

# 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.

Exams are administered in [Miami](#), [Fort Lauderdale](#), and [West Palm Beach](#). **The examination is NOT an open book test.** The computer generated exam will be held in an exam room at each courthouse with only 2-4 work stations in the room. In addition, the examination room is monitored by closed circuit television. Any violations of testing protocol will result in test failure and appropriate action. On the day of your exam, you will report to the scheduled courthouse location at the designated time. **Please be aware that you must arrive 5 minutes before your exam time to sign in for the exam. Should you arrive past your scheduled exam time, you will not be able to take the exam, and you will have to return to our website to reschedule.**

Applicants must pass a Core Exam with a minimum score of 80%. The exam consists of at least 40 questions derived from the Federal Rules of Civil and Criminal Procedures, Evidence and Jurisdiction/Venue and 10 questions from the Southern District of Florida Local Rules.

You will have two hours to complete the exam. Results will be displayed instantly. **Please note you are not admitted to, or permitted to appear as a member of, this Court's Bar until the Order of Admission is signed. The Order of Admission is processed and sent to the duty judge on or about the first and fifteenth of each month. Once the Order of Admission is signed, you will receive an email advising that you have been admitted. This process takes approximately six (6) weeks.**

If you pass, your certificate will be mailed within eight weeks from the date of your exam. If you do not pass, you will need to return to our website and schedule a new exam date. If you do not pass on the third attempt, you must wait one full year before reapplying to take another exam. After the third attempt, there is a \$201.00 re-application 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**

**Updated December 1, 2011**



## Local Rules

### Attorney Admission Study Questions

#### Local Rules

1. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.
  - 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.

## Attorney Admission Study Questions

### Local Rules

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.
  - a) TRUE    b) 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 (10) 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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
  
10. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**

## Attorney Admission Study Questions

### Local Rules

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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
  
13. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
  
14. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
  
15. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
  
16. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
  
17. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
  
18. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
  
19. Proceedings during mediation are recorded and may be made part of the record for trial purposes.
  - a) TRUE    b) 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, 25 questions including all discrete subparts, as set forth in Fed. R. Civ. P. 33(a), is the limit in this District.
  - a) TRUE    b) FALSE

## Attorney Admission Study Questions

### Local Rules

22. According to the local rules for the Southern District of Florida, no party may serve:
- more than twenty (20) interrogatories, including subparts.
  - more than forty (40) interrogatories, including subparts.
  - more than sixty (60) interrogatories, including subparts.
  - none of the above.
23. Interrogatories shall be served as follows:
- A copy on the party to whom directed, and all other parties, but shall not generally be filed with the Court or the Clerk.
  - The original and a copy on the party to whom directed, and copies served on all other parties to the action
  - 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.
  - 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.
24. When the interrogatories have been completed by the responding party:
- a copy shall be served upon the party who propounded the interrogatories, and upon all other parties.
  - the original shall be filed with the Clerk and all other parties shall be served with a notice of filing of interrogatories
  - the original shall be filed with the Clerk and copies served upon all other parties.
  - 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:
- quote verbatim each interrogatory, request for admission or request for production and the response to which objection is taken.
  - set forth the specific objection and the grounds assigned for the objection.
  - state the reasons assigned as supporting the motion.
  - All of the above.

## Attorney Admission Study Questions

### Local Rules

26. Requests for discovery and answers or objections thereto shall be filed with the Clerk:
- when the request is to be served upon a non-party.
  - when filed contemporaneously with a motion to compel.
  - at all times.
  - 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.  
a) TRUE b) FALSE
28. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
29. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
30. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
31. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
32. Unless the Court directs otherwise, all orders orally announced in Court shall:
- not be subject to appeal.
  - be prepared in writing by the attorney for the moving party.
  - be prepared in writing by the attorney for the prevailing party.
  - be prepared by the court reporter who shall transcribe the order verbatim from the transcript.
  - None of the above.
33. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
34. A pretrial conference shall be held in every civil action unless the Court specifically orders otherwise.  
a) TRUE b) FALSE
35. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**

## Attorney Admission Study Questions

### Local Rules

36. The record made at the pre-trial conference shall not be deemed part of the trial record.
- a) TRUE   b) FALSE
37. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
38. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
39. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
40. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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:
- orders granting an evidentiary hearing.
  - orders granting the petition.
  - preliminary orders necessary to a final determination of whether an evidentiary hearing is required, and final orders either granting or denying the petition.
  - Both (a) and (c) are correct.
  - 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.
- a) TRUE   b) FALSE
43. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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:
- telephoning the judge's chambers and opposing attorneys and verbally informing them of this matter.
  - setting forth this fact in the complaint or answer.
  - informing the Clerk of the Court.
  - 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.

## Attorney Admission Study Questions

### Local Rules

45. If a motion does not require a memorandum of law citing supporting authorities, it must be accompanied by a proposed order.  
a) TRUE b) 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.  
a) TRUE b) FALSE
47. The Southern District of Florida has opted out of the disclosure obligations prescribed by the Federal Rules of Civil Procedure.  
a) TRUE b) FALSE
48. Interrogatories shall be arranged so that following each question there shall be provided a sufficient blank space for inserting a typed response.  
a) TRUE b) FALSE
49. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
50. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
51. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
52. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
53. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
54. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
55. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**

## Attorney Admission Study Questions

### Local Rules

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:
- continue to zealously present the merits of their position.
  - not rely upon or proffer factual contentions or legal arguments that were expressly rejected by the former judge.
  - 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.
  - preserve the anonymity of the former judge.
  - None of the above.
57. Counsel in a civil action must meet and confer prior to the pre-trial conference and:
- discuss settlement.
  - prepare a pretrial stipulation.
  - examine all trial exhibits, except that impeachment exhibits need not be revealed.
  - All of the above.
  - 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.
- a) TRUE    b) FALSE
59. Every civil case, except those specifically exempt by Local Rule, shall be ordered to mediation.
- a) TRUE    b) FALSE
60. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
61. A party seeking to make a filing under seal shall:
- deliver to the Clerk's Office an original and one copy of the proposed filing.
  - file an original and copy of a motion to seal.
  - accompany the motion with a completed sealed document tracking form.
  - all of the above.
62. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**

## Attorney Admission Study Questions

### Local Rules

63. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
64. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
65. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
70. The Local Rules specify what should be included in a motion to compel.  
a) TRUE b) FALSE
71. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.  
a) TRUE b) FALSE

## Attorney Admission Study Questions

### Local Rules

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.  
a) TRUE b) FALSE
74. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
75. In resolving calendar conflicts between federal courts and the courts of the State of Florida, the case filed first shall be given priority.  
a) TRUE b) FALSE
76. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
77. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
78. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
79. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
80. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
81. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
82. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
83. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
84. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
85. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**

