

Mock Trial Practice Law Test

NOTE: The practice law test is provided as an example and will not be updated each year. Below are sample questions that are similar to those that students may see on the real test. The questions on the test given at the Mock Trial Invitational may relate to the current case materials, the mock trial rules, and the structure of a trial. For more information on the Law Test please see the Mock Trial Handbook, Section V.

1. A stipulation is:
 - a. a technical objection used only for mock trials
 - b. a fact agreed to by both sides in order to save time and simplify issues
 - c. a term used by the judge to describe evidence not admitted during the trial
 - d. a fact that may only be discussed in opening or closing statements
 - e. none of the above

2. “What happened on the date in question,” is an example of a(n):
 - a. narrative question
 - b. leading question
 - c. closed ended question
 - d. impeachment
 - e. irrelevant question

3. Attorneys may only ask leading questions:
 - a. during direct examination
 - b. during cross examination
 - c. during opening statements
 - d. during closing arguments
 - e. to the judge

4. The objective of a closing argument is to:
 - a. Provide a clear and persuasive summary
 - b. Point out weaknesses in the opposition’s arguments
 - c. Argue your own position
 - d. A, B and C
 - e. A and C only

5. To impeach a witness means:
 - a. The witness can no longer testify
 - b. The opposing lawyer objected and the objection was sustained
 - c. You are calling a witness to the stand
 - d. You are challenging the witness’s credibility, memory or honesty
 - e. You are agreeing with everything the witness has said

6. The “burden of proof” is greater in which of the following procedures?
 - a. Criminal trial
 - b. Civil trial
 - c. Grand jury indictments
 - d. Mediation
 - e. Arbitration

7. During trial, which of the following is *not* true?
 - a. You should rise when addressing the judge
 - b. You should badger the witnesses until you get the answers you want
 - c. You should direct all remarks to the judge or witnesses, not to opposing counsel
 - d. Don’t make objections unless you have a basis
 - e. Don’t ask witnesses about what they think might have happened

8. In a jury trial, the final decision of the jury as read by the judge is called:
 - a. Voir dire
 - b. Statement of fact
 - c. Pleading
 - d. Verdict
 - e. Interrogatory

9. Sequestering a jury means:
 - a. Asking the jury questions
 - b. Selecting the jury
 - c. Polling the jury to see if a verdict is unanimous
 - d. Keeping members of the jury away from other people, as well as the media
 - e. Providing meals for the jury

10. In *Dunn v. Davies*, it is stipulated that:
 - a. Dr. Taylor Worsley is an expert.
 - b. Dr. Cameron Leonard is an expert.
 - c. A CT Scan was performed on Pat Dunn on March 3, 2015.
 - d. Counsel may NOT object to the use of a black and what copy of any exhibit during trial.
 - e. All of the above.

11. If a cross-examining lawyer asks a question and the witness gives an answer that doesn't answer the question, what is the proper objection?
 - a. Extraneous
 - b. No foundation
 - c. Non-responsive
 - d. Asked and answered
 - e. Badgering

12. What is the term used when a witness intentionally lies under oath?
 - a. hearsay
 - b. narrative responsive
 - c. perjury
 - d. duress
 - e. coercion

13. Circumstantial evidence may be relied upon:
 - a. in criminal cases only
 - b. only when it relates to character
 - c. if it leads to a reasonable inference based on other facts
 - d. can be used only in appellate cases
 - e. in civil cases only

14. Jury instructions tell the jury:
 - a. how they are to behave in court
 - b. whether the defendant is guilty or innocent
 - c. where to sit
 - d. the procedures they must follow when deliberating the case
 - e. that they cannot go home until they have rendered a verdict

15. Voir Dire is examination of:
 - a. the judge
 - b. prosecutors
 - c. defense attorneys
 - d. potential jurors
 - e. witnesses

16. In order to prove negligence, the Plaintiff has the burden of proving which of the following:
- That the defendant acted or failed to act in one of the ways claimed by the plaintiff, and that in so acting or failing to act, the defendant was negligent.
 - That the plaintiff was injured.
 - That the negligence of the defendant was a proximate cause of the injury to the plaintiff.
 - All of the above.
 - None of the above.

17. Complete the following sentence:

The _____ must prove the evidence _____ in a _____ case.

- plaintiff; beyond a reasonable doubt; civil
 - plaintiff; by preponderance of the evidence, criminal
 - prosecution; beyond a reasonable doubt; criminal
 - prosecution; by preponderance of the evidence; criminal
 - prosecution; beyond a reasonable doubt; civil
18. The “burden of proof” is greatest in which of the following proceedings:
- a civil trial
 - a grand jury investigation
 - a mediation proceeding
 - an arbitration proceeding
 - a criminal trial

True/False Questions: Mark **A** if the statement is true; Mark **B** if the statement is false.

19. In the American justice system, all people are presumed to be guilty until proven innocent.
20. In a civil case, as in a criminal case, you have the right to a court appointed attorney.
21. In a civil case, the plaintiff is the person or entity being sued.
22. In mock trials, as in real trials, objections may be made during opening statements.
23. An excited utterance is not admissible because such a statement is less reliable.
24. Under mock trial rules, teams may call a hostile witness if the situation merits.
25. Student attorneys must ask the presiding Judge for permission to approach the witness of the bench.
26. Stipulations are considered equal to evidence during the trial.
27. Both sides are allowed rebuttal time at the conclusion of closing arguments.
28. Opening statements and closing arguments are not a part of the evidence to be considered by the jury.
29. This mock trial case is being tried in federal court.
30. Mock trial rules allow costumes for witnesses.
31. In mock trial, witnesses may not use notes.
32. In *Dunn v. Davies*, the Defendant's motion to dismiss was denied by Judge Catherine Meyer.
33. According to the jury instructions, negligence means "the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not, under circumstances similar to those shown by the evidence."
34. According to the definition of "comparative negligence", the plaintiff's comparative negligence, which is 50% or less of the total proximate cause of the injury or damage for which recovery is sought, does not bar his/her recovery.

35. In *Dunn v. Davies*, whether a party is insured or not insured has no bearing on any issue that the jury must decide.

**PLEASE RETURN TEST AND ANSWER SHEET TO
THE LAW TEST ADMINISTRATOR**