taken as denied or avoided in any event without the filing of the reply.

257. After the court sustains a defendant's motion to dismiss for failure to state a claim upon which relief may be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure, the plaintiff may under the rules:

- a) amend the Complaint if an answer has not been filed.

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- b) elect to stand on the pleadings and be finally dismissed.
- c) appeal when the dismissal becomes effective.
- d) all of the above.
- e) none of the above.

258. The defense of lack of jurisdiction over the subject matter can be raised:

- a) in the pleadings.
- b) by motion to dismiss.
- c) at the pretrial conference.
- d) at trial.
- e) all of the above.

259. A motion for summary judgment tests:

- a) only the legal sufficiency of the Complaint.
- b) whether there are any issues of material fact between the parties and, if not, whether the moving party is entitled to judgment as a matter of law.
- c) only the legal sufficiency of the Answer.
- d) whether the plaintiff or defendant is entitled to judgment on the pleadings without reference to supporting affidavits or other supporting proof.
- e) none of the above.

260. Required disclosure precedes the use of other discovery methods, i.e., depositions, interrogatories, request for admission, etc.

TRUE FALSE

261. In order to secure relevant documents in the possession of a non-party witness under the civil discovery rules, a party should:

- a) file a request for production of documents under Rule 34 of the Federal Rules of Civil Procedure.
- b) serve upon his attorney a notice of deposition under Rule 30 of the Federal Rules of Civil Procedure and attach thereto a request for production of documents under Rule 34.
- c) stipulate with the adverse party that the non-party witness should be required to produce the documents.
- d) send a letter to the witness requesting the documents for use in the pending litigation and move to hold the witness in contempt under the provisions of Rule 37(b) of the Federal Rules of Civil Procedure if he or she fails to comply.
- e) notice the witness' deposition under Rule 30 of the Federal Rules of Civil Procedure and serve him or her with a subpoena for deposition and attached subpoena duces tecum.

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Federal Rules of Civil Procedure

262. The burden of proof concerning jurisdictional facts, such as diversity or jurisdictional amount, when these are challenged, falls on:

- a) the plaintiff in all cases.
- b) the defendant in all cases.
- c) the defendant in a removed action; the plaintiff in an original action.
- d) the plaintiff in a removed action; the defendant in an original action.
- e) either party as designated by the court.

263. In a civil action, a party who has filed a timely demand for jury trial may withdraw the demand by:

- a) written stipulation signed by all parties or their attorneys of record or oral stipulation made in open court and entered on the record.
- b) filing a written waiver of jury trial.
- c) orally waiving jury trial at the pretrial conference.
- d) none of the above.

264. A civil action cannot be dismissed on the ground that it was not brought by the real party in interest until the real party in interest has reasonable time to ratify the commencement of the action, to join in or be substituted as the named party.

TRUE FALSE

265. An attorney who signs and files a motion knowing that there are no good grounds for it but that it will help delay the case, may be subject to the appropriate disciplinary action.

TRUE FALSE

266. If an answer in a federal case contains affirmative allegations of fact:

- a) the plaintiff must deny them in a responsive pleading or they are deemed admitted.
- b) the plaintiff can properly file a motion to strike since the Federal Rules of Civil Procedure prevent the defendant from including new allegations of fact in an answer.
- c) the allegations are deemed denied and the plaintiff need do nothing further with respect to the allegations at the pleading stage of the litigation.
- d) the answer must be verified by the defendant.
- e) none of the above.

267. Unless otherwise stated in the notice of dismissal or stipulation, a voluntary dismissal is presumed:

- a) res judicata with respect to any later suit arising from the same cause of action.

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- b) collateral estoppel in any later suit with respect to any common issue of fact or law.
- c) without prejudice to the subsequent refiling of the same suit, providing no prior dismissal of any action based on or including the same claim.
- d) with prejudice to the subsequent refiling of the same suit.
- e) to be by stipulation of the parties.

268. A dismissal may be ordered:

- a) for failure to state a claim upon which relief can be granted.
- b) for failure to join an indispensable party.
- c) for improper venue.
- d) for failure of the plaintiff to prosecute or comply with the procedural rules or any order of court.
- e) all of the above.

269. Generally, failure to make the following objections at a deposition does not result in waiver of such objections at trial if the deposition is used at trial:

- a) objections to form of a question or answer.
- b) objections to relevancy of testimony.
- c) objection to errors in the manner in which the deposition is transcribed.
- d) objection to the irregularities in the notice of taking a deposition.
- e) all of the above.

270. A party who receives a request for admission from an opponent may:

- a) move to dismiss the request under the provisions of Rule 12(b) based on either lack of jurisdiction over the person or failure to state a claim upon which relief can be granted.
- b) ignore the request until such time as the court orders to be filed an answer thereto.
- c) orally deny the statements contained therein when his deposition is taken.
- d) file timely specific objections to any request which is outside the scope of discovery.
- e) generally deny all statements contained in the request.

271. An amendment to a pleading is deemed to relate back to the date of the original pleading whenever:

- a) the amended pleading arose out of the conduct, transaction, or occurrence set forth in the original pleading.
- b) the event alleged in the amended pleading occurred after the filing of the original pleading.
- c) the United States is the party amending the pleading.
- d) doing so will not unduly prejudice the opposing party.

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e) none of the above.

272. A defendant may implead a third party when:

- a) the cause of action on which the impleader rests arises out of the same transaction or occurrence on which the plaintiff's claim against the defendant is based.
- b) the cause of action on which the impleader rests does not arise out of the transaction or occurrence that is the subject matter of the opposing party's claim.
- c) the third-party defendant is or may be liable to the defendant for all or a part of the plaintiff's claim against the defendant.
- d) two parties assert claims which are such that the defendant is or may be exposed to double or multiple liability.

273. The pre-verdict device which is utilized to attack the sufficiency of the case the plaintiff presents at trial is:

- a) a motion for summary judgment.
- b) a demurrer.
- c) a motion for judgment as a matter of law.
- d) a motion for judgment notwithstanding the verdict ("Judgment N.O.V.").
- e) a motion to strike.

274. Rule 18 of the Federal Rules of Civil Procedure permits a party to join as many claims whether legal, equitable or maritime as he or she has against an opposing party.

TRUE FALSE

275. Under the Federal Rules of Civil Procedure, a defendant who, upon receiving the complaint, believes he or she has the defenses of lack of jurisdiction over the person, lack of subject matter jurisdiction, improper venue and failure to state a claim upon which relief can be granted:

- a) should join all of these defenses in a motion to dismiss filed before the Answer.
- b) should join all of these defenses in a timely special appearance.
- c) can only raise all of these defenses as affirmative defenses in the Answer.
- d) should raise only the defense of lack of jurisdiction over the person and lack of subject matter jurisdiction in a timely special appearance.
- e) should raise the defense of lack of jurisdiction over the person in a special appearance filed simultaneously with the Answer or any motion made with respect to the other defenses.

276. The following device(s) may be utilized by the plaintiff to test the legal sufficiency of an affirmative defense set forth in the answer:

- a) motion for Judgment on the Pleadings.

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- b) motion for Summary Judgment.
- c) motion to Strike.
- d) all of the above.
- e) none of the above.

277. A party filing a complaint in a federal court:

- a) consents to personal jurisdiction in that court for purposes of any counterclaims.
- b) waives any objections to the subject matter jurisdiction of the court.
- c) waives the right to commence or participate simultaneously in any state proceeding arising out of the same events or affecting the same subject matter.
- d) all of the above.
- e) none of the above.

278. The defendant's failure to appear in a civil action after proper service of process will generally result in:

- a) the issuance of a bench warrant for the defendant's arrest.
- b) the defendants being held in contempt of court.
- c) a stay of the proceedings until the defendant chooses to appear.
- d) a default judgment.
- e) none of the above.

279. Under Rule 13(b) of the Federal Rules of Civil Procedure, a pleading may state as a permissive counterclaim any claim against an opposing party which:

- a) arises out of the transaction or occurrence that is the subject matter of the opposing party's claim.
- b) does not arise out of the transaction or occurrence that is the subject matter of the opposing party's claim, but which meets the subject matter jurisdiction of the court.
- c) he has against the opposing party.
- d) none of the above.

280. A motion for a more definite statement should be granted when:

- a) the complaint is so indefinite as to require greater specificity to permit the defendant to prepare for trial.
- b) a bill of particulars would have been granted at common law.
- c) the defendant claims to need greater specificity to frame a responsive pleading or prepare for trial.
- d) the complaint is insufficient as a matter of law.
- e) the complaint is so indefinite that the defendant cannot reasonably frame an answer.

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Federal Rules of Civil Procedure

281. The failure of a defendant to deny in his answer an allegation of fact in the complaint:

- a) admits the allegation, unless the allegation relates to the amount of damages.
- b) is construed as a denial of the allegation.
- c) imposes on the defendant the obligation to pay plaintiff's costs and attorney's fees.
- d) usually renders it appropriate for the Court to award summary judgment to the plaintiff.
- e) none of the above.

282. Findings of fact and conclusions of law are necessary when:

- a) the court grants an interlocutory injunction.
- b) the court denies an interlocutory injunction.
- c) both (a) and (b).
- d) none of the above.

283. A defendant may move for summary judgment:

- a) within thirty days after service of the summons and complaint.
- b) at any time after commencement of the action.
- c) upon service of the summons and complaint
- d) all of the above.

284. The use of a deposition in federal court proceedings is governed by the Federal Rules of Civil Procedure as well as the Federal Rules of Evidence.

TRUE FALSE

285. A plaintiff's right to take a voluntary dismissal, without leave of court, is defeated by:

- a) an answer.
- b) a motion for summary judgment.
- c) a motion to dismiss.
- d) both (a) and (b).

286. A deposition recorded by other than stenographic means may be taken:

- a) only with leave of court.
- b) without leave of court, even when the parties do not consent.
- c) without leave of court when all parties consent.
- d) both (b) and (c).

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Federal Rules of Civil Procedure

287. A defendant may implead a third party without leave of court:

- a) at any time, if the defendant gives notice to all parties to the action.
- b) no later than ten days after he serves the original answer.
- c) whenever it appears that a person who is not a party is necessary for complete adjudication of the claim.
- d) none of the above.

288. An answer by a party to a request for admission cannot be used against him in another proceeding.

TRUE FALSE

289. Replevin is a state remedy which is not available in the federal courts.

TRUE FALSE

290. The plaintiff may serve interrogatories on the defendant with the service of the summons and complaint.

TRUE FALSE

291. In determining foreign law, the court may consider testimony, and its determination shall be considered as a ruling on a question of law.

TRUE FALSE

292. If a plaintiff amends a complaint to assert new or additional claims for relief, the plaintiff must serve the amended complaint in the same manner as the original complaint if the defendant has been in default.

TRUE FALSE

293. The defense of lack of personal jurisdiction is never waived.

TRUE FALSE

294. The Federal Rules of Civil Procedure permit a party to serve process as provided by state law in certain circumstances.

TRUE FALSE

**Attorney Admission Study Questions
Federal Rules of Civil Procedure**

295. If a defendant makes a Motion to Dismiss for failure to state a claim upon which relief can be granted, he may, before filing an Answer, make a second Motion to Dismiss for lack of personal jurisdiction.

TRUE FALSE

296. Where a response to a motion is due within a specified period of time, the court may, upon motion made after the expiration of the specified period, grant an enlargement of time where the movant shows excusable neglect.

TRUE FALSE

297. A party who, prior to removal, has made an express demand for trial by jury in accordance with state law, need not make a demand after removal.

TRUE FALSE

298. Evidence received at a hearing for preliminary injunction which is admissible at trial does not become part of the trial record unless ordered by the court upon motion by a party.

TRUE FALSE

299. A timely Motion for Relief from Judgment which alleges fraud or misrepresentation by an adverse party suspends the operation of the judgment.

