

PART THREE: BONUS TOPIC- FOCUSED PRACTICE

Part Two tested your knowledge across all domains simultaneously, requiring you to shift between topics as you worked through each 100-question simulation exam. Part Three takes a different approach. Here, you will focus on one topic at a time, drilling down into specific subject areas to strengthen your understanding where it matters most.

This section contains twenty topic-focused practice sections, each consisting of 10 multiple-choice questions, for a total of 200 questions. Each section targets a specific area of legal research and writing, allowing you to isolate and reinforce your knowledge in individual domains. The topics are organized to follow the progression of the learning chapters in Part One, beginning with the foundations of the American legal system and moving through primary and secondary authority research, digital research tools, citation form, research validation, legal analysis, legal writing, correspondence, memoranda, briefs, and ethics.

Every practice section is followed by a complete answer key with concise explanations. As with the simulation exams in Part Two, the explanations identify the correct answer, explain the reasoning behind it, and briefly clarify why the incorrect options fall short.

Bonus Practice Sections

Section	Topic	Questions
A	The American Legal System and Sources of Law	10
B	Researching Case Law	10
C	Statutory and Constitutional Research	10
D	Administrative Law Research	10
E	Legal Encyclopedias and Treatises	10
F	ALR, Restatements, and Periodicals	10
G	Westlaw Navigation and Searching	10
H	Lexis+ Navigation and Searching	10
I	Free Legal Research Tools and AI in Legal Research	10

J	Bluebook Citation — Cases and Statutes	10
K	Bluebook Citation — Secondary Sources and Short Forms	10
L	ALWD Citation Format	10
M	Shepardizing and KeyCiting	10
N	Legal Analysis and IRAC/IREAC	10
O	Legal Writing Fundamentals and Style	10
P	Legal Correspondence and E-Memos	10
Q	Office Memoranda	10
R	Trial and Appellate Briefs	10
S	Research Strategy and Process	10
T	Ethics in Legal Research and Writing	10
	Total	200

How to Use These Sections

These bonus sections are designed for targeted review. If your simulation exam results revealed a weakness in a specific domain, turn directly to the corresponding bonus section for focused practice. If you scored well across the board, use these sections to reinforce your strengths and ensure retention. You can work through them in order, jump to the topics where you need the most practice, or use them as a final review before an exam or professional assessment.

Each section is self-contained — you do not need to complete them in sequence, and you can return to any section as many times as needed. When you answer a question incorrectly, review the explanation carefully and revisit the corresponding chapter in Part One to solidify your understanding before moving on.

These 200 questions represent your final opportunity to refine your knowledge before closing this guide. Use them strategically, and they will sharpen the skills that carry you forward in your legal career.

BONUS SECTION A: THE AMERICAN LEGAL SYSTEM AND SOURCES OF LAW (10 QUESTIONS)

1. A paralegal is researching a legal issue that involves both a federal statute and a state statute addressing the same subject. The federal statute expressly states that it is the exclusive law governing the subject. This is an example of:
 - A. Concurrent jurisdiction
 - B. Judicial review
 - C. Express federal preemption
 - D. Implied federal preemption

2. Which of the following best describes the difference between substantive law and procedural law?
 - A. Substantive law governs court processes while procedural law defines rights and obligations
 - B. Substantive law defines rights and obligations while procedural law governs the methods for enforcing those rights
 - C. There is no difference between substantive and procedural law
 - D. Substantive law applies only in federal courts while procedural law applies only in state courts

3. A decision from the highest court of State X interpreting State X's contract law is binding on:
 - A. All federal courts nationwide

- B. All state courts in neighboring states
- C. The United States Supreme Court
- D. All lower courts within State X

4. Under the American system of federalism, which level of government has the authority to establish local police departments and regulate public education?

- A. State governments
- B. The federal government exclusively
- C. Administrative agencies exclusively
- D. The judicial branch

5. A researcher encounters a federal regulation that appears to conflict with the federal statute it was designed to implement. Which authority prevails?

- A. The regulation, because agencies have independent lawmaking authority
- B. The statute, because regulations must conform to the statutes that authorize them
- C. Whichever authority was enacted more recently
- D. Neither, because both are automatically invalidated

6. The doctrine of stare decisis promotes which of the following values in the legal system?

- A. Legislative supremacy over judicial decision-making
- B. Agency independence from congressional oversight
- C. Consistency, predictability, and fairness in the application of law
- D. The exclusive authority of federal courts over state courts

7. A paralegal discovers that a state trial court judge issued a decision that directly contradicts a ruling from the state's supreme court on the same legal issue. The trial court's decision is:
- A. Valid because trial courts have independent authority
 - B. Persuasive authority for other trial courts in the state
 - C. Binding on the state's intermediate appellate courts
 - D. Incorrect because the trial court is bound by the state supreme court's ruling under vertical stare decisis
8. Which of the following is an accurate statement about the relationship between primary and secondary authority?
- A. Primary authority is the law itself while secondary authority explains, analyzes, or comments on the law
 - B. Secondary authority is always more persuasive than primary authority
 - C. Primary authority includes only statutes and regulations, not case law
 - D. Secondary authority is binding on courts when published by a recognized legal publisher
9. The United States Court of Appeals for the District of Columbia Circuit is particularly important because:
- A. It has exclusive jurisdiction over all criminal cases in Washington, D.C.
 - B. It frequently reviews challenges to federal agency actions and regulations
 - C. It serves as the trial court for the District of Columbia
 - D. Its decisions are binding on all other federal circuits

10. Which of the following correctly identifies the three branches of the federal government and their primary functions?

- A. Executive (enacts statutes), Legislative (enforces laws), Judicial (creates regulations)
- B. Executive (interprets laws), Legislative (enforces laws), Judicial (enacts statutes)
- C. Legislative (enacts statutes), Executive (enforces laws), Judicial (interprets and applies laws)
- D. Legislative (enforces laws), Executive (enacts statutes), Judicial (creates regulations)

BONUS SECTION A: ANSWERS AND EXPLANATIONS

1. **C. Express federal preemption** — Express preemption occurs when a federal statute explicitly states that it is the exclusive law governing a particular subject, leaving no room for state regulation. Implied preemption, by contrast, occurs when preemption is inferred from the structure or purpose of the federal law without an express statement.
2. **B. Substantive law defines rights and obligations while procedural law governs the methods for enforcing those rights** — Substantive law establishes the legal rights, duties, and obligations of individuals and entities (such as the elements of a crime or the requirements of a contract). Procedural law governs the processes and methods used to enforce those substantive rights (such as filing deadlines, rules of evidence, and court procedures).
3. **D. All lower courts within State X** — A decision from a state's highest court on a matter of state law is binding on all lower courts within that state under the principle of vertical stare decisis. It is not binding on federal courts (though they may find it persuasive when applying that state's law) or on courts in other states.
4. **A. State governments** — Under the Tenth Amendment and the principles of federalism, powers not delegated to the federal government are reserved to the states. Establishing local police departments and regulating public education are traditional state government functions exercised through state legislatures and local governmental bodies.
5. **B. The statute, because regulations must conform to the statutes that authorize them** — In the hierarchy of federal authority, statutes enacted by Congress are superior to administrative regulations. Agencies derive their rulemaking authority from enabling statutes, and any regulation that conflicts with or exceeds the scope of its authorizing statute is invalid.
6. **C. Consistency, predictability, and fairness in the application of law** — Stare decisis requires courts to follow established precedent, ensuring that similar cases are decided similarly over time. This promotes consistency in judicial outcomes, allows individuals and businesses to predict the legal consequences of their actions, and ensures fair treatment of similarly situated parties.
7. **D. Incorrect because the trial court is bound by the state supreme court's ruling under vertical stare decisis** — Vertical stare decisis requires lower courts to follow the decisions of higher courts within the same judicial hierarchy. A state trial court that contradicts a ruling from its state's supreme court on the same legal issue has committed reversible error.

8. **A. Primary authority is the law itself while secondary authority explains, analyzes, or comments on the law** — Primary authority includes constitutions, statutes, regulations, and case law — the sources that constitute the law. Secondary authority includes encyclopedias, treatises, law reviews, restatements, and other sources that discuss and analyze the law but do not create it.
9. **B. It frequently reviews challenges to federal agency actions and regulations** — The D.C. Circuit has particular significance because many federal statutes designate it as the court where challenges to agency actions and regulations must be filed. This gives the D.C. Circuit outsized influence over administrative law and federal regulatory policy.
10. **C. Legislative (enacts statutes), Executive (enforces laws), Judicial (interprets and applies laws)** — The Constitution establishes three branches with distinct functions: Congress (legislative) enacts statutes, the President and executive agencies (executive) enforce and implement laws, and the courts (judicial) interpret and apply laws to resolve disputes.

BONUS SECTION B: RESEARCHING CASE LAW (10 QUESTIONS)

1. A paralegal finds a relevant case and wants to locate additional cases on the same legal point. The most systematic method is to:

- A. Note the headnote topic and key number from the found case and look it up in the digest
- B. Search Google for the case name and read related news articles
- C. Read every case in the same reporter volume
- D. Search a legal dictionary for the legal term discussed in the case

2. The holding of a judicial opinion is best defined as:

- A. The court's summary of the procedural history
- B. The editorial headnotes prepared by the publisher
- C. The court's specific answer to the legal question presented that establishes binding precedent
- D. Any statement made by the court during the opinion

3. A researcher finds a case published in the North Eastern Reporter. This reporter covers state court decisions from:

- A. Western states including California and Oregon
- B. Northeastern states including New York, Illinois, and Massachusetts
- C. Southern states including Florida and Georgia
- D. All fifty states

4. When reading a judicial opinion, the court's explanation of why it reached its holding is called the:

- A. Disposition
- B. Procedural history
- C. Dicta
- D. Rationale or reasoning

5. A paralegal needs to find all reported cases from federal district courts in the Northern District of Illinois. These cases would be published in:

- A. The Federal Supplement
- B. The Federal Reporter
- C. The United States Reports
- D. The Illinois Official Reports

6. Which of the following is true about headnotes in West-published cases?

- A. They are written by the presiding judge and constitute part of the official opinion
- B. They are binding precedent that can be cited as authority
- D. They replace the need to read the full opinion
- C. They are editorial summaries written by West editors and should never be cited as authority

7. A researcher wants to find every case that has cited a specific Supreme Court decision. The most efficient tool is:

- A. A legal encyclopedia index
- B. A citator tool such as Shepard's or KeyCite
- C. The Descriptive-Word Index of a digest

D. A law review article discussing the decision

8. The difference between a majority opinion and a plurality opinion is that a plurality opinion:

A. Is signed by all judges on the panel

B. Represents the unanimous view of the court

C. Has no precedential value under any circumstances

D. Represents the reasoning of the largest group of justices but does not command a majority of the court

9. A paralegal is researching state case law and finds a relevant opinion from 1985. Before relying on this case, the paralegal must:

A. Validate the case using a citator to confirm it has not been overruled or negatively treated

B. Discard the case because it is too old to be relevant

C. Cite the case without validation because older cases are always still good law

D. Check only whether the case has been cited in a legal encyclopedia

10. When a court "distinguishes" a prior case, it means:

A. The court has formally overruled the prior case

B. The court has adopted the prior case as binding authority

C. The court has identified material factual or legal differences that make the prior case inapplicable to the current situation

D. The court has reversed the prior case on appeal

BONUS SECTION B: ANSWERS AND EXPLANATIONS

1. **A. Note the headnote topic and key number from the found case and look it up in the digest** — This is the "one good case" method, one of the most systematic and effective case-finding techniques. By identifying the topic and key number assigned to the relevant headnote, the researcher can find every other case classified under the same legal point in the digest, regardless of jurisdiction or date.
2. **C. The court's specific answer to the legal question presented that establishes binding precedent** — The holding is the court's resolution of the legal issue before it and constitutes the binding portion of the opinion. It is distinguished from dicta (statements not essential to the resolution), procedural history (how the case reached the court), and headnotes (editorial summaries).
3. **B. Northeastern states including New York, Illinois, and Massachusetts** — The North Eastern Reporter is part of West's regional reporter system and publishes state court opinions from northeastern states including New York, Illinois, Massachusetts, Indiana, and Ohio. Each regional reporter covers a specific geographic group of states.
4. **D. Rationale or reasoning** — The rationale is the court's explanation of the legal principles, policy considerations, and analytical process that led to its holding. Understanding the rationale is essential for legal analysis because it reveals the principles future courts will apply when deciding similar cases.
5. **A. The Federal Supplement** — The Federal Supplement (currently F. Supp. 3d) publishes selected opinions from all United States District Courts, including the Northern District of Illinois. The Federal Reporter publishes Courts of Appeals opinions, and the United States Reports publishes Supreme Court opinions.
6. **C. They are editorial summaries written by West editors and should never be cited as authority** — Headnotes are prepared by West editors, not by the courts. They summarize the legal points addressed in an opinion and assign topic and key number classifications, but they are not part of the official opinion and should never be cited as authority in legal writing.
7. **B. A citator tool such as Shepard's or KeyCite** — Citator tools are specifically designed to identify every subsequent authority that has cited a particular case. Shepard's on Lexis+ and KeyCite on Westlaw provide comprehensive citing reference lists with treatment analysis, making them the most efficient tools for this purpose.

8. **D. Represents the reasoning of the largest group of justices but does not command a majority of the court** — A plurality opinion occurs when no single rationale gains the support of a majority of the justices. The plurality represents the reasoning of the largest group agreeing on the outcome, but because it lacks majority support, its precedential value is more limited and complex than that of a majority opinion.
9. **A. Validate the case using a citator to confirm it has not been overruled or negatively treated** — The age of a case does not determine its validity — a case from 1985 may still be good law, or it may have been overruled, distinguished, or superseded by statute. The only way to determine its current status is to validate it through a citator tool such as Shepard's or KeyCite.
10. **C. The court has identified material factual or legal differences that make the prior case inapplicable to the current situation** — Distinguishing a case means a court has considered a prior decision but concluded that meaningful differences in facts or legal issues prevent the prior holding from controlling the current case. The precedent remains valid but is limited to its own factual context.

BONUS SECTION C: STATUTORY AND CONSTITUTIONAL RESEARCH (10 QUESTIONS)

1. A paralegal needs to find all federal court cases that have interpreted the Fourth Amendment's protection against unreasonable searches and seizures. The most efficient starting point is:

- A. A legal dictionary entry on "search and seizure"
- B. The Federal Register
- C. A law review index
- D. The annotated United States Constitution in the U.S.C.A. or U.S.C.S.

2. When a statute includes a definitions section that assigns a specific meaning to the term "employee," a court interpreting the statute should:

- A. Apply the common dictionary definition of "employee"
- B. Apply the statutory definition because it controls within the statute
- C. Ignore the definitions section and rely on case law
- D. Defer to the opposing party's preferred definition

3. The United States Code Annotated (U.S.C.A.) is more useful than the official United States Code (U.S.C.) for research purposes because:

- A. The U.S.C.A. includes annotations citing interpreting cases, related regulations, and secondary sources
- B. The U.S.C.A. contains more current statutory text
- C. The U.S.C.A. is the only version accepted for citation in court filings

D. The U.S.C.A. includes the full text of all agency guidance documents

4. A researcher discovers that a federal statute was amended in 2025 but the most recent printed U.S.C. volume reflects the 2018 edition. To find the current statutory text, the researcher should:

A. Rely on the 2018 text without further investigation

B. Search the Federal Register for the amendment

C. Check the electronic United States Code, the U.S.C.A., or the U.S.C.S. for the updated text

D. Consult a legal dictionary for the amended definition

5. When a court determines that the plain language of a statute is ambiguous, the court may next consider:

A. Only the personal opinions of the legislators who voted for the statute

B. The court's own policy preferences

C. The text of unrelated statutes

D. Legislative history materials such as committee reports, hearing transcripts, and floor debates

6. A state constitutional provision that guarantees broader privacy rights than the Fourth Amendment of the U.S. Constitution is:

A. Unconstitutional because it exceeds the federal standard

B. Valid because states may provide greater protections than the federal Constitution requires

C. Enforceable only in federal courts

D. Invalid unless ratified by Congress

7. The pocket part of an annotated code volume should be checked to:

- A. Determine whether the statute has been recently amended and whether new case annotations have been added
- B. Find the full legislative history of the statute
- C. Locate the statute in the Statutes at Large
- D. Identify the administrative agency responsible for enforcing the statute

8. A researcher is analyzing a federal statute and encounters the canon of construction that specific provisions prevail over general ones. This canon is known as:

- A. The rule of lenity
- B. Noscitur a sociis
- C. The absurdity doctrine
- D. Generalia specialibus non derogant

9. When citing a provision of the U.S. Constitution, the citation format requires:

- A. A reference to the United States Code title number
- B. The name of the President who signed the provision
- C. The abbreviation "U.S. Const." followed by the article or amendment number and section
- D. A parallel citation to the state constitution

10. A paralegal is researching a state statute and needs to determine whether courts have interpreted a specific provision. The most efficient research tool is:

- A. A legal dictionary
- B. The annotations following the provision in the state's annotated code
- C. The Federal Register
- D. A form book for the relevant practice area

BONUS SECTION C: ANSWERS AND EXPLANATIONS

1. **D. United States Code** — The United States Code (U.S.C.) is the official codification of all permanent federal statutes, organized by subject matter into 54 titles. The Statutes at Large publishes statutes chronologically as enacted, the Federal Register publishes regulations, and the Congressional Record contains legislative proceedings.
2. **A. The annotated United States Constitution in the U.S.C.A. or U.S.C.S.** — The annotated Constitution provides the text of each constitutional provision along with extensive references to judicial opinions interpreting it, organized by topic and subtopic. For the Equal Protection Clause, the annotations compile Supreme Court and lower federal court interpretations spanning decades of jurisprudence.
3. **C. 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 particular statute.
4. **B. Consult the U.S.C.A., U.S.C.S., or the electronic United States Code for the updated text** — The annotated codes on Westlaw and Lexis+ and the electronic United States Code maintained by the Office of Law Revision Counsel are updated more frequently than the printed official code. When the printed volume is outdated, these sources provide the most current statutory text.
5. **D. It includes annotations referencing interpreting cases, related regulations, and secondary sources** — The U.S.C.A.'s annotations compile references to judicial opinions interpreting each statutory section, related administrative regulations, and relevant secondary sources. These research aids make the U.S.C.A. far more useful for research than the official U.S.C., which contains only the statutory text.
6. **A. Legislative history analysis** — Legislative history analysis involves examining the documents produced during the legislative process — committee reports, hearing transcripts, floor debates, and conference reports — to determine what the legislature intended when it enacted an ambiguous statutory provision. It is used when the plain meaning of the text does not resolve the ambiguity.
7. **B. Research the state's annotated constitution to find state court interpretations of the provision** — State courts may interpret their own constitutional provisions differently than federal courts interpret parallel federal provisions. The state's annotated constitution compiles state court

interpretations, allowing the researcher to determine whether the state provision has been given a broader, narrower, or different meaning.

8. **D. Chronological order of enactment** — The Statutes at Large publishes every federal statute in the exact form it was passed, arranged in the order it was enacted during each session of Congress. Unlike the United States Code, which reorganizes statutes by subject matter, the Statutes at Large preserves the original enactment sequence.
9. **C. The state constitution, because it is the highest authority on matters of state law** — Within a state's legal hierarchy, the state constitution is the supreme authority. All state statutes must conform to the state constitution, and any statute that conflicts with a constitutional provision is invalid to the extent of the conflict.
10. **A. It contains recent statutory amendments and new case annotations that update the main volume** — Pocket parts and supplements update annotated code volumes between full edition publications. They include recently enacted amendments to the statutory text, new case annotations reflecting recent judicial interpretations, and updated references to secondary sources. Failing to check the pocket part risks relying on outdated law.

BONUS SECTION D:

ADMINISTRATIVE LAW RESEARCH

(10 QUESTIONS)

1. The Code of Federal Regulations organizes all current final federal regulations by subject matter into how many titles?

- A. 54
- B. 50
- C. 94
- D. 26

2. A federal agency wants to create a new regulation governing workplace safety standards. Under the Administrative Procedure Act, the first step in the rulemaking process is to:

- A. Publish the final rule in the Code of Federal Regulations
- B. Obtain approval from the federal courts
- C. Publish a Notice of Proposed Rulemaking in the Federal Register
- D. Conduct a public referendum on the proposed rule

3. A paralegal needs to find the most current version of a federal regulation and determine whether it has been recently amended. The best free online resource is:

- A. The eCFR at ecfr.gov
- B. Google Scholar
- C. The Congressional Record

D. CourtListener

4. An agency issues a guidance document explaining how it intends to enforce a particular regulation. This guidance document:

- A. Has the full force and effect of law
- B. Must go through notice-and-comment rulemaking
- C. Supersedes the underlying regulation
- D. Does not carry the force of law but indicates the agency's interpretation and enforcement approach

5. Executive orders issued by the President are initially published in which source?

- A. The Code of Federal Regulations exclusively
- B. The Federal Register
- C. The Congressional Record
- D. The United States Code

6. A researcher needs to find federal agency decisions resolving disputes under the National Labor Relations Act. These decisions are published in:

- A. The Federal Supplement
- B. The United States Reports
- C. The Decisions and Orders of the National Labor Relations Board
- D. The Federal Register exclusively

7. The preamble that accompanies a final rule published in the Federal Register is important for research because it:

- A. Contains the agency's explanation of the rule's purpose, its response to public comments, and its interpretation of key provisions
- B. Is the binding regulatory text itself
- C. Replaces the need to read the actual regulation
- D. Is published only in the Code of Federal Regulations

8. A paralegal discovers that a federal regulation was promulgated under authority delegated by a specific federal statute. If that enabling statute is subsequently repealed, the regulation:

- A. Remains valid indefinitely regardless of the statute's repeal
- B. Is automatically strengthened by the repeal
- C. Becomes binding on all courts without statutory support
- D. May lose its legal authority if the repeal eliminates the agency's power to enforce it

9. State administrative regulations are typically compiled in:

- A. The Federal Register
- B. The United States Code
- C. The state's administrative code
- D. The state's constitution

10. During the federal rulemaking process, the public comment period typically lasts:

- A. One week
- B. 30 to 60 days
- C. One year
- D. 24 hours

BONUS SECTION D: ANSWERS AND EXPLANATIONS

1. **B. 50** — The Code of Federal Regulations is organized into 50 titles covering broad areas of federal regulation. These titles roughly parallel the structure of the United States Code but are not identical to it. The United States Code has 54 titles, while the federal court system has 94 districts and 13 circuits.
2. **C. Publish a Notice of Proposed Rulemaking in the Federal Register** — The Administrative Procedure Act requires federal agencies to begin the rulemaking process by publishing a Notice of Proposed Rulemaking (NPRM) in the Federal Register. The NPRM describes the proposed rule, explains its rationale, and invites public comment before the agency adopts a final rule.
3. **A. The eCFR at ecfr.gov** — The Electronic Code of Federal Regulations (eCFR) is a free, continuously updated online version of the C.F.R. maintained by the Government Publishing Office. Unlike the annual printed C.F.R., the eCFR is updated on a rolling basis as new regulations are published in the Federal Register, making it the most current free source for regulatory text.
4. **D. Does not carry the force of law but indicates the agency's interpretation and enforcement approach** — Guidance documents explain how an agency interprets and intends to apply its existing regulations. Unlike regulations promulgated through notice-and-comment rulemaking, guidance documents do not have binding legal force. However, they are practically significant because they signal the agency's enforcement priorities and interpretive positions.
5. **B. The Federal Register** — Executive orders are first published in the Federal Register, which is the official daily publication for presidential documents, proposed rules, final rules, and notices. After initial publication, executive orders are compiled in Title 3 of the Code of Federal Regulations.
6. **C. The Decisions and Orders of the National Labor Relations Board** — Federal agency decisions are typically published in the agency's own official reporter. The National Labor Relations Board publishes its decisions in the Decisions and Orders of the NLRB. These decisions are also available on the agency's website and through Westlaw and Lexis+.
7. **A. Contains the agency's explanation of the rule's purpose, its response to public comments, and its interpretation of key provisions** — The preamble accompanies the regulatory text in the Federal Register and provides essential context for understanding the regulation. It includes the agency's statement of basis and purpose, its analysis of and response to public comments received

during the comment period, and its explanation of key provisions. Courts often consult the preamble when interpreting ambiguous regulatory language.

8. **D. May lose its legal authority if the repeal eliminates the agency's power to enforce it** — Administrative regulations derive their legal authority from the enabling statutes that authorized their creation. If the enabling statute is repealed and no other statutory authority supports the regulation, the regulation may lose its legal foundation and become unenforceable. The researcher must examine whether the repeal eliminates the specific authority under which the regulation was promulgated.
9. **C. The state's administrative code** — Each state maintains its own administrative code where state agency regulations are compiled and organized by subject matter. The Federal Register and C.F.R. contain only federal regulations, and state constitutions serve a different function as the foundational governing documents for state government.
10. **B. 30 to 60 days** — The public comment period during federal rulemaking typically lasts 30 to 60 days, during which individuals, organizations, and other interested parties may submit written comments on the proposed rule. The agency must consider these comments before issuing a final rule. Some complex rulemakings may have longer comment periods.

BONUS SECTION E: LEGAL ENCYCLOPEDIAS AND TREATISES (10 QUESTIONS)

1. Which of the following best describes the primary difference between Am. Jur. 2d and C.J.S.?

- A. Am. Jur. 2d covers only federal law while C.J.S. covers only state law
- B. Am. Jur. 2d is published by LexisNexis while C.J.S. is published by Bloomberg Law
- C. Am. Jur. 2d is binding authority while C.J.S. is persuasive only
- D. Am. Jur. 2d selects the most significant cases while C.J.S. historically aimed to cite every reported case

2. A paralegal is unfamiliar with the law of eminent domain and needs to gain a basic understanding before conducting primary authority research. The most appropriate starting point is:

- A. A legal encyclopedia entry on eminent domain
- B. A demand letter template
- C. The Federal Register
- D. A citator search on Westlaw

3. C.J.S. is integrated with which research tool, allowing researchers to move directly from an encyclopedia entry into the digest system?

- A. Shepard's Citations
- B. BCite
- C. West's Key Number System

D. HeinOnline

4. A leading treatise written by a nationally recognized expert carries which level of persuasive value?

- A. No persuasive value because all secondary sources are equally weighted
- B. Significant persuasive value that courts regularly recognize and cite
- C. Binding authority in the jurisdiction where the author resides
- D. Less persuasive value than a legal encyclopedia entry

5. When citing a legal encyclopedia in a brief, the general rule is that:

- A. Encyclopedia citations are preferred over case citations
- B. Encyclopedias are binding authority in the state where they are published
- C. Encyclopedias may be cited instead of primary authority in all circumstances
- D. Encyclopedia citations carry limited persuasive value and may signal incomplete research

6. Practice guides differ from scholarly treatises primarily in that practice guides:

- A. Include checklists, forms, step-by-step procedures, and practical strategic advice
- B. Are always more authoritative than treatises
- C. Cover only constitutional law topics
- D. Are published exclusively by government agencies

7. A researcher using Am. Jur. 2d should check the pocket part or online supplement because:

- A. The pocket part contains the full text of all cited cases
- B. The pocket part replaces the main volume entirely

- C. The pocket part updates the encyclopedia with recent legal developments and new annotations
- D. Pocket parts are required by the Bluebook before citing an encyclopedia

8. State-specific legal encyclopedias such as California Jurisprudence 3d are most useful when:

- A. Researching questions of federal constitutional law
- B. Researching legal questions governed by that specific state's law
- C. Looking for international law materials
- D. Conducting legislative history research

9. Which of the following treatises is widely recognized as one of the most authoritative secondary sources on tort law?

- A. Prosser and Keeton on Torts
- B. The Federal Register
- C. Black's Law Dictionary
- D. The Congressional Record

10. When selecting a treatise for research, a paralegal should consider:

- A. Only the length of the treatise
- B. Only the publication date without regard to supplements
- C. Only whether the treatise is available in hardcover
- D. The author's reputation, the treatise's currency including supplements, and whether it covers the relevant jurisdiction

BONUS SECTION E: ANSWERS AND EXPLANATIONS

1. **D. Am. Jur. 2d selects the most significant cases while C.J.S. historically aimed to cite every reported case** — This is the primary editorial distinction between the two national legal encyclopedias. Am. Jur. 2d provides a more streamlined approach by citing the most important and representative cases, while C.J.S. historically pursued comprehensive case coverage on each legal point. Both are published by Thomson Reuters and cover all areas of American law.
2. **A. A legal encyclopedia entry on eminent domain** — Legal encyclopedias provide broad, accessible overviews that are ideal for researchers who need a general introduction to an unfamiliar area of law. An encyclopedia entry on eminent domain will explain the basic framework, define key terms, identify controlling principles, and cite the most important primary authorities as starting points for deeper research.
3. **C. West's Key Number System** — C.J.S. is integrated with the West Key Number System, with each section including references to the relevant topics and key numbers. This integration allows researchers to move seamlessly from an encyclopedia discussion into the digest system for comprehensive case law research on the same legal point.
4. **B. Significant persuasive value that courts regularly recognize and cite** — Leading treatises written by recognized experts are among the most persuasive forms of secondary authority. Courts regularly cite works such as Prosser and Keeton on Torts, Corbin on Contracts, and Wright and Miller's Federal Practice and Procedure as authoritative statements of the law.
5. **D. Encyclopedia citations carry limited persuasive value and may signal incomplete research** — Legal encyclopedias are useful research starting points but carry limited persuasive value with courts. Citing an encyclopedia in a brief when relevant primary authority or more authoritative secondary sources are available may suggest to the court that the writer's research was not thorough enough.
6. **A. Include checklists, forms, step-by-step procedures, and practical strategic advice** — Practice guides are oriented toward working practitioners and combine legal analysis with practical tools. While scholarly treatises tend to focus on doctrinal analysis and theoretical depth, practice guides emphasize the mechanics of implementing the law in day-to-day practice.
7. **C. The pocket part updates the encyclopedia with recent legal developments and new annotations** — Legal encyclopedias are updated periodically through pocket parts and supplements that incorporate new case law, statutory changes, and updated commentary. Failing

to check the pocket part risks relying on an encyclopedia entry that does not reflect the current state of the law.

8. **B. Researching legal questions governed by that specific state's law** — State-specific legal encyclopedias focus exclusively on the statutes and case law of a single state, providing more targeted and relevant coverage than national encyclopedias for state-specific research questions. California Jurisprudence 3d, for example, covers only California law.
9. **A. Prosser and Keeton on Torts** — Prosser and Keeton on Torts is one of the most widely cited and respected treatises in American law. It provides comprehensive, authoritative analysis of tort law principles and is regularly cited by courts as a leading secondary authority on tort-related legal questions.
10. **D. The author's reputation, the treatise's currency including supplements, and whether it covers the relevant jurisdiction** — Selecting an appropriate treatise requires evaluating multiple factors: the author's standing as a recognized expert in the field, whether the treatise has been recently updated through pocket parts or supplements, and whether its coverage includes the jurisdiction and specific legal issues relevant to the research. A prestigious but outdated treatise or one covering the wrong jurisdiction may not serve the researcher's needs.

BONUS SECTION F: ALR, RESTATEMENTS, AND PERIODICALS (10 QUESTIONS)

1. An ALR annotation is most valuable when a researcher needs to:
 - A. Find the definition of a legal term
 - B. Survey how courts across multiple jurisdictions have addressed a specific narrow legal issue
 - C. Locate a model contract template
 - D. Determine the correct citation format for a federal statute

2. The Restatements of the Law are published by which organization?
 - A. Thomson Reuters
 - B. The United States Supreme Court
 - C. The National Conference of Commissioners on Uniform State Laws
 - D. The American Law Institute

3. A Restatement provision that has been adopted by a state's highest court:
 - A. Becomes binding precedent within that state on the adopted point
 - B. Remains purely advisory with no legal significance
 - C. Is automatically adopted by all other states
 - D. Supersedes federal law on the same topic

4. Which ALR series focuses exclusively on federal law issues?

- A. ALR 5th
- B. ALR 6th
- C. ALR Federal and ALR Federal 2d and ALR Federal 3d
- D. ALR 4th

5. A law review lead article differs from a student note primarily in that a lead article:

- A. Is shorter and less thoroughly researched
- B. Is a full-length scholarly work written by a professor, judge, or experienced practitioner
- C. Cannot include footnotes
- D. Is binding authority in the jurisdiction where the law school is located

6. The "black letter" rule in a Restatement section is:

- A. A compilation of all cases on the topic
- B. The legislative history of the related statute
- C. A summary of the reporter's personal opinions
- D. A concise statement of the legal principle that the ALI has determined represents the law

7. HeinOnline is the premier database for:

- A. Full-text access to legal periodicals including law reviews and journals dating back to the earliest volumes
- B. Federal court docket filings
- C. Real-time stock market data

D. State administrative regulations

8. A researcher is analyzing a products liability issue and wants to find the Restatement position on strict liability for defective products. After locating the relevant section, the researcher should also review:

A. Only the section number and title

B. Only the reporter's notes

C. The official comments and illustrations that explain how the rule applies to specific factual situations

D. Only the index to the Restatement

9. When citing an ALR annotation in legal writing, the researcher should remember that:

A. ALR annotations are binding primary authority

B. ALR annotations replace the need to cite the cases discussed within them

C. ALR annotations are published by the federal government

D. ALR annotations are secondary sources and the individual cases discussed should be cited as the primary authority

10. SSRN is particularly useful for legal researchers because it provides:

A. Official federal court opinions

B. Access to working papers and pre-publication drafts of legal scholarship before they appear in published law reviews

C. The full text of the Code of Federal Regulations

D. Binding administrative agency decisions

BONUS SECTION F: ANSWERS AND EXPLANATIONS

1. **B. Survey how courts across multiple jurisdictions have addressed a specific narrow legal issue** — ALR annotations provide focused, comprehensive analysis of a single narrowly defined legal question, collecting and organizing case law from across the country on that specific point. They identify majority and minority rules, track trends, and organize cases by jurisdiction, making them the most efficient tool for nationwide case surveys on specific issues.
2. **D. The American Law Institute** — The Restatements of the Law are published by the American Law Institute (ALI), a prestigious organization composed of approximately 3,000 elected members including judges, law professors, and practicing attorneys. The ALI's mission is to clarify and synthesize the common law through systematic, code-like formulations.
3. **A. Becomes binding precedent within that state on the adopted point** — When a state's highest court adopts a specific Restatement provision, that judicial adoption transforms the secondary authority into binding precedent within the state. The Restatement itself remains a secondary source, but the court's decision to adopt the provision gives it the force of law within that jurisdiction.
4. **C. ALR Federal and ALR Federal 2d and ALR Federal 3d** — The ALR Federal series focuses exclusively on federal law issues, while other ALR series (ALR 4th, ALR 5th, ALR 6th, ALR 7th) cover state law topics. ALR Federal 3d is the most current series in the federal line.
5. **B. Is a full-length scholarly work written by a professor, judge, or experienced practitioner** — Lead articles are the primary scholarly works published in law reviews, typically presenting original research, in-depth analysis, and significant contributions to legal scholarship. Student notes and comments are shorter works written by law students serving on the journal's editorial board and generally address narrower questions.
6. **D. A concise statement of the legal principle that the ALI has determined represents the law** — The black letter rule is the clear, concise statement that appears at the beginning of each Restatement section, articulating the legal principle that the ALI's members and reporters have determined best represents the current state of the law or what the law should be. It is followed by comments, illustrations, and reporter's notes that elaborate on the rule.
7. **A. Full-text access to legal periodicals including law reviews and journals dating back to the earliest volumes** — HeinOnline provides the most comprehensive collection of legal periodical content available, with full-text access to nearly every law review and legal journal ever published.

Its coverage extends back to the first volume of each publication, making it invaluable for both current and historical legal scholarship research.

8. **C. The official comments and illustrations that explain how the rule applies to specific factual situations** — The comments and illustrations that follow each Restatement black letter rule are essential components of the Restatement. Comments explain the rule's scope, application, and limitations in detail, while numbered illustrations present hypothetical scenarios demonstrating how the rule operates in practice. Reviewing only the black letter text without the comments and illustrations provides an incomplete understanding of the rule.
9. **D. ALR annotations are secondary sources and the individual cases discussed should be cited as the primary authority** — ALR annotations are authored by legal editors and analysts — they are secondary sources that collect and discuss case law. When a researcher finds a useful case through an ALR annotation, the case itself should be cited as primary authority in legal writing, not the annotation. The annotation served as a finding tool, but the authority resides in the judicial opinion.
10. **B. Access to working papers and pre-publication drafts of legal scholarship before they appear in published law reviews** — SSRN (Social Science Research Network) hosts working papers and pre-publication drafts from legal scholars across the country, providing access to the most current legal scholarship before it undergoes the formal publication process. This makes SSRN particularly valuable for researching rapidly developing areas of law where the most current analysis may not yet appear in published journals.

BONUS SECTION G: WESTLAW NAVIGATION AND SEARCHING (10 QUESTIONS)

1. KeyCite on Westlaw uses which colored indicator to signal that a case has received significant negative treatment such as being reversed or overruled?

- A. Yellow flag
- B. Blue-striped flag
- C. Red flag
- D. Orange flag

2. A researcher on Westlaw wants to find all cases classified under a specific legal topic and subtopic. The most effective tool is:

- A. The Key Number System
- B. The Federal Register database
- C. The Table of Authorities feature
- D. Practical Law

3. Westlaw's Quick Check feature is designed to:

- A. Generate a table of authorities automatically
- B. Translate legal documents into plain language
- C. Search the Federal Register for proposed regulations

D. Analyze a brief or memorandum to identify potentially missing authorities and flag cited authorities with negative treatment

4. On Westlaw, a blue-striped KeyCite flag on a case indicates:

- A. The case has been overruled
- B. The case has been appealed and the appeal is pending
- C. The case has received positive treatment
- D. The statute cited in the case has been amended

5. A researcher runs a terms and connectors search on Westlaw using the query: landlord /s "reasonable care" /p tenant. This search will retrieve documents where:

- A. All three terms appear anywhere in the document
- B. "Landlord" and "tenant" appear in the same sentence
- C. "Landlord" and "reasonable care" appear in the same sentence, with "tenant" in the same paragraph as "reasonable care"
- D. The terms appear only in the document title

6. Westlaw's Practical Law resource provides:

- A. Practice-oriented materials including model documents, checklists, and practice notes for practitioners
- B. Only academic law review articles
- C. Free access to all Westlaw databases
- D. A citator tool for validating authorities

7. On Westlaw, a researcher can view a visual timeline showing how a case has been cited over time using:

- A. The Descriptive-Word Index
- B. Shepard's Citations
- C. The Table of Contents browser
- D. Graphical KeyCite

8. A researcher on Westlaw wants to narrow search results to only cases from the Ninth Circuit decided after January 1, 2020. The most efficient approach is to:

- A. Read every case in the results list to check the date and court
- B. Apply jurisdiction and date filters after running the initial search
- C. Run a new search using only the date as a search term
- D. Search only in secondary source databases

9. Westlaw Edge's litigation analytics tools provide data-driven insights into:

- A. The correct citation format for each jurisdiction
- B. The text of proposed federal legislation
- C. Judge behavior, case outcomes, and attorney performance
- D. The legislative history of state statutes

10. On KeyCite, a yellow flag on a case indicates:

- A. The case has received some negative treatment such as being criticized, distinguished, or questioned, but has not been overruled or reversed
- B. The case has been affirmed on appeal
- C. The case has been superseded by statute
- D. The case has received only positive treatment

BONUS SECTION G: ANSWERS AND EXPLANATIONS

1. **C. Red flag** — A red flag on KeyCite indicates that the case has received significant negative treatment, such as being reversed on appeal, overruled by a subsequent decision, or otherwise directly and negatively affected by a later authority. This is the most serious KeyCite indicator and requires the researcher to investigate immediately to determine the scope and nature of the negative treatment.
2. **A. The Key Number System** — West's Key Number System is Westlaw's unique classification tool that organizes all American case law into over 400 topics with detailed subtopics, each assigned a key number. Researchers can browse or search the Key Number System to find every case addressing a specific legal point, with the ability to filter results by jurisdiction, date, and court level.
3. **D. Analyze a brief or memorandum to identify potentially missing authorities and flag cited authorities with negative treatment** — Quick Check uses artificial intelligence to scan an uploaded legal document, identify relevant authorities the writer may have overlooked, and flag any cited authorities that have received negative treatment on KeyCite. It serves as an automated quality check for legal documents before filing or submission.
4. **B. The case has been appealed and the appeal is pending** — A blue-striped flag on KeyCite indicates that the case has been appealed to a higher court and the appeal is currently pending. This means the case's final status has not yet been determined, and the holding may be subject to change depending on the outcome of the appeal.
5. **C. "Landlord" and "reasonable care" appear in the same sentence, with "tenant" in the same paragraph as "reasonable care"** — The /s connector requires that "landlord" and the exact phrase "reasonable care" (enclosed in quotation marks) appear within the same sentence. The /p connector then requires that "tenant" appear within the same paragraph as "reasonable care." This combination ensures the terms are used in a meaningfully related context.
6. **A. Practice-oriented materials including model documents, checklists, and practice notes for practitioners** — Practical Law is a collection of practice-oriented resources on Westlaw designed for working attorneys and paralegals. It includes model documents, checklists, practice notes, toolkits, and strategic guidance for both transactional and litigation practice across numerous legal areas.

7. **D. Graphical KeyCite** — Graphical KeyCite provides a visual representation of a case's citation history, displaying how the case has been cited over time, by which courts, and whether the treatment was positive or negative. This visual timeline allows researchers to quickly assess the case's influence and treatment trajectory without reading every citing reference individually.
8. **B. Apply jurisdiction and date filters after running the initial search** — Westlaw's post-search filtering tools allow researchers to narrow results by jurisdiction, date range, court level, document type, and other criteria. Applying a Ninth Circuit jurisdiction filter and a date filter for cases after January 1, 2020 efficiently narrows the results to only the relevant authorities.
9. **C. Judge behavior, case outcomes, and attorney performance** — Westlaw Edge's litigation analytics tools use data analysis to provide insights into how specific judges rule on specific types of motions, patterns in case outcomes, average case duration, damages awarded, and attorney win rates. These data-driven insights support strategic litigation decision-making.
10. **A. The case has received some negative treatment such as being criticized, distinguished, or questioned, but has not been overruled or reversed** — A yellow flag on KeyCite indicates that the case has received cautionary treatment from subsequent authorities. This may include criticism, distinguishing, limitation, or questioning of the holding. While less severe than a red flag, a yellow flag requires the researcher to review the citing references to determine whether the negative treatment affects the specific legal point being relied upon.

BONUS SECTION H: LEXIS+ NAVIGATION AND SEARCHING (10 QUESTIONS)

1. On Shepard's Citations, a red stop sign indicates that a case has:

- A. Received only positive treatment
- B. Citing references with no clear treatment identified
- C. Been appealed and the appeal is pending
- D. Received strong negative treatment such as being reversed or overruled

2. A researcher on Lexis+ wants to determine how a specific federal judge has ruled on motions to compel discovery over the past three years. The most appropriate tool is:

- A. Shepard's Citations
- B. Lexis+ Context analytics
- C. The ALWD Guide
- D. HeinOnline

3. Lexis+ Brief Analysis allows a researcher to:

- A. Upload a document and receive automated identification of cited authorities, flagging of negative treatment, and suggestions for additional relevant authorities
- B. Generate a complete legal memorandum automatically
- C. File briefs electronically with federal courts

D. Create a table of contents for an appellate brief

4. On Shepard's Citations, a green diamond signal indicates that a case has:

- A. Been reversed on appeal
- B. Received strong negative treatment
- C. Received positive treatment such as being followed or cited approvingly
- D. No citing references at all

5. A researcher on Lexis+ runs a search and receives an overwhelming number of results. The most effective next step is to:

- A. Read every result from beginning to end
- B. Abandon the search and start a completely different project
- C. Cite the first three results without reading them
- D. Apply filters for jurisdiction, date range, court level, and practice area to narrow the results

6. The Shepard's signal that indicates a case has citing references but no clearly positive or negative treatment identified is:

- A. Red stop sign
- B. Blue circle
- C. Green diamond
- D. Yellow triangle

7. On Lexis+, a researcher can filter Shepard's citing references by specific headnote to:

- A. Focus on citing decisions that address the specific legal point relevant to the current research

- B. Find only secondary sources discussing the case
- C. Remove all federal court citations from the results
- D. Generate a citation-formatted document automatically

8. A researcher on Lexis+ wants to find cases using the exact phrase "proximate cause" within the same paragraph as "foreseeability." The correct search query is:

- A. proximate cause AND foreseeability
- B. proximate cause OR foreseeability
- C. proximate cause NOT foreseeability
- D. "proximate cause" /p foreseeability

9. On Shepard's Citations, a yellow triangle signal indicates:

- A. The case has been formally overruled
- B. The case has received some cautionary treatment such as being distinguished or questioned
- C. The case has received only positive treatment
- D. The case has no citing references

10. Which Lexis+ feature distinguishes it most significantly from its competitors due to its long history as the original citator service?

- A. Natural language searching
- B. Practice area filtering
- C. Shepard's Citations
- D. Document formatting tools

BONUS SECTION H: ANSWERS AND EXPLANATIONS

1. **D. Received strong negative treatment such as being reversed or overruled** — A red stop sign is the most serious signal in the Shepard's system, indicating that the case has received strong negative treatment from a subsequent authority. This may include reversal on appeal, overruling by a later decision, or superseding by statute. The researcher must immediately investigate the citing references to determine the scope of the negative treatment.
2. **B. Lexis+ Context analytics** — Lexis+ Context provides data-driven analytics on judicial decision-making patterns, including how specific judges have ruled on particular types of motions over specified time periods. This tool allows practitioners to make strategic litigation decisions based on empirical data about judge behavior rather than anecdote or assumption.
3. **A. Upload a document and receive automated identification of cited authorities, flagging of negative treatment, and suggestions for additional relevant authorities** — Brief Analysis is an AI-powered tool on Lexis+ that scans an uploaded legal document, identifies all cited authorities, checks each against Shepard's for negative treatment, and suggests additional relevant authorities the writer may have missed. It serves as a comprehensive quality check before filing or submission.
4. **C. Received positive treatment such as being followed or cited approvingly** — A green diamond on Shepard's indicates that the case has been treated favorably by subsequent authorities — it has been followed, affirmed, or cited with approval. While this is the most favorable signal, the researcher should still review the specific citing decisions to confirm that the positive treatment relates to the legal point being relied upon.
5. **D. Apply filters for jurisdiction, date range, court level, and practice area to narrow the results** — When a search returns too many results, Lexis+'s filtering tools allow the researcher to narrow the results efficiently. Applying jurisdiction, date, court level, and practice area filters eliminates irrelevant results without requiring a completely new search, saving time and focusing the research on the most relevant authorities.
6. **B. Blue circle** — A blue circle on Shepard's indicates that the case has citing references but that Shepard's editorial analysis has not classified the treatment as clearly positive or clearly negative. The researcher should review the citing decisions to understand how the case has been used and make an independent assessment of its current reliability.
7. **A. Focus on citing decisions that address the specific legal point relevant to the current research** — Headnote filtering in Shepard's allows the researcher to narrow the citing references

to only those decisions that discuss the same legal point identified in a specific headnote of the original case. This targeted approach makes validation more efficient by eliminating citing references that address different legal issues within the same case.

8. **D. "proximate cause" /p foreseeability** — Quotation marks around "proximate cause" require that exact phrase to appear in the document. The /p connector requires "foreseeability" to appear within the same paragraph as "proximate cause," ensuring that the two concepts are discussed in a related context rather than appearing in unrelated sections of a lengthy opinion.
9. **B. The case has received some cautionary treatment such as being distinguished or questioned** — A yellow triangle on Shepard's indicates that the case has received treatment that warrants caution. This may include being distinguished by subsequent courts, questioned as to its continued validity, explained with reservation, or treated with some other form of less-than-full endorsement. It does not mean the case has been overruled, but it signals that the researcher should review the citing references carefully.
10. **C. Shepard's Citations** — Shepard's Citations is the oldest and most recognized citator service in American legal research, dating back to 1873 when Frank Shepard first published it in print. Its integration into Lexis+ gives the platform a distinctive advantage rooted in over 150 years of citation analysis expertise. While Westlaw has KeyCite and Bloomberg Law has BCite, Shepard's long history and widespread recognition make it the feature most uniquely associated with Lexis+.

BONUS SECTION I: FREE LEGAL RESEARCH TOOLS AND AI IN LEGAL RESEARCH (10 QUESTIONS)

1. The primary limitation of Google Scholar as a case law research tool is that it:
 - A. Does not include any federal court opinions
 - B. Requires a paid subscription for access
 - C. Lacks a true citator with treatment analysis
 - D. Cannot be searched by keyword

2. GovInfo provides free authenticated access to which of the following federal legal materials?
 - A. The United States Code, the Code of Federal Regulations, and the Federal Register
 - B. Only state court opinions
 - C. Only law review articles
 - D. Only Supreme Court oral argument transcripts

3. The Caselaw Access Project, developed by Harvard Law School Library Innovation Lab, provides free access to:
 - A. Federal administrative agency decisions only
 - B. Law review articles from the past five years only
 - C. Only cases decided after the year 2000
 - D. The full text of published U.S. case law from all jurisdictions dating back to the earliest reports

4. CourtListener's RECAP Archive is particularly useful because it:

- A. Provides comprehensive citator analysis for all cases
- B. Makes federal court documents freely available that would otherwise require PACER fees
- C. Contains the full text of the Code of Federal Regulations
- D. Publishes law review articles

5. An AI-powered legal research tool suggests a case that the researcher has never encountered. Before citing the case, the researcher must:

- A. Cite the case immediately because AI tools are always accurate
- B. Include a disclaimer that the case was found using AI
- C. Verify that the case exists, read it in full, and validate it with a citator
- D. Ask a colleague whether they have heard of the case

6. The phenomenon of AI tools generating citations to cases that do not actually exist is commonly called:

- A. Hallucination
- B. Preemption
- C. Stare decisis
- D. Codification

7. PACER provides online access to federal court documents and charges users on which basis?

- A. A monthly subscription fee
- B. An annual licensing fee
- C. A fee per search query

D. A per-page fee for accessed documents

8. Which of the following is a key advantage of free legal research resources over fee-based platforms?

A. They provide more comprehensive citator tools than Westlaw or Lexis+

B. They provide access to legal materials at no cost, making them valuable for preliminary research and cost-sensitive situations

C. They include more editorial enhancements than fee-based platforms

D. They are always more current than fee-based platforms

9. The ethical obligation that requires legal professionals to verify AI-generated research results before relying on them is rooted in:

A. The duty of competence, which requires thorough, accurate, and reliable legal work

B. The duty of confidentiality

C. The duty of attorney-client privilege

D. The rules of citation form

10. A paralegal is evaluating whether to use a free legal research resource or a fee-based platform for a specific research task. The most important consideration is:

A. The visual design of the platform's interface

B. Whether the platform offers a mobile application

C. Whether the resource provides the coverage, accuracy, and tools needed for the specific task

D. The number of advertisements displayed on the platform

BONUS SECTION I: ANSWERS AND EXPLANATIONS

1. **C. Lacks a true citator with treatment analysis** — Google Scholar's "Cited by" feature shows which subsequent cases and articles have cited a particular opinion, but it does not analyze the treatment — it does not indicate whether the citation was positive, negative, distinguishing, or neutral. This is a critical limitation compared to Shepard's on Lexis+ and KeyCite on Westlaw, which provide detailed treatment analysis essential for verifying an authority's current status.
2. **A. The United States Code, the Code of Federal Regulations, and the Federal Register** — GovInfo ([govinfo.gov](https://www.govinfo.gov)) is the official repository of federal government publications, maintained by the Government Publishing Office. It provides free, authenticated access to a comprehensive collection of federal legal materials including the U.S. Code, the C.F.R., the Federal Register, congressional materials, and Supreme Court decisions.
3. **D. The full text of published U.S. case law from all jurisdictions dating back to the earliest reports** — The Caselaw Access Project represents a landmark achievement in open access to legal materials, making millions of published judicial opinions from all U.S. jurisdictions freely available in a searchable, machine-readable format. Its coverage extends back to the earliest published case reports in American legal history.
4. **B. Makes federal court documents freely available that would otherwise require PACER fees** — The RECAP Archive, maintained by CourtListener and the Free Law Project, collects federal court documents contributed by users of the RECAP browser extension. Documents obtained through PACER by one user are uploaded to the archive and made freely available to all subsequent users, reducing the financial barrier to accessing federal court filings.
5. **C. Verify that the case exists, read it in full, and validate it with a citator** — AI tools can produce inaccurate results, including citations to cases that do not exist. Before citing any AI-suggested authority, the researcher must independently confirm that the case is real, read the full text to verify its relevance and accuracy, and validate it through a citator to confirm it has not been overruled or negatively treated.
6. **A. Hallucination** — In the context of artificial intelligence, "hallucination" refers to the generation of content that appears plausible but is factually incorrect or entirely fabricated. In legal research, this has manifested as AI tools producing citations to judicial opinions that do not exist, leading to professional sanctions for attorneys who relied on the fabricated citations without verification.

7. **D. A per-page fee for accessed documents** — PACER (Public Access to Court Electronic Records) charges a per-page fee, currently \$0.10 per page with a cap per document, for accessing federal court documents, dockets, and filings. While affordable for targeted document retrieval, costs can accumulate with extensive use, which is why the RECAP Archive provides a valuable free alternative for previously accessed documents.
8. **B. They provide access to legal materials at no cost, making them valuable for preliminary research and cost-sensitive situations** — The primary advantage of free resources such as Google Scholar, GovInfo, the Caselaw Access Project, and CourtListener is that they provide access to legal materials without subscription or per-use fees. They are particularly valuable for preliminary research, background reading, and situations where fee-based platform access is unavailable or budget constraints limit research spending.
9. **A. The duty of competence, which requires thorough, accurate, and reliable legal work** — The duty of competence under the professional rules of conduct requires legal professionals to provide representation using the knowledge, skill, thoroughness, and preparation reasonably necessary. This includes understanding the tools used in research, verifying the accuracy of results, and exercising independent professional judgment — all of which require verification of AI-generated results before reliance.
10. **C. Whether the resource provides the coverage, accuracy, and tools needed for the specific task** — The choice between free and fee-based resources should be driven by the requirements of the specific research task. Some tasks — such as preliminary background research or accessing publicly available statutes — can be accomplished effectively with free resources. Others — such as comprehensive case law research requiring citator analysis and editorial enhancements — may require the tools available only on fee-based platforms. The decision should match the resource to the need.

BONUS SECTION J: BLUEBOOK CITATION — CASES AND STATUTES (10 QUESTIONS)

1. In Bluebook practitioner format, case names should be presented in:
 - A. Large and small capitals
 - B. Italics or underscoring
 - C. Bold typeface
 - D. Regular roman type without formatting

2. When citing a case decided by the United States Supreme Court to the United States Reports, the court parenthetical:
 - A. Must include the abbreviation "U.S. Sup. Ct."
 - B. Must identify the specific justice who authored the opinion
 - C. Is not required because the reporter is exclusive to the Supreme Court
 - D. Must include the circuit designation

3. A proper Bluebook citation to a federal statute should preferably cite to:
 - A. The official United States Code (U.S.C.)
 - B. The Statutes at Large
 - C. The Congressional Record

D. A secondary source discussing the statute

4. A researcher is citing a case from the United States Court of Appeals for the Third Circuit. The correct court abbreviation in the parenthetical is:

A. Third Circuit

B. U.S. App. 3

C. Fed. Ct. 3rd

D. 3d Cir.

5. The purpose of a pinpoint citation in a case citation is to:

A. Identify the reporter where the case is published

B. Direct the reader to the specific page where the relevant material appears

C. Indicate the year the case was decided

D. Identify the court that decided the case

6. When citing a state statute, the researcher should follow the citation format specified in:

A. The Federal Rules of Civil Procedure

B. The APA Style Manual

C. Table T1 of The Bluebook for that specific state

D. The MLA Handbook

7. A citation to a specific subsection of a federal statute should include:

- A. Only the title number without a section designation
- B. Only the section number without subdivision designations
- C. A reference to the Statutes at Large instead of the code
- D. All subdivision designations to identify the exact provision

8. When citing a case from a state intermediate appellate court, the parenthetical must include:

- A. The specific court designation and the year of the decision
- B. Only the year of the decision
- C. The name of the presiding judge
- D. The docket number and the jury's verdict

9. A researcher cites a federal statute and includes the year of the code edition in the parenthetical.
This year indicates:

- A. When the statute was first enacted by Congress
- B. When the statute will expire under a sunset provision
- C. Which edition of the code is being cited
- D. When the researcher conducted the research

10. The Bluebook requires that when citing a case for the first time in a document, the writer must provide:

- A. Only the case name and year

- B. A full citation including all required components
- C. A short form citation followed by the full citation
- D. Only the reporter and page number

BONUS SECTION J: ANSWERS AND EXPLANATIONS

1. **B. Italics or underscoring** — In Bluebook practitioner format (Bluepages), case names are presented in italics or with underscoring. Large and small capitals are used in academic citation format (white pages) for certain components but not in practice documents. This is one of the most important typeface distinctions between practitioner and academic formats.
2. **C. Is not required because the reporter is exclusive to the Supreme Court** — When citing a U.S. Supreme Court case to the United States Reports (U.S.), no court designation is needed in the parenthetical because this reporter publishes exclusively Supreme Court decisions. The reporter itself identifies the court, so including a court abbreviation would be redundant.
3. **A. The official United States Code (U.S.C.)** — The Bluebook prefers citation to the official United States Code when it is available, as it is the authoritative version of federal statutes published by the Government Publishing Office. The annotated codes (U.S.C.A. and U.S.C.S.) are cited when the official code is unavailable or when the annotations are specifically relevant.
4. **D. 3d Cir.** — The standard Bluebook abbreviation for the United States Court of Appeals for the Third Circuit is "3d Cir." Note the use of "3d" rather than "3rd" — the Bluebook follows a specific convention for ordinal numbers in court abbreviations that uses "2d" for second and "3d" for third rather than "2nd" and "3rd."
5. **B. Direct the reader to the specific page where the relevant material appears** — A pinpoint citation (also called a jump cite or pincite) identifies the exact page within the cited authority where the supporting proposition is found. This allows the reader to locate the relevant discussion without reading the entire opinion, and its inclusion is considered mandatory in professional legal writing.
6. **C. Table T1 of The Bluebook for that specific state** — Table T1 provides jurisdiction-specific citation formats for every state, including the correct abbreviations for statutory compilations, courts, and reporters. State statutory citations must follow the format specified for that particular jurisdiction, as conventions vary significantly from state to state.
7. **D. All subdivision designations to identify the exact provision** — When citing a specific subsection, paragraph, or clause within a statute, the citation must include every level of subdivision to direct the reader to the precise provision. Citing only the broader section number when a specific subsection is relevant forces the reader to search through potentially lengthy statutory text.

8. **A. The specific court designation and the year of the decision** — For state intermediate appellate court citations, the parenthetical must identify both the specific court and the year. The court designation is necessary because reporters covering intermediate appellate courts may include decisions from multiple courts, and the reader needs to know which specific court issued the decision.
9. **C. Which edition of the code is being cited** — The year in the parenthetical of a statutory citation indicates which edition of the code the writer is referencing. This information is important because statutes can be amended between code editions, and the reader needs to know which version of the text is being cited to verify the quoted or referenced language.
10. **B. A full citation including all required components** — The Bluebook requires that the first citation to any authority in a document be a complete citation containing every required component — case name, volume, reporter, page, court, and date for cases. Short form citations may be used only for subsequent references after the full citation has been provided.

BONUS SECTION K: BLUEBOOK CITATION — SECONDARY SOURCES AND SHORT FORMS (10 QUESTIONS)

1. The short form citation "Id." may be used only when:

- A. The cited authority was discussed earlier in the same section
- B. The cited authority is a well-known case or statute
- C. The writer wants to emphasize a previously cited authority
- D. Referring to the immediately preceding citation with no intervening citations to other authorities

2. A proper Bluebook citation to a law review article includes:

- A. Author, title, volume, journal abbreviation, first page, pinpoint page, and year
- B. Only the author and title
- C. The journal's ISSN number and publisher address
- D. Only the volume and page number

3. The short form "supra" may be used in Bluebook citation for:

- A. Cases previously cited in full
- B. Statutes previously cited in full
- C. Secondary sources previously cited in full
- D. Constitutional provisions previously cited in full

4. When citing a Restatement provision, the citation must include:

- A. The name of every ALI member who voted on the provision
- B. The Restatement title, series designation, section number, and year of publication
- C. Only the section number
- D. A reference to every case that has adopted the provision

5. A researcher uses "Id." but needs to direct the reader to a different page within the same source. The correct format is:

- A. Id. followed by only the case name
- B. Id. with no additional information
- C. A full citation repeated in its entirety
- D. Id. at [new page number]

6. Table T13 of The Bluebook provides standardized abbreviations for:

- A. Periodical titles used when citing law reviews, journals, and other legal publications
- B. Court names by jurisdiction
- C. Words commonly used in case names
- D. Federal regulatory agency names

7. A citation to a legal encyclopedia entry includes:

- A. The author's name and a Westlaw database identifier
- B. The volume number, abbreviated encyclopedia name, topic name, section number, and year
- C. Only the encyclopedia name and page number

D. A reference to the Key Number System classification

8. When a writer establishes a shortened reference for a source with a long title, the Bluebook convention is to use:

A. An ellipsis in place of the full title

B. Only the first three words of the title

C. A footnote explaining the abbreviation

D. A "hereinafter" designation in brackets within the first full citation

9. A citation to an ALR annotation should include:

A. Only the ALR series abbreviation and page number

B. Only the names of all cases discussed in the annotation

C. The author's name if available, annotation title, volume, ALR series abbreviation, first page, and year

D. A reference to the West Key Number System

10. When a writer cites a treatise that has been updated with a pocket part, and the cited material appears in the pocket part rather than the main volume, the citation should:

A. Include information in the parenthetical indicating that the cited material is from the supplement

B. Cite only the main volume without reference to the pocket part

C. Omit the treatise citation entirely

D. Cite the pocket part as a separate publication with its own title

BONUS SECTION K: ANSWERS AND EXPLANATIONS

1. **D. Referring to the immediately preceding citation with no intervening citations to other authorities** — "Id." is the shortest and most common short form citation, but its use is strictly limited. It may only be used when the citation refers to the exact same authority as the immediately preceding citation, with no citations to any other authority intervening between the two. Using "Id." when other citations have intervened is one of the most common citation errors in legal writing.
2. **A. Author, title, volume, journal abbreviation, first page, pinpoint page, and year** — A complete Bluebook citation to a law review article includes all of these components, enabling the reader to identify the author, locate the specific journal and volume, find the article's starting page, and navigate to the exact page supporting the cited proposition. The article title is italicized or underscored in practitioner format.
3. **C. Secondary sources previously cited in full** — The Bluebook restricts "supra" to secondary sources that have been previously cited in full earlier in the document. It should never be used for cases, statutes, or constitutional provisions, which have their own specific short form conventions including "Id.," shortened case names, and section-only references.
4. **B. The Restatement title, series designation, section number, and year of publication** — A complete Restatement citation identifies the specific Restatement (e.g., Restatement (Second) of Torts or Restatement (Third) of Property), the section number, and the year of publication. When citing a specific comment or illustration, that designation is added after the section number.
5. **D. Id. at [new page number]** — When using "Id." to refer to the same source as the immediately preceding citation but directing the reader to a different page, the writer adds "at" followed by the new page number. For example, "Id. at 425" tells the reader to look at page 425 of the same source cited immediately above. This efficiently redirects the reader within the same authority.
6. **A. Periodical titles used when citing law reviews, journals, and other legal publications** — Table T13 of The Bluebook provides the standardized abbreviations for the titles of legal periodicals, including law reviews, bar journals, and other legal publications. These abbreviations must be used when citing periodical sources to ensure consistency across legal documents. Table T1 covers jurisdictions, and Table T6 covers words in case names.
7. **B. The volume number, abbreviated encyclopedia name, topic name, section number, and year** — Legal encyclopedia citations follow a specific format that identifies the volume, the

encyclopedia (Am. Jur. 2d or C.J.S.), the topic heading, and the specific section within that topic. The year of the edition is included in the parenthetical. Because encyclopedias are organized by topic and section rather than by author and title, this format differs from book and article citations.

8. **D. A "hereinafter" designation in brackets within the first full citation** — When a source has a long or complex title that would be cumbersome to repeat in subsequent citations, the Bluebook allows the writer to establish a shortened reference by including a "hereinafter" designation in brackets at the end of the first full citation. For example: [hereinafter Smith Report]. All subsequent references then use the shortened form.
9. **C. The author's name if available, annotation title, volume, ALR series abbreviation, first page, and year** — A complete ALR annotation citation includes the author's name (when identified), the full title of the annotation, the volume number, the appropriate ALR series abbreviation (ALR4th, ALR5th, ALR Fed. 3d, etc.), the first page of the annotation, and the year of publication. This format enables the reader to locate the specific annotation efficiently.
10. **A. Include information in the parenthetical indicating that the cited material is from the supplement** — When the material being cited appears in a pocket part or supplement rather than the main volume of a treatise, the citation must indicate this by including the supplement information in the parenthetical with the year. This alerts the reader that the cited material is found in the supplement rather than the original volume, which is important for locating the material and verifying its currency.

BONUS SECTION L: ALWD CITATION FORMAT (10 QUESTIONS)

1. The ALWD Guide to Legal Citation was created primarily to:
 - A. Replace The Bluebook for law review articles only
 - B. Provide a more straightforward, user-friendly alternative to The Bluebook
 - C. Establish citation rules exclusively for appellate briefs
 - D. Create a citation system used only in federal courts

2. A key structural difference between the ALWD Guide and The Bluebook is that the ALWD Guide:
 - A. Maintains separate formatting systems for academic and practitioner documents
 - B. Does not include rules for citing cases
 - C. Uses a single citation format throughout rather than maintaining separate academic and practitioner formats
 - D. Covers only secondary source citations

3. In most cases, citations produced under the ALWD Guide and The Bluebook are:
 - A. Functionally identical or nearly identical
 - B. Completely different in every respect
 - C. Identical for secondary sources but different for all primary sources
 - D. Acceptable only in state courts

4. When a court or educational program does not specify which citation manual to use, the most important principle is:

- A. Always default to The Bluebook regardless of circumstances
- B. Alternate between manuals within the same document for variety
- C. Use whichever manual produces the longest citation
- D. Maintain internal consistency by using one manual throughout the document

5. The ALWD Guide organizes its citation rules into parts that cover:

- A. Only federal authorities
- B. Different categories of legal authority including cases, statutes, administrative materials, and secondary sources
- C. Only academic citation formats
- D. Only international law sources

6. Under the ALWD Guide, a proper citation to a case includes:

- A. Only the case name and year without reporter information
- B. Only the reporter volume and page number
- C. The case name, volume, reporter, page, court identification, and date
- D. Only a Westlaw or Lexis+ database identifier

7. The ALWD Guide's appendices serve a similar function to which component of The Bluebook?

- A. The tables, providing jurisdiction-specific abbreviations and citation formats

- B. The Bluepages practitioner rules
- C. The white pages academic rules
- D. The index

8. When the ALWD Guide and The Bluebook produce different citation formats for the same authority, a practitioner filing a court document should:

- A. Use both formats in the same citation
- B. Default to the MLA Handbook format
- C. Omit the citation entirely
- D. Follow whichever manual is required by the court's local rules or the jurisdiction's conventions

9. Under the ALWD Guide, the citation format for a federal statute:

- A. Differs significantly from The Bluebook format
- B. Is essentially the same as The Bluebook format, citing to the title, code abbreviation, section number, and year
- C. Requires citation only to the Statutes at Large
- D. Does not include a year in the parenthetical

10. A paralegal trained exclusively in the ALWD Guide who begins working at a firm that uses The Bluebook should:

- A. Refuse to use The Bluebook
- B. Assume the two manuals are completely incompatible
- C. Learn The Bluebook's conventions, recognizing that the core citation concepts are the same and the differences are primarily structural and presentational

D. Use the ALWD Guide exclusively regardless of the firm's preference

BONUS SECTION L: ANSWERS AND EXPLANATIONS

1. **B. Provide a more straightforward, user-friendly alternative to The Bluebook** — The ALWD Guide was created in 2000 by the Association of Legal Writing Directors in response to criticisms that The Bluebook was unnecessarily complex, inconsistently organized, and difficult for students and new practitioners to navigate. The ALWD Guide aims to present the same citation rules in a more accessible, linear format with clearer templates and more examples.
2. **C. Uses a single citation format throughout rather than maintaining separate academic and practitioner formats** — Unlike The Bluebook, which maintains two parallel formatting systems — the white pages for academic documents and the Bluepages for practitioner documents — the ALWD Guide uses a single citation format throughout. This eliminates the confusion that can arise from The Bluebook's dual-format system and simplifies the learning process.
3. **A. Functionally identical or nearly identical** — In the vast majority of cases, citations produced under The Bluebook and the ALWD Guide are functionally identical. Both manuals require the same basic components for each type of citation and use the same abbreviation conventions for most elements. The differences are primarily structural and pedagogical rather than substantive.
4. **D. Maintain internal consistency by using one manual throughout the document** — When no specific manual is required, the most important principle is consistency. Using one manual throughout the document ensures uniform citation formatting. Mixing conventions from different manuals within the same document creates inconsistency that appears unprofessional and may confuse the reader.
5. **B. Different categories of legal authority including cases, statutes, administrative materials, and secondary sources** — The ALWD Guide is organized into parts that cover each major category of legal authority: cases in Part 2, statutory materials in Part 3, administrative and executive materials in Part 4, and secondary sources in Part 5. This categorical organization makes it easy for researchers to find the relevant rules for each type of authority.
6. **C. The case name, volume, reporter, page, court identification, and date** — The ALWD Guide requires the same core components for case citations as The Bluebook: the case name (italicized), the volume number, the reporter abbreviation, the first page, a pinpoint page when applicable, the court designation in the parenthetical, and the year of the decision.
7. **A. The tables, providing jurisdiction-specific abbreviations and citation formats** — The ALWD Guide's appendices provide jurisdiction-specific information similar to The Bluebook's

tables, including correct abbreviations for courts, reporters, and statutory compilations in all U.S. jurisdictions. Researchers use these appendices the same way they use Bluebook tables — to find the correct citation format for each jurisdiction.

8. **D. Follow whichever manual is required by the court's local rules or the jurisdiction's conventions** — When the two manuals produce different formats, the controlling authority is the court's local rules or the jurisdiction's citation conventions. Court rules take precedence over both The Bluebook and the ALWD Guide. If no local rule specifies a preference, the practitioner should follow the convention used by their firm or the prevailing practice in the jurisdiction.
9. **B. Is essentially the same as The Bluebook format, citing to the title, code abbreviation, section number, and year** — The ALWD Guide's format for federal statutory citations is functionally identical to The Bluebook's format. Both require citation to the title number, the code abbreviation (U.S.C.), the section symbol and number, and the year of the code edition in the parenthetical.
10. **C. Learn The Bluebook's conventions, recognizing that the core citation concepts are the same and the differences are primarily structural and presentational** — A paralegal trained in the ALWD Guide has already mastered the core concepts of legal citation — the components required for each type of authority, the purpose of pinpoint citations, the use of short forms and signals, and the importance of accuracy. Transitioning to The Bluebook requires learning its specific conventions and dual-format system, but the foundational knowledge transfers directly.

BONUS SECTION M: SHEPARDIZING AND KEYCITING (10 QUESTIONS)

1. The primary purpose of Shepardizing or KeyCiting a legal authority is to:
 - A. Verify that the authority is still good law and identify all subsequent authorities that have cited it
 - B. Generate a table of authorities for a brief
 - C. Find the full text of the cited authority
 - D. Determine the correct citation format for the authority

2. A researcher KeyCites a case and receives a red flag. The researcher should:
 - A. Assume the entire case is bad law and delete it from the memorandum without further review
 - B. Ignore the flag because KeyCite flags are advisory only
 - C. File the brief immediately before the flag changes
 - D. Read the citing references to determine the scope of the negative treatment and whether it affects the specific proposition being cited

3. On Shepard's Citations, a case that has been "followed" by subsequent courts has received which type of treatment?
 - A. Strong negative treatment
 - B. Cautionary treatment
 - C. Positive treatment indicating subsequent courts adopted and applied the holding
 - D. No treatment of any kind

4. A researcher validates a statute on KeyCite and discovers an orange flag. This indicates:

- A. The statute has received positive judicial treatment
- B. The statute has been amended, repealed, or is subject to pending legislation
- C. The statute has never been cited by any court
- D. The statute is unconstitutional

5. Which of the following is a reason to check both Shepard's and KeyCite for high-stakes research?

- A. The two tools use different editorial methodologies and may assign different signals to the same authority
- B. Each tool covers completely different jurisdictions
- C. One tool covers only cases while the other covers only statutes
- D. Court rules require both to be checked in every case

6. A researcher Shepardizes a case and discovers it has been "distinguished" by three subsequent courts. This treatment means:

- A. The case has been formally overruled
- B. The case has been affirmed on appeal three times
- C. Three courts found factual or legal differences that made the case inapplicable to their situations
- D. The case has been cited approvingly by three courts

7. KeyCite's Table of Authorities feature shows:

- A. All secondary sources discussing the case
- B. Every case in the same reporter volume
- C. The billing records for the research session

D. The authorities cited within the case being checked, along with their current status

8. A paralegal validates all authorities in a memorandum two weeks before the filing deadline. On the day of filing, the paralegal should:

A. File the document without re-checking because two weeks is recent enough

B. Re-validate all key authorities to ensure nothing has changed since the last check

C. Validate only the statutes and not the cases

D. Ask opposing counsel whether any authorities have been overruled

9. The treatment code "overruled in part" indicates that:

A. A subsequent court has overruled some but not all of the case's holdings, requiring the researcher to determine which holdings were affected

B. The entire case has been overruled and cannot be cited for any purpose

C. The case has been affirmed with minor modifications

D. The case has received only positive treatment

10. A researcher discovers that a case has no citator signal on either Shepard's or KeyCite. The appropriate conclusion is:

A. The case is definitively good law and can be relied upon without further investigation

B. The case has been overruled but the citator has not been updated

C. The case may not have been cited or analyzed yet, and the researcher should investigate further before relying on it

D. The case is the leading authority on the topic

BONUS SECTION M: ANSWERS AND EXPLANATIONS

1. **A. Verify that the authority is still good law and identify all subsequent authorities that have cited it** — Citator tools serve a dual purpose: they confirm that an authority has not been overruled, reversed, amended, or superseded (validation), and they identify every subsequent authority that has cited it (research expansion). This makes citators both verification tools and powerful case-finding tools.
2. **D. Read the citing references to determine the scope of the negative treatment and whether it affects the specific proposition being cited** — A red flag indicates significant negative treatment, but it applies to the case as a whole. The negative treatment may affect only one of several holdings in the case. The researcher must read the specific citing references to determine whether the negative treatment impacts the particular legal point being relied upon in the current analysis.
3. **C. Positive treatment indicating subsequent courts adopted and applied the holding** — The treatment designation "followed" is the most favorable form of treatment a case can receive. It means that subsequent courts have cited the case approvingly and applied its holding as controlling or persuasive authority in their own decisions, strengthening confidence in the cited authority.
4. **B. The statute has been amended, repealed, or is subject to pending legislation** — On KeyCite, an orange flag is used specifically for statutes to indicate legislative activity affecting the statute. This may include amendments, partial or full repeal, or pending legislation that could change the statute. The researcher must review the specific legislative changes to determine whether they affect the provision being cited.
5. **A. The two tools use different editorial methodologies and may assign different signals to the same authority** — Shepard's and KeyCite are developed by different companies (RELX and Thomson Reuters respectively) and apply different editorial criteria when classifying the treatment a case has received. These methodological differences can occasionally produce different signals for the same authority, which is why checking both provides an additional layer of assurance for critical research.
6. **C. Three courts found factual or legal differences that made the case inapplicable to their situations** — Being distinguished means that subsequent courts considered the case but concluded that material differences in facts or legal issues prevented its holding from controlling their cases. Distinguishing limits the precedent's scope to its specific factual context without overruling it.

Multiple distinguishing decisions may signal that the case's applicability is narrower than initially understood.

7. **D. The authorities cited within the case being checked, along with their current status** — KeyCite's Table of Authorities feature lists all the sources the court relied upon in its opinion, showing the legal foundations of the decision. Each cited authority includes its current KeyCite status, allowing the researcher to assess whether the case's legal underpinnings remain solid. This feature is also valuable for expanding research by identifying additional relevant authorities.
8. **B. Re-validate all key authorities to ensure nothing has changed since the last check** — Two weeks is sufficient time for significant legal developments to occur. Cases can be overruled, statutes amended, and regulations changed at any time. Re-validating all key authorities immediately before filing is a professional obligation that ensures every cited authority in the document reflects the current state of the law at the time of filing.
9. **A. A subsequent court has overruled some but not all of the case's holdings, requiring the researcher to determine which holdings were affected** — "Overruled in part" means that a later court has invalidated certain holdings within the case while leaving others intact. The researcher must carefully examine the citing decision to identify exactly which holdings were overruled and determine whether the affected holdings include the specific point being relied upon in the current analysis.
10. **C. The case may not have been cited or analyzed yet, and the researcher should investigate further before relying on it** — The absence of a citator signal does not guarantee that a case is good law. It may mean the case has never been cited by another authority, that the citator has not yet analyzed it, or that the case is too recent to have generated citing references. The researcher should investigate further — through additional searches, secondary source review, or consultation with the supervising attorney — before relying on an unvalidated authority.

BONUS SECTION N: LEGAL ANALYSIS AND IRAC/IREAC (10 QUESTIONS)

1. The IREAC analytical framework adds which component between the Rule and Application that is not present in basic IRAC?

- A. Issue
- B. Conclusion
- C. Counter-analysis
- D. Explanation

2. A well-framed issue statement should combine which three elements?

- A. The citation format, the court name, and the date of decision
- B. The legal standard, the specific legal question, and the key facts
- C. The conclusion, the procedural history, and the disposition
- D. The names of all parties, the docket number, and the filing date

3. A paralegal drafts a rule statement that reads: "In Case A, the court held X. In Case B, the court held Y. In Case C, the court held Z." This is an example of:

- A. A case list rather than a true rule synthesis
- B. Proper rule synthesis technique
- C. An effective application section
- D. A well-drafted conclusion

4. In analogical reasoning, a factual difference between a decided case and the current situation is legally significant only if:

- A. The difference involves the names of the parties
- B. The difference is mentioned in the headnotes of the decided case
- C. The difference affects how the legal rule applies to the facts
- D. The opposing party has raised the difference in their brief

5. The purpose of counter-analysis in an objective legal memorandum is to:

- A. Demonstrate advocacy for the client's position
- B. Eliminate the need for a conclusion
- C. Replace the application section with opposing arguments
- D. Consider opposing arguments and provide a balanced assessment of both sides

6. A legal analysis that states the rule and jumps directly to the conclusion without applying the rule to the specific facts is missing the:

- A. Issue statement
- B. Application section
- C. Citation format
- D. Table of authorities

7. The CRAC framework is particularly useful in persuasive writing because it:

- A. Presents the conclusion first, immediately telling the reader the writer's position
- B. Eliminates the need for a rule statement
- C. Does not require any factual analysis

D. Avoids all reference to opposing arguments

8. When multiple sub-issues must be analyzed in a memorandum's Discussion section, each sub-issue should:

A. Be combined into a single paragraph for efficiency

B. Be mentioned only in the overall conclusion

C. Be addressed in a footnote rather than the main text

D. Have its own complete IREAC analysis with its own mini-conclusion

9. A researcher is analyzing a negligence claim and has identified four elements: duty, breach, causation, and damages. The Discussion section should:

A. Analyze only the elements that favor the client

B. Analyze each element in a separate subsection because each involves different legal standards and different relevant facts

C. Combine all four elements into a single paragraph

D. Address only the element that is most likely to be contested

10. A conclusion in an objective memorandum that states "The client will definitely win" without acknowledging any risks or uncertainties is:

A. The ideal format for all memorandum conclusions

B. Required by professional ethics rules

C. Likely overstated because most legal analyses involve some degree of uncertainty that should be acknowledged

D. Appropriate when the law clearly favors the client on every issue

BONUS SECTION N: ANSWERS AND EXPLANATIONS

1. **D. Explanation** — The IREAC framework expands basic IRAC by inserting an Explanation component between the Rule and Application. The Explanation presents decided cases that illustrate how courts have applied the rule to specific factual scenarios, providing the precedential context that makes the subsequent Application section more persuasive and better supported. Without this step, the Application often feels like unsupported assertion.
2. **B. The legal standard, the specific legal question, and the key facts** — A well-framed issue statement combines all three elements into a single, focused sentence that defines the scope of the entire analysis. The legal standard identifies the governing law, the legal question identifies what must be decided, and the key facts narrow the analysis to the specific circumstances that will determine the outcome.
3. **A. A case list rather than a true rule synthesis** — Simply stating what each case held individually without integrating the principles into a unified formulation is a case list, not synthesis. True rule synthesis identifies the common threads across multiple authorities and combines them into a single, coherent rule statement that represents the current state of the law as a whole.
4. **C. The difference affects how the legal rule applies to the facts** — Not every factual difference between two cases is legally material. A difference is legally significant only if it changes how the governing rule applies or potentially changes the outcome of the analysis. The analyst must explain why a particular difference matters — not just that it exists — by connecting it to the legal standard.
5. **D. Consider opposing arguments and provide a balanced assessment of both sides** — Counter-analysis ensures that an objective memorandum provides a complete, honest assessment of the legal question. By identifying the strongest arguments the opposing side could make and explaining how they affect the analysis, counter-analysis gives the supervising attorney the full picture needed for informed decision-making.
6. **B. Application section** — The Application is the heart of legal analysis, where the writer demonstrates how the legal rule applies to the specific facts of the client's situation through analogical reasoning. An analysis that states the rule and jumps to the conclusion without this critical step is an unsupported assertion rather than a reasoned analysis.
7. **A. Presents the conclusion first, immediately telling the reader the writer's position** — CRAC's distinctive feature is leading with the Conclusion, which gives the reader the writer's position upfront before presenting the supporting Rule and Application. This structure is

particularly effective in persuasive writing where the reader benefits from knowing the desired outcome before reading the analytical justification.

8. **D. Have its own complete IREAC analysis with its own mini-conclusion** — Each sub-issue in a Discussion section requires its own complete analytical treatment, following the full IREAC framework from issue identification through conclusion. This ensures thorough coverage of every component and allows the reader to evaluate each analysis independently. Mini-conclusions at the end of each sub-issue help the reader track the running analysis.
9. **B. Analyze each element in a separate subsection because each involves different legal standards and different relevant facts** — Each element of a negligence claim has its own legal requirements, is supported or undermined by different facts, and may have a different outcome. Analyzing each element separately ensures thorough treatment, allows the reader to evaluate each component independently, and prevents important distinctions from being lost in a combined analysis.
10. **C. Likely overstated because most legal analyses involve some degree of uncertainty that should be acknowledged** — Very few legal questions are entirely free of risk or uncertainty. A conclusion that guarantees victory without acknowledging any risks, uncertainties, or assumptions may mislead the supervising attorney into overconfidence. Responsible legal analysis predicts the most likely outcome while honestly identifying the factors that could change the result.

BONUS SECTION 0: LEGAL WRITING FUNDAMENTALS AND STYLE (10 QUESTIONS)

1. Which of the following sentences demonstrates the most effective use of active voice?
 - A. The jury found the defendant liable for breach of contract.
 - B. It was found by the jury that the defendant was liable for breach of contract.
 - C. A finding of liability for breach of contract was made by the jury.
 - D. The defendant was found liable for breach of contract by the jury.

2. A legal writer drafts the sentence: "At this point in time, it is necessary to take into consideration the various factors that may potentially impact the outcome." The best revision is:
 - A. "At this time, various factors must be considered that might impact the outcome."
 - B. "Currently, it is necessary for us to consider the factors that could potentially have an impact."
 - C. "The court must now consider the factors that may affect the outcome."
 - D. "It is worth noting that at this point in time various factors require consideration."

3. The three phases of postwriting review, in the correct order, are:
 - A. Proofreading, editing, revision
 - B. Editing, proofreading, revision
 - C. Revision, proofreading, editing
 - D. Revision, editing, proofreading

4. A legal document that uses "the plaintiff" in one paragraph and switches to "the injured party" and "the complainant" in subsequent paragraphs without explanation demonstrates:

- A. Effective use of varied vocabulary
- B. Inconsistent terminology that may confuse the reader
- C. Proper legal writing technique
- D. Required stylistic variation

5. Which of the following is an example of a nominalization that should be revised to use a stronger verb?

- A. "The court made a determination that the contract was valid."
- B. "The court determined that the contract was valid."
- C. "The contract was valid, as the court found."
- D. "The court held that a valid contract existed."

6. The serial comma is recommended in legal writing primarily to:

- A. Comply with Bluebook citation rules
- B. Shorten sentence length
- C. Avoid ambiguity in lists of three or more items
- D. Replace the need for semicolons

7. A legal writer uses the phrases "hereinafter referred to as," "the party of the first part," and "witnesseth" throughout a contract. These phrases are examples of:

- A. Required contractual language that cannot be changed
- B. Modern plain language drafting
- C. Effective persuasive writing technique

D. Legalese that should be replaced with plain language equivalents

8. Which proofreading technique is most effective for catching surface-level errors that the eye may miss during normal reading?

A. Reading the document aloud or backward

B. Relying exclusively on spell-check software

C. Reading only the first paragraph of each section

D. Reviewing only the citations without reading the text

9. Parallel construction in a legal document means:

A. Writing every sentence in passive voice

B. Using the same grammatical structure for items in a series or elements of a comparison

C. Repeating the same sentence multiple times for emphasis

D. Citing every authority at least twice

10. A paragraph in a legal memorandum that covers four different points and runs for an entire page should be revised by:

A. Adding more sentences to make the paragraph even longer

B. Deleting the paragraph entirely

C. Breaking it into four shorter paragraphs, each addressing a single point with its own topic sentence

D. Moving the entire paragraph to a footnote

BONUS SECTION O: ANSWERS AND EXPLANATIONS

1. **A. The jury found the defendant liable for breach of contract.** — This sentence uses active voice with the subject ("jury") performing the action ("found") directly on the object ("defendant"). It is clear, direct, and immediately tells the reader who did what. The other options use passive voice constructions that obscure the actor, add unnecessary words, and reduce the sentence's directness and impact.
2. **C. "The court must now consider the factors that may affect the outcome."** — This revision eliminates multiple sources of wordiness in the original: "at this point in time" becomes "now," "it is necessary to take into consideration" becomes "must consider," and "potentially impact" becomes "may affect." The result is a sentence that communicates the same idea in fewer than half the words, with greater clarity and directness.
3. **D. Revision, editing, proofreading** — The correct sequence moves from big-picture concerns to fine details. Revision addresses substance, organization, and analytical completeness. Editing addresses sentence-level quality including clarity, conciseness, grammar, and word choice. Proofreading catches remaining surface errors including typos, formatting inconsistencies, and citation mistakes. Performing these steps in reverse order wastes effort by polishing text that may be cut during revision.
4. **B. Inconsistent terminology that may confuse the reader** — Using different terms for the same party without explanation can lead the reader to wonder whether the writer is referring to the same entity or different ones. Consistent terminology throughout a legal document prevents this confusion and maintains clarity. If a different term must be used, it should be introduced with an explanation connecting it to the previously used term.
5. **A. "The court made a determination that the contract was valid."** — This sentence contains the nominalization "determination," which converts the strong verb "determine" into a weaker noun paired with the generic verb "made." The revised version — "The court determined that the contract was valid" — replaces the nominalization with an active verb, producing a more direct and dynamic sentence.
6. **C. Avoid ambiguity in lists of three or more items** — The serial comma (also called the Oxford comma) is placed before the conjunction in a list of three or more items. Its consistent use prevents ambiguity about whether the last two items in a list are separate items or a single combined unit. Most legal style guides recommend its use because ambiguity in legal writing can have significant practical consequences.

7. **D. Legalese that should be replaced with plain language equivalents** — Phrases such as "hereinafter referred to as," "the party of the first part," and "witnesseth" are archaic legalese that add complexity without improving precision. Modern legal writing standards favor plain language alternatives that communicate the same ideas more clearly and accessibly without sacrificing legal accuracy.
8. **A. Reading the document aloud or backward** — Reading aloud forces the writer to articulate every word, which prevents the skimming that allows errors to go unnoticed during silent reading. Reading backward — from the last sentence to the first — disrupts the logical flow that allows the brain to fill in missing words or overlook typos, forcing the reader to process each sentence independently and catch errors that forward reading misses.
9. **B. Using the same grammatical structure for items in a series or elements of a comparison** — Parallel construction requires that all items in a list, all elements of a comparison, and all components connected by conjunctions use the same grammatical form. For example, "The attorney argued the motion, filed the brief, and requested a continuance" uses parallel past-tense verbs. Broken parallelism creates awkward, confusing sentences that signal careless writing.
10. **C. Breaking it into four shorter paragraphs, each addressing a single point with its own topic sentence** — A paragraph that covers four different points and spans an entire page overwhelms the reader and indicates that the writer has combined too many ideas in a single unit. Each point should be developed in its own paragraph with a clear topic sentence, supporting detail, and a transition to the next point. This improves readability, strengthens organization, and ensures each idea receives focused treatment.

BONUS SECTION P: LEGAL CORRESPONDENCE AND E-MEMOS (10 QUESTIONS)

1. Every piece of legal correspondence should state its purpose:

- A. In the closing paragraph after the signature block
- B. Early in the letter, ideally in the first paragraph
- C. Only in the subject line without repeating it in the body
- D. In a separate attachment rather than in the letter itself

2. An opinion letter must include a limitations paragraph because:

- A. The Bluebook requires limitations paragraphs in all legal documents
- B. Courts will not accept opinion letters without limitations paragraphs
- C. Limitations paragraphs increase the letter's word count to meet minimum requirements
- D. It defines the scope, assumptions, and conditions of the legal opinion, protecting both the attorney and the client

3. A demand letter that makes threats the client has no intention of carrying out:

- A. May constitute an ethical violation if intended to harass or intimidate
- B. Is standard professional practice in litigation
- C. Strengthens the client's negotiating position
- D. Is required by rules of civil procedure

4. When a client asks a paralegal to provide a legal opinion on whether to accept a settlement offer, the paralegal should:

- A. Provide an immediate legal opinion based on personal experience
- B. Ignore the client's request entirely
- C. Explain that settlement advice must come from the supervising attorney and promptly relay the question
- D. Research the issue and send the client a written opinion independently

5. An e-memo differs from a formal office memorandum primarily in:

- A. The obligation to cite legal authority
- B. Format and length, not in the quality of the analysis
- C. The requirement for accurate legal reasoning
- D. The need for attorney review before submission

6. The most critical precaution when sending an email containing confidential client information is to:

- A. Use all capital letters in the subject line for emphasis
- B. Send the email from a personal email account
- C. Include as many recipients as possible for transparency
- D. Verify the recipient's email address and include a confidentiality notice

7. A status update letter to a client should conclude with:

- A. A detailed analysis of every possible future outcome
- B. A request for additional retainer funds
- C. A clear statement of next steps, any required client actions, and the expected timeline for further communication

D. An apology for any delays in the case

8. Text messaging in legal practice is generally appropriate only for:

A. Brief logistical communications such as confirming appointments or scheduling changes

B. Delivering formal legal opinions to clients

C. Sending detailed case analyses to supervising attorneys

D. Transmitting confidential settlement terms to opposing counsel

9. A paralegal drafts a client letter explaining a complex legal concept using the phrase "the doctrine of collateral estoppel bars relitigation of previously adjudicated issues." For a non-lawyer client, the paralegal should:

A. Leave the language as written to demonstrate legal expertise

B. Add additional legal terminology to be more thorough

C. Remove all references to the legal concept

D. Revise the explanation into plain language the client can understand while maintaining accuracy

10. The subject line of a legal email should:

A. Be left blank to maintain confidentiality

B. Identify the matter, the topic, and any required action or deadline

C. Contain only the word "Update" without further detail

D. Include the full text of the legal analysis

BONUS SECTION P: ANSWERS AND EXPLANATIONS

1. **B. Early in the letter, ideally in the first paragraph** — Every piece of legal correspondence should state its purpose at the outset so the reader immediately understands why the communication was sent and what response, if any, is expected. Burying the purpose deep in the letter risks the reader missing the key information or losing patience before reaching it.
2. **D. It defines the scope, assumptions, and conditions of the legal opinion, protecting both the attorney and the client** — The limitations paragraph is an essential component of every opinion letter. It specifies the jurisdictions covered, the factual assumptions on which the opinion is based, the date as of which the opinion is given, and any qualifications that affect its applicability. Without this paragraph, the scope of the opinion is undefined, potentially expanding the attorney's liability and creating the risk of unintended reliance.
3. **A. May constitute an ethical violation if intended to harass or intimidate** — Ethical rules prohibit attorneys from making statements or taking actions that serve no legitimate purpose other than to embarrass, delay, or burden another party. A demand letter that threatens litigation the client has no intention of pursuing may violate these rules if its purpose is intimidation rather than legitimate assertion of a legal claim.
4. **C. Explain that settlement advice must come from the supervising attorney and promptly relay the question** — Settlement decisions require legal judgment about the merits of the case, the risks of continued litigation, and the client's best interests. A paralegal providing independent settlement advice would be engaging in the unauthorized practice of law. The paralegal should promptly inform the supervising attorney and explain to the client that this guidance must come from the attorney.
5. **B. Format and length, not in the quality of the analysis** — An e-memo is a substantive legal analysis delivered in email format rather than as a formal office memorandum. While it may be shorter and less formally structured, the analytical standards — thoroughness, accuracy, proper citation, sound reasoning, and balanced consideration of both sides — remain exactly the same. The delivery medium changes; the quality standard does not.
6. **D. Verify the recipient's email address and include a confidentiality notice** — The most critical precaution when sending confidential information by email is ensuring it reaches only the intended recipient. Sending privileged information to the wrong email address can result in inadvertent waiver of the attorney-client privilege and unauthorized disclosure of confidential client

information. The confidentiality notice reinforces the privileged nature of the communication and provides instructions to unintended recipients.

7. **C. A clear statement of next steps, any required client actions, and the expected timeline for further communication** — Status update letters should conclude by telling the client what will happen next, whether any actions are required on the client's part, any applicable deadlines, and when the client can expect to hear from the legal team again. This manages expectations, maintains the attorney-client relationship, and ensures the client is informed and prepared.
8. **A. Brief logistical communications such as confirming appointments or scheduling changes** — Text messaging is appropriate only for brief, non-substantive communications in legal practice. It lacks the formatting, security, and recordkeeping capabilities needed for substantive legal analysis or confidential communications. Detailed legal opinions, case analyses, and confidential information should be communicated through more secure and formal channels.
9. **D. Revise the explanation into plain language the client can understand while maintaining accuracy** — Client letters should translate legal concepts into accessible language that non-lawyer clients can understand. Instead of "the doctrine of collateral estoppel bars relitigation of previously adjudicated issues," the paralegal might write: "Because this issue was already decided in the prior lawsuit, the court will not allow it to be raised again in a new case." The explanation should be clear without sacrificing legal accuracy.
10. **B. Identify the matter, the topic, and any required action or deadline** — A clear, descriptive subject line helps the recipient prioritize the email, understand its content before opening it, and locate it later when needed. Including the matter name, the specific topic, and any action required or deadline ensures the email is properly contextualized and receives appropriate attention. Vague or blank subject lines risk the email being overlooked or misfiled.

BONUS SECTION Q: OFFICE MEMORANDA (10 QUESTIONS)

1. The primary purpose of an office memorandum is to:

- A. Advocate for the client's position before a court
- B. Persuade a judge to rule in the client's favor
- C. Provide an objective analysis of a legal question and predict the likely outcome
- D. Summarize the opposing party's arguments for the client

2. The RE line in a memorandum heading should be:

- A. Specific enough to identify the exact legal question being addressed
- B. As brief as possible, using only the client's last name
- C. Identical to the issue statement
- D. Limited to the case docket number only

3. A Brief Answer that begins with "Probably yes" followed by a two-sentence explanation serves the supervising attorney's need for:

- A. A comprehensive discussion of every relevant authority
- B. A complete restatement of the applicable rule
- C. The full procedural history of the case
- D. Efficiency by providing the bottom line before the detailed analysis

4. The Statement of Facts in an office memorandum should include:

- A. Only facts that support the client's position
- B. All legally significant facts presented objectively, including facts unfavorable to the client
- C. Legal conclusions about the significance of each fact
- D. Only the procedural history of the case

5. When the Discussion section of a memorandum analyzes a contract claim with four elements, the analysis should:

- A. Address all four elements in a single paragraph
- B. Discuss only the elements that favor the client
- C. Analyze each element in its own subsection with a complete IREAC treatment
- D. Mention the elements only in the conclusion

6. Counter-analysis in the Discussion section of an office memorandum is:

- A. Required for every significant issue to ensure a balanced and honest assessment
- B. Optional and included only when the supervising attorney specifically requests it
- C. Inappropriate because memoranda should present only the client's position
- D. Required only in the conclusion section

7. A memorandum that tells the supervising attorney only what they want to hear rather than providing an honest assessment:

- A. Demonstrates excellent client advocacy
- B. Is the standard format for all memoranda
- C. Is appropriate when the client's position is strong

D. Fails the memorandum's fundamental purpose of objective analysis

8. The Discussion section should begin each sub-issue analysis with:

A. The conclusion for that sub-issue

B. A clear statement identifying the specific sub-issue being analyzed

C. A string citation of all relevant authorities

D. A personal anecdote illustrating the legal principle

9. When the Brief Answer and the Conclusion of a memorandum reach different results on the same question, this indicates:

A. An inconsistency that must be resolved before the memorandum is finalized

B. Proper analytical technique showing different perspectives

C. Compliance with the requirement to present both sides

D. That the memorandum covers multiple unrelated topics

10. The secondary purpose of an office memorandum beyond informing current decision-making is to:

A. Generate billing revenue for the firm

B. Serve as a template for the opposing party's research

C. Preserve the research and analysis for future reference by the legal team

D. Fulfill the attorney's continuing education requirements

BONUS SECTION Q: ANSWERS AND EXPLANATIONS

1. **C. Provide an objective analysis of a legal question and predict the likely outcome** — The office memorandum is an internal analytical document designed to give the supervising attorney an honest, balanced assessment of a legal question. Unlike briefs, which advocate for a particular outcome, the memorandum predicts the most likely result based on a thorough analysis of the law and facts, including both favorable and unfavorable authority.
2. **A. Specific enough to identify the exact legal question being addressed** — The RE line functions as the memorandum's title and should precisely identify the subject of the analysis. A specific RE line such as "Thompson v. Greenfield Properties — Whether Landlord Liable for Tenant Injury on Unrepaired Common Area Staircase" allows the memorandum to be filed, retrieved, and understood in context. Vague labels provide no useful information.
3. **D. Efficiency by providing the bottom line before the detailed analysis** — The Brief Answer allows a busy supervising attorney to quickly understand the writer's overall assessment before investing time in the full Discussion. Beginning with a direct short answer ("Probably yes") followed by brief supporting reasoning gives the attorney the essential information in seconds, with the detailed analysis available in the Discussion for deeper review.
4. **B. All legally significant facts presented objectively, including facts unfavorable to the client** — The Statement of Facts in an objective memorandum must include every fact that could affect the legal analysis, regardless of whether it helps or hurts the client's position. The supervising attorney needs a complete and realistic picture of the factual landscape to make informed strategic decisions. Omitting unfavorable facts defeats the memorandum's purpose.
5. **C. Analyze each element in its own subsection with a complete IREAC treatment** — Each element of a contract claim involves different legal standards, different relevant facts, and potentially different outcomes. Analyzing each element separately with its own Issue, Rule, Explanation, Application, and Conclusion ensures thorough treatment, allows the reader to evaluate each component independently, and prevents important distinctions from being lost in a combined analysis.
6. **A. Required for every significant issue to ensure a balanced and honest assessment** — Counter-analysis is a mandatory component of objective legal memoranda. For every significant issue, the writer must consider the strongest arguments the opposing side could make and explain how they affect the overall analysis. This gives the supervising attorney a complete picture of both the strengths and weaknesses of the client's position.

7. **D. Fails the memorandum's fundamental purpose of objective analysis** — An office memorandum exists to provide an honest, balanced assessment that enables informed decision-making. Telling the attorney only what they want to hear — omitting adverse authority, ignoring weaknesses, or overstating the strength of the client's position — produces a misleading document that can lead to poor strategic decisions and ultimately harm the client.
8. **B. A clear statement identifying the specific sub-issue being analyzed** — Each sub-issue analysis should begin by clearly stating the specific legal question being addressed, orienting the reader before the rule, explanation, application, and conclusion that follow. This statement focuses the analysis and helps the reader track the progression through multiple sub-issues in a complex Discussion section.
9. **A. An inconsistency that must be resolved before the memorandum is finalized** — The Brief Answer and the Conclusion both answer the same Issue Statement based on the same analysis presented in the Discussion. If they reach different results, there is an error in one or the other that must be identified and corrected. Internal consistency across these components is essential for a credible, professionally drafted memorandum.
10. **C. Preserve the research and analysis for future reference by the legal team** — Beyond informing current decision-making, memoranda serve as permanent records of legal research and analysis. They may be consulted months or years later by the original attorney, by other team members, or by new attorneys who join the matter. A well-written memorandum retains its value as a research resource long after it is produced, making thorough documentation and clear writing important for long-term utility.

BONUS SECTION R: TRIAL AND APPELLATE BRIEFS (10 QUESTIONS)

1. The primary difference between an office memorandum and a trial court brief is:
 - A. The brief must be objective while the memorandum advocates
 - B. The memorandum is filed with the court while the brief is internal
 - C. The brief omits all citations while the memorandum requires them
 - D. The brief advocates for a specific outcome while the memorandum predicts the likely result

2. An effective point heading in a legal brief should be:
 - A. A single-word topic label such as "Negligence"
 - B. A complete persuasive sentence incorporating the legal standard and key facts
 - C. A neutral statement that does not suggest any particular outcome
 - D. As long as possible to demonstrate thoroughness

3. Under the de novo standard of review, the appellate court:
 - A. Decides the legal question independently without deference to the trial court
 - B. Gives full deference to the trial court's factual findings
 - C. Reviews only for abuse of discretion
 - D. Cannot reverse the trial court under any circumstances

4. In an appellate brief, every factual assertion must be supported by:

- A. A reference to a secondary source
- B. The attorney's personal knowledge of the case
- C. A citation to the specific page in the trial court record
- D. A footnote containing the attorney's reasoning

5. An appellate brief that raises fifteen issues on appeal is likely to be:

- A. The most persuasive approach because it demonstrates thorough research
- B. Required by federal appellate court rules
- C. Preferred by most appellate judges
- D. Less persuasive than a brief focusing on the two or three strongest issues

6. The Statement of Facts in a persuasive brief differs from the Statement of Facts in an office memorandum because the brief's statement:

- A. Omits all unfavorable facts entirely
- B. Presents facts in the light most favorable to the client while remaining truthful and accurate
- C. Includes legal conclusions within the factual narrative
- D. Is organized alphabetically by witness name

7. The conclusion of a trial court brief should:

- A. State the specific relief the client is requesting from the court
- B. Introduce new legal arguments not discussed in the argument section
- C. Summarize the entire procedural history
- D. Thank the court for its time and consideration

8. The theory of the case in a legal brief is best described as:

- A. The table of authorities listing all cited sources
- B. A detailed restatement of every procedural event
- C. The standard of review applicable to each issue
- D. A central narrative or legal theme that ties all arguments together and answers why the client should prevail

9. The abuse of discretion standard of review requires the appellant to show that:

- A. The trial court made any error of law
- B. New evidence has been discovered since the trial
- C. The trial court's ruling was clearly unreasonable or based on an erroneous view of the law
- D. The evidence was insufficient to support the verdict

10. A brief that fails to address the opposing party's strongest argument:

- A. Is the standard approach recommended by appellate courts
- B. Loses credibility because the court will expect the argument to be addressed
- C. Complies with the duty of candor to the tribunal
- D. Is more persuasive because it avoids highlighting weaknesses

BONUS SECTION R: ANSWERS AND EXPLANATIONS

1. **D. The brief advocates for a specific outcome while the memorandum predicts the likely result** — The fundamental distinction between a trial court brief and an office memorandum is purpose. The memorandum provides an objective, balanced analysis that predicts the most likely outcome. The brief advocates for the client's preferred outcome, framing facts, issues, and authorities to persuade the court. This distinction affects every component of the document, from fact presentation to argument organization to the treatment of adverse authority.
2. **B. A complete persuasive sentence incorporating the legal standard and key facts** — Effective point headings are full sentences that assert the client's position on a specific issue, combining the applicable legal standard with the key facts that support the argument. A heading such as "Greenfield Properties Breached Its Duty by Failing to Repair a Known Hazard for Three Months After Receiving Written Notice" is far more persuasive than a single-word label like "Breach," which provides no substantive content.
3. **A. Decides the legal question independently without deference to the trial court** — De novo review means the appellate court examines the legal question fresh, as if the trial court had not ruled. The appellate court owes no deference to the trial court's legal conclusion and makes its own independent determination. This is the most favorable standard for appellants because it gives the appellate court full freedom to reach a different result.
4. **C. A citation to the specific page in the trial court record** — Appellate courts rely on the trial court record and do not consider new evidence. Every factual assertion in an appellate brief must be supported by a specific citation to the page in the record where the supporting evidence appears. Assertions unsupported by record citations may be disregarded by the court.
5. **D. Less persuasive than a brief focusing on the two or three strongest issues** — Appellate courts and experienced appellate practitioners consistently emphasize that fewer, stronger arguments are more persuasive than a shotgun approach raising every conceivable issue. Raising fifteen issues dilutes the impact of the strongest arguments, suggests the advocate lacks confidence in any single point, and taxes the court's patience and attention.
6. **B. Presents facts in the light most favorable to the client while remaining truthful and accurate** — A persuasive brief's Statement of Facts uses strategic emphasis to highlight favorable facts through prominent placement and detailed treatment while contextualizing unfavorable facts to minimize their impact. However, all facts must be truthful and accurately represent the record. Omitting material facts or distorting the record violates ethical obligations and destroys credibility.

7. **A. State the specific relief the client is requesting from the court** — The conclusion of a trial court brief must clearly and precisely identify what the client is asking the court to do — grant or deny a specific motion, enter judgment, dismiss the case, or take other specific action. A vague or general conclusion fails to give the court clear direction and undermines the brief's effectiveness.
8. **D. A central narrative or legal theme that ties all arguments together and answers why the client should prevail** — The theory of the case is the organizing principle of the entire brief. It distills the client's position into a compelling, concise narrative that captures both the legal basis and the equitable appeal of the requested outcome. Every argument, every fact, and every authority in the brief should reinforce this central theme.
9. **C. The trial court's ruling was clearly unreasonable or based on an erroneous view of the law** — The abuse of discretion standard gives significant deference to the trial court's judgment. Reversal requires showing that the trial court's ruling was so unreasonable that no reasonable judge could have reached the same conclusion, or that the court based its decision on an incorrect understanding of the applicable law. This is a difficult standard for appellants to satisfy.
10. **B. Loses credibility because the court will expect the argument to be addressed** — Courts are aware of the strongest arguments on both sides of a dispute and expect competent advocates to address them directly. Ignoring the opposing party's strongest argument suggests either that the writer has no effective response or that the research was incomplete. Confronting and rebutting strong counterarguments demonstrates confidence, thoroughness, and credibility.

BONUS SECTION S: RESEARCH STRATEGY AND PROCESS (10 QUESTIONS)

1. The single most effective way to improve both the quality and efficiency of legal research is to:

- A. Develop a research plan before beginning any searching
- B. Use only one database for all research tasks
- C. Start searching immediately without defining the legal issue
- D. Rely exclusively on secondary sources for all analysis

2. When a paralegal receives a research assignment on an unfamiliar topic, the most effective first step after defining the legal issue is to:

- A. Search Westlaw using broad natural language queries across all databases
- B. Draft the conclusion section of the memorandum
- C. Consult a secondary source such as a treatise or legal encyclopedia for background understanding
- D. File a brief with the court requesting additional time

3. A researcher has been searching multiple databases and methods for a specific legal issue and keeps finding the same core group of cases and statutes. This pattern suggests:

- A. The researcher should switch to an entirely different legal topic
- B. The research on this issue is likely comprehensive and approaching the point of diminishing returns
- C. The databases are malfunctioning and returning incorrect results

D. The researcher has been using the wrong search terms

4. When researching a question governed by state statute, the most efficient starting point is:

A. A federal regulatory database

B. A law review article on general statutory interpretation

C. A legal dictionary definition of the statutory terms

D. The annotated state statutory code, using the index or keyword search to locate the relevant provision

5. A research plan should identify all of the following EXCEPT:

A. The final conclusion the memorandum will reach before the research is conducted

B. The legal issues to be researched

C. The jurisdiction governing the question

D. The types of sources most likely to be relevant

6. A paralegal discovers three potential legal issues in a client's fact pattern but the supervising attorney requested research on only one. The appropriate action is to:

A. Research all three issues without consulting the attorney

B. Ignore the additional issues entirely without mentioning them

C. Inform the supervising attorney about the additional issues and ask whether they should be addressed

D. Research only the issue most favorable to the client

7. The general principle for selecting research sources is to move from:

A. Primary authority to secondary authority

- B. General to specific, starting with secondary sources for background before targeting primary authorities
- C. The most expensive platform to the least expensive
- D. The most recent sources to the oldest sources exclusively

8. A researcher is working on a complex matter with a tight deadline and limited budget. The most cost-effective approach is to:

- A. Use only fee-based platforms without any planning
- B. Run multiple broad searches on Westlaw without reviewing results between searches
- C. Avoid all electronic research and use only print resources
- D. Plan the research strategy, start with free resources for preliminary work, and use precise searches on fee-based platforms for targeted retrieval

9. A researcher maintains a research log that records the citation, summary, relevant pages, citator status, and issue tag for each authority found. This practice is valuable because it:

- A. Is required by the Bluebook for every research project
- B. Replaces the need for citator validation
- C. Prevents duplication of effort and ensures efficient retrieval of authorities during the writing phase
- D. Satisfies court filing requirements

10. A supervising attorney asks a paralegal to research a legal question but the paralegal is unsure about the exact issue to investigate. The best first step is to:

- A. Clarify the issue with the supervising attorney before beginning research to avoid wasting time on the wrong question
- B. Begin searching Westlaw immediately using broad terms and hope to find relevant results
- C. Draft a complete memorandum based on assumptions about the issue
- D. Research an unrelated topic and present it as responsive to the assignment

BONUS SECTION S: ANSWERS AND EXPLANATIONS

1. **A. Develop a research plan before beginning any searching** — A research plan defines the legal issues, identifies the jurisdiction, selects appropriate starting sources, develops search terms, and estimates the scope and timeline of the project. Five minutes of planning before the first search query is entered can save hours of unfocused effort by preventing aimless browsing, redundant searching, and the common mistake of researching the wrong question.
2. **C. Consult a secondary source such as a treatise or legal encyclopedia for background understanding** — When a topic is unfamiliar, starting with a secondary source provides the foundational knowledge, vocabulary, and framework needed before diving into primary authorities. A treatise or encyclopedia entry will explain the key concepts, identify the controlling authorities, and organize the material in a way that makes subsequent primary authority research far more targeted and productive.
3. **B. The research on this issue is likely comprehensive and approaching the point of diminishing returns** — When multiple search methods and databases consistently return the same core authorities, it is a strong indicator that the researcher has identified the principal authorities on the issue. Continuing to search at this point is unlikely to produce significant new results and may waste time and resources without improving the analysis.
4. **D. The annotated state statutory code, using the index or keyword search to locate the relevant provision** — When a question is governed by statute, the annotated code is the most efficient starting point because it provides both the statutory text and annotations referencing interpreting cases, related regulations, and secondary sources. The index and keyword search tools help the researcher locate the relevant provision quickly.
5. **A. The final conclusion the memorandum will reach before the research is conducted** — A research plan should identify the issues, jurisdiction, starting sources, search terms, and timeline — but not the conclusion. Predetermining the conclusion before conducting research introduces bias and undermines the objectivity that the research process requires. The conclusion should emerge from the research and analysis, not precede it.
6. **C. Inform the supervising attorney about the additional issues and ask whether they should be addressed** — When a researcher identifies issues beyond the scope of the original assignment, the professional approach is to bring them to the supervising attorney's attention. The attorney can then make an informed decision about whether additional research is warranted, considering the issues' significance, the matter's timeline, and the client's needs.

7. **B. General to specific, starting with secondary sources for background before targeting primary authorities** — The general-to-specific approach is the most efficient research strategy. Secondary sources provide background knowledge and identify key primary authorities, which the researcher then locates and analyzes in detail. This approach prevents the wasted effort of searching for primary authority without a clear understanding of the legal framework.
8. **D. Plan the research strategy, start with free resources for preliminary work, and use precise searches on fee-based platforms for targeted retrieval** — Cost-effective research requires strategic planning at every stage. Free resources such as Google Scholar, GovInfo, and bar association databases handle preliminary background research at no cost. Fee-based platforms are then used for targeted, precise searches that minimize time and maximize relevance, keeping expenses proportional to the value delivered.
9. **C. Prevents duplication of effort and ensures efficient retrieval of authorities during the writing phase** — A research log creates an organized record of every authority found during the research process, including its citation, relevance, key pages, validation status, and connection to specific issues. This prevents the researcher from duplicating searches, losing track of found authorities, or having to reconstruct research during the writing phase when time is typically most constrained.
10. **A. Clarify the issue with the supervising attorney before beginning research to avoid wasting time on the wrong question** — When the research assignment is unclear, the most efficient and professional approach is to seek clarification before investing time in research. A brief conversation to verify the exact issue, the relevant jurisdiction, and the scope of the assignment prevents the costly misdirection that results from researching the wrong question or approