

SIMULATION EXAM 7 (100 QUESTIONS)

American Legal System & Sources of Law (Questions 1–8)

1. A paralegal needs to determine which court's decisions are binding on a federal district court in the Southern District of New York. Which court's decisions would be mandatory authority?

- A. The Third Circuit Court of Appeals
- B. The Second Circuit Court of Appeals
- C. The Ninth Circuit Court of Appeals
- D. The Supreme Court of New York (state court)

2. Which of the following is a characteristic of the civil law legal system that distinguishes it from the common law system?

- A. It relies primarily on judicial precedent
- B. It gives courts broad authority to create new legal rules
- C. It emphasizes case-by-case adjudication
- D. It relies primarily on comprehensive statutory codes rather than judicial precedent

3. The power of Congress to enact legislation regulating interstate commerce derives from:

- A. The Commerce Clause of the U.S. Constitution
- B. The Supremacy Clause

- C. The Fourteenth Amendment
- D. The Administrative Procedure Act

4. A researcher discovers that two federal circuit courts have reached opposite conclusions on the same legal question. This situation is known as:

- A. Stare decisis
- B. Federal preemption
- C. A circuit split
- D. Judicial review

5. Which of the following describes the concept of "original jurisdiction"?

- A. The power of an appellate court to review lower court decisions
- B. The authority of a court to hear a case for the first time
- C. The power to overturn unconstitutional statutes
- D. The authority to issue advisory opinions

6. In the hierarchy of legal authority within a state, which source stands above all others?

- A. The state constitution
- B. State administrative regulations
- C. Decisions of the state's intermediate appellate court
- D. State statutes

7. An administrative law judge (ALJ) conducts hearings and issues decisions within:

- A. The federal court system
- B. The state court system
- C. An administrative agency
- D. The United States Supreme Court

8. Which of the following accurately describes the relationship between trial courts and appellate courts?

- A. Trial courts review appellate court decisions for legal errors
- B. Appellate courts conduct new trials with new evidence
- C. Trial courts and appellate courts have identical functions
- D. Trial courts find facts and apply law, while appellate courts review for legal errors

Primary Authority Research (Questions 9–23)

9. A paralegal is researching federal banking regulations. These regulations would most likely be found in which title of the Code of Federal Regulations?

- A. Title 40
- B. Title 12
- C. Title 18
- D. Title 29

10. When a statute includes a "severability clause," it means:

- A. If one provision is found invalid, the remaining provisions continue in effect

- B. The statute expires after a specified period
- C. The statute applies only to federal agencies
- D. The statute cannot be amended

11. A researcher is looking for cases decided by the United States Supreme Court. Which of the following is the official reporter?

- A. Supreme Court Reporter (S. Ct.)
- B. Lawyers' Edition (L. Ed.)
- C. United States Reports (U.S.)
- D. Federal Reporter (F.)

12. The canon of construction *expressio unius est exclusio alterius* means:

- A. General terms should be interpreted broadly
- B. Statutes should be interpreted to avoid absurd results
- C. Criminal statutes should be interpreted narrowly
- D. The express mention of one thing implies the exclusion of others

13. A researcher needs to find the text of a treaty between the United States and another country. Which source would be most appropriate?

- A. The Code of Federal Regulations
- B. Treaties and Other International Acts Series (TIAS) or through the State Department
- C. The Federal Supplement
- D. A state statutory code

14. When conducting case law research, a researcher finds that a case has been "depublished" by the issuing court. This means:

- A. The court has withdrawn the opinion from official publication, limiting its precedential value
- B. The case has been affirmed on appeal
- C. The case has been overruled by a subsequent decision
- D. The case has been published in an additional reporter

15. A paralegal needs to research state court rules governing the filing of motions in California. The best source is:

- A. The Federal Rules of Civil Procedure
- B. The United States Code
- C. The California Rules of Court and the California Code of Civil Procedure
- D. A legal encyclopedia entry on motion practice

16. Federal administrative agencies are created by:

- A. Executive orders exclusively
- B. Judicial decisions interpreting the Constitution
- C. State legislatures
- D. Congressional enabling statutes

17. A researcher finds a relevant federal statute in the U.S.C.A. and notices a "Historical and Statutory Notes" section following the statutory text. This section contains:

- A. Judicial opinions interpreting the statute
- B. Information about the statute's legislative history, amendments, and effective dates

- C. The agency's implementing regulations
- D. Secondary source commentary on the statute

18. The doctrine of exhaustion of administrative remedies requires:

- A. A party to pursue all available remedies within the agency before seeking judicial review
- B. A court to review every agency decision de novo
- C. An agency to consult with Congress before issuing final rules
- D. A party to file a complaint in federal court before contacting an agency

19. A researcher is looking for all reported cases from the state courts of Oregon. The relevant regional reporter is:

- A. The South Eastern Reporter
- B. The North Eastern Reporter
- C. The Pacific Reporter
- D. The Atlantic Reporter

20. When a federal statute includes a definition of "employer" that differs from the common understanding of the term, a court interpreting the statute should:

- A. Apply the common dictionary definition
- B. Ignore the statutory definition and use its own interpretation
- C. Apply the definition provided by the nearest state statute
- D. Apply the statutory definition because it controls within the statute

21. A paralegal discovers that a state statute was enacted in response to a specific court decision that the legislature disagreed with. This is an example of:

- A. A legislative override
- B. Judicial review
- C. Executive preemption
- D. Administrative rulemaking

22. The Statutes at Large differ from the United States Code in that the Statutes at Large:

- A. Organize statutes by subject matter
- B. Publish statutes in the exact form they were enacted, in chronological order
- C. Include only currently effective statutes
- D. Contain annotations to interpreting cases

23. A researcher needs to find federal court opinions addressing the constitutionality of a specific state law. The most efficient approach is to:

- A. Browse the entire Federal Reporter from beginning to end
- B. Search a legal dictionary for the name of the state law
- C. Read every volume of the state's official reporter
- D. Search Westlaw or Lexis+ using the name or citation of the state law combined with constitutional terms

Secondary Authority Research (Questions 24–33)

24. A researcher needs to determine the standard elements required to prove a claim for intentional infliction of emotional distress. Which secondary source would provide the most authoritative and concise statement?