TRUE FALSE

300. If in a person's absence, complete relief cannot be accorded those already parties, the person is indispensable as a matter of law, and the case must be dismissed if the person cannot be joined as a party.

TRUE FALSE

FEDERAL RULES OF EVIDENCE

301. The Federal Rules of Evidence govern proceedings in the Courts of the United States and before United States Magistrates.

TRUE FALSE

302. When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement which ought in fairness to be considered.

TRUE FALSE

303. In determining preliminary questions of fact, the court is not bound by the rules of evidence except those with respect to privilege.

TRUE FALSE

304. Error may be assigned on an evidentiary ruling which admits or excludes evidence only if it affects a substantial right of the party.

TRUE FALSE

305. In certain well-defined situations, it is permissible to conduct a hearing on the admissibility of confessions within the hearing of a jury.

TRUE FALSE

306. If a ruling admits evidence, a timely objection or motion to strike must appear of record for error to result, unless the evidence admitted is plain error.

TRUE FALSE

307. A judicially noticed fact is one which is not reasonably subject to dispute in that it is either:

- a) generally known within the territorial jurisdiction of the trial court.
- b) capable of accurate and ready determination by resorting to sources whose accuracy cannot reasonably be questioned.
- c) ascertainable through the judge's common knowledge.
- d) (b) or (c).
- e) (a) or (b).

308. A court may take judicial notice on its own initiative.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Evidence

309. The Federal Rule of Evidence regarding judicial notice only governs:

- a) legislative facts.
- b) adjudicative facts.
- c) special facts.
- d) none of the above.

310. A presumption, unless otherwise specified, only imposes upon a civil party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, and not the risk of non-persuasion.

TRUE FALSE

311. Acts of Congress may create presumptions in certain instances.

TRUE FALSE

312. The federal rules address the question of presumptions against an accused in a criminal case.

TRUE FALSE

313. Evidence which is not relevant is admissible when offered by a defendant in a criminal prosecution.

TRUE FALSE

314. Relevant evidence is generally admissible except as provided by an Act of Congress, the Constitution, the Federal Rules of Evidence or other properly promulgated rules.

TRUE FALSE

315. The Supreme Court may prescribe, pursuant to statutory authority, rules bearing on the admissibility of relevant evidence.

TRUE FALSE

316. Relevant evidence may be excluded on grounds of prejudice, confusion or waste of time.

TRUE FALSE

317. Evidence of a person's character or a trait of character is always admissible by the accused, or by the prosecution, for the purpose of proving action in conformity therewith on a particular occasion.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Evidence

318. Upon request of the accused, the prosecution must provide reasonable notice before introducing evidence of other crimes, wrongs, or acts (where such evidence is admissible).

TRUE FALSE

319. Character evidence is always admissible to prove the conduct of a person so long as the evidence is carefully screened by the judge.

TRUE FALSE

320. Admissible character evidence may be proved by testimony as to reputation.

TRUE FALSE

321. Admissible character evidence may be in the form of an opinion.

TRUE FALSE

322. Specific instances of conduct may not be used under any circumstances to show a trait of a person's character.

TRUE FALSE

323. Evidence of prior specific instances of conduct may be used to show a trait of character of a person when the character or trait of character is:

- a) related at least peripherally to a charge, claim or defense.
- b) a dominant trait or a strong recessive one.
- c) an essential element of a charge, claim, or defense.
- d) none of the above.

324. Evidence of the habit of a person or of the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization on a particular occasion was in conformity with the habit or routine practice.

TRUE FALSE

325. Evidence of a person's habits is sometimes admissible.

TRUE FALSE

326. Evidence of habit of a person or the routine practice of an organization is admissible only if corroborated.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Evidence

327. Evidence of subsequent remedial measures which would make the event less likely to occur in the future is admissible to prove negligence in connection with the event.

TRUE FALSE

328. Evidence of subsequent remedial measures is admissible when the feasibility of precautionary measures is controverted.

TRUE FALSE

329. Evidence of conduct or statements made in compromise negotiations is not admissible to prove liability.

TRUE FALSE

330. Evidence of conduct or statements made in compromise negotiations may be admissible for the purpose of:

- a) proving the amount in controversy in the case.
- b) proving that the opposing attorneys are bad guys.
- c) proving that the opponent concedes parts of the claim.
- d) proving bias or prejudice of a witness.
- e) none of the above.

331. The Federal Rules of Evidence provide specific circumstances under which evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is admissible to prove liability for the injury.

TRUE FALSE

332. Generally a plea of guilty which was later withdrawn is inadmissible against the defendant who made the plea in any civil or criminal proceeding.

TRUE FALSE

333. Generally a plea of nolo contendere may not be admitted in a civil proceeding against the defendant who made the plea.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Evidence

334. A statement made in the course of plea discussions with an attorney for the prosecuting authority which does not result in a plea of guilty or which results in a plea of guilty that is later withdrawn is admissible in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record and in the presence of counsel.

TRUE FALSE

335. In a criminal case in which a person is accused of sexual misconduct, evidence to prove the alleged victim's sexual predisposition is not admissible, but such evidence is admissible in a civil proceeding involving alleged sexual misconduct.

TRUE FALSE

336. The fact that a person was or was not insured against liability is admissible when offered for the purpose of:

- a) proof of agency.
- b) ownership or control.
- c) the bias or prejudice of a witness.
- d) (b) and (c).
- e) (a), (b), and (c).

337. The Federal Rules of Evidence have expressly created a limited privilege protecting a spouse from the testimony of his/her spouse against her/him.

TRUE FALSE

338. Privileges may be statutorily or constitutionally based.

TRUE FALSE

339. Generally, in diversity actions arising out of automobile accidents, questions regarding privilege of a witness are determined in accordance with state law.

TRUE FALSE

340. Except as provided in the Federal Rules of Evidence, every person is competent to be a witness; however, the court must rely on State law regarding witness competency under certain circumstances.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Evidence

341. In civil actions and proceedings, the competency of a witness is always determined in accordance with state law.

TRUE FALSE

342. A lay witness may not testify to a matter unless evidence is introduced which would support a finding that the person has personal knowledge of the matter.

TRUE FALSE

343. The oath or affirmation administered to every witness such that (s)he declares that (s)he will testify truthfully need only awaken the conscience of the witness and impress upon the witness the duty to tell the truth.

TRUE FALSE

344. Unless an objection is made, a judge may take an oath and act as a witness in a trial at which (s)he is presiding.

TRUE FALSE

345. The court may require a party who opposes the calling of a juror as a witness to state the objection in the jury's presence.

TRUE FALSE

346. Evidence to prove personal knowledge:

- a) must consist of testimony of the witness himself.
- b) may, but need not, consist of testimony of the witness himself.
- c) under no circumstances may consist of testimony of the witness himself.
- d) is not needed in actions in rem.
- e) none of the above.

347. Interpreters certified by the Chief Judge are not subject to the rules relating to qualification as an expert.

TRUE FALSE

348. The party calling a witness:

- a) may not attack the credibility of the party's own witness.
- b) may attack his own witness's credibility.
- c) may attack the credibility of an opposing party's witness.
- d) (a) and (c).
- e) (b) and (c).

Attorney Admission Study Questions
Federal Rules of Evidence

349. When an inquiry into the validity of a verdict or indictment is made, it is permissible for a juror to testify as to the effect of factors upon the juror's emotions influencing the juror's decision.

TRUE FALSE

350. Reputation or opinion evidence of a witness's truthfulness is admissible when the witness's character for truthfulness has been attacked by opinion or reputation evidence or otherwise.

TRUE FALSE

351. Evidence of a promise to pay medical expenses resulting from an injury is not admissible to prove liability for the injury.

TRUE FALSE

352. Parties are always entitled to cross-examine witnesses called by the court.

TRUE FALSE

353. Evidence of subsequent remedial measures is admissible to prove ownership or control if controverted.

TRUE FALSE

354. The credibility of a witness may be attacked by the party calling the witness.

TRUE FALSE

355. A party's deposition may be used by an adverse party only for the purpose of contradicting or impeaching the testimony of the party.

TRUE FALSE

356. An expert witness is never permitted to base an opinion on facts or data unless those facts or data are admissible in evidence.

TRUE FALSE

357. Cross-examination as to any relevant issue in the case may never be curtailed by the court.

TRUE FALSE

358. The court may interrogate witnesses within limits, whether called by the court or by a party.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Evidence

359. Determination of mental competency of a witness to testify is a question for the judge.

TRUE FALSE

360. A defendant in a criminal proceeding may preclude her husband from offering testimony adverse to her interest in that proceeding, even when her husband will not be testifying as to a confidential communication.

TRUE FALSE

361. The attorney-client privilege protects against disclosure of an attorney's advice to a client about the future commission of a crime or fraud.

TRUE FALSE

362. An attorney is generally required to assert an attorney-client privilege on behalf of a client if the client is not present and has not waived the privilege.

TRUE FALSE

363. When a witness uses a writing to refresh recollection for the purpose of testifying, an adverse party is entitled to introduce in evidence those portions which relate to the testimony of the witness.

TRUE FALSE

364. A witness can be impeached by cross-examination to show bias.

TRUE FALSE

365. Rule 613(b) provides that a witness who testifies at trial cannot be impeached by introducing extrinsic evidence showing prior inconsistent statements of the witness without first laying any predicate by asking the witness about the inconsistency.

TRUE FALSE

366. A witness does not waive his or her privilege against self-incrimination when testifying in response to questions which relate only to credibility.

TRUE FALSE

367. A witness may be impeached by introducing proof of a prior conviction of a felony involving dishonesty.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Evidence

368. A witness can always be impeached by introducing proof of prior arrests, without conviction.

TRUE FALSE

369. Testimony which assumes material facts which have not yet been established is admissible under specified circumstances.

TRUE FALSE

370. A defendant in a criminal case can introduce evidence of his good character with respect to a pertinent character trait even though the defendant has not testified or been impeached.

TRUE FALSE

371. Reversible error always occurs when evidence is improperly excluded and no specific offer of the evidence is made as to what the evidence would be and its purpose.

TRUE FALSE

372. A witness who has not been impeached can be fortified by evidence of good character.

TRUE FALSE

373. In a defamation case, a witness can testify that he heard the defendant make the defamatory statement.

TRUE FALSE

374. In order for the former testimony of a witness to be admissible, the witness must be presently unavailable.

TRUE FALSE

375. In order for a dying declaration to be admissible, it is necessary that the declarant believed death was imminent.

TRUE FALSE

376. A declaration of a patient to a physician as to the cause of his/her condition is excepted from the hearsay rule even if it was not made spontaneously as long as the statement is reasonably pertinent to diagnosis or treatment.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Evidence

377. In criminal cases, public records setting forth factual findings resulting from an investigation made pursuant to legal authority are admissible against the Government, unless there is an indication of a lack of trustworthiness.

TRUE FALSE

378. A regular entry in the regular course of business, made at or near the time by a person with knowledge, can be introduced in evidence by the custodian of the record without authentication by the person who originally made the record maintained by the custodian.

TRUE FALSE

379. A recorded recollection is admissible if it was contemporaneously and accurately made by a person who once had knowledge of a matter but no longer recalls it sufficiently to testify fully.

TRUE FALSE

380. Hearsay evidence of an excited utterance is admissible if made under the stress of excitement caused by the declarant's perception of the event or condition.

TRUE FALSE

381. If the significance of an offered statement lies solely in the fact that the statement was made, and no issue is being raised as to the truth of the statement itself, then the statement is not barred by the rule against hearsay.

TRUE FALSE

382. The trial judge has discretion in controlling the mode and order of interrogation of witnesses and presentation of evidence.

TRUE FALSE

383. Counsel is never required to show or disclose to opposing counsel a prior statement of a witness used during questioning of that witness.