## Attorney Admission Study Questions

### Local Rules

86. The Duty Judge shall be available to hear and preside over:
- emergency matters arising in a case before a judge who is physically absent from this District.
  - 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.
  - swearing in of attorneys to practice.
  - All of the above.
87. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
88. All papers presented for filing shall contain a caption setting forth:
- the name of the court.
  - the docket number.
  - title of the document
  - 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.
- a) TRUE   b) FALSE
90. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
91. After the jury has been discharged, counsel are free to interview jurors to determine whether the verdict is subject to legal challenge.
- a) TRUE   b) FALSE
92. Each paper served shall include a certification of service stating:
- the person or firm served.
  - the method of service.
  - the date of service.
  - 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.
- a) TRUE   b) FALSE

## Attorney Admission Study Questions

### Local Rules

94. Papers filed with this Court shall be on 8 ½ 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.  
a) TRUE b) FALSE
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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
97. A continuance of trial will be granted on stipulation of all counsel alone, without a showing of good cause.  
a) TRUE b) 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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
100. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**

## Federal Rules of Criminal Procedure

### Attorney Admission Study Questions Federal Rules of Criminal Procedure

101. Which of the following is a true statement (in a criminal case)?
- More than one warrant or summons may issue on the same complaint.
  - A complaint may be read with an affidavit or affidavits filed with it to establish probable cause.
  - A complaint must establish probable cause without reference to any document which might be attached.
  - (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:
- only in the district in which it is issued.
  - at any place within the United States.
  - within a 100 mile radius of the district in which it is issued.
  - only by a United States marshal.
104. Failure to respond to a summons is grounds for:
- being held in contempt of court.
  - issuing an arrest warrant.
  - forfeiting any defenses to the offenses charged.
  - none of the above.
105. Once a person is arrested, as a matter of federal procedure, the arrested person:
- shall be taken without unnecessary delay before a federal Magistrate Judge.
  - must be taken before a Federal District Court Judge.
  - shall be taken to a state or local judicial officer authorized by Rule 5(c) if no Magistrate Judge is reasonably available.
  - (a) or (c).

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

106. Which of the following is a true statement?
- Other than criminal contempt, a felony prosecution must be commenced by indictment.
  - A defense attorney may waive his client's right to be prosecuted by indictment by filing a notice with the court.
  - 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.
  - (a) and (c)
107. Two or more defendants may:
- not be charged in the same indictment or information without violating the defendants' rights against double jeopardy.
  - be charged in the same indictment or information if they are alleged to have participated in the same act or transaction.
  - be charged in the same indictment or information of unrelated offenses.
  - 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.
- a) TRUE   b) FALSE
109. Two or more defendants may be charged in the same indictment or information only if all defendants are charged in each count.
- a) TRUE   b) 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.
- a) TRUE   b) FALSE
111. The court may permit an amendment to:
- 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.
  - 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.
  - a bill of particulars.
  - (b) and (c).
  - (a) and (c).

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

112. The court may permit an information to be amended:
- any time before a verdict is returned.
  - if no additional or different offense is charged.
  - if the substantial rights of the defendant are not prejudiced.
  - 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:
- the charge.
  - the maximum sentence.
  - the rights to counsel, silence and trial.
  - all of the above.
114. A defendant is not entitled to a preliminary examination if he has been indicted by a grand jury.
- a) TRUE   b) FALSE
115. At a preliminary examination, the defendant may:
- introduce evidence in his own behalf.
  - cross-examine witnesses against him.
  - object to evidence on the ground that it was acquired by unlawful means.
  - (a) and (b).
116. A defendant in a felony case must always be physically present in court for arraignment.
- a) TRUE   b) FALSE
117. A criminal defendant may challenge the array of a grand jury but may not challenge the qualifications of individual jurors.
- a) TRUE   b) FALSE
118. An arrested person may be tried only by:
- a United States Magistrate Judge.
  - a United States District Court Judge.
  - a Magistrate Judge if the charge is a felony, upon consent of the defendant
  - a Magistrate Judge if the charge is a petty offense.

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

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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
121. A defendant must give notice prior to trial if he intends:
- a. to rely upon the defense of insanity.
  - 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.  
a) TRUE b) FALSE
123. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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.  
a) TRUE b) FALSE

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

127. Discovery mechanisms available to the criminal defendant include:
- depositions, even if the defendant does not show exceptional circumstances.
  - disclosure of physical evidence to be used by the government.
  - pre-trial disclosure of statements made by government witnesses, even if the government witness is not the defendant.
  - (b) and (c).
128. A subpoena issued by the clerk, prior to trial, can be used to discover statements made by witnesses or prospective witnesses.
- a) TRUE   b) FALSE
129. A criminal defendant is not entitled to discover:
- his recorded testimony before a grand jury which relates to the offense charged.
  - before trial, reports, memoranda and other internal government documents made by government agents in connection with the investigation or prosecution of the case.
  - results or reports of scientific tests or experiments made in connection with a particular case.
  - his own criminal record.
130. Which of the following is a false statement:
- A plea of nolo contendere is, for purposes of punishment, the same as a plea of guilty.
  - A nolo contendere plea can be withdrawn in some circumstances after the court has accepted it.
  - 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.
  - 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.
- The admission may never be used against a defendant.
  - The admission may be used if reduced to writing and signed by the defendant's attorney, but not signed by the defendant.
  - The admission may not be used unless reduced to writing and signed by the defendant and his attorney.
  - The admission may be used only if the government makes an appropriate motion and the court grants its use.

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

132. A subpoena in a criminal case may be served:
- only within the district in which it was issued.
  - within 100 miles of the place of trial.
  - any place within the United States.
  - only by a U.S. marshal.
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:
- 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
  - Must be transferred to the district in which an indictment or information is pending against him even for purposes of a guilty plea.
  - 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.
- i and iii above.
  - i and ii above.
  - ii and iii above.
  - 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:
- may consent to be proceeded against as a juvenile delinquent in the district in which he is arrested, held, or present.
  - 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.
  - has a right to be returned to the district in which he is alleged to have committed the act.
  - 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;
- must transfer the case to the district specified in defendant's motion.
  - must transfer the case to another district whether or not such district is specified in the defendant's motion.
  - may transfer the case upon approval of each United States attorney.
  - none of the above.