- A. A legal dictionary
- B. A form book
- C. The Restatement (Third) of Torts
- D. A state bar newsletter

25. Which of the following is a key difference between ALR annotations and legal encyclopedias?

- A. ALR annotations provide focused, in-depth analysis of a single narrow issue while encyclopedias provide broad overviews
- B. ALR annotations are binding authority while encyclopedias are not
- C. Legal encyclopedias cover narrower topics than ALR annotations
- D. ALR annotations are published by the government

26. A law student writes a detailed analysis of an emerging Fourth Amendment issue for a law journal. This work would be classified as:

- A. A lead article
- B. A student note or comment
- C. A treatise
- D. A Restatement provision

27. A researcher is analyzing a commercial lease dispute and needs to understand how the implied warranty of habitability applies in the relevant jurisdiction. The most authoritative secondary starting point is:

- A. A legal dictionary definition
- B. A state bar newsletter article
- C. A pattern jury instruction

D. A leading treatise on landlord-tenant law or property law

28. The American Law Institute periodically updates the Restatements to reflect developments in the law. The most current revision of a Restatement topic is indicated by:

A. The word "Original" in the title

B. The publisher's name

C. The series designation (Second or Third)

D. The number of pages in the volume

29. A paralegal needs to find secondary source analysis of a specific issue involving the Federal Arbitration Act. Which source is most likely to provide comprehensive scholarly treatment?

A. A legal dictionary

B. A form book for arbitration agreements

C. A state court docket

D. A law review article or treatise on arbitration law

30. Legal encyclopedias are best characterized as:

A. Binding authority in all jurisdictions

B. Broad secondary sources useful for initial background research

C. The most authoritative form of secondary authority

D. Sources that cover only federal law

31. A researcher looking for a comprehensive analysis of how different jurisdictions handle the attractive nuisance doctrine would benefit most from:

- A. A single state's practice guide
- B. A legal dictionary entry
- C. A state bar CLE presentation
- D. An ALR annotation on attractive nuisance

32. When a Restatement illustration presents a hypothetical scenario, its purpose is to:

- A. Establish binding precedent
- B. Replace the need for the black letter rule
- C. Demonstrate how the black letter rule applies to specific factual situations
- D. Provide the legislative history of the rule

33. A paralegal needs to find a model settlement agreement for a personal injury case. The most practical source is:

- A. A form book or practice set specializing in personal injury litigation
- B. A Restatement provision on damages
- C. An ALR annotation on settlement agreements
- D. A law review article on settlement negotiation theory

Digital Legal Research & Technology (Questions 34–43)

34. A paralegal wants to find all cases in Texas that address the enforcement of liquidated damages clauses in construction contracts. The most effective search strategy on Westlaw is:

- A. A natural language search across all jurisdictions
- B. A terms and connectors search limited to Texas cases using specific construction and liquidated damages terminology

- C. Browsing the Federal Register for construction regulations
- D. Searching secondary sources only

35. Which platform provides a feature called "Points of Law" that tracks how individual legal propositions within a case have been treated?

- A. Westlaw
- B. Lexis+
- C. Google Scholar
- D. Bloomberg Law's BCite

36. A researcher needs to find recent scholarly articles discussing the impact of artificial intelligence on legal ethics. The most comprehensive database for law review articles is:

- A. PACER
- B. CourtListener
- C. HeinOnline
- D. The Caselaw Access Project

37. On Westlaw, a researcher uses the search query "negligence /s 'duty of care' /p landlord." This search will retrieve documents where:

- A. "Negligence" and "duty of care" appear in the same sentence, and "landlord" appears in the same paragraph as "duty of care"
- B. All three terms appear anywhere in the document
- C. The terms appear in the document title only
- D. "Negligence" appears within five words of "landlord"

38. A researcher is concerned about the cost of using fee-based platforms. Which strategy would reduce research expenses most effectively?

- A. Using only natural language searches without filtering results
- B. Planning the research strategy, starting with free resources, and constructing precise search queries before using fee-based platforms
- C. Running multiple broad searches on Westlaw without reviewing results
- D. Avoiding all electronic research and using only print resources

39. Which free legal research resource allows researchers to access the complete text of the Code of Federal Regulations with continuous updates?

- A. Google Scholar
- B. CourtListener
- C. The Caselaw Access Project
- D. The eCFR at ecfr.gov

40. Lexis+ Context analytics can help a researcher determine:

- A. The full text of pending legislation
- B. The correct citation format for a case
- C. How a specific judge has ruled on particular types of motions
- D. The current price of legal research subscriptions

41. A researcher uses an AI-powered tool that suggests five cases supporting the client's position. Before citing any of these cases, the researcher must:

- A. Verify each case exists, read it in full, and validate it with a citator

- B. Cite all five cases immediately without further review
- C. Rely on the AI tool's accuracy without independent verification
- D. Include a disclaimer that the cases were found using AI

42. Which of the following is an advantage of the Caselaw Access Project over fee-based platforms?

- A. It provides comprehensive citator tools
- B. It includes free access to the full text of historically published U.S. case law
- C. It offers more sophisticated search algorithms than Westlaw
- D. It provides editorial enhancements such as headnotes and key numbers

43. A researcher on Lexis+ wants to check whether a specific case has been cited by any subsequent authority and what treatment those authorities gave. The appropriate tool is:

- A. Practical Law
- B. Quick Check
- C. KeyCite
- D. Shepard's Citations

Legal Citation Form (Questions 44–55)

44. When citing a case that was subsequently remanded by the appellate court, the citation should include:

- A. Only the trial court citation
- B. Only the appellate court citation
- C. The subsequent history notation "remanded" with the appellate court citation
- D. No reference to the remand

45. A researcher is citing a federal statute that was recently amended. The proper approach is to:

- A. Cite to the original, unamended version without notation
- B. Cite to the current version and include a parenthetical noting the amendment if relevant
- C. Omit the statute from the document entirely
- D. Cite only to the amendment without the original section number

46. In Bluebook citation, the abbreviation "et seq." is used to:

- A. Indicate that a case has been overruled
- B. Refer to a statute and the sections that follow it
- C. Signal that the citation is to a secondary source
- D. Indicate that emphasis has been added

47. A proper citation to an executive order includes:

- A. Only the President's name and date
- B. Only the executive order number
- C. The agency that will implement the order
- D. The executive order number, the volume and page of the Federal Register, and the date

48. When a case has both a majority opinion and a concurring opinion, and the researcher wants to cite a point made only in the concurrence, the citation should:

- A. Cite the majority opinion without notation
- B. Omit the concurrence entirely
- C. Include a parenthetical indicating the cite is to the concurring opinion

D. Cite the concurrence as if it were the majority opinion

49. The Bluebook requires that case names in practitioner documents be:

- A. Italicized or underscored
- B. In large and small capitals
- C. In bold typeface
- D. In regular roman type

50. When a researcher cites a statute from an annotated code and the official code is also available, the preferred citation is to:

- A. The annotated code because it includes case annotations
- B. The official code
- C. Either code, as there is no preference
- D. A secondary source discussing the statute

51. A citation to a case decided by the U.S. Court of Appeals for the Fifth Circuit should include which court abbreviation in the parenthetical?