TRUE FALSE

384. Extrinsic evidence of a prior inconsistent statement of a witness is not generally admissible unless the witness is afforded an opportunity to explain or deny the statement and the opposing party is afforded an opportunity to interrogate the witness with respect to the statement.

TRUE FALSE

Attorney Admission Study Questions
Federal Rules of Evidence

385. Testimony in the form of an opinion is always inadmissible when it embraces an ultimate issue to be decided by the trier of fact.

TRUE FALSE

386. An expert is not permitted to testify in terms of opinion or inference and give reasons therefor without first disclosing the underlying facts or data on which the opinion or inference is based.

TRUE FALSE

387. A statement of a co-conspirator of a party during the course and in furtherance of conspiracy is admissible in evidence when the statement is offered by the opposing party.

TRUE FALSE

388. For purposes of utilizing a hearsay statement as evidence when a witness is unavailable, the term unavailability includes a witness who refuses to testify on the ground of privilege concerning the subject matter of this statement.

TRUE FALSE

389. If the declarant is unavailable as a witness, a hearsay statement made under belief of impending death is always admissible.

TRUE FALSE

390. Domestic public documents under seal are admissible as self-authenticating documents.

TRUE FALSE

391. A duplicate of a writing, recording, or photograph is admissible to the same extent as an original unless:

- a) a genuine question is raised as to the authenticity of the original.
- b) the opposing party has not previously seen the original.
- c) there has been no showing that the original was lost or destroyed.
- d) the duplicate was produced by the party seeking to offer it into evidence.

392. Hearsay is not admissible, subject to a number of exceptions. Which is not an exception?

- a) Statements of medical diagnosis.
- b) Records of regularly conducted activity.
- c) Learned treatises.
- d) All are exceptions.

**Attorney Admission Study Questions
Federal Rules of Evidence**

393. Hearsay is:

- a) an oral statement
- b) a written statement.
- c) made outside the trial.
- d) offered to prove the truth of the matter asserted.
- e) all of the above.

394. Opinion testimony:

- a) is limited to testimony by experts.
- b) cannot be given by lay witnesses.
- c) is limited to scientific testimony.
- d) may be given by lay witnesses in limited circumstances.

395. Hearsay is not admissible, subject to a number of exceptions. Which is not an exception?

- a) Present sense impression.
- b) Excited utterance.
- c) Then existing mental, emotional, or physical condition.
- d) All the above are exceptions.

396. Opinion testimony by experts:

- a) cannot embrace any ultimate question to be decided by the trier of fact.
- b) cannot be based on data or facts presented at trial.
- c) cannot be derived from inferences based on facts not admitted in evidence.
- d) none of the above.

397. Hearsay is not admissible, subject to a number of exceptions. Which is not an exception?

- a) Recorded recollection.
- b) Public records.
- c) Vital statistics.
- d) All are exceptions.

398. In order to be admissible as an exception to the hearsay rule, which of the following requires the declarant to be unavailable?

- a) Records of regularly conducted activity.
- b) Then existing mental, emotional, or physical condition.
- c) Excited utterance.
- d) None of the above.

Attorney Admission Study Questions
Federal Rules of Evidence

399. Which of the following are excluded by the hearsay rule even if the declarant is unavailable?

- a) Former testimony.
- b) Statement under belief of impending death.
- c) Statement against interest.
- d) None of the above.

400. The Federal Rules of Evidence generally apply to civil, criminal, and admiralty actions. In which proceedings are the rules inapplicable?

- a) Grand jury matters.
- b) Proceedings involving the determination of preliminary questions of fact.
- c) Extradition actions.
- d) All of the above.

FEDERAL JURISDICTION AND VENUE

401. The district courts have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States:
- a) where the amount in controversy exceeds \$75,000.
 - b) there is no minimum amount in controversy.
 - c) unless there is also diversity of citizenship between the parties, then \$75,000 must be the minimum amount in controversy.
 - d) (a) and (b).
402. When a complaint contains a federal claim and a state claim, and the federal claim has substance sufficient to confer subject matter jurisdiction on the Court, the Court
- a) can accept jurisdiction over the state claim pursuant to doctrine of supplemental jurisdiction even if the state and federal claim do not derive from a common nucleus of operative fact.
 - b) must accept jurisdiction over the state claim pursuant to the doctrine of supplemental jurisdiction if the state and federal claim derive from a common nucleus of operative fact.
 - c) may accept jurisdiction over the state claim pursuant to the doctrine of supplemental jurisdiction if the state and federal claim derive from a common nucleus of operative fact.
 - d) can never accept jurisdiction over the state claim.
403. Federal district courts have original and exclusive jurisdiction over:
- a) most proceedings in bankruptcy filed under Chapter 11.
 - b) any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled.
 - c) to redress the deprivation under color of state law of any right secured by the Constitution of the United States.
 - d) (a) and (b).
 - e) (a), (b) and (c).
404. In a suit predicated upon diversity jurisdiction, the Court:
- a) determines jurisdiction by examining the citizenship of the parties at the time the action is commenced.
 - b) is bound by the plaintiff's allegations of citizenship, and alignment of parties.
 - c) must accept jurisdiction in all cases between citizens of different states.
 - d) (a) and (c).

Attorney Admission Study Questions
Federal Jurisdiction and Venue

405. A citizen of Florida may bring an action against the following individuals and maintain diversity jurisdiction:
- a) a United States citizen who maintains a domicile in Mexico.
 - b) a citizen of Georgia who moved to Florida six months after being served with the complaint.
 - c) a corporation which is incorporated in New York and has its principal place of business in Miami.
 - d) all of the above.
406. The concept that best describes a district court's refusal to enjoin a pending state criminal action where it is alleged that the state is proceeding unconstitutionally, is the:
- a) pendent party doctrine.
 - b) abstention doctrine.
 - c) ancillary jurisdiction doctrine.
 - d) exhaustion requirement.
407. The requirement of exhaustion of state remedies as a condition precedent to the granting of an application for a writ of habeas corpus is based on principles of:
- a) abstention.
 - b) caveat emptor.
 - c) comity.
 - d) lex loci delictus.
408. A plaintiff who has an in personam claim for breach of a maritime contract may:
- a) invoke federal admiralty jurisdiction.
 - b) bring an action in state court.
 - c) bring an action in United States District Court.
 - d) (a) and (b) and (c) if the requirements of diversity jurisdiction are met.
409. A plaintiff may proceed with an in rem admiralty action in:
- a) a federal district court by invoking admiralty jurisdiction.
 - b) a state court of general jurisdiction.
 - c) an action in United States District Court.
 - d) all of the above.

Attorney Admission Study Questions
Federal Jurisdiction and Venue

410. A seaman, who is a Florida citizen, sues his employer, a Georgia corporation with principal place of business in Georgia, for injuries suffered in the course of his employment. Under the Jones Act, 46 U.S.C. 688 he may bring the action, assuming alleged damages of \$55,000:

- a) in federal district court under admiralty jurisdiction.
- b) in state court.
- c) in an action in federal court.
- d) all of the above.

411. Which of the following statement(s) is (are) true?

- a) The amount in controversy claimed by the plaintiff is determined, for jurisdictional purposes, at the time the action is commenced unless it appears to a legal certainty that the claim is for less.
- b) The amount actually recovered by the plaintiff will determine whether the Court had jurisdiction.
- c) A plaintiff can defeat a proper removal of an action by subsequently reducing the amount claimed in an amended complaint filed in the federal court.
- d) Attorney's fees cannot be included in computing the amount in controversy.

412. The following cases may be removed from a Florida state court:

- a) a civil action in any state court arising under the workmen's compensation laws of such state.
- b) a civil action in which the initial pleading setting forth the claim for relief upon which removal is based was served on the defendant forty days prior to the defendant filing the notice of removal.
- c) a Georgia citizen sues a Florida citizen and claims an amount in controversy in excess of \$25,000.
- d) all of the above.
- e) none of the above.

413. The jurisdictional amount requirement in United States District Courts:

- a) confers jurisdiction over the subject matter in all cases which exceed \$10,000, exclusive of interest and costs.
- b) is applicable to general federal question cases.
- c) is applicable in all cases founded upon diversity of citizenship.
- d) is applicable in a patent case.

Attorney Admission Study Questions
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414. Plaintiff, a citizen of Florida, sues a New York corporation with its principal place of business in New York for \$20,000 in Dade County Circuit Court for a claim not involving a federal question. Defendant files a timely notice to remove and the plaintiff moves to remand.

- a) Since only the defendant may move to remand, the motion should be denied.
- b) Remand must be granted for lack of diversity.
- c) Denied as removal is proper.
- d) Motion to remand granted because plaintiff has not alleged the minimum jurisdictional amount.

415. Plaintiff, a citizen of Florida, sues a New York corporation with its principal place of business in New Jersey, that is doing business in Florida. Plaintiff also sues the president of the corporation, a citizen of New Jersey. The amount in controversy exceeds \$75,000. The defendants file a timely notice of removal to remove the case from the Dade County Circuit Court. Plaintiff moves to remand.

- a) The motion is denied as there is complete diversity, and the minimum jurisdictional amount is satisfied.
- b) The motion is granted.
- c) The motion is granted because the corporation's principal place of business is not in Florida.
- d) The motion is granted because the plaintiff is a citizen of Florida.

416. For diversity jurisdiction, a corporation is a citizen of:

- a) the states of incorporation and principal place of business.
- b) the state where the majority of stockholders reside.
- c) any state where it is doing business.
- d) both (a) and (c).

417. Bama Corporation, incorporated in Alabama, has its principal place of business in Georgia. Bama sues Sunshine Corporation, a Florida corporation in Dade County circuit court for breach of contract. Sunshine files a timely notice to remove and plaintiff moves to remand. The Court should:

- a) remand. A citizen of the forum state may not remove.
- b) permit defendant to amend his answer to assert a defense which involves a federal question.
- c) deny the motion since there is diversity.
- d) permit further discovery on this issue.

418. For purposes of diversity of citizenship in the federal courts:

- a) every United States citizen is a citizen of one of the fifty states.

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- b) a corporation is a citizen of every state in which it is licensed to do business.
- c) a corporation is a citizen of every state which would be an appropriate venue.
- d) a corporation is a citizen of the state wherein it is incorporated.

419. Subject matter jurisdiction in a federal court:

- a) always depends upon the plaintiff having plead that the matter in controversy exceeds \$10,000.
- b) is not significant in that federal courts are courts of general jurisdiction.
- c) may be put in issue by the court sua sponte.
- d) may not be challenged after filing a motion to dismiss.

420. The burden of proof concerning jurisdictional facts, if challenged, falls on:

- a) the plaintiff in all but removed cases.
- b) the defendant in all cases.
- c) the defendant in a removed action.
- d) the plaintiff in removed cases.
- e) (a) and (c).

421. A United States District Court in which of the following states would have diversity jurisdiction over a suit filed by a citizen of Florida against a Florida corporation, having its principal place of business in Alabama, assuming the matter in controversy exceeds the minimum jurisdictional requirement:

- a) Florida.
- b) Alabama.
- c) Georgia.
- d) none of the above.

422. Generally a federal court will find that the jurisdictional amount is satisfied:

- a) unless there is a legal certainty that the amount cannot be reached.
- b) if the plaintiff, in an original action, has alleged the amount in good faith.
- c) only when the award is for at least the jurisdictional amount.
- d) (a) and (b) together.

423. Citizen of Florida wishes to litigate a claim against a Georgia citizen in a state court. To avoid removal, the plaintiff might:

- a) sue for less than \$75,000.
- b) bring suit in Georgia state court.
- c) assign 1/100 of the claim to a Georgia citizen.
- d) (a) or (b).