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

136. A criminal defendant may waive a jury trial:
- only in writing with the approval of the court and the consent of the government.
  - only if he is being tried for a misdemeanor.
  - in writing without the approval of the court or the consent of the government.
  - 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:
- is always twelve in federal court
  - may be less than twelve if the parties so stipulate in writing before the verdict and no court approval is necessary
  - 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.
- i only.
  - ii only.
  - ii and iii.
  - iii only.
138. The examination of prospective jurors:
- may be made by the court and the attorneys for the parties.
  - may be made by the attorneys for the parties upon the court's permission.
  - may be made by the court.
- i and ii.
  - ii and iii.
  - ii only.
  - all of the above.
139. The extra peremptory challenges allowed where alternate jurors are impanelled:
- may be used against an alternate juror only.
  - may be used against any prospective juror.
  - may only be used by counsel for the defense.
  - may only be used by counsel for the government.

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

140. Where an issue is raised concerning the law of a foreign country:
- the party who raises it should give reasonable written notice.
  - the court is not bound by the rules of evidence in determining the foreign law.
  - the court's determination shall be treated as a ruling on a question of law.
  - all of the above.
141. In a criminal case, when a motion for production of the statement of a witness is made:
- the court may order the entire statement produced to the moving party.
  - the court may order the entire statement produced to the court.
  - 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.
  - 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):
- a court order that the testimony of that witness be stricken from the record
  - a mistrial if it is the attorney for the government who elects not to comply and a mistrial is in the interest of justice
  - a mistrial, if required in the interest of justice, regardless of which side fails to comply.
- i only.
  - i and ii.
  - i and iii.
  - 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.
- a) TRUE   b) 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:
- grant a directed verdict.
  - grant a mistrial.
  - enter a judgment of acquittal.
  - grant a summary judgment for the defendant.

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

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.  
a) TRUE b) FALSE
146. If a motion for judgment of acquittal is made at the close of all of the evidence, the court:
- must rule on the motion before submitting the case to the jury.
  - may submit the case to the jury and must decide the motion before the jury returns the verdict.
  - may reserve the decision on the motion and decide it after the jury returns a verdict of guilty.
  - must decide the motion before the jury is discharged where a jury is discharged without having returned a verdict.
147. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
148. Where a party believes a portion of the instructions to the jury to be erroneous or incomplete, (s)he:
- must object thereto before the jury retires to consider its verdict.
  - may object out of the hearing of the jury.
  - may object out of the jury's presence on request of any party.
  - all of the above.
149. The verdict must be unanimous in a criminal case.  
a) TRUE b) FALSE
150. Where there are two or more defendants and the jury cannot agree with respect to all defendants:
- The jury may return a verdict as to a defendant or defendants as to whom it has agreed
  - Only the defendants as to whom the jury does not agree may be tried again
  - The jury is hung and the case must be retried.
- i and ii.
  - i only.
  - ii only.
  - iii only.

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

151. Where a jury is polled after the verdict is returned and there is not unanimous concurrence:
- the jury must be discharged.
  - the jury may be directed to retire for further deliberations.
  - a mistrial must be declared.
  - 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:
- Shall advise the defendant of his right to appeal
  - Shall advise the defendant of the option of applying for leave to appeal in forma pauperis
  - shall advise the defendant of his option of attacking the sentence pursuant to 28 U.S.C. 2255.
- i only.
  - ii only.
  - i and ii.
  - i and iii.
153. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.
- a) TRUE b) FALSE
155. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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 preliminary hearing to determine if there is probable cause.
  - a revocation hearing if there is probable cause.
  - an opportunity to present evidence on his own behalf.
  - 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.
- a) TRUE b) FALSE
158. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**

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

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:
- must set aside the judgment and direct a verdict for the defendant.
  - must retry the case.
  - shall arrest judgment on motion of the defendant.
  - may sentence defendant to probation only.
160. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
161. On motion of the Government, the court may reduce a sentence below the statutory minimum
- within one year of imposition of sentence, to reflect subsequent, substantial assistance in the prosecution of another person.
  - 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.
  - both (a) and (b).
  - neither (a) nor (b).
162. Habeas corpus relief pursuant to 28 U.S.C. 2255 may be sought by:
- a person in custody pursuant to a judgment of a state court.
  - a person in custody awaiting trial in a federal court.
  - a person in custody pursuant to a judgment of any federal court.
  - 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 judgment was imposed in violation of the Constitution or laws of the United States.
  - the court had no jurisdiction.
  - the sentence imposed was in excess of the maximum authorized by law.
  - all of the above.

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

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.
- a) TRUE b) FALSE
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.
- a) TRUE b) FALSE
167. The taking of photographs in the courtroom during the progress of judicial proceedings is permitted with the consent of the defendant.
- a) TRUE b) 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.
- a) TRUE b) 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.
- a) TRUE b) FALSE
170. Calendaring preferences shall be given to criminal proceedings as far as practicable.
- a) TRUE b) FALSE
171. Leave of court is required for voluntary dismissal of an indictment but not an information.
- a) TRUE b) FALSE
172. During the trial of a criminal case, voluntary dismissal is permitted without the consent of the defendant.
- a) TRUE b) FALSE

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

173. If there is a breach of a condition of bond, the district court shall declare a forfeiture of bail.
- a) TRUE b) FALSE
174. The court may set aside a bail forfeiture only if the surety, or bail bondsman, brings the defendant before the court.
- a) TRUE b) FALSE
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.
- a) TRUE b) 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.
- a) TRUE b) 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.
- a) TRUE b) FALSE
178. An indigent defendant may waive the appointment of counsel.
- a) TRUE b) FALSE
179. In a felony case, the presence of the defendant at arraignment may be waived by the non-organization defendant.
- a) TRUE b) 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.
- a) TRUE b) FALSE
181. Trial of a criminal felony case may not proceed in the absence of the defendant, except under narrowly defined circumstances.
- a) TRUE b) FALSE
182. In a criminal case, a corporation must appear through a corporate officer.
- a) TRUE b) 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.
- a) TRUE b) FALSE

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

184. In criminal contempt proceeding, the defendant always has the right to a jury trial.  
a) TRUE b) 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.  
a) TRUE b) FALSE
186. A warrant may not issue to seize property that is not contraband but is merely evidence of a crime.  
a) TRUE b) FALSE
187. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
188. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.  
a) TRUE b) FALSE
190. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
191. A written affidavit must be submitted to the Magistrate Judge before a search warrant may issue.  
a) TRUE b) FALSE
192. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.  
a) TRUE b) FALSE
194. The Federal Rules of Criminal Procedure apply to extradition and rendition of fugitives.  
a) TRUE b) FALSE
195. A criminal defendant may be removed from the trial of his case for persistently disruptive conduct, without warning by the court.  
a) TRUE b) FALSE

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

196. In a habeas corpus proceeding, discovery is permitted only by leave of the court for good cause shown.  
a) TRUE b) FALSE
197. The district court may direct the U.S. Magistrate Judge to preside over evidentiary hearings in habeas corpus proceedings.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE

## Federal Rules of Civil Procedure

### Attorney Admission Study Questions

#### 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
203. The number of peremptory challenges in a diversity case follows the state practice.  
a) TRUE b) 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.  
a) TRUE b) FALSE
205. Under the Federal Rules of Civil Procedure misjoinder of parties is a ground for dismissal of an action.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
208. The statute of limitations is an affirmative defense which must be plead and proved by the defendant -- otherwise it is waived.  
a) TRUE b) 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.  
a) TRUE b) FALSE
210. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
211. In a contract action based upon a written contract, the plaintiff must attach a copy of the document to the complaint.  
a) TRUE b) FALSE

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

212. In a civil action, malice and intent need not be pled with particularity unless a statute specifies otherwise.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
215. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
216. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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.  
a) TRUE b) FALSE
218. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
219. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
220. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
221. Cross-claims are always permissive and never compulsory.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE

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

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.  
a) TRUE b) FALSE
225. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
233. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**

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

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.  
a) TRUE b) FALSE
235. A plaintiff may join a third party as a third party defendant if a counterclaim has been filed against the plaintiff.  
a) TRUE b) FALSE
236. If an "indispensable party" is not and cannot be joined, the court must dismiss the action.  
a) TRUE b) 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.  
a) TRUE b) FALSE
238. Generally, a consent judgment has the same res judicata force and effect as a judgment after a trial on the merits.  
a) TRUE b) FALSE
239. It is the duty of the Clerk of the Court to enter defaults, though the Court may enter a default as well.  
a) TRUE b) FALSE
240. The clerk of the court never has jurisdiction to enter a default judgment without prior approval from the Court.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
243. Upon the court's discretion, it is permissible to vacate a default upon a showing of good cause.  
a) TRUE b) FALSE
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.  
a) TRUE b) FALSE

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

245. The right to a trial by jury in a civil action may never be waived.
- a) TRUE b) FALSE
246. The Federal Rules of Civil Procedure do not create a right to trial by jury for issues in admiralty or maritime claims.
- a) TRUE b) 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.
- a) TRUE b) FALSE
248. Oral depositions, as a discovery device to perpetuate testimony, may be used even before an action has been filed.
- a) TRUE b) FALSE
249. Under the Federal Rules of Civil Procedure, requests for admissions may be served upon non-party witnesses.
- a) TRUE b) FALSE
250. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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.
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.

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

253. Depositions on written questions under Fed.R.Civ.P. 31 are:
- sent to the officer who is to take the deposition.
  - available as to non-parties.
  - both (a) and (b).
  - neither (a) nor (b).
254. Cross-claims in a federal court action:
- may be permissive or compulsory.
  - are asserted against one not a party to the original action.
  - are always tried with the claims asserted in the original action.
  - are technically called counterclaims.
  - None of the above.
255. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
256. The failure to file a reply to any affirmative allegations contained in the answer:
- is deemed an admission of those allegations.
  - subjects the plaintiff to a dismissal for want of prosecution.
  - renders judgment on the pleading for the defendant appropriate.
  - 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:
- amend the Complaint if an answer has not been filed.
  - elect to stand on the pleadings and be finally dismissed.
  - appeal when the dismissal becomes effective.
  - All of the above.
  - None of the above.

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

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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
260. Required disclosure precedes the use of other discovery methods, i.e., depositions, interrogatories, request for admission, etc.
- a) TRUE   b) 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.
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.

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

263. In a civil action, a party who has filed a timely demand for jury trial may withdraw the demand by:
- written stipulation signed by all parties or their attorneys of record or oral stipulation made in open court and entered on the record.
  - filing a written waiver of jury trial.
  - orally waiving jury trial at the pretrial conference.
  - 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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
267. Unless otherwise stated in the notice of dismissal or stipulation, a voluntary dismissal is presumed:
- res judicata with respect to any later suit arising from the same cause of action.
  - collateral estoppel in any later suit with respect to any common issue of fact or law.
  - without prejudice to the subsequent refiling of the same suit, providing no prior dismissal of any action based on or including the same claim.
  - with prejudice to the subsequent refiling of the same suit.
  - to be by stipulation of the parties.
268. A dismissal may be ordered:
- for failure to state a claim upon which relief can be granted.
  - for failure to join an indispensable party.
  - for improper venue.
  - for failure of the plaintiff to prosecute or comply with the procedural rules or any order of court.
  - All of the above.

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

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:
- objections to form of a question or answer.
  - objections to relevancy of testimony.
  - objection to errors in the manner in which the deposition is transcribed.
  - objection to the irregularities in the notice of taking a deposition.
  - All of the above.
270. A party who receives a request for admission from an opponent may:
- 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.
  - ignore the request until such time as the court orders to be filed an answer thereto.
  - orally deny the statements contained therein when his deposition is taken.
  - file timely specific objections to any request which is outside the scope of discovery.
  - 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:
- the amended pleading arose out of the conduct, transaction, or occurrence set forth in the original pleading.
  - the event alleged in the amended pleading occurred after the filing of the original pleading.
  - the United States is the party amending the pleading.
  - doing so will not unduly prejudice the opposing party.
  - None of the above.
272. A defendant may implead a third party when:
- 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.
  - 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.
  - 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.
  - two parties assert claims which are such that the defendant is or may be exposed to double or multiple liability.

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

273. The pre-verdict device that is utilized to attack the sufficiency of the case the plaintiff presents at trial is:
- A motion for summary judgment.
  - A demurrer.
  - A motion for judgment as a matter of law.
  - A motion for judgment notwithstanding the verdict ("Judgment N.O.V.").
  - 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.
- a) TRUE   b) 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:
- should join all of these defenses in a motion to dismiss filed before the Answer.
  - should join all of these defenses in a timely special appearance.
  - can only raise all of these defenses as affirmative defenses in the Answer.
  - should raise only the defense of lack of jurisdiction over the person and lack of subject matter jurisdiction in a timely special appearance.
  - 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:
- motion for Judgment on the Pleadings.
  - motion for Summary Judgment.
  - motion to Strike.
  - All of the above.
  - None of the above.
277. A party filing a complaint in a federal court:
- consents to personal jurisdiction in that court for purposes of any counterclaims.
  - waives any objections to the subject matter jurisdiction of the court.
  - waives the right to commence or participate simultaneously in any state proceeding arising out of the same events or affecting the same subject matter.
  - All of the above.
  - None of the above.