- A. U.S. App. 5th
- B. Fed. Ct. App. 5
- C. Fifth Circuit Court of Appeals
- D. 5th Cir.

52. The citation signal "cf." introduces authority that:

- A. Directly states the proposition

- B. Contradicts the proposition
- C. Supports a different but analogous proposition
- D. Provides background information

53. When a writer quotes language from a case and omits words from the middle of the quoted passage, the omission should be indicated by:

- A. An ellipsis (three dots)
- B. Brackets around the missing text
- C. A footnote explaining the omission
- D. Underlining the words before and after the omission

54. A proper citation to a dissenting opinion should include:

- A. Only the case name and the word "dissent"
- B. A parenthetical identifying the dissenting justice and the dissent designation
- C. A citation to the majority opinion only
- D. No identification that it is a dissent

55. When citing a case available in both print and electronic format, the Bluebook generally prefers citation to:

- A. Only the electronic database identifier
- B. Only the attorney's personal copy
- C. A social media post discussing the case
- D. The print reporter when available

Updating & Validating Research (Questions 56–63)

56. A researcher validates a case on KeyCite and finds that the case has been "abrogated by" a subsequent decision. This means:

- A. The case has been affirmed
- B. The case has received positive treatment
- C. A subsequent case has implicitly overruled or undermined the case's holding without expressly stating so
- D. The case has been cited approvingly

57. The most important reason to validate every authority before relying on it is:

- A. To fulfill the ethical duty of competence by ensuring all cited authorities are current and reliable
- B. To increase the length of the memorandum
- C. To generate additional billable hours
- D. To satisfy formatting requirements

58. A paralegal Shepardizes a case and discovers that a subsequent case "criticized" the holding. This treatment means:

- A. The case has been formally overruled
- B. A subsequent court expressed disagreement with the reasoning or holding without overruling it
- C. The case has been affirmed on appeal
- D. The case has been cited approvingly

59. When validating a statute, a researcher discovers that a bill has been introduced in Congress that would amend the relevant provision. The researcher should:

- A. Cite the pending bill as current law
- B. Ignore the pending bill because it has not been enacted
- C. Delete all references to the statute
- D. Note the pending bill in the memorandum and advise the supervising attorney to monitor its progress

60. A case receives no citator signal on either Shepard's or KeyCite. The researcher should:

- A. Assume the case is definitively good law
- B. Conclude that the case has been overruled
- C. Investigate further, as the absence of a signal may mean the case has not been cited or analyzed rather than that it is good law
- D. File a complaint with the citator provider

61. On Shepard's, the appellate history section of the citator display shows:

- A. How the case has been cited by secondary sources
- B. All cases in the same reporter volume
- C. The billing records for the research session
- D. The procedural path of the case through the appellate process

62. A researcher re-validates all authorities the morning of a filing deadline and discovers that a key case received a red flag overnight. The appropriate action is to:

- A. File the brief anyway because the research was valid the day before
- B. Immediately inform the supervising attorney so the brief can be revised before filing
- C. Ignore the red flag because it is too close to the deadline to make changes
- D. Remove the case but do not inform the supervising attorney

63. A validation checklist is most useful for which purpose?

- A. Replacing the need for citator tools entirely
- B. Generating billable hours
- C. Satisfying court formatting requirements
- D. Ensuring comprehensive validation of all cited authorities and documenting the researcher's diligence

Legal Analysis & Reasoning (Questions 64–75)

64. A paralegal is analyzing a breach of fiduciary duty claim. The first step in the analysis is to:

- A. Draft the conclusion
- B. Begin writing the Statement of Facts
- C. Identify the specific elements of a breach of fiduciary duty claim in the relevant jurisdiction
- D. Select the citation format

65. In an IREAC analysis, the purpose of presenting both favorable and unfavorable case illustrations in the Explanation section is to:

- A. Provide a complete precedential context showing how courts have applied the rule in various factual scenarios
- B. Confuse the reader with contradictory information
- C. Demonstrate that the writer has access to multiple databases
- D. Increase the word count of the memorandum

66. A researcher compares the client's situation to a prior case and determines that the client's case involves additional aggravating facts not present in the precedent. This analysis supports:

- A. Ignoring the precedent entirely
- B. Arguing for a stronger result than the precedent reached because the additional facts strengthen the client's position
- C. Overruling the precedent
- D. Concluding that no law applies

67. When analyzing a statutory interpretation issue, the Discussion section should address arguments from both sides about how the statutory language should be interpreted. This approach reflects:

- A. Advocacy for the client's position only
- B. The writer's personal policy preferences
- C. A violation of the duty of competence
- D. The requirement for balanced analysis in an objective memorandum

68. A well-crafted issue statement for a products liability case should include:

- A. Only the name of the product
- B. Only the legal theory without any facts
- C. The applicable legal standard, the key facts about the product defect, and the specific liability question
- D. A complete recitation of all facts in the case file

69. The conclusion of an objective memorandum should never:

- A. Acknowledge risks or uncertainties
- B. Predict a favorable outcome
- C. Summarize the key points of the analysis
- D. Introduce new legal authorities or arguments not discussed in the Discussion

70. Rule synthesis from three cases that each address different elements of a negligence standard produces:

- A. Three separate rule statements that cannot be combined
- B. A comprehensive rule statement covering all elements drawn from the three cases
- C. A conclusion that the law is unsettled
- D. A recommendation to ignore the cases

71. In legal analysis, treating each element of a multi-element claim as a separate sub-issue is important because:

- A. Each element involves different legal standards, different relevant facts, and may have a different outcome
- B. Courts require each element to be analyzed in a separate document
- C. Only one element needs to be proven to succeed on the claim
- D. Combining elements into a single analysis is prohibited by citation rules

72. When a memorandum's counter-analysis reveals that the opposing position is surprisingly strong, the writer should:

- A. Omit the counter-analysis to protect the client's interests
- B. Weaken the opposing arguments by mischaracterizing them
- C. Report the strength of the opposing position honestly so the supervising attorney can make informed decisions
- D. Conclude that the client should abandon the case

73. A legal analysis that applies the rule to facts without any reference to decided cases illustrating how the rule has been applied is missing:

- A. The analogical reasoning component that makes the application persuasive

- B. The issue statement
- C. The conclusion
- D. The citation format

74. When an analyst identifies three legal issues but the supervising attorney requested research on only one, the analyst should:

- A. Ignore the additional issues entirely without mentioning them
- B. Inform the supervising attorney about the additional issues and ask whether they should be addressed
- C. Research and analyze all three issues without consulting the attorney
- D. Address only the issue most favorable to the client

75. The foundational principle that legal analysis must consider both sides of an issue applies to:

- A. Only persuasive briefs
- B. Only client letters
- C. Only advisory opinions
- D. Both objective memoranda and persuasive briefs, though the balance differs

Legal Writing Fundamentals & Style (Questions 76–83)

76. A legal writer drafts the sentence: "The utilization of appropriate methodology is essential for the effectuation of desired outcomes." This sentence demonstrates:

- A. Clear, concise legal prose
- B. Proper use of legal terminology
- C. Unnecessary complexity that should be simplified
- D. Required formality for court filings

77. Which of the following correctly uses a semicolon?

- A. The plaintiff alleged negligence; and the defendant denied liability.
- B. The plaintiff alleged negligence; the defendant denied liability.
- C. The plaintiff alleged negligence, the defendant denied liability.
- D. The plaintiff alleged; negligence and the defendant denied liability.