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424. A defendant desiring to remove any civil action or criminal prosecution from a state court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant in such action. Promptly after the filing of such notice of removal, the defendant shall give written notice thereof to all adverse parties and shall file a copy of the petition with the clerk of such state court. The removal is probably effective as of:

- a) payment of the district court filing fee.
- b) notification of the adversaries of an intent to remove.
- c) the notification of the adversaries and the state court.
- d) after a motion to remand, if filed, is denied.

425. The following statement is true:

- a) The jurisdictional amount required in actions brought under 28 U.S.C. 1332 is \$10,000.
- b) In determining diversity of citizenship under 28 U.S.C. 1332, a corporation shall be deemed a citizen of any state where it has an office open for business.
- c) In a diversity case, jurisdiction is maintained only as long as the parties' citizenship remains the same throughout the case as when the action is commenced.
- d) A motion to remand the case on the basis of any defect in removal procedure must be made within thirty days after the filing of the notice of removal.

426. Federal district courts have original jurisdiction of civil actions where the matter in controversy exceeds \$75,000 exclusive of interest and costs and is between:

- a) citizens of different states.
- b) citizens of a state and citizens of a foreign state.
- c) citizens of a state and any other United States citizen.
- d) (a) and (b).

427. The following are citizens for diversity purposes:

- a) The United States.
- b) A State.
- c) Cities and towns.
- d) (b) and (c).

428. The following statement is true.

- a) If there is diversity jurisdiction, the Court will always hear a domestic relations matter.

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- b) If there is diversity, the Court will always hear a probate matter.
- c) If there is jurisdiction over the complaint, the Court has supplemental jurisdiction over any compulsory counterclaim.
- d) (a) and (b).

429. The amount in controversy requirement does not apply in:

- a) admiralty cases.
- b) bankruptcy proceedings.
- c) federal question cases.
- d) all of the above.

430. The following is (are) never included in calculating the amount in controversy:

- a) attorney's fees of the plaintiff.
- b) costs.
- c) punitive damages.
- d) (b) and (c).

431. The following statement is true.

- a) For diversity jurisdiction, complete diversity is required at all stages of the litigation.
- b) For diversity jurisdiction, to be considered a citizen of a state, a party must be a citizen of the United States and must be domiciled in a particular state or a permanent resident alien of a state.
- c) Federal diversity jurisdiction is determined by examining the parties' citizenship at the time the cause of action accrued.
- d) A non-domiciled United States citizen is considered to be a citizen of the last state wherein a domicile was maintained.

432. The following statement(s) is(are) true:

- a) For diversity purposes, the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same state as the decedent.
- b) For diversity purposes, a member of the military service is presumed to retain his domicile at the time of enlistment.
- c) There is federal jurisdiction in a case where the plaintiff is a Florida citizen and the defendant is a Florida corporation and the cause of action arises under an Act of Congress regulating commerce.
- d) all of the above.

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433. Anderson, citizen of Georgia, brought a diversity action against Burns, citizen of Florida, in a Florida state court. The prayer for relief was for \$40,000. An answer was filed and extensive discovery procedures were used, following and as a result of which, plaintiff then amended his petition to ask for in excess of \$75,000 in relief, exclusive of interest and costs.

- a) The defendant can remove to the federal court if he acts within thirty days of the amendment.
- b) The defendant cannot remove because thirty days have passed since the commencement of the action.
- c) The defendant cannot remove because defendant is a citizen of Florida.
- d) The defendant can remove, even if the defendant waits until after thirty days of the amendment.

434. Removal: Which statement is true?

- a) means moving a case from federal to state court.
- b) means moving a case from state to federal court.
- c) means moving within the same district and division in the state the action is pending.
- d) means moving from one federal district to another federal district.

435. In a federal question case, removal may be accomplished:

- a) without regard to the citizenship or residence of the parties.
- b) only if all of the plaintiffs are citizens of the district.
- c) only if all of the defendants are citizens of the district.
- d) none of the above.

436. Which statement is false.

- a) district courts have original jurisdiction of all civil actions not subject to abstention when the matter in controversy exceeds \$75,000 exclusive of interests and costs.
- b) The \$75,000 requirement does not apply to cases in the nature of a mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to plaintiff.
- c) In some instances when the plaintiff is adjudged to recover less than \$75,000, the district court may deny costs.
- d) The \$75,000 requirement is mandatory in diversity actions.

437. When the removal becomes effective, a state court can:

- a) take no action at all.
- b) take action until enjoined by the federal court.
- c) take action concurrently with the federal court.

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- d) take any action short of an adjudication on the merits.
438. Where a diversity action is brought for \$75,000 in claimed damages suffered, if the plaintiff finally receives a jury verdict for \$35,000:
- a) the federal court must dismiss the action because less than the jurisdictional amount is involved.
 - b) the size of the recovery is of no concern to the court.
 - c) the court may deny costs to the plaintiff and may impose costs on the plaintiff.
 - d) none of the above.
439. If a defendant has properly removed a case to the federal court, but the plaintiff wishes to be in state court, the plaintiff should:
- a) reduce his prayer for relief and thus get the case remanded to the state court.
 - b) voluntarily dismiss the action, if an answer has been filed, and then start the action over again in state court requesting less than the jurisdictional amount.
 - c) not avoid litigating the matter in the federal court.
 - d) either (a) or (b).
440. Which of the following actions are within the authority of a federal district court after removal of a diversity case from state court:
- a) invoke the abstention doctrine.
 - b) transfer under 28 U.S.C. 1404 (to a more convenient forum).
 - c) remand the action as improvidently removed.
 - d) all of the above.
441. Federal diversity jurisdiction is determined by examining the _____ of the parties at the time an action is commenced:
- a) citizenship
 - b) residence
 - c) domicile
 - d) (a) and (b)
 - e) none of the above.
442. An example of concurrent state and federal subject matter jurisdiction is:
- a) all cases of admiralty and maritime jurisdiction.
 - b) civil rights cases under 42 U.S.C.A. 1983.
 - c) diversity litigation with \$10,000 involved.
 - d) patent litigation.
 - e) litigation against consuls or vice consuls of foreign states.

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443. A notice for removal may be filed within thirty days after receipt by the defendant of a pleading or other paper from which it is first ascertained that the case has become removable, except that a case may not be removed on the basis of jurisdiction conferred by section 28 U.S.C.A. 1332 more than one year after commencement of the action.

TRUE FALSE

444. If at any time before final judgment in a case originally commenced in state court and then removed to federal court it appears that the district court lacks subject matter jurisdiction, the district court shall remand the case.

TRUE FALSE

445. A civil action in a state court arising under the workers' compensation laws of such state, in which there is diversity and the minimum amount is satisfied, may be removed.

TRUE FALSE

446. To remove an action from state to federal court, defendants must file a _____(of/for) removal. The district court has _____ jurisdiction over all claims so related to the claims in the action within the court's original jurisdiction that they form part of the same case or controversy.

- a) petition; ancillary
- b) petition; pendant
- c) notice; supplemental
- d) none of the above

447. The district courts have original but not exclusive jurisdiction of civil actions to quiet title to an estate or interest in real property in which an interest is claimed by the United States.

TRUE FALSE

448. The operation of the Declaratory Judgment Act (28 U.S.C.A. 2201, 2202) is more than procedural; and thus, besides enlarging the range of available remedies, it extends the jurisdiction of federal courts.

TRUE FALSE

449. When a district court approves an interlocutory appeal of a non-appealable order, the district court is automatically divested of its jurisdiction pending dismissal of the appeal.

TRUE FALSE

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450. A district court will consider _____ when determining a motion to transfer to a different venue:

- a) the residence of the parties.
- b) the site of the act or omission.
- c) the convenience to the parties.
- d) all of the above.
- e) only (a) and (c)

451. In criminal cases, venue is generally governed by:

- a) the site of the offense.
- b) defendant's place of residence.
- c) the plaintiff's domicile.
- d) (a) and (c).

452. Where a criminal defendant is charged with an offense which began in one district and ended in another, the proper venue is governed by:

- a) the defendant's place of residence.
- b) the place the event began.
- c) the place the event ended.
- d) either (b) or (c).

453. A criminal case can be transferred to another district upon:

- a) motion of the plaintiff.
- b) motion of the defendant.
- c) both (a) and (b).
- d) neither (a) nor (b).

454. In a civil action based solely on diversity of citizenship, proper venue can be:

- a) where all the plaintiffs reside.
- b) where all the defendants reside.
- c) either (a) or (b).
- d) neither (a) nor (b).

455. For purposes of venue, a defendant that is a corporation shall be deemed to reside in any district in which it is subject to personal jurisdiction at the time the action is commenced.

TRUE FALSE

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456. If venue in one district is improper, a Federal court can transfer the case to the proper district:

- a) only if venue is proper in the new district under the federal venue statutes.
- b) only where the defendant would be subject to service in the new district.
- c) only where the transferor court has subject matter jurisdiction.
- d) all of the above.

457. The proper venue for a civil action not based solely on diversity of citizenship is:

- a) the plaintiff's place of residence.
- b) the defendant's place of residence.
- c) where the claim arose.
- d) both (b) and (c).
- e) (a), (b) and (c).

458. In a civil action, the Federal Rules favor _____ choice of venue.

- a) the plaintiff's.
- b) the defendant's.
- c) the court's.
- d) all of the above.

459. The proper venue for a civil suit against an alien is:

- a) the plaintiff's district of residence.
- b) the district where the claim arose.
- c) the place most convenient to all of the parties.
- d) any district.

460. Venue is always proper in the federal district in which the place of injury occurred.

TRUE FALSE

461. A defendant arrested or held in a district other than that in which the indictment or information is pending against him may waive trial in a district in which the indictment is pending and consent to disposition of the case in the district in which he was arrested or is held.

- a) True, if the United States attorneys for both districts agree.
- b) False.
- c) True only if trial in the arresting district would be convenient for all parties.
- d) True only if the offense began in the indicting district and concluded in the arresting district.

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462. The proper venue for a criminal action occurring outside any district (e.g., high seas) is:
- a) the district where the defendant is arrested or is first brought.
 - b) the defendant's domicile.
 - c) the plaintiff's domicile.
 - d) a district convenient to all parties.
463. If the defendant in a criminal action moves for a change of venue, a Federal court may order the change:
- a) if the change would be for the convenience of the parties and witnesses, and "in furtherance of justice".
 - b) if there is a substantial likelihood of prejudice to the defendant.
 - c) both (a) and (b).
 - d) none of the above.
464. An action brought in a federal district court in which there is proper venue for the action:
- a) may be transferred on motion of the defendant to the state courts of the state in which the district court sits.
 - b) may be transferred on motion of the defendant to any other federal district court to which the defendant consents and waives service of process and venue.
 - c) may be transferred on motion of either party to any other federal district court in which the action might have been brought.
 - d) may be transferred on motion of either party to any district where the action might have been brought if said district serves the convenience of the parties and witnesses.
465. Plaintiff X, a citizen of New York, fell while she was in Florida on a tour of Y Corporation which is incorporated in Florida and has its principal place of business in Florida. X sustained more than \$75,000 in injuries and eventually returned to New York. The proper venue for suit is:
- a) a U.S. District Court in New York.
 - b) a U.S. District Court in Florida.
 - c) a U.S. District Court where a majority of Y's corporate shareholders reside.
 - d) both (a) and (b).
 - e) (a), (b) and (c).
466. Plaintiff X, a citizen of New York, fell while she was in Florida on a tour of Y Corporation which has its principal place of business in New York but is incorporated in Florida. The proper venue for suit is:
- a) any U.S. District Court plaintiff chooses.
 - b) any U.S. District Court in Florida.

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- c) any U.S. District Court in New York.
- d) only (b) and (c).
- e) none of the above.

467. A party consents to improper venue if:

- a) the party fails to raise a prompt objection to venue.
- b) a party can never consent to improper venue.
- c) neither (a) nor (b).

468. Plaintiff, a citizen of New York, sustains personal injury while vacationing in Pensacola, Florida, which is in the Northern District of Florida. Plaintiff sues X, Y and Z Corporation. At the time of the commencement of the lawsuit, all three corporations are incorporated in Georgia but have their principal place of business in Miami. Venue is proper in:

- a) the Northern District of Florida.
- b) where the plaintiff resides.
- c) the Southern District of Florida.
- d) all of the above.
- e) only a & c.

469. Civil actions concerning real property located in different districts within the same state:

- a) must be brought in the district where the plaintiff resides.
- b) must be brought in each district where the property is located.
- c) may be brought in any district within the same state where the property is located.
- d) both (a) and (b).

470. Actions for the collection of internal revenue taxes may be brought:

- a) in the district where the tax liability accrues.
- b) in the district where the tax return was filed.
- c) in the district of the taxpayer's residence.
- d) all of the above.

471. Actions filed in an improper district may be:

- a) transferred to a different district in which it could have been brought.
- b) dismissed.
- c) transferred to the district where the Plaintiff resides, even if the claim is not founded solely on diversity of citizenship.
- d) (a) and (b).

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472. The proper venue for a civil action brought against the United States for the negligence of a Federal employee who has acted within the scope of his employment is:
- a) the district where the cause of action arose.
 - b) the plaintiff's place of residence.
 - c) the district in which a defendant resides.
 - d) all of the above.
 - e) only (a) and (b).
473. A proper venue for a civil action against a Federal employee or official acting in his or her official capacity is:
- a) the district where the cause of action arose.
 - b) the plaintiff's place of residence, even if real property is involved.
 - c) the district in which a defendant resides.
 - d) all of the above.
 - e) only (a) and (c).
474. In a case arising under federal question jurisdiction, X resides in the Middle District of Florida and sues Y who resides in the Southern District of Florida. The cause of action arose in the Northern District of Florida. A proper venue for a civil action is:
- a) the Southern District of Florida.
 - b) the Middle District of Florida.
 - c) any district within the State of Florida.
 - d) both (a) and (b).
475. X is wounded when Y attempts to rob a bank located in the Southern District of Florida. X is taken to a hospital in the Middle District of Florida where he dies. The proper venue for a bank robbery prosecution action against Y is:
- a) the Southern District of Florida.
 - b) the Middle District of Florida.
 - c) both (a) and (b).
 - d) neither (a) nor (b).
476. A district court may transfer a case to another district only if:
- a) the new district is one where the case may have been brought.
 - b) the new court has subject matter jurisdiction.
 - c) the new court has in personam jurisdiction.
 - d) all of the above.
 - e) only (a) and (b).

**Attorney Admission Study Questions
Federal Jurisdiction and Venue**

477. A civil action against a citizen of a foreign country

- a) must be brought in the district where the act or omission took place.
- b) must be brought in the district where the plaintiff resides.
- c) may be brought in any district.
- d) must be brought in the U.S. District Court for the District of Columbia.

478. Generally, if there is jurisdiction because of a substantial federal claim, there is power to entertain jurisdiction over supplemental claims that derive from a common nucleus of operative fact, assuming that a plaintiff would be expected to try such claims all in one judicial proceeding.

TRUE FALSE

479. When making a determination on whether to accept supplemental jurisdiction, a district court should consider whether state issues substantially dominate or if there might be possible jury confusion if state and federal claims were tried together.

TRUE FALSE

480. For diversity purposes, in any direct action against the insurer of a policy or contract of liability insurance, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of the state of which the insured is a citizen, as well as any state by which the insurer has been incorporated and of the state where it has its principal place of business.

TRUE FALSE

481. When determining if a party has standing to sue in federal court, a district court will look at “prudential” requirements such as whether the complaint raises questions which are more appropriately resolved by the legislative branch.

TRUE FALSE

482. The district courts have exclusive jurisdiction of any civil action arising under any Act of Congress relating to patents.

TRUE FALSE

483. The district courts do not have original jurisdiction of an action to compel an officer of the United States to perform a duty owed to the plaintiff.

TRUE FALSE

Attorney Admission Study Questions
Federal Jurisdiction and Venue

484. Crossclaims under Fed.R.Civ.P. 13(g) fall within the court's supplemental jurisdiction.

TRUE FALSE

485. Federal question jurisdiction may exist for a claim founded upon federal common law as well as those of federal statutory origin.

TRUE FALSE

486. Parties to an action may agree to extend the jurisdiction of the subject matter of a federal court.

TRUE FALSE

487. Domicile for purposes of diversity jurisdiction is determined in accordance with state law.

TRUE FALSE

488. The general rules of civil procedure apply to remedies seeking maritime attachment or actions in rem.

TRUE FALSE

489. An admiralty action in rem may be brought:

- a) to enforce any maritime lien.
- b) whenever a statute of the United States provides for a maritime action in rem.
- c) all the above.

490. Every complaint and claim in an in rem admiralty action:

- a) shall be verified on oath or solemn affirmation.
- b) must state that the property that is the subject of the action is within the district or will be during the pendency of the action.
- c) may be plead without having to state with reasonable particularity the property that is the subject of the action.
- d) all the above.
- e) (a) and (b).

491. In any admiralty in rem action, no notice other than the execution of the process is required during the first ten days after execution of process.

TRUE FALSE

**Attorney Admission Study Questions
Federal Jurisdiction and Venue**

492. In an admiralty in rem action, if the property arrested is not released within ten days after execution of process, the plaintiff shall promptly, or within such time as may be allowed, cause public notice of the action and arrest to be given so as to conform with Local Admiralty Rule A(7).

TRUE FALSE

493. In an admiralty action in rem, interrogatories may only be served with leave of court.

TRUE FALSE

494. In an admiralty in rem action, a claimant of the property, shall file her claim within ten days after process has been executed and shall serve her answer within twenty days after the filing of the claim.

TRUE FALSE

495. For seizures in admiralty, although a stipulation for the allocation and payment of marshal's fees and expenses need not be filed with the complaint, counsel for the plaintiff must immediately arrange for a conference with all the parties to make a good faith effort to enter such a stipulation.

TRUE FALSE

496. Vessel "A" was arrested on March 1st in an in rem action to enforce a maritime lien. At that time, process was executed. Smith files an answer on Thursday, April 2nd. Smith files no other pleadings. Smith has not perfected his claim and may be subject to a default judgment if:

- a) the answer was filed more than thirty days after process was executed.
- b) no verified claim was filed and the answer is a nullity.
- c) Smith did not file a stipulation for costs.
- d) all the above.

497. Every complaint within the court's admiralty jurisdiction shall set forth "In Admiralty" following the designation of the court unless there is a statement to the same effect within the body of the complaint.

TRUE FALSE

498. Generally, no execution on any admiralty judgment shall issue until ten days after the entry of the judgment.

TRUE FALSE

Attorney Admission Study Questions
Federal Jurisdiction and Venue

499. An interlocutory sale of an arrested vessel may take place if the expense of keeping the property is excessive or disproportionate or if there is unreasonable delay in seeking release of the vessel.

TRUE FALSE

500. To satisfy the “constitutional” minimum requirement for standing to sue in federal court, a litigant must show: (1) that she personally has suffered an actual or prospective injury as a result of the putatively illegal conduct; (2) that the injury can be fairly traced to the challenged conduct; and (3) that the injury is likely to be redressed through court action.

TRUE FALSE

ANSWERS

LOCAL RULE ANSWERS

1. c -S.D. Fla. L.R. 3.4A,B,C, D
2. c -S.D. Fla. L.R. 3.9A; Fed.R.Civ.P. 41(a)-(c)
3. b -S.D. Fla. L.R. 3.9C
4. d -S.D. Fla. L.R. 5.3B & C
5. a -S.D. Fla. L.R. 7.1A(1)
6. False -S.D. Fla. L.R. 5.1A(6)
7. b -S.D. Fla. L.R. 7.1C(2)
8. a -S.D. Fla. L.R. 7.1C(2)
9. d -S.D. Fla. L.R. 7.1B(1)
10. d -S.D. Fla. L.R. 7.1B
11. c -S.D. Fla. L.R. 16.1.B.2(d)
12. False -S.D. Fla. L.R. 7.1B(3)
13. b -S.D. Fla. L.R. 7.1C
14. d -S.D. Fla. L.R. 7.1C
15. b -S.D. Fla. L.R. 7.2
16. d -S.D. Fla. L.R. 7.5A & C
17. c -S.D. Fla. L.R. 7.3.A
18. d -S.D. Fla. L.R. 7.3.A
19. False -S.D. Fla. L.R. 16.2G(2)
20. d -Magistrate Judge Rules 4(a)(1)
21. True -S.D. Fla. L.R. 26.1.G.1
22. d -S.D. Fla. L.R. 26.1.G.1
23. a -S.D. Fla. L.R. 26.1B
24. a -S.D. Fla. L.R. 26.1B
25. d -S.D. Fla. L.R. 26.1H.2
26. b -S.D. Fla. L.R. 26.1C
27. False -S.D. Fla. L.R. 26.1.H.2 each objection shall be detailed, question by question
28. True -S.D. Fla. L.R. 26.1.I & 7.1.A.3
29. False -S.D. Fla. L.R. 26.1.I & 7.1.A.3
30. True -S.D. Fla. L.R. 45.1; Fed.R.Civ.P. 45(a)(3)
31. d -S.D. Fla. L.R. 7.5.B
32. c -S.D. Fla. L.R. 7.1.D
33. d -S.D. Fla. L.R. 7.1.D drafted by prevailing party w/in 2 days to judge
34. True -S.D. Fla. L.R. 16.1.C
35. c -S.D. Fla. L.R. 16.1.E if filed unilaterally, must have an explanation
36. False -S.D. Fla. L.R. 16.1.G PTC is on record
37. c -S.D. Fla. L.R. 16.1.H
38. True -S.D. Fla. L.R. 16.1.J
39. b -S.D. Fla. L.R. 16.1.K
40. d -S.D. Fla. L.R. 16.1.M
41. a -Magistrate Judge Rules 1(f)(c) includes entering final orders
42. True -S.D. Fla. L.R. 77.1