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

278. The defendant's failure to appear in a civil action after proper service of process will generally result in:
- the issuance of a bench warrant for the defendant's arrest.
  - the defendants being held in contempt of court.
  - a stay of the proceedings until the defendant chooses to appear.
  - a default judgment.
  - 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:
- arises out of the transaction or occurrence that is the subject matter of the opposing party's claim.
  - 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.
  - he has against the opposing party.
  - None of the above.
280. A motion for a more definite statement should be granted when:
- the complaint is so indefinite as to require greater specificity to permit the defendant to prepare for trial.
  - a bill of particulars would have been granted at common law.
  - the defendant claims to need greater specificity to frame a responsive pleading or prepare for trial.
  - the Complaint is insufficient as a matter of law.
  - the Complaint is so indefinite that the defendant cannot reasonably frame an answer.
281. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
282. Findings of fact and conclusions of law are necessary when:
- the court grants an interlocutory injunction.
  - the court denies an interlocutory injunction.
  - Both (a) and (b).
  - None of the above.
283. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**

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

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.  
a) TRUE b) 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).
287. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
288. An answer by a party to a request for admission cannot be used against him in another proceeding.  
a) TRUE b) FALSE
289. Replevin is a state remedy which is not available in the federal courts.  
a) TRUE b) FALSE
290. The plaintiff may serve interrogatories on the defendant with the service of the summons and complaint.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE

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

293. The defense of lack of personal jurisdiction is never waived.  
a) TRUE b) FALSE
294. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
299. A timely Motion for Relief from Judgment which alleges fraud or misrepresentation by an adverse party suspends the operation of the judgment.  
a) TRUE b) 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.  
a) TRUE b) FALSE

## Federal Rules of Evidence

### Attorney Admission Study Questions Federal Rules of Evidence

301. The Federal Rules of Evidence govern proceedings in the Courts of the United States and before United States Magistrates.  
a) TRUE b) 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.  
a) TRUE b) FALSE
303. In determining preliminary questions of fact, the court is not bound by the rules of evidence except those with respect to privilege.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
306. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
311. Acts of Congress may create presumptions in certain instances.  
a) TRUE b) FALSE
312. The federal rules address the question of presumptions against an accused in a criminal case.  
a) TRUE b) FALSE
313. Evidence which is not relevant is admissible when offered by a defendant in a criminal prosecution.  
a) TRUE b) 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.  
a) TRUE b) FALSE
315. The Supreme Court may prescribe, pursuant to statutory authority, rules bearing on the admissibility of relevant evidence.  
a) TRUE b) FALSE
316. Relevant evidence may be excluded on grounds of prejudice, confusion or waste of time.  
a) TRUE b) 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.  
a) TRUE b) FALSE
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).  
a) TRUE b) FALSE

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

319. Character evidence is always admissible to prove the conduct of a person so long as the evidence is carefully screened by the judge.  
a) TRUE b) FALSE
320. Admissible character evidence may be proved by testimony as to reputation.  
a) TRUE b) FALSE
321. Admissible character evidence may be in the form of an opinion.  
a) TRUE b) FALSE
322. Specific instances of conduct may not be used under any circumstances to show a trait of a person's character.  
a) TRUE b) 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.  
a) TRUE b) FALSE
325. Evidence of a person's habits is sometimes admissible.  
a) TRUE b) FALSE
326. Evidence of habit of a person or the routine practice of an organization is admissible only if corroborated.  
a) TRUE b) FALSE
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.  
a) TRUE b) FALSE
328. Evidence of subsequent remedial measures is admissible when the feasibility of precautionary measures is controverted.  
a) TRUE b) FALSE

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

329. Evidence of conduct or statements made in compromise negotiations is not admissible to prove liability.
- a) TRUE   b) 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.
- a) TRUE   b) FALSE
332. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
333. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
334. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.
- a) TRUE   b) 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.
- a) TRUE   b) FALSE

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

338. Privileges may be statutorily or constitutionally based.  
a) TRUE b) FALSE
339. Generally, in diversity actions arising out of automobile accidents, questions regarding privilege of a witness are determined in accordance with state law.  
a) TRUE b) 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.  
a) TRUE b) FALSE
341. In civil actions and proceedings, the competency of a witness is always determined in accordance with state law.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) 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.

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

347. Interpreters certified by the Chief Judge are not subject to the rules relating to qualification as an expert.  
a) TRUE b) 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).
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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
351. Evidence of a promise to pay medical expenses resulting from an injury is not admissible to prove liability for the injury.  
a) TRUE b) FALSE
352. Parties are always entitled to cross-examine witnesses called by the court.  
a) TRUE b) FALSE
353. Evidence of subsequent remedial measures is admissible to prove ownership or control if controverted.  
a) TRUE b) FALSE
354. The credibility of a witness may be attacked by the party calling the witness.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE

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

357. Cross-examination as to any relevant issue in the case may never be curtailed by the court.
- a) TRUE b) FALSE
358. The court may interrogate witnesses, within limits, whether called by the court or by a party.
- a) TRUE b) FALSE
359. Determination of mental competency of a witness to testify is a question for the judge.
- a) TRUE b) 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.
- a) TRUE b) 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.
- a) TRUE b) 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.
- a) TRUE b) 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.
- a) TRUE b) FALSE
364. A witness can be impeached by cross-examination to show bias.
- a) TRUE b) FALSE
365. Rule 613(b) provides that a witness who testifies at trial can not 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.
- a) TRUE b) 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.
- a) TRUE b) FALSE
367. A witness may be impeached by introducing proof of a prior conviction of a felony involving dishonesty.
- a) TRUE b) FALSE

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

368. A witness can always be impeached by introducing proof of prior arrests, without conviction.  
a) TRUE b) FALSE
369. Testimony which assumes material facts which have not yet been established is admissible under specified circumstances.  
a) TRUE b) FALSE
370. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.  
a) TRUE b) FALSE
372. A witness who has not been impeached can be fortified by evidence of good character.  
a) TRUE b) FALSE
373. In a defamation case, a witness can testify that he heard the defendant make the defamatory statement.  
a) TRUE b) FALSE
374. In order for the former testimony of a witness to be admissible, the witness must be presently unavailable.  
a) TRUE b) FALSE
375. In order for a dying declaration to be admissible, it is necessary that the declarant believed death was imminent.  
a) TRUE b) 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.  
a) TRUE b) FALSE
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.  
a) TRUE b) FALSE

## Attorney Admission Study Questions

### Federal Rules of Evidence

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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
382. The trial judge has discretion in controlling the mode and order of interrogation of witnesses and presentation of evidence.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE

## Attorney Admission Study Questions

### Federal Rules of Evidence

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.
- a) TRUE   b) FALSE
389. If the declarant is unavailable as a witness, a hearsay statement made under belief of impending death is always admissible.
- a) TRUE   b) FALSE
390. Domestic public documents under seal are admissible as self-authenticating documents.
- a) TRUE   b) FALSE
391. A duplicate of a writing, recording, or photograph is admissible to the same extent as an original unless:
- a genuine question is raised as to the authenticity of the original.
  - the opposing party has not previously seen the original.
  - there has been no showing that the original was lost or destroyed.
  - 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?
- Statements of medical diagnosis.
  - Records of regularly conducted activity.
  - Learned treatises.
  - All are exceptions.
393. Hearsay is:
- an oral statement.
  - a written statement.
  - made outside the trial.
  - offered to prove the truth of the matter asserted.
  - all of the above.

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

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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.
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.

**Attorney Admission Study Questions**

**Federal Rules of Evidence**

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

### Attorney Admission Study Questions

#### 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:
- where the amount in controversy exceeds \$75,000.
  - there is no minimum amount in controversy.
  - unless there is also diversity of citizenship between the parties, then \$75,000 must be the minimum amount in controversy.
  - (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
- 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.
  - 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.
  - 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.
  - can never accept jurisdiction over the state claim.
403. Federal district courts have original and exclusive jurisdiction over:
- most proceedings in bankruptcy filed under Chapter 11.
  - any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled.
  - to redress the deprivation under color of state law of any right secured by the Constitution of the United States.
  - (a) and (b).
  - (a), (b) and (c).
404. In a suit predicated upon diversity jurisdiction, the Court:
- determines jurisdiction by examining the citizenship of the parties at the time the action is commenced.
  - is bound by the plaintiff's allegations of citizenship, and alignment of parties.
  - must accept jurisdiction in all cases between citizens of different states.
  - (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 United States citizen who maintains a domicile in Mexico.
  - a citizen of Georgia who moved to Florida six months after being served with the complaint.
  - a corporation which is incorporated in New York and has its principal place of business in Miami.
  - 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:
- pendent party doctrine.
  - abstention doctrine.
  - ancillary jurisdiction doctrine.
  - 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:
- abstention.
  - caveat emptor.
  - comity.
  - lex loci delictus.
408. A plaintiff who has an in personam claim for breach of a maritime contract may:
- invoke federal admiralty jurisdiction.
  - bring an action in state court.
  - bring an action in United States District Court.
  - (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 federal district court by invoking admiralty jurisdiction.
  - a state court of general jurisdiction.
  - an action in United States District Court.
  - 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:
- in federal district court under admiralty jurisdiction.
  - in state court.
  - in an action in federal court.
  - All of the above.
411. Which of the following statement(s) is (are) true?
- 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.
  - The amount actually recovered by the plaintiff will determine whether the Court had jurisdiction.
  - 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.
  - Attorney's fees cannot be included in computing the amount in controversy.
412. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
413. The jurisdictional amount requirement in United States District Courts:
- confers jurisdiction over the subject matter in all cases which exceed \$10,000, exclusive of interest and costs.
  - is applicable to general federal question cases.
  - is applicable in all cases founded upon diversity of citizenship.
  - is applicable in a patent case.
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.
- Since only the defendant may move to remand, the motion should be denied.
  - Remand must be granted for lack of diversity.
  - Denied as removal is proper.
  - Motion to remand granted because plaintiff has not alleged the minimum jurisdictional amount.

## Attorney Admission Study Questions

### Federal Jurisdiction and Venue

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.
- The motion is denied as there is complete diversity, and the minimum jurisdictional amount is satisfied.
  - The motion is granted.
  - The motion is granted because the corporation's principal place of business is not in Florida.
  - The motion is granted because the plaintiff is a citizen of Florida.
416. For diversity jurisdiction, a corporation is a citizen of:
- the states of incorporation and principal place of business.
  - the state where the majority of stockholders reside.
  - any state where it is doing business.
  - 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:
- remand. A citizen of the forum state may not remove.
  - permit defendant to amend his answer to assert a defense which involves a federal question.
  - deny the motion since there is diversity.
  - permit further discovery on this issue.
418. For purposes of diversity of citizenship in the federal courts:
- every United States citizen is a citizen of one of the fifty states.
  - a corporation is a citizen of every state in which it is licensed to do business.
  - a corporation is a citizen of every state which would be an appropriate venue.
  - a corporation is a citizen of the state wherein it is incorporated.
419. Subject matter jurisdiction in a federal court:
- always depends upon the plaintiff having plead that the matter in controversy exceeds \$10,000.
  - is not significant in that federal courts are courts of general jurisdiction.
  - may be put in issue by the court sua sponte.
  - may not be challenged after filing a motion to dismiss.

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

420. The burden of proof concerning jurisdictional facts, if challenged, falls on:
- the plaintiff in all but removed cases.
  - the defendant in all cases.
  - the defendant in a removed action.
  - the plaintiff in removed cases.
  - (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:
- Florida.
  - Alabama.
  - Georgia.
  - None of the above.
422. Generally a federal court will find that the jurisdictional amount is satisfied:
- unless there is a legal certainty that the amount cannot be reached.
  - if the plaintiff, in an original action, has alleged the amount in good faith.
  - only when the award is for at least the jurisdictional amount.
  - (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:
- sue for less than \$75,000.
  - bring suit in Georgia state court.
  - assign 1/100 of the claim to a Georgia citizen.
  - (a) or (b).

## Attorney Admission Study Questions

### Federal Jurisdiction and Venue

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:
- payment of the district court filing fee.
  - notification of the adversaries of an intent to remove.
  - the notification of the adversaries and the state court.
  - after a motion to remand, if filed, is denied.
425. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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:
- citizens of different states.
  - citizens of a state and citizens of a foreign state.
  - citizens of a state and any other United States citizen.
  - (a) and (b).
427. The following are citizens for diversity purposes:
- The United States.
  - A State.
  - Cities and towns.
  - (b) and (c).
428. The following statement is true.
- If there is diversity jurisdiction, the Court will always hear a domestic relations matter.
  - If there is diversity, the Court will always hear a probate matter.
  - If there is jurisdiction over the complaint, the Court has supplemental jurisdiction over any compulsory counterclaim.
  - (a) and (b).

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

429. The amount in controversy requirement does not apply in:
- admiralty cases.
  - bankruptcy proceedings.
  - federal question cases.
  - All of the above.
430. The following is (are) never included in calculating the amount in controversy:
- attorney's fees of the plaintiff.
  - costs.
  - punitive damages.
  - (b) and (c).
431. The following statement is true.
- For diversity jurisdiction, complete diversity is required at all stages of the litigation.
  - 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.
  - Federal diversity jurisdiction is determined by examining the parties' citizenship at the time the cause of action accrued.
  - 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:
- 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.
  - For diversity purposes, a member of the military service is presumed to retain his domicile at the time of enlistment.
  - 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.
  - All of the above.
433. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**

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

434. Removal: Which statement is true?
- means moving a case from federal to state court.
  - means moving a case from state to federal court.
  - means moving within the same district and division in the state the action is pending.
  - means moving from one federal district to another federal district.
435. In a federal question case, removal may be accomplished:
- without regard to the citizenship or residence of the parties.
  - only if all of the plaintiffs are citizens of the district.
  - only if all of the defendants are citizens of the district.
  - none of the above.
436. Which statement is false.
- 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.
  - 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.
  - In some instances when the plaintiff is adjudged to recover less than \$75,000, the district court may deny costs.
  - The \$75,000 requirement is mandatory in diversity actions.
437. When the removal becomes effective, a state court can:
- take no action at all.
  - take action until enjoined by the federal court.
  - take action concurrently with the federal court.
  - 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:
- the federal court must dismiss the action because less than the jurisdictional amount is involved.
  - the size of the recovery is of no concern to the court.
  - the court may deny costs to the plaintiff and may impose costs on the plaintiff.
  - none of the above.

## Attorney Admission Study Questions

### Federal Jurisdiction and Venue

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:
- reduce his prayer for relief and thus get the case remanded to the state court.
  - 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.
  - not avoid litigating the matter in the federal court.
  - 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:
- invoke the abstention doctrine.
  - transfer under 28 U.S.C. 1404 (to a more convenient forum).
  - remand the action as improvidently removed.
  - All of the above.
441. Federal diversity jurisdiction is determined by examining the \_\_\_\_\_ of the parties at the time an action is commenced:
- citizenship
  - residence
  - domicile
  - (a) and (b)
442. An example of concurrent state and federal subject matter jurisdiction is:
- all cases of admiralty and maritime jurisdiction.
  - civil rights cases under 42 U.S.C.A. 1983.
  - diversity litigation with \$10,000 involved.
  - patent litigation.
  - litigation against consuls or vice consuls of foreign states.
443. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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.
- a) TRUE   b) FALSE

## Attorney Admission Study Questions

### Federal Jurisdiction and Venue

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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) 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.  
a) TRUE b) FALSE
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).

## Attorney Admission Study Questions

### Federal Jurisdiction and Venue

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:
- the defendant's place of residence.
  - the place the event began.
  - the place the event ended.
  - either (b) or (c).
453. A criminal case can be transferred to another district upon:
- motion of the plaintiff.
  - motion of the defendant.
  - both (a) and (b).
  - neither (a) nor (b).
454. In a civil action based solely on diversity of citizenship, proper venue can be:
- where all the plaintiffs reside.
  - where all the defendants reside.
  - either (a) or (b).
  - 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.
- a) TRUE   b) FALSE
456. If venue in one district is improper, a Federal court can transfer the case to the proper district:
- only if venue is proper in the new district under the federal venue statutes.
  - only where the defendant would be subject to service in the new district.
  - only where the transferor court has subject matter jurisdiction.
  - all of the above.
457. The proper venue for a civil action not based solely on diversity of citizenship is:
- the plaintiff's place of residence.
  - the defendant's place of residence.
  - where the claim arose.
  - both (b) and (c).
  - (a), (b) and (c).

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

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.
- a) TRUE   b) 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.
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.

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

463. If the defendant in a criminal action moves for a change of venue, a Federal court may order the change:
- if the change would be for the convenience of the parties and witnesses, and "in furtherance of justice".
  - if there is a substantial likelihood of prejudice to the defendant.
  - both (a) and (b).
  - none of the above.
464. An action brought in a federal district court in which there is proper venue for the action:
- may be transferred on motion of the defendant to the state courts of the state in which the district court sits.
  - 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.
  - may be transferred on motion of either party to any other federal district court in which the action might have been brought.
  - 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 U.S. District Court in New York.
  - a U.S. District Court in Florida.
  - a U.S. District Court where a majority of Y's corporate shareholders reside.
  - both (a) and (b).
  - (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:
- any U.S. District Court plaintiff chooses.
  - any U.S. District Court in Florida.
  - any U.S. District Court in New York.
  - only (b) and (c).
  - none of the above.

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

467. A party consents to improper venue if:
- the party fails to raise a prompt objection to venue.
  - a party can never consent to improper venue.
  - 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:
- the Northern District of Florida.
  - where the plaintiff resides.
  - the Southern District of Florida.
  - all of the above.
  - only a & c.
469. Civil actions concerning real property located in different districts within the same state:
- must be brought in the district where the plaintiff resides.
  - must be brought in each district where the property is located.
  - may be brought in any district within the same state where the property is located.
  - both (a) and (b).
470. Actions for the collection of internal revenue taxes may be brought:
- in the district where the tax liability accrues.
  - in the district where the tax return was filed.
  - in the district of the taxpayer's residence.
  - all of the above.
471. Actions filed in an improper district may be:
- transferred to a different district in which it could have been brought.
  - dismissed.
  - transferred to the district where the Plaintiff resides, even if the claim is not founded solely on diversity of citizenship.
  - (a) and (b).

## Attorney Admission Study Questions

### Federal Jurisdiction and Venue

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:
- the district where the cause of action arose.
  - the plaintiff's place of residence.
  - the district in which a defendant resides.
  - all of the above.
  - 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:
- the district where the cause of action arose.
  - the plaintiff's place of residence, even if real property is involved.
  - the district in which a defendant resides.
  - all of the above.
  - 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:
- the Southern District of Florida.
  - the Middle District of Florida.
  - any district within the State of Florida.
  - 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:
- the Southern District of Florida.
  - the Middle District of Florida.
  - both (a) and (b).
  - neither (a) nor (b).

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

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).
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.
- a) TRUE b) 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.
- a) TRUE b) 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.
- a) TRUE b) 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.
- a) TRUE b) FALSE
482. The district courts have exclusive jurisdiction of any civil action arising under any Act of Congress relating to patents.
- a) TRUE b) FALSE

## Attorney Admission Study Questions

### Federal Jurisdiction and Venue

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.  
a) TRUE b) FALSE
484. Crossclaims under Fed.R.Civ.P. 13(g) fall within the court's supplemental jurisdiction.  
a) TRUE b) FALSE
485. Federal question jurisdiction may exist for a claim founded upon federal common law as well as those of federal statutory origin.  
a) TRUE b) FALSE
486. Parties to an action may agree to extend the jurisdiction of the subject matter of a federal court.  
a) TRUE b) FALSE
487. Domicile for purposes of diversity jurisdiction is determined in accordance with state law.  
a) TRUE b) FALSE
488. The general rules of civil procedure apply to remedies seeking maritime attachment or actions in rem.  
a) TRUE b) FALSE
489. An admiralty action in rem may be brought:
- to enforce any maritime lien.
  - whenever a statute of the United States provides for a maritime action in rem.
  - all the above.
490. Every complaint and claim in an in rem admiralty action:
- shall be verified on oath or solemn affirmation.
  - 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.
  - may be plead without having to state with reasonable particularity the property that is the subject of the action.
  - all the above.
  - (a) and (b).
491. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**