78. The phrase "in order to" should generally be replaced with:

- A. "So as to accomplish the purpose of"
- B. "To"
- C. "For the purpose of facilitating"
- D. "With the intention of"

79. A legal document that consistently uses passive voice throughout creates which problem?

- A. It is too short
- B. It violates Bluebook citation rules
- C. It contains too many citations
- D. It obscures who performed the actions, making the writing less clear and direct

80. When editing a legal document, the writer notices that a paragraph contains eight sentences covering three different points. The best revision strategy is to:

- A. Leave the paragraph as written for efficiency
- B. Add more sentences to the paragraph
- C. Break the paragraph into three shorter paragraphs, each addressing a single point

D. Delete the paragraph entirely

81. A legal writer who uses the phrase "clearly" or "obviously" to characterize a legal conclusion is:

- A. Demonstrating confident legal analysis
- B. Using language that may undermine credibility if the conclusion is actually contested
- C. Following recommended persuasive writing technique
- D. Complying with Bluebook requirements

82. Which revision correctly eliminates wordiness from "Due to the fact that the defendant failed to respond"?

- A. "On account of the reason that the defendant failed to respond"
- B. "Because the defendant failed to respond"
- C. "In light of the circumstances surrounding the defendant's failure to respond"
- D. "Given the totality of the factors resulting in the defendant's failure to respond"

83. A legal memorandum that alternates between present tense and past tense without a clear reason demonstrates:

- A. Effective variety in writing style
- B. Compliance with legal writing conventions
- C. Proper use of transitional language
- D. Inconsistent verb tense that may confuse the reader

Legal Correspondence & E-Memos (Questions 84–88)

84. A paralegal drafts a confirmation letter to opposing counsel memorializing the terms of a discovery extension agreed upon during a phone call. This type of letter serves the primary purpose of:

- A. Providing legal analysis of the discovery issues
- B. Making a demand for payment
- C. Creating a written record of the agreed-upon terms
- D. Filing a motion with the court

85. When a client asks the paralegal a question that requires legal judgment, the paralegal should:

- A. Provide an immediate legal opinion based on personal experience
- B. Refer the question to the supervising attorney
- C. Research the issue and send the client a written opinion independently
- D. Tell the client to find another attorney

86. An effective status update letter to a client should:

- A. Use highly technical language to demonstrate the attorney's expertise
- B. Explain recent developments in plain language, assess their impact, and identify next steps
- C. Avoid mentioning any unfavorable developments
- D. Include a detailed analysis of every possible outcome

87. A paralegal needs to email a supervising attorney a brief analysis of a discovery dispute. The email should:

- A. Omit citations because it is an informal communication

- B. Include only the paralegal's personal opinion without reference to legal authority
- C. Be sent without proofreading to save time
- D. Include a clear subject line, proper citations, concise analysis, and a recommendation

88. When a legal professional discovers that a confidential email was accidentally sent to the wrong recipient, the appropriate first step is to:

- A. Ignore the error and hope the recipient does not read it
- B. Post a correction on social media
- C. Immediately notify the supervising attorney and take steps to retrieve or address the misdirected communication
- D. Send the same email to additional recipients to dilute the impact

Legal Memoranda (Questions 89–93)

89. A memorandum analyzing a wrongful termination claim should organize the Discussion section by:

- A. Analyzing each element of the wrongful termination claim in a separate subsection
- B. Presenting all favorable facts first and all unfavorable facts second
- C. Listing every case found during research without analysis
- D. Organizing by the chronological order of the client's employment history

90. The Brief Answer in a memorandum states "Probably yes" and provides a two-sentence explanation. The Discussion section then analyzes the issue in detail and concludes "Probably not." This inconsistency:

- A. Is acceptable because the Brief Answer and Discussion serve different purposes
- B. Must be resolved before the memorandum is finalized
- C. Demonstrates thorough counter-analysis

D. Is required when the law is unsettled

91. A supervising attorney requests a memorandum on a narrow procedural question. The appropriate scope for the Discussion section is:

A. A comprehensive analysis of every substantive legal issue in the case

B. A brief analysis of unrelated legal topics

C. An analysis of the client's personal background

D. A focused analysis addressing only the specific procedural question with appropriate depth

92. When a memorandum must address a question of first impression in the jurisdiction, the Discussion section should:

A. State that no analysis is possible

B. Present only the writer's personal opinion without authority

C. Analyze persuasive authority from other jurisdictions and relevant secondary sources to predict how the court would likely rule

D. Ignore the question and address a different issue instead

93. The RE line in a memorandum should avoid which of the following?

A. Being overly specific about the legal question addressed

B. Including the client's name or matter reference

C. Identifying the relevant legal issue

D. Vague descriptions that do not identify the specific question

Legal Briefs & Persuasive Writing (Questions 94–98)

94. A trial court brief filed in opposition to a motion for summary judgment should argue that:

- A. The court lacks jurisdiction to hear the case
- B. Genuine disputes of material fact exist that preclude summary judgment
- C. The case should be transferred to another court
- D. The statute of limitations has expired

95. An appellate brief that fails to cite the standard of review for each issue on appeal:

- A. Complies with all appellate requirements
- B. Is more persuasive because it avoids technical arguments
- C. Will not be noticed by the appellate court
- D. Omits a critical component that defines the framework for the court's analysis

96. When a brief presents three arguments, the most effective organizational strategy places:

- A. The weakest argument first to get it out of the way
- B. The arguments in alphabetical order by case name
- C. The strongest argument first, followed by supporting arguments in descending order of strength
- D. All three arguments in a single paragraph

97. A persuasive Statement of Facts that omits a material unfavorable fact:

- A. Is the recommended approach for effective advocacy
- B. Complies with ethical obligations

- C. Will not be noticed by the court or opposing counsel
- D. Violates ethical rules and undermines credibility when the omission is discovered

98. The conclusion of an appellate brief should:

- A. Introduce new legal arguments
- B. State the specific relief requested, such as reversal, remand, or affirmance
- C. Summarize all of the cases cited in the argument section
- D. Acknowledge that the trial court's decision was reasonable

Ethics in Legal Research & Writing (Questions 99–100)

99. A paralegal working on a legal memorandum discovers that the most helpful case for the client's position was decided by a judge who is a personal friend of the supervising attorney. The paralegal should:

- A. Omit the case to avoid the appearance of impropriety
- B. Cite the case only in a footnote
- C. Refuse to complete the memorandum
- D. Include the case based on its legal merit without regard to the judge's personal relationships

100. The ethical duty of competence requires that legal professionals using AI research tools:

- A. Accept all AI-generated results without verification
- B. Avoid using AI tools entirely
- C. Verify AI results independently, understanding the tools' limitations and exercising professional judgment
- D. Disclose to the court that AI was used in every case

Simulation Exam 7: Answer Key With Explanations

American Legal System & Sources of Law (Questions 1–8)

1. **B. The Second Circuit Court of Appeals** — The Southern District of New York is within the Second Circuit. Federal district courts are bound by the decisions of the circuit court that covers their geographic area. The Third Circuit and Ninth Circuit decisions would be persuasive but not binding. The Supreme Court of New York is a state trial court.
2. **D. It relies primarily on comprehensive statutory codes rather than judicial precedent** — Civil law systems, used in much of continental Europe and Latin America, are built on comprehensive statutory codes that serve as the primary source of law. The common law system, by contrast, relies heavily on judicial precedent developed through case-by-case adjudication.
3. **A. The Commerce Clause of the U.S. Constitution** — The Commerce Clause in Article I, Section 8 grants Congress the power to regulate commerce among the states. This clause is the constitutional foundation for a vast body of federal legislation affecting interstate economic activity.
4. **C. A circuit split** — A circuit split occurs when two or more federal circuit courts reach conflicting conclusions on the same legal question. Circuit splits often prompt the Supreme Court to grant certiorari to resolve the conflict and establish a uniform national rule.
5. **B. The authority of a court to hear a case for the first time** — Original jurisdiction is the power of a court to hear and decide a case initially, before any appeal. Trial courts typically exercise original jurisdiction, while appellate courts exercise appellate jurisdiction to review lower court decisions.
6. **A. The state constitution** — Within a state's legal hierarchy, the state constitution is the highest authority on matters of state law. State statutes must conform to the state constitution, and state administrative regulations must conform to both the constitution and statutes.
7. **C. An administrative agency** — Administrative law judges (ALJs) are employed by and operate within administrative agencies, not the federal or state court systems. They conduct hearings and issue decisions on matters arising under the agency's regulations and enabling statutes.
8. **D. Trial courts find facts and apply law, while appellate courts review for legal errors** — Trial courts are fact-finding bodies where evidence is presented, witnesses testify, and the law is applied to the found facts. Appellate courts do not conduct new trials but review the trial court's application of the law for errors.

Primary Authority Research (Questions 9–23)

9. **B. Title 12** — Title 12 of the Code of Federal Regulations covers Banks and Banking, containing regulations promulgated by agencies including the Office of the Comptroller of the Currency, the Federal Reserve, and the FDIC. Title 40 covers environmental protection and Title 29 covers labor.
10. **A. If one provision is found invalid, the remaining provisions continue in effect** — A severability clause ensures that if a court strikes down one provision of a statute as unconstitutional or otherwise invalid, the rest of the statute remains in effect. Without such a clause, the invalidation of one provision could potentially void the entire statute.
11. **C. United States Reports (U.S.)** — The United States Reports is the official reporter of the Supreme Court, published by the Government Publishing Office. The Supreme Court Reporter (S. Ct.) and Lawyers' Edition (L. Ed.) are unofficial reporters published by private companies.
12. **D. The express mention of one thing implies the exclusion of others** — Expressio unius est exclusio alterius is a canon of construction meaning that when a statute specifically lists certain items, the omission of other items is presumed to be intentional. The listed items are included; unlisted items are excluded.
13. **B. Treaties and Other International Acts Series (TIAS) or through the State Department** — Treaties and international agreements are published in the TIAS and are available through the State Department. The C.F.R. contains domestic regulations, the Federal Supplement publishes court opinions, and state codes do not contain federal treaties.
14. **A. The court has withdrawn the opinion from official publication, limiting its precedential value** — Depublication is the process by which a court withdraws a previously published opinion from the official reporter. This typically limits or eliminates the opinion's precedential value, though the rules vary by jurisdiction.
15. **C. The California Rules of Court and the California Code of Civil Procedure** — State court procedural rules are found in the state's own rules of court and code of civil procedure. Federal rules govern only federal proceedings, and legal encyclopedia entries provide secondary source commentary rather than the rules themselves.
16. **D. Congressional enabling statutes** — Federal administrative agencies are created by Congress through enabling statutes that establish the agency, define its mission, and delegate specific regulatory authority. While executive orders can direct agency priorities, agencies themselves are creatures of statute.
17. **B. Information about the statute's legislative history, amendments, and effective dates** — The Historical and Statutory Notes section in the U.S.C.A. provides legislative history references, a record of amendments to the statute, effective dates, and cross-references to related provisions. Case annotations appear in a separate section.

18. **A. A party to pursue all available remedies within the agency before seeking judicial review** — The exhaustion doctrine requires parties to complete all available administrative processes before turning to the courts for review. This ensures that agencies have the opportunity to apply their expertise and resolve matters before judicial intervention.
19. **C. The Pacific Reporter** — Oregon is within the geographic region covered by the Pacific Reporter, which compiles state court opinions from western states including Oregon, Washington, California, and others.
20. **D. Apply the statutory definition because it controls within the statute** — When a statute includes its own definition of a term, that definition governs the interpretation of the statute regardless of how the term is commonly understood or defined elsewhere. The statutory definition takes precedence within the context of that statute.
21. **A. A legislative override** — A legislative override occurs when a legislature enacts a statute specifically to reverse or modify a judicial decision it disagrees with. This is a legitimate exercise of legislative power, as the legislature has the authority to change the law prospectively through new legislation.
22. **B. Publish statutes in the exact form they were enacted, in chronological order** — The Statutes at Large preserves the exact text of each statute as passed by Congress, arranged in the order of enactment. The United States Code reorganizes these statutes by subject matter, which may involve editorial changes to fit the codification structure.
23. **D. Search Westlaw or Lexis+ using the name or citation of the state law combined with constitutional terms** — The most efficient approach to finding federal court opinions on the constitutionality of a state law is to use a targeted search on a comprehensive legal research platform, combining the state law's identifying information with terms related to constitutional challenges.

Secondary Authority Research (Questions 24–33)

24. **C. The Restatement (Third) of Torts** — The Restatements provide the most authoritative and concise secondary source statements of common law rules, including the elements of specific torts. The Restatement (Third) of Torts would provide the standard elements for intentional infliction of emotional distress with comments and illustrations.
25. **A. ALR annotations provide focused, in-depth analysis of a single narrow issue while encyclopedias provide broad overviews** — The key distinction is scope and depth. ALR annotations examine a single legal question comprehensively with nationwide case coverage, while encyclopedias provide general overviews across all legal topics.
26. **B. A student note or comment** — Works written by law students for law journals are classified as student notes or comments. Lead articles are authored by professors, judges, or experienced practitioners, and they typically present more extensive original scholarship.

27. **D. A leading treatise on landlord-tenant law or property law** — Treatises provide the most comprehensive and authoritative secondary analysis of specific legal areas. A leading treatise on landlord-tenant or property law would provide detailed analysis of the implied warranty of habitability, including jurisdiction-specific discussion.
28. **C. The series designation (Second or Third)** — The Restatement series designation indicates the revision level. The Restatement (Third) represents the most current formulation for topics it covers, updating the Restatement (Second) and the original series. Not all topics have reached a Third edition.
29. **A. A law review article or treatise on arbitration law** — For comprehensive scholarly treatment of a specific statutory issue like the Federal Arbitration Act, law review articles and specialized treatises provide the most in-depth analysis, including discussion of judicial interpretations, policy considerations, and emerging trends.
30. **B. Broad secondary sources useful for initial background research** — Legal encyclopedias provide broad overviews of virtually every area of law, making them ideal for initial background research. They carry limited persuasive value with courts and are not binding authority in any jurisdiction.
31. **D. An ALR annotation on attractive nuisance** — ALR annotations provide comprehensive, nationwide case surveys on specific legal issues. An annotation on attractive nuisance would collect and analyze cases from all jurisdictions, identifying majority and minority rules and tracking the doctrine's development.
32. **C. Demonstrate how the black letter rule applies to specific factual situations** — Restatement illustrations present hypothetical scenarios that show the rule in action, helping the reader understand how the abstract black letter text applies to concrete factual circumstances. They are teaching tools, not binding authority.
33. **A. A form book or practice set specializing in personal injury litigation** — Form books provide model documents including settlement agreements tailored to specific practice areas. A personal injury form book would include templates with the standard provisions, which the practitioner can customize.

Digital Legal Research & Technology (Questions 34–43)

34. **B. A terms and connectors search limited to Texas cases using specific construction and liquidated damages terminology** — A targeted terms and connectors search limited to Texas cases provides the precision needed to find relevant authority in the correct jurisdiction. Using specific terminology related to construction contracts and liquidated damages ensures focused results.

35. **D. Bloomberg Law's BCite** — BCite's Points of Law feature is distinctive because it breaks a case into individual legal propositions and tracks how each specific proposition has been treated by subsequent courts, providing more granular treatment analysis than case-level citator signals.
36. **C. HeinOnline** — HeinOnline provides the most comprehensive database of legal periodicals, with full-text access to nearly every law review and journal ever published. It is the premier resource for finding scholarly articles on any legal topic, including AI and legal ethics.
37. **A. "Negligence" and "duty of care" appear in the same sentence, and "landlord" appears in the same paragraph as "duty of care"** — The /s connector requires terms to appear in the same sentence, and the /p connector requires terms to appear in the same paragraph. The quotation marks around "duty of care" require that exact phrase.
38. **B. Planning the research strategy, starting with free resources, and constructing precise search queries before using fee-based platforms** — Cost-effective research requires planning, strategic use of free resources for preliminary work, and precise Boolean searches on fee-based platforms to minimize time and maximize relevance.
39. **D. The eCFR at [ecfr.gov](https://www.ecfr.gov)** — The eCFR (Electronic Code of Federal Regulations) provides a free, continuously updated version of the Code of Federal Regulations. Unlike the annual printed C.F.R., the eCFR is updated on a rolling basis as new regulations are published in the Federal Register.
40. **C. How a specific judge has ruled on particular types of motions** — Lexis+ Context provides analytics on judicial decision-making patterns, including how specific judges have ruled on particular types of motions, how often they grant or deny specific relief, and how they treat particular legal arguments.
41. **A. Verify each case exists, read it in full, and validate it with a citator** — AI tools can produce inaccurate results, including fabricated case citations. The ethical and professional obligation requires independent verification of every AI-suggested authority before it is cited in any legal document.
42. **B. It includes free access to the full text of historically published U.S. case law** — The Caselaw Access Project provides free public access to millions of published judicial opinions from all U.S. jurisdictions dating back to the earliest reports. However, it lacks the citator tools, editorial enhancements, and sophisticated search features of fee-based platforms.
43. **D. Shepard's Citations** — Shepard's Citations is Lexis+'s proprietary citator tool that identifies all subsequent authorities citing a case, analyzes their treatment, and provides signals indicating the case's current status. KeyCite is Westlaw's equivalent tool.

Legal Citation Form (Questions 44–55)

44. **C. The subsequent history notation "remanded" with the appellate court citation** — When a case has been remanded by an appellate court, the citation must include this subsequent history to

inform the reader that the case was sent back to the lower court for further proceedings. Omitting significant subsequent history is a citation error.

45. **A. Cite to the current version and include a parenthetical noting the amendment if relevant** — When citing an amended statute, the writer should cite the current version and, if the amendment is relevant to the analysis, include a parenthetical indicating when and how the statute was amended.
46. **B. Refer to a statute and the sections that follow it** — The abbreviation "et seq." (et sequentes, meaning "and the following") is used in statutory citations to refer to a statute and all subsequent sections. It is used when the relevant statutory provisions span multiple consecutive sections.
47. **D. The executive order number, the volume and page of the Federal Register, and the date** — A complete citation to an executive order includes its number, the volume and page number where it was published in the Federal Register, and the date of issuance. This allows the reader to locate the full text.
48. **C. Include a parenthetical indicating the cite is to the concurring opinion** — When citing a point made only in a concurrence, the citation must include a parenthetical identifying the citing justice and indicating it is a concurring opinion (e.g., "(Smith, J., concurring)"). This distinguishes the concurrence from the majority holding.
49. **A. Italicized or underscored** — In Bluebook practitioner format (Bluepages), case names are italicized or underscored. Large and small capitals are reserved for academic citation format in the white pages. Bold typeface is not used for case names.
50. **B. The official code** — The Bluebook prefers citation to the official United States Code (U.S.C.) when it is available. The annotated codes (U.S.C.A. and U.S.C.S.) are cited when the official code is unavailable or when the annotations themselves are specifically relevant.
51. **D. 5th Cir.** — The standard Bluebook abbreviation for the United States Court of Appeals for the Fifth Circuit is "5th Cir." This abbreviation appears in the date parenthetical to identify the court that decided the case.
52. **C. Supports a different but analogous proposition** — The signal "cf." introduces authority that supports a proposition different from but analogous to the main proposition stated in the text. It invites the reader to draw a comparison between the cited authority and the writer's point.
53. **A. An ellipsis (three dots)** — When omitting words from the middle of a quoted passage, the omission is indicated by an ellipsis consisting of three periods separated by spaces. This alerts the reader that the quote has been shortened while maintaining transparency about the modification.
54. **B. A parenthetical identifying the dissenting justice and the dissent designation** — When citing a dissenting opinion, the citation must include a parenthetical that identifies the dissenting

justice and indicates the dissent (e.g., "(Roberts, C.J., dissenting)"). This clearly distinguishes the dissent from the majority opinion.

55. **D. The print reporter when available** — The Bluebook generally prefers citations to print reporters when they are available, as print reporters provide a stable, standardized reference. Electronic database identifiers are used primarily when the authority is not available in a print reporter.

Updating & Validating Research (Questions 56–63)

56. **C. A subsequent case has implicitly overruled or undermined the case's holding without expressly stating so** — "Abrogated by" indicates that a later decision has effectively overruled or undermined the case's holding through its reasoning and result, even without using the word "overruled." This is a serious form of negative treatment that may make the case unreliable on the affected point.
57. **A. To fulfill the ethical duty of competence by ensuring all cited authorities are current and reliable** — The duty of competence requires legal professionals to cite only authorities that are current and reliable. Validation through citator tools is the mechanism that fulfills this obligation and prevents the citation of overruled or superseded authorities.
58. **B. A subsequent court expressed disagreement with the reasoning or holding without overruling it** — The treatment code "criticized" indicates that a subsequent court or secondary source has expressed disagreement with the case without formally overruling it. Multiple criticisms may signal that the authority's reliability is weakening.
59. **D. Note the pending bill in the memorandum and advise the supervising attorney to monitor its progress** — Pending legislation is not yet law and should not be cited as current authority. However, the researcher should note its existence and potential impact so the supervising attorney can make informed decisions and monitor the bill's progress.
60. **C. Investigate further, as the absence of a signal may mean the case has not been cited or analyzed rather than that it is good law** — No signal does not mean the case is definitively good law. It may mean the case has never been cited by another authority, or the citator has not yet analyzed it. The researcher should investigate further before relying on the authority.
61. **A. The procedural path of the case through the appellate process** — The appellate history section of Shepard's display shows how the case moved through the court system, including whether it was affirmed, reversed, remanded, or modified on appeal. This is distinct from citing references, which show subsequent authorities that cited the case.
62. **B. Immediately inform the supervising attorney so the brief can be revised before filing** — A red flag indicating significant negative treatment requires immediate action. The supervising attorney must be informed so the brief can be revised to address the negative treatment, substitute alternative authority, or adjust the legal argument before filing.

63. **D. Ensuring comprehensive validation of all cited authorities and documenting the researcher's diligence** — A validation checklist serves as both a quality assurance tool and a record of professional diligence. It ensures that every cited authority has been checked, documents the results, and provides evidence of thoroughness if the research is ever questioned.

Legal Analysis & Reasoning (Questions 64–75)

64. **C. Identify the specific elements of a breach of fiduciary duty claim in the relevant jurisdiction** — Before analyzing any claim, the researcher must identify its specific elements in the relevant jurisdiction. For breach of fiduciary duty, this typically includes the existence of a fiduciary relationship, breach of the duty owed, and resulting damages.
65. **A. Provide a complete precedential context showing how courts have applied the rule in various factual scenarios** — Including both favorable and unfavorable case illustrations demonstrates how the rule operates across different factual situations. This gives the reader the context needed to evaluate the Application section and produces a more thorough, credible analysis.
66. **B. Arguing for a stronger result than the precedent reached because the additional facts strengthen the client's position** — When the current case has additional aggravating facts not present in the precedent, the analyst can argue that these facts make the case for the client even stronger than the precedent established, supporting a more favorable outcome.
67. **D. The requirement for balanced analysis in an objective memorandum** — An objective memorandum must present both sides of any interpretive question, showing the supervising attorney the arguments for and against each interpretation. This balanced approach fulfills the memorandum's purpose of providing a complete and honest assessment.
68. **C. The applicable legal standard, the key facts about the product defect, and the specific liability question** — A well-crafted issue statement for a products liability case combines the governing legal standard (strict liability, negligence, or breach of warranty), the specific facts about the defect, and the precise liability question at issue.
69. **A. Introduce new legal authorities or arguments not discussed in the Discussion** — The conclusion summarizes and synthesizes the analysis already presented. Introducing new authorities or arguments in the conclusion is improper because these points have not been developed or supported in the Discussion section. Acknowledging risks and uncertainties, predicting outcomes, and summarizing key points are all appropriate conclusion functions.
70. **B. A comprehensive rule statement covering all elements drawn from the three cases** — When three cases each address different elements of the same legal standard, synthesizing them produces a single, comprehensive rule statement that covers all elements. This integrated formulation is more useful than three separate statements.

71. **D. Each element involves different legal standards, different relevant facts, and may have a different outcome** — Multi-element claims require element-by-element analysis because each element has its own legal requirements, is supported or undermined by different facts, and may be resolved differently. This ensures thorough treatment of every component.
72. **C. Report the strength of the opposing position honestly so the supervising attorney can make informed decisions** — An objective memorandum must be honest about the strength of opposing arguments, even when they are surprisingly powerful. The supervising attorney needs this information to make strategic decisions about how to proceed.
73. **A. The analogical reasoning component that makes the application persuasive** — Application without reference to decided cases is essentially unsupported assertion. Case comparisons provide the precedential foundation that demonstrates how courts have applied the rule and supports the analyst's prediction about the current situation.
74. **B. Inform the supervising attorney about the additional issues and ask whether they should be addressed** — When a researcher spots issues beyond the scope of the assignment, the professional approach is to bring them to the attorney's attention. The attorney can then decide whether additional research is warranted.
75. **D. Both objective memoranda and persuasive briefs, though the balance differs** — Balanced consideration of both sides is required in all legal writing. In memoranda, both sides are presented evenhandedly. In briefs, the writer advocates for one side but must still address opposing arguments to maintain credibility.

Legal Writing Fundamentals & Style (Questions 76–83)

76. **C. Unnecessary complexity that should be simplified** — The sentence uses overly complex vocabulary ("utilization," "methodology," "effectuation") that obscures a simple point. A clearer version would be: "Using the right method is essential for achieving the desired results."
77. **A. The plaintiff alleged negligence; the defendant denied liability.** — A semicolon correctly connects two closely related independent clauses without a conjunction. This creates a tighter connection between the two statements than a period would, while avoiding the comma splice error of using only a comma.
78. **B. "To"** — "In order to" is a wordy phrase that can almost always be replaced with the single word "to" without any loss of meaning. This substitution is one of the most common and effective plain language improvements in legal writing.
79. **D. It obscures who performed the actions, making the writing less clear and direct** — Consistent passive voice throughout a document hides the actors and makes the writing feel evasive and flat. Active voice identifies who did what, improving clarity and directness.

80. **C. Break the paragraph into three shorter paragraphs, each addressing a single point** — A paragraph covering three different points should be divided into three separate paragraphs, each with its own topic sentence and focused development. This improves readability and ensures each point receives clear, dedicated treatment.
81. **A. Using language that may undermine credibility if the conclusion is actually contested** — Words like "clearly" and "obviously" suggest that the point is beyond dispute. If the conclusion is actually contested, these words signal either overconfidence or an attempt to substitute assertion for analysis, which can undermine the writer's credibility.
82. **B. "Because the defendant failed to respond"** — "Due to the fact that" is a wordy phrase that means simply "because." Replacing it saves four words without any loss of meaning. The other options are equally or more wordy than the original.
83. **D. Inconsistent verb tense that may confuse the reader** — Unnecessary tense shifts confuse the reader about the temporal context of the discussion. Consistent verb tense within each section, with shifts only when the temporal context genuinely changes, produces clearer writing.

Legal Correspondence & E-Memos (Questions 84–88)

84. **C. Creating a written record of the agreed-upon terms** — Confirmation letters memorialize oral agreements or discussions in writing, creating a documented record that both parties can reference. This prevents future disputes about what was agreed upon and provides evidence of the terms.
85. **A. Refer the question to the supervising attorney** — When a client asks a question requiring legal judgment, the paralegal must refer it to the supervising attorney rather than providing an independent legal opinion. Providing legal judgment directly to clients without attorney involvement constitutes the unauthorized practice of law.
86. **B. Explain recent developments in plain language, assess their impact, and identify next steps** — Effective status updates translate legal developments into accessible language, explain their practical significance for the client, and identify the next steps in the matter so the client knows what to expect.
87. **D. Include a clear subject line, proper citations, concise analysis, and a recommendation** — Even informal email communications about legal matters should maintain professional standards including clear identification of the matter, proper citation to authority, concise analytical reasoning, and actionable conclusions or recommendations.
88. **C. Immediately notify the supervising attorney and take steps to retrieve or address the misdirected communication** — Accidental disclosure of confidential information requires immediate action. The supervising attorney must be notified so appropriate steps can be taken, which may include contacting the unintended recipient and requesting deletion or return of the communication.

Legal Memoranda (Questions 89–93)

89. **A. Analyzing each element of the wrongful termination claim in a separate subsection** — The Discussion section should organize the analysis by legal issue, with each element of the wrongful termination claim addressed in its own subsection. This allows thorough treatment of each element and enables the reader to evaluate each component independently.
90. **B. Must be resolved before the memorandum is finalized** — The Brief Answer and the Discussion section's conclusion must reach the same result because they answer the same question based on the same analysis. A discrepancy indicates an error in either the Brief Answer or the Discussion that must be identified and corrected.
91. **D. A focused analysis addressing only the specific procedural question with appropriate depth** — When the supervising attorney requests analysis of a narrow question, the Discussion section should focus precisely on that question. Analyzing unrelated issues wastes time and resources and may exceed the scope of the assignment.
92. **C. Analyze persuasive authority from other jurisdictions and relevant secondary sources to predict how the court would likely rule** — Questions of first impression require the researcher to look beyond the controlling jurisdiction. Persuasive authority from other states, federal courts, and authoritative secondary sources such as Restatements and treatises provide the best basis for predicting how the court would approach the novel issue.
93. **A. Vague descriptions that fail to identify the specific legal question addressed** — The RE line should be specific enough to identify the exact question being analyzed. Vague labels such as "Legal Research" or "Client Matter" make the memorandum difficult to file, retrieve, and understand. Specificity in the RE line is essential for document management.

Legal Briefs & Persuasive Writing (Questions 94–98)

94. **B. Genuine disputes of material fact exist that preclude summary judgment** — The standard for opposing summary judgment is to demonstrate that genuine disputes of material fact exist, making it inappropriate for the court to decide the case without a trial. The brief should identify specific facts in dispute and cite supporting evidence from the record.
95. **D. Omits a critical component that defines the framework for the court's analysis** — The standard of review is essential in appellate advocacy because it determines how much deference the appellate court gives to the trial court's decision. Omitting it leaves the court without the analytical framework needed to evaluate each issue.
96. **C. The strongest argument first, followed by supporting arguments in descending order of strength** — Leading with the strongest argument establishes credibility, captures the reader's attention, and creates persuasive momentum. Subsequent arguments should be presented in descending order of strength to maintain that momentum.

97. **A. Violates ethical rules and undermines credibility when the omission is discovered** — A persuasive Statement of Facts must include all material facts, even unfavorable ones. Omitting material facts violates the duty of candor and damages credibility when the omission is discovered by the court or opposing counsel. Ethical advocacy requires accuracy.
98. **B. State the specific relief requested, such as reversal, remand, or affirmance** — The conclusion of an appellate brief must clearly state what the party is asking the appellate court to do. Specific relief requests such as reversal, remand with instructions, or affirmance give the court clear direction on the requested outcome.

Ethics in Legal Research & Writing (Questions 99–100)

99. **D. Include the case based on its legal merit without regard to the judge's personal relationships** — Research should be conducted based on legal merit, not personal relationships. A case's value as authority depends on its holding, reasoning, and precedential weight — not on the identity of the judge. The paralegal should include any legally relevant case regardless of personal connections.
100. **C. Verify AI results independently, understanding the tools' limitations and exercising professional judgment** — The duty of competence requires legal professionals to understand the tools they use, including AI's limitations. Every AI-generated result must be independently verified for existence, accuracy, and current status before being relied upon in legal work.