Attorney Admission Study Questions
Answers to Local Rules

43. False -S.D. Fla. L.R. 3.4.A and B Clerk shall never have input as to judicial assignment
44. d -S.D. Fla. L.R. 3.9.D
45. True -S.D. Fla. L.R. 7.1A.1 and 2
46. True -S.D. Fla. L.R. 7.1.C
47. False -S.D. Fla. L.R. 26.1.A
48. True -S.D. Fla. L.R. 26.1.G.4
49. a -S.D. Fla. L.R. 26.1.J
50. d -S.D. Fla. L.R. 26.1.J
51. True -S.D. Fla. L.R. 26.1.J
52. True -S.D. Fla. L.R. 30.1.B; Fed. R. Civ. P. 53.
53. c -S.D. Fla. L.R. 30.1.D
54. True -S.D. Fla. L.R. 30.1.A.2
55. c -S.D. Fla. L.R. 16.1.K
56. c -S.D. Fla. L.R. 7.1.F
57. d -S.D. Fla. L.R. 16.1.D
58. False -S.D. Fla. L.R. 16.2.D.1.(b)
59. True -S.D. Fla. L.R. 16.2.C and 16.2.D
60. False -S.D. Fla. L.R. 16.1.L
61. d -S.D. Fla. L.R. 5.4.B
62. b -S.D. Fla. L.R. 16.1A.2.(b)
63. False -S.D. Fla. L.R. 12.1 (within 30 days of the filing)
64. d -S.D. Fla. L.R. 16.1.B.1
65. d -S.D. Fla. L.R. 16.1.B.2
66. False -S.D. Fla. L.R. 11.1.D.1 and 3
67. c -S.D. Fla. L.R. 3.9.B
68. False -S.D. Fla. L.R. 7.1C otherwise face default
69. False - S.D. Fla. L.R. 40.1.B Parties have responsibility, not the Clerk
70. True -S.D. Fla. L.R. 26.1.H.2
71. True -S.D. Fla. L.R. 7.5.D
72. True -S.D. Fla. L.R. 7.1.E
73. False -S.D. Fla. L.R. 16.1.G PTC is on record, but settlement talk is exempt
74. e -S.D. Fla. L.R. 5.1.B, Fed. R. Civ. P. 5(d)
75. False -Internal Operating Procedure 2.13.00
76. b -S.D. Fla. L.R. 3.1.C; 28 U.S.C. § 89
77. d -S.D. Fla. L.R. 3.1.F; 28 U.S.C. § 89
78. d -S.D. Fla. L.R. 3.1.D; 28 U.S.C. § 89
79. c -S.D. Fla. L.R. 3.1.E; 28 U.S.C. § 89. But see S.D. Fla. L.R. 3.1H
80. d -S.D. Fla. L.R. 3.1.G; 28 U.S.C. § 89
81. b -S.D. Fla. L.R. 16.1.A.2.(a)
82. b -S.D. Fla. L.R. 16.1.A.2.(c)
83. d -S.D. Fla. L.R. 3.1.H
84. True -S.D. Fla. L.R. 3.7.B
85. d -S.D. Fla. L.R. 3.7.B
86. c -Internal Operating Procedure 8.01.00 all others may violate blind assignments
87. False -S.D. Fla. L.R. 3.7 and Internal Operating Procedure 8.01.00 may violate blind

Attorney Admission Study Questions
Answers to Local Rules

assignments

88. d -S.D. Fla. L.R. 5.1.A.5
89. False -S.D. Fla. L.R. 5.1.D rule specifically limits courtesy copies
90. c -S.D. Fla. L.R. 26.1.H.1
91. False -S.D. Fla. L.R. 11.1.E
92. d -S.D. Fla. L.R. 5.2.A
93. True -S.D. Fla. L.R. 15.1
94. True -S.D. Fla. L.R. 5.1.A.3 and 4
95. True -S.D. Fla. L.R. 24.1.A
96. True -S.D. Fla. L.R. 24.1.B
97. False -S.D. Fla. L.R. 7.6
98. b -S.D. Fla. L.R. 41.1
99. False -S.D. Fla. L.R. 41.1; Fed.R.Civ.P. 4(m) 3 months haven't run yet
100. False -S.D. Fla. L.R. 77.2.A

FEDERAL RULES OF CRIMINAL PROCEDURE ANSWERS

101. d -(Fed.R.Crim.P. 4(a))
102. False-(Fed.R.Crim.P. 4(c)(3))
103. b -(Fed.R.Crim.P. 4(c)(1), (2))
104. b -(Fed.R.Crim.P. 4(a))
105. d -(Fed.R.Crim.P. 5(a), (c))
106. a -(Fed.R.Crim.P. 7(a))
107. b -(Fed.R.Crim.P. 8(b))
108. True -(Fed.R.Crim.P. 14(a))
109. False -(Fed.R.Crim.P. 8(b))
110. False -(Fed.R.Crim.P. 12(g))
111. e -(Fed.R.Crim.P. 7(e), (f))
112. d -(Fed.R.Crim.P. 7(e))
113. d -(Fed.R.Crim.P. 58(b)(2))
114. True -(Fed.R.Crim.P. 5.1(a))
115. d -(Fed.R.Crim.P. 5.1(e))
116. False -(Fed.R.Crim.P. 43(a), 5(f), 10(b), (c))
117. False -(Fed.R.Crim.P. 6(b)(1), (2))
118. d -(Fed.R.Crim.P. 5(e) and 58(b)(2), Magistrate Judge Rules 1(b)(1),
18 U.S.C. 3401(b))
119. False -(Fed.R.Crim.P. 6(b)(2))
120. False -(Fed.R.Crim.P. 6(e)(3)(A)(i))
121. c -(Fed.R.Crim.P. 12.2(a), (b))
122. False -(Fed.R.Crim.P. 12(b)(2), (3))
123. c -(Fed.R.Crim.P. 12.1(a)(2))
124. a -(Fed.R.Crim.P. 12.1(e))
125. d -(Fed.R.Crim.P. 11(c)(1))
126. False -(Fed.R.Crim.P. 15(a)(1))
127. b -(Fed.R.Crim.P. 15, 16(a)(1), 17(h), 26.2; 18 U.S.C.A. 3500, 3503)
128. False -(Fed.R.Crim.P. 17(h), 26.2; 18 U.S.C.A. 3500))
129. b -(Fed.R.Crim.P. 16(a)(1)(A), (B), (D), (2); 18 U.S.C.A. 3500)
130. c -(Fed.R.Crim.P. 11(b), (e); Fed.R.Evid. 410)
131. c -(Fed.R.Crim.P. 17.1)
132. c -(Fed.R.Crim.P. 17(e)(1))
133. d -(Fed.R.Crim.P. 20(a))
134. d -(Fed.R.Crim.P. 20(d))
135. b -(Fed.R.Crim.P. 21(a))
136. a -(Fed.R.Crim.P. 23(a))
137. d -(Fed.R.Crim.P. 23(b))
138. d -(Fed.R.Crim.P. 24(a))
139. a -(Fed.R.Crim.P. 24(c))
140. d -(Fed.R.Crim.P. 26.1)
141. d -(Fed.R.Crim.P. 26.2)
142. b -(Fed.R.Crim.P. 26.2(e))

Attorney Admission Study Questions
Answers to Federal Rules of Criminal Procedure

143. True -(Fed.R.Crim.P. 27)
144. c -(Fed.R.Crim.P. 29(a))
145. False -(Fed.R.Crim.P. 29(a))
146. c -(Fed.R.Crim.P. 29(b))
147. d -(Fed.R.Crim.P. 29(c))
148. d -(Fed.R.Crim.P. 30)(d))
149. True -(Fed.R.Crim.P. 31(a))
150. a -(Fed.R.Crim.P. 31(b)(1))
151. b -(Fed.R.Crim.P. 31(d))
152. c -(Fed.R.Crim.P. 32(j)(1))
153. d -(Fed.R.Crim.P. 32(c)(1)(ii))
154. True -(Fed.R.Crim.P. 32(e)(3))
155. b -(Fed.R.Crim.P. 32(c)(1))
156. d -(Fed.R.Crim.P. 32.1(b))
157. True -(Fed.R.Crim.P. 33(b)(1))
158. d -(Fed.R.Crim.P. 33; Fed.R.Crim.P. 45(b))
159. c -(Fed.R.Crim.P. 34)
160. True -(Fed.R.Crim.P. 35(a))
161. c -(Fed.R.Crim.P. 35(b))
162. c -(28 U.S.C.A. 2255)
163. d -(28 U.S.C.A. 2255)
164. a -(Fed.R.Crim.P. 38(a), (c), (d))
165. True -(Fed.R.Crim.P. Rule 1(a)(5))
166. True -(Fed.R.Crim.P. Rule 1(a)(4))
167. False -(Fed.R.Crim.P. 53)
168. False -(Fed.R.Crim.P. 52(b))
169. True -(Fed.R.Crim.P. 51)
170. True -(Fed.R.Crim.P. 50)
171. False -(Fed.R.Crim.P. 48(a))
172. False -(Fed.R.Crim.P. 48(a))
173. True -(Fed.R.Crim.P. 46(f)(1))
174. False -(Fed.R.Crim.P. 46(f)(2)(A) & (B))
175. True -(Fed.R.Crim.P. 46(g))
176. False -(Fed.R.Crim.P. 45(b))
177. True -(Fed.R.Crim.P. 44(c)(2))
178. True -(Fed.R.Crim.P. 44(a))
179. False -(Fed.R.Crim.P. 43(a)(1))
180. True -(Fed.R.Crim.P. 43(b)(2))
181. True -(Fed.R.Crim.P. 43(b))
182. False -(Fed.R.Crim.P. 43(b)(1))
183. True -(Fed.R.Crim.P. 43(b)(2))
184. False -(Fed.R.Crim.P. 42(a)(3))
185. False -(Fed.R.Crim.P. 42(a)(3))
186. False -(Fed.R.Crim.P. 41(c)(1))
187. False -(Fed.R.Crim.P. 41(e)(2)(A))

Attorney Admission Study Questions
Answers to Federal Rules of Criminal Procedure

188. True -(Fed.R.Crim.P. 41(f)(4))
189. True -(Fed.R.Crim.P. 41(b)(1))
190. True -(Fed.R.Crim.P. 41(e)(2)(B))
191. False -(Fed.R.Crim.P. 41(d)(2)(B) & (C) and 41(d)(3))
192. False -(Fed.R.Crim.P. 41(f)(4))
193. True -(Fed.R.Crim.P. 41(g))
194. False -(Fed.R.Crim.P. Rule (1)(5)(A))
195. False -(Fed.R.Crim.P. 43(c)(1)(C))
196. True -(Rules Governing Proceedings Under 28 U.S.C.A. 2254, 2255, Rule 6(a))
197. True -(28 U.S.C.A. 636(b); Local Magistrate Judge Rules 1E, 2; Rules Governing Proceedings under 28 U.S.C.A. 2254, 2255, Rule 8(b))
198. True -(Rules Governing Proceedings under 28 U.S.C.A. 2254, 2255, Rule 8(a))
199. True -(Rules Governing Proceedings under 28 U.S.C.A. 2255, Rule 12)
200. True -(28 U.S.C.A. 2254(b)(1)(B)(i) and (ii))

FEDERAL RULES OF CIVIL PROCEDURE ANSWERS

201. False -(Conley v. Gibson, 355 U.S. 41, 47 (1957); Hiatt v. Schreiber, 599 F. Supp. 1142 (D.C. Colo. 1984); Neizel v. Williams, 543 F. Supp. 899 (D.C. Fla. 1982); Fed.R.Civ.P. 8(a)(2), Fla.R.Civ.P. 1.110(b)(2))
202. False -(Rule 44.1)
203. False -(Rule 47)
204. False -(Fed.R.Civ.P. 4(c)(2))
205. False -(Fed.R.Civ.P. 21)
206. False -(Fed.R.Civ.P. 23(e))
207. False -(Fed.R.Civ.P. 3)
208. True -(Doubleday & Co. v. Curtis, 763 F.2d 495, 503 (2d Cir. 1985); Fed.R.Civ.P. 8(c))
209. True -(Fed.R.Civ.P. 4(b))
210. True -(Fed.R.Civ.P. 8(e)(2))
211. False -(Fed.R.Civ.P. 8(a), 9(c), 10(c))
212. True -(Fed.R.Civ.P. 9(b))
213. True -(Fed.R.Civ.P. 41(b))
214. True -(Fed.R.Civ.P. 41(b))
215. False -(Fed.R.Civ.P. 56(a))
216. True -(Fed.R.Civ.P. 6(a))
217. False -(Fed.R.Civ.P. 6(a))
218. True -(Fed.R.Civ.P. 6(e))
219. False -(Fed.R.Civ.P. 8(d))
220. False -(Fed.R.Civ.P. 8(e)(2))
221. True -(Dunn v. Sears, Roebuck & Co., 645 F.2d 511, 512 n.1 (5th Cir. 1981); Fed.R.Civ.P. 13(g))
222. False -(Fed.R.Civ.P. 7(a), 8(d))
223. True -(Fed.R.Civ.P. 10(c))
224. False -(Fed.R.Civ.P. 12(c))
225. True -(Fed.R.Civ.P. 12(a))
226. False -(Fed.R.Civ.P. 24(a))
227. True -(Fed.R.Civ.P. 26(e)(1)(A))
228. True -(Fed.R.Civ.P. 26(e))
229. True -(Fed.R.Civ.P. 29)
230. True -(Fed.R.Civ.P. 32(a)(1))
231. True -(Fed.R.Civ.P. 45(a)(3))
232. False -(Fed.R.Civ.P. 41(a))
233. True -(Fed.R.Civ.P. 12(b),(c))
234. True -(Fed.R.Civ.P. 15(a))
235. True -(Fed.R.Civ.P. 14(a),(b))
236. True -(Fed.R.Civ.P. 19(b))
237. True -(Doubleday & Co. v. Curtis, 763 F.2d 495, 503 (2d Cir. 1985); Fed.R.Civ.P. 8(c))
238. True -(United States v. Southern Ute Tribe or Band of Indians, 91 S. Ct. 1336 (1971); American Equip. Corp. v. Wikomi Man. Co., 630 F.2d 544, 546 (7th Cir.

Attorney Admission Study Questions
Answers to Federal Rules of Civil Procedure

- 1980); Burlington Data Processing v. Automated Med. Sys., 492 F. Supp. 821, 822 (D. Vt. 1980))
239. True -(Fed.R.Civ.P. 55(a))
240. False -(Fed.R.Civ.P. 55(b)(1))
241. True -(Fed.R.Civ.P. 59(a))
242. False -(Fed.R.Civ.P. 60(b)(3))
243. True -(Fed.R.Civ.P. 55(c))
244. False -(28 U.S.C.A. 1292(a))
245. False -(Fed.R.Civ.P. 38(d))
246. True -(Fed.R.Civ.P. 38(e))
247. False -(Fed.R.Civ.P. 30(a), 45(d))
248. True -(Fed.R.Civ.P. 27(a))
249. False -(Fed.R.Civ.P. 36(a))
250. True -(Fed.R.Civ.P. 59(d))
251. a -(Fed.R.Civ.P. 31(a), 34(b), 35(a))
252. a -(Fed.R.Civ.P. 24(a))
253. c -(Fed.R.Civ.P. 31)
254. e -(Dunn v. Sears, Roebuck & Co., 645 F.2d 511, 512 n.1 (5th Cir. 1981); Fed.R.Civ.P. 13(g), 42(b))
255. d -(Fed.R.Civ.P. 10(b), 55; Fed.R.Evid. 201(f))
256. d -(Fed.R.Civ.P. 7(a), 8(d))
257. d -(Fed.R.Civ.P. 15(a); 28 U.S.C.A. 1291)
258. e -(Fed.R.Civ.P. 12(h)(3))
259. b -(Fed.R.Civ.P. 56(c); S.D. Fla. LR. 7.5)
260. True -(Fed.R.Civ.P. 26(a))
261. e -(Fed.R.Civ.P. 30(a), 45(b))
262. c -(McNutt v. General Motors Acceptance Corp., 56 S. Ct. 780 (1935); C. Wright, Law of Federal Courts, 7, 22-23 (4th ed. 1983))
263. a -(Fed.R.Civ.P. 38(d), 39(a))
264. True -(Fed.R.Civ.P. 17(a))
265. True -(Fed.R.Civ.P. 11)
266. c -(Fed.R.Civ.P. 7(a), 8(d), 12(f))
267. c -(Fed.R.Civ.P. 41(a)(1))
268. e -(Fed.R.Civ.P. 12(b), 41(b))
269. b -(Fed.R.Civ.P. 32(d)(3))
270. d -(Fed.R.Civ.P. 36(a))
271. a -(Fed.R.Civ.P. 15(c))
272. c -(Fed.R.Civ.P. 14(a))
273. c -(Fed.R.Civ.P. 50(a))
274. True -(Fed.R.Civ.P. 18(a))
275. a -(Fed.R.Civ.P. 12(b),(g),(h))
276. d -(Fed.R.Civ.P. 12(c),(f), 56)
277. a -Volvo North America Corp. v. Men's Int'l Prof. Tennis Council, 839 F.2d 69, 72 (2d Cir. 1988)
278. d -(Fed.R.Civ.P. 55)

Attorney Admission Study Questions
Answers to Federal Rules of Civil Procedure

- 279. b -(Fed.R.Civ.P. 13(b))
- 280. e -(Fed.R.Civ.P. 12(e))
- 281. a -(Fed.R.Civ.P. 8(d))
- 282. c -(Fed.R.Civ.P. 52(a))
- 283. d -(Fed.R.Civ.P. 56(b))
- 284. True -(Fed.R.Civ.P. 32; Fed.R.Evid. 613, 804(b)(1))
- 285. d -(Fed.R.Civ.P. 41(a)(1))
- 286. b -(Fed.R.Civ.P. 30(b)(2)(4))
- 287. b -(Fed.R.Civ.P. 14(a))
- 288. True -(Fed.R.Civ.P. 36(b))
- 289. False -(Fed.R.Civ.P. 64)
- 290. True -(Fed.R.Civ.P. 33(a); S.D. Fla. L.R. 26.1)
- 291. True -(Fed.R.Civ.P. 44.1)
- 292. True -(Varnes v. Local 91, Glass Bottle Blowers Ass'n, 674 F.2d 1365 (11th Cir. 1982);
Fed.R.Civ.P. 5(a))
- 293. False -(Fed.R.Civ.P. 12(h)(1))
- 294. True -(Fed.R.Civ.P. 4(c),(d),(e))
- 295. False -(Fed.R.Civ.P. 12(g),(h))
- 296. True -(Fed.R.Civ.P. 6(b))
- 297. True -(Fed.R.Civ.P. 81(c))
- 298. False -(Fed.R.Civ.P. 65(a)(2))
- 299. False -(Fed.R.Civ.P. 60(b))
- 300. False -(Fed.R.Civ.P. 19(a),(b))

FEDERAL RULES OF EVIDENCE ANSWERS

301. True -(Fed.R.Evid. 101)
302. True -(Fed.R.Evid. 106)
303. True -(Fed.R.Evid. 104a)
304. True -(Fed.R.Evid. 103a)
305. False -(Fed.R.Evid. 104c)
306. True -(Fed.R.Evid. 103(a)(1), (d))
307. e -(Fed.R.Evid. 201(b))
308. True -(Fed.R.Evid. 201c)
309. b -(Fed.R.Evid. 201a)
310. True -(Fed.R.Evid. 301)
311. True -(Fed.R.Evid. 301)
312. False -(Fed.R.Evid. 302)
313. False -(Fed.R.Evid. 402)
314. True -(Fed.R.Evid. 402)
315. True -(Fed.R.Evid. 402; 28 U.S.C.A. 2072)
316. True -(Fed.R.Evid. 403)
317. False -(Fed.R.Evid. 404(a))
318. True -(Fed.R.Evid. 404(b) but see Local General Rule 88.10.H (requiring government to advise defendant without request))
319. False -(Fed.R.Evid. 404(a)(3), 608, 609)
320. True -(Fed.R.Evid. 405a)
321. True -(Fed.R.Evid. 405a)
322. False -(Fed.R.Evid. 405(b))
323. c -(Fed.R.Evid. 405b)
324. True -(Fed.R.Evid. 406)
325. True -(Fed.R.Evid. 406)
326. False -(Fed.R.Evid. 406)
327. False -(Fed.R.Evid. 407)
328. True -(Fed.R.Evid. 407)
329. True -(Fed.R.Evid. 408)
330. d -(Fed.R.Evid. 408)
331. False -(Fed.R.Evid. 409)
332. True -(Fed.R.Evid. 410(1))
333. True -(Fed.R.Evid. 410(2))
334. True -(Fed.R.Evid. 410(4))
335. False -(Fed.R.Evid. 412(a))
336. e -(Fed.R.Evid. 411)
337. False -(Fed.R.Evid. 501)
338. True -(Fed.R.Evid. 501)
339. True -(Fed.R.Evid. 501)
340. True -(Fed.R.Evid. 601)
341. False -(Fed.R.Evid. 601)
342. True -(Fed.R.Evid. 602)

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- 343. True -(Fed.R.Evid. 603)
- 344. False -(Fed.R.Evid. 605)
- 345. False -(Fed.R.Evid. 606(a))
- 346. b -(Fed.R.Evid. 602)
- 347. False -(Fed.R.Evid. 604)
- 348. e -(Fed.R.Evid. 607)
- 349. False -(Fed.R.Evid. 606(b))
- 350. True -(Fed.R.Evid. 608(a))
- 351. True -(Fed.R.Evid. 409)
- 352. True -(Fed.R.Evid. 614(a))
- 353. True -(Fed.R.Evid. 407)
- 354. True -(Fed.R.Evid. 607)
- 355. False -(Fed.R.Civ.P. 32(a))
- 356. False -(Fed.R.Evid. 703)
- 357. False -(Fed.R.Evid. 611(b))
- 358. True -(Fed.R.Evid. 614(b))
- 359. True -(Fed.R.Evid. 104(a))
- 360. False -(Trammel v. United States, 100 S. Ct. 906 (1980))
- 361. False -(E. Cleary, McCormick on Evidence, 95, 229 (3d ed. 1984))
- 362. True -(C. Ehrhardt, Florida Evidence, 502.6, 208-09 (1984); E. Cleary, McCormick on Evidence, 92,222 (3d ed. 1984))
- 363. True -(Fed.R.Evid. 612)
- 364. True -(Fed.R.Evid. 611(b); United States v. Abel, 469 U.S. 45, 51 (1984))
- 365. False -(Fed.R.Evid. 613(b))
- 366. True -(Fed.R.Evid. 608(b))
- 367. True -(Fed.R.Evid. 609(a)(2))
- 368. False -(Fed.R.Evid. 608)
- 369. True -(Fed.R.Evid. 104(b))
- 370. True -(Fed.R.Evid. 404(a)(1))
- 371. False -(Fed.R.Evid. 103(a)(2))
- 372. False -(Fed.R.Evid. 608(a))
- 373. True -(Fed.R.Evid. 801(c); Jauch v. Corley, 830 F.2d 47 (5th Cir. 1987))
- 374. True -(Fed.R.Evid. 804(b)(1))
- 375. True -(Fed.R.Evid. 804(b)(2))
- 376. True -(Fed.R.Evid. 803(4))
- 377. True -(Fed.R.Evid. 803(8))
- 378. True -(Fed.R.Evid. 803(6); E. Cleary, McCormick on Evidence, 312, 881 (3d ed. 1984))
- 379. True -(Fed.R.Evid. 803(5))
- 380. True -(Fed.R.Evid. 803(2))
- 381. True -(Fed.R.Evid. 801(c))
- 382. True -(Fed.R.Evid. 611(a))
- 383. False -(Fed.R.Evid. 613(a))
- 384. True -(Fed.R.Evid. 613(b))
- 385. False -(Fed.R.Evid. 704(a))
- 386. False -(Fed.R.Evid. 705)

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- 387. True -(Fed.R.Evid. 801(d)(2))
- 388. True -(Fed.R.Evid. 804(a)(1))
- 389. False -(Fed.R.Evid. 804(b)(2))
- 390. True -(Fed.R.Evid. 902(1))
- 391. a -(Fed.R.Evid. 1003)
- 392. d -(Fed.R.Evid. 803(4), (6), (18))
- 393. e -(Fed.R.Evid. 801(a), (c))
- 394. d -(Fed.R.Evid. 701)
- 395. d -(Fed.R.Evid. 803(1), (2), (3))
- 396. d -(Fed.R.Evid. 703, 704)
- 397. d -(Fed.R.Evid. 803(5), (8), (9))
- 398. d -(Fed.R.Evid. 804(a), (b))
- 399. d -(Fed.R.Evid. 804(b)(1), (2), (3))
- 400. d -(Fed.R.Evid. 1101(d)(1), (2), (3))

FEDERAL JURISDICTION AND VENUE ANSWERS

- 401. b -(28 U.S.C.A. 1331)
- 402. c -(28 U.S.C.A. 1367)
- 403. d -(28 U.S.C.A. 1333(a), 1334(a),(b), 1343 (a)(3))
- 404. a -(28 U.S.C.A. 1332, 1359; P. Bator, Hart & Wechsler's The Federal Courts and Federal Systems, 1662 (3d ed. 1988); C. Wright, Law of Federal Courts, 28, 56-57 4th ed. 1983))
- 405. b -(Smith & Carter, 545 F.2d 909 (5th Cir. 1977); Van Der Schelling v. U.S. News & World Report, Inc., 213 F. Supp. 756 (E.D. Pa.); aff'd, 324 F.2d 956 (3d Cir. 1963); 28 U.S.C.A. 1332; C. Wright, Law of Federal Courts, 28, 156-57 (4th ed. 1983))
- 406. b -(Younger v. Harris, 91 S. Ct. 746 (1971))
- 407. c -(C. Whitebread & C. Slobogin, Criminal Procedure, 33.02(b), 847 (1986))
- 408. d -(T. Schoenbaum, Admiralty and Maritime Law, 3-13, 116 (1987); 28 U.S.C.A. 1333(1))
- 409. a -(T. Schoenbaum, Admiralty and Maritime Law, 3-13, 116 (1987); 28 U.S.C.A. 1333(1))
- 410. d -(H. Baer, Admiralty Law of the Supreme Court, 1-11, 73-74 (3d ed. 1979); 28 U.S.C.A. 1332)
- 411. a -(St. Paul Mercury Indem. Co. v. Red Cab Co., 58 S. Ct. 586 (1938); C. Wright and M. Kane, § 32 Law of Federal Courts (46th ed.2002))
- 412. e -(28 U.S.C.A. 1441(b), 1445(c), 1446(b))
- 413. c -(28 U.S.C.A. 1331, 1332, 1338)
- 414. d -(28 U.S.C.A. 1332(a)(1), (c), 1441, 1447)
- 415. a -(28 U.S.C.A. 1332, 1441)
- 416. a -(28 U.S.C.A. 1332(c))
- 417. a -(Louisville & Nashville R.R. Co. v. Mottley, 29 S. Ct. 42 (1908), 28 U.S.C.A. 1441(b))
- 418. d -(Sadat v. Mertes, 615 F.2d 1176, 1180-82 (7th Cir. 1980); 28 U.S.C.A. 1332(c), 1391(c))
- 419. c -(28 U.S.C.A. 1331, 1447(c); Fed.R.Civ.P. 12(b),(h)(3), Wright, Law of Federal Courts, 7, 22 (4th ed. 1983))
- 420. e -(C. Wright, Law of Federal Courts, 7, 22-23 (4th ed. 1983); McNutt v. General Motors Acceptance Corp., 56 S. Ct. 780 (1935))
- 421. d -(28 U.S.C.A. 1332(a)(i),(c))
- 422. d -(St. Paul Mercury Indem. Co. v. Red Cab Co., 58 S. Ct. 586, 590 (1938); Rasado v. Wyman, 90 S. Ct. 1207, 1214 n.6 (1970))
- 423. d -(Gentle v. Lamb-Weston, Inc., 302 F. Supp. 161 (D.C. Me. 1969); McClanahan v. Snodgrass, 319 F. Supp. 913 (D.C. Miss. 1970); 28 U.S.C.A. 1332(a), 1441(b))
- 424. c -(28 U.S.C.A. 1446(a)-(d))
- 425. d -(Johnson v. Cordell Nat'l Bank, 421 F.2d 1310 (10th Cir. 1970); 28 U.S.C.A. 1332(a), (c), 1447(c); C. Wright, Law of Federal Courts, 28, 156-57 (4th ed. 1983))

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426. d -(28 U.S.C.A. 1332)
427. c -(Moor v. County of Alameda, 93 S. Ct. 1785, 1800 (1973); Coastal Petroleum Co. v. U.S.S. Chemicals, 695 F.2d 1314, 1317 (11th Cir. 1983); Lummis v. White, 629 F.2d 397, 402 (5th Cir. 1980))
428. c -(Baker v. Gold Seal Liquors, Inc., 94 S. Ct. 2504, 2506, n.1 (1974); Csihi v. Fustus, 670 F.2d 134, 136 (9th Cir. 1980); C. Wright, Law of Federal Courts, 25, 79, 143-46, 535 (4th ed. 1983)); 28 U.S.C. 1367(a).
429. d -(28 U.S.C.A. 1331, 1333, 1334)
430. b -(28 U.S.C.A. 1332(a))
431. b -(Sadat v. Mertes, 615 F.2d 1176, 1180-82 (7th Cir. 1980); Mullins v. Beatrice Pocahontas Co., 489 F.2d 260 (4th Cir. 1974); C. Wright, Law of Federal Courts, 24, 28, 138, 156 (4th ed. 1983))
432. d -(Deckers v. Rose, Inc., 592 F. Supp. 25, 27 (M.D.-Fla. 1984); 28 U.S.C.A. 1337(a), 1332(c)(2))
433. c -(28 U.S.C.A. 1441(b), 1446(b))
434. b -(28 U.S.C.A. 1404(a), 1441)
435. a -(28 U.S.C.A. 1441(b))
436. a -(28 U.S.C.A. 1332, 1361))
437. a -(Maseda v. Honda Motor Co., 861 F.2d 1248 (11th Cir. 1988); 28 U.S.C.A. 1446(d))
438. c -(28 U.S.C.A. 1332(b))
439. c -(St. Paul Mercury Indemnity Co. v. Red Cab Co., 58 S. Ct. 586 (1938); Albright v. R.J. Reynolds Tobacco Co., 531 F.2d 132 (3d Cir.) cert. denied, 96 S. Ct. 2229 (1976); Fed.R.Civ.P. 41(a); C. Wright, Law of Federal Courts, 31, 174-75 (4th ed. 1983))
440. d -(England v. Louisiana State Bd. of Medical Examiners, 84 S. Ct. 461 (1964); 28 U.S.C.A. 1404, 1447))
441. a -(Sun Printing & Pub. Ass'n v. Edwards, 24 S. Ct. 696 (1904); Reynolds v. Addin, 10 S. Ct. 843 (1890); Kaiser v. Loomis, 391 F.2d 1007 (6th Cir. 1968); 28 U.S.C.A. 1332))
442. b -(Harris v. Birmingham Bd. of Educ., 817 F.2d 1525, 1526-27 (11th Cir. 1987); Spencer v. South Fla. Water Management Dist., 657 F. Supp. 66, 67 (S.D. Fla. 1986); 28 U.S.C.A. 1333(1), 1338(a), 1351(1))
443. True -(28 U.S.C.A. 1446(b))
444. True -(28 U.S.C.A. 1447(c))
445. False -(28 U.S.C.A. 1445(c))
446. c -(28 U.S.C. § 1446(a); 28 U.S.C. § 1367(a))
447. False -(28 U.S.C.A. 1346(f))
448. False -(Skelly Oil Co. v. Phillips Petroleum Co., 70 S. Ct. 876, 880 (1950))
449. False -(28 U.S.C.A. 1292(b))
450. d -(28 U.S.C.A. 1391, 1404, 1406)
451. a -(18 U.S.C.A. 3235, et. seq.; Fed.R.Crim. P. 18)
452. d -(18 U.S.C.A. 3237(a))
453. b -(Fed.R.Crim.P. 21)
454. b -(28 U.S.C.A. 1391(a)(1))
455. True -(28 U.S.C.A. 1391(c))

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456. d -(Windmere Corp. v. Remington Prods., Inc., 617 F. Supp. 8, 10 (S.D. Fla. 1985); C. Wright, Law of Federal Courts, 44, 259 (4th ed. 1983))
457. d-(28 U.S.C.A. 1391(b))
458. a -(Kislak Mortgage v. Connecticut Bank & Trust, 604 F. Supp. 346, 347-48 (S.D. Fla. 1985))
459. d -(28 U.S.C.A. 1391(d))
460. False -(First Financial Leasing Corp. v. Hartge, 671 F. Supp. 538, 543 (N.D. Ill. 1987))
461. a -(Fed.R.Crim.P. 20(a))
462. a -(United States v. McRary, 616 F.2d 181 (5th Cir. 1980); 18 U.S.C.A. 3238)
463. c -(Fed.R.Crim.P. 21)
464. d -(Windmere Corp. v. Remington Prods., Inc., 617 F. Supp. 8, 10 (S.D. Fla. 1985); 28 U.S.C.A. 1404(a))
465. b -(28 U.S.C.A. 1391(a))
466. e -(No federal court has subject matter jurisdiction, because there is not diversity of citizenship. 28 U.S.C.A. 1332(c))
467. a -(Fed.R.Civ.P. 12(h)(1))
468. e -(28 U.S.C.A. 1391 (a)(2), (c))
469. c -(28 U.S.C.A. 1392)
470. d -(28 U.S.C.A. 1396)
471. d -(28 U.S.C.A. 1391(a), (b), 1406(a))
472. e -(28 U.S.C.A. 1402(b))
473. e -(28 U.S.C.A. 1391(e))
474. a -(28 U.S.C.A. 1391(b))
475. a -(Fed.R.Crim.P. 18)
476. d -(Goldlawr, Inc. v. Heiman, 369 US 463 (1962); Hoffman v. Blaski, 80 S. Ct. 1084, 1089-90 (1960); Windmere Corp. v. Remington Prods., Inc., 617 F. Supp. 8, 10 (S.D. Fla. 1985); 28 U.S.C.A. 1404(a), 1406(a))
477. c -(28 U.S.C.A. 1391(d))
478. True -(United Mine Workers v. Gibbs, 86 S. Ct. 1130, 1138-39 (1966))
479. True -(United Mine Workers v. Gibbs, 86 S. Ct. 1130, 1138-39 (1966))
480. True -(28 U.S.C.A. 1332(c))
481. True -(Saladin v. City of Milledgeville, 812 F.2d 687, 690 (11th Cir. 1987))
482. True -(28 U.S.C.A. 1338(a))
483. False -(28 U.S.C.A. 1361)
484. True -(Scott v. Fancher, 369 F.2d 842 (5th Cir. 1966); C. Wright, Law of Federal Courts, 81, 539 (4th ed. 1983))
485. True -(Illinois v. City of Milwaukee, 92 S. Ct. 1385 (1972))
486. False -(Reale Int'l, Inc. v. Federal Republic of Nigeria, 647 F.2d 330, 331-32 (2d Cir. 1981); C. Wright, Law of Federal Courts, 22-23 (4th ed. 1983))
487. False -(Sadat v. Mertes, 615 F.2d 1176 (7th Cir. 1980))
488. True -(Admiralty and Maritime Supplemental Rule A)
489. c -(Admiralty and Maritime Supplemental Rule C(1))
490. e -(Admiralty and Maritime Supplemental Rule C(2))
491. True -(Admiralty and Maritime Supplemental Rule C(4))
492. True -(Admiralty and Maritime Supplemental Rule C(4))

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- 493. False -(Admiralty and Maritime Supplemental Rule C(6))
- 494. True -(Admiralty and Maritime Supplemental Rule C(6))
- 495. True -(Local Admiralty Rule E(5)(b)(1))
- 496. d -(Admiralty and Maritime Supplemental Rule C(6); Middle District R. 7.05(e))
- 497. False -(Local Admiralty Rule A(4))
- 498. True -(Local Admiralty Rule E(15)(a))
- 499. True -(Admiralty and Maritime Supplemental Rule E(9)(b))
- 500. True -(Saladin v. City of Milledgeville, 812 F.2d 687, 690 (11th Cir. 1987))