## Attorney Admission Study Questions

### Federal Jurisdiction and Venue

492. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
493. In an admiralty action in rem, interrogatories may only be served with leave of court.
- a) TRUE b) FALSE
494. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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.
- a) TRUE b) FALSE
496. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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.
- a) TRUE b) FALSE
498. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
499. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.
- a) TRUE b) FALSE

## Local Rules

### Attorney Admission Study Questions Answers to Local Rules

1. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
10. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
11. c - S.D. Fla. L.R. 16.1.B.2(d)
12. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
13. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
14. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
15. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
16. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
17. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
18. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
19. FALSE - S.D. Fla. L.R. 16.2G(2)
20. d - Magistrate 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

**Attorney Admission Study Questions**  
**Answers to Local Rules**

28. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
29. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
30. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
31. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
32. c - S.D. Fla. L.R. 7.1.D
33. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
34. TRUE - S.D. Fla. L.R. 16.1.C
35. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
36. FALSE - S.D. Fla. L.R. 16.1.G PTC is on record
37. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
38. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
39. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
40. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
41. a - Magistrate Rules 1(f) (c) includes entering final orders
42. TRUE - S.D. Fla. L.R. 77.1
43. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
50. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
51. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
52. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**

**Attorney Admission Study Questions**  
**Answers to Local Rules**

53. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
54. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
55. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
56. c - S.D. Fla. L.R. 7.1.F
57. d - S.D. Fla. L.R. 16.1D
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
61. d - S.D. Fla. L.R. 5.4.B
62. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
63. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
64. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
65. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
75. FALSE - Internal Operating Procedure 2.13.00
76. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
77. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
78. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**

**Attorney Admission Study Questions**  
**Answers to Local Rules**

79. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
80. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
81. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
82. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
83. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
84. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
85. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
86. c - Internal Operating Procedure 8.01.00 all others may violate blind assignments
87. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
100. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**

## Federal Rules of Criminal Procedure

### Attorney Admission Study Questions Answers to Federal Rules of Criminal Procedure

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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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))

**Attorney Admission Study Questions**  
**Answers to Federal Rules of Criminal Procedure**

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))
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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
154. TRUE - (Fed.R.Crim.P. 32(e)(3))
155. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
156. d - (Fed.R.Crim.P. 32.1(b))
157. TRUE - (Fed.R.Crim.P. 33(b)(1))
158. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
159. c - (Fed.R.Crim.P. 34)
160. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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))

**Attorney Admission Study Questions**  
**Answers to Federal Rules of Criminal Procedure**

- 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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
- 188. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
- 189. TRUE - (Fed.R.Crim.P. 41(b)(1))
- 190. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
- 191. FALSE - (Fed.R.Crim.P. 41(d)(2)(B) & (C) and 41(d)(3))
- 192. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
- 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 Rules 1E, 2; Rules Governing Proceedings under 28 U.S.

## **Attorney Admission Study Questions**

### **Answers to Federal Rules of Criminal Procedure**

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

### Attorney Admission Study Questions Answers to Federal Rules of Civil Procedure

201. FALSE - (Conley v. Gibson, 355 U.S. 41, 47 (1957); Hiatt v. Schreiber, 599 F. Supp. 1142 (D.C. Colo. 1984)
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
216. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
217. FALSE - (Fed.R.Civ.P. 6(a))
218. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
219. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
220. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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)

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

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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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.
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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
260. TRUE - (Fed.R.Civ.P. 26(a))
261. e - (Fed.R.Civ.P. 30(a), 45(b))

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

262. c - (McNutt v. General Motors Acceptance Corp., 56 S. Ct. 780 (1935); C. Wright, Law of Federal Courts,
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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)
279. b - (Fed.R.Civ.P. 13(b))
280. e - (Fed.R.Civ.P. 12(e))
281. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
282. c - (Fed.R.Civ.P. 52(a))
283. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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
293. FALSE - (Fed.R.Civ.P. 12(h)(1))

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

294. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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

### Attorney Admission Study Questions Answers to Federal Rules of Evidence

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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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 re
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**

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

333. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
334. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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)
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)
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))

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

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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
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)
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. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
397. d - (Fed.R.Evid. 803(5), (8), (9))
398. d - (Fed.R.Evid. 804(a), (b))

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

399. d - (Fed.R.Evid. 804(b)(1), (2), (3))

400. d - (Fed.R.Evid. 1101(d)(1), (2), (3))

## Federal Jurisdiction and Venue

### Attorney Admission Study Questions Answers to Federal Jurisdiction and Venue

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)
405. b - (Smith & Carter, 545 F.2d 909 (5th Cir. 1977); Van Der Schelling v. U.S. News & World Report, Inc.
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 C
412. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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.
420. e - (C. Wright, Law of Federal Courts, 7, 22-23 (4th ed. 1983); McNutt v. General Motors Acceptance Corp
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.
423. d - (Gentle v. Lamb-Weston, Inc., 302 F. Supp. 161 (D.C. Me. 1969); McClanahan v. Snodgrass, 319 F. Supp
424. c - (28 U.S.C.A. 1446(a)-(d))
425. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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,
428. c - (Baker v. Gold Seal Liquors, Inc., 94 S. Ct. 2504, 2506, n.1 (1974); Csihi v. Fustus, 670 F.2d 134, 136
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.2
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))

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

433. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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
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)
442. b - (Harris v. Birmingham Bd. of Educ., 817 F.2d 1525, 1526-27 (11th Cir. 1987); Spencer v. South Fla. Water Manag
443. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
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))
456. d - (Windmere Corp. v. Remington Prods., Inc., 617 F. Supp. 8, 10 (S.D. Fla. 1985); C. Wright, Law of Federal Courts,
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))

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

466. e - (No federal court has subject matter jurisdiction, because there is not diversity of citizenship. 28 U.S.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
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
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 Fed
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. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
492. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
493. FALSE - (Admiralty and Maritime Supplemental Rule C(6))
494. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
495. TRUE - (Local Admiralty Rule E(5)(b)(1))
496. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
497. FALSE - (Local Admiralty Rule A(4))

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

498. **Question under review for updating in light of amendments to the Federal Rules and interim time calculations under Administrative Order 2009-51 effective December 1, 2009.**
499. **Question under review for updating in light of amendments to the Federal Rules and Administrative Order 2011-100 effective December 1, 2011.**
500. TRUE - (Saladin v. City of Milledgeville, 812 F.2d 687, 690 (11th Cir. 1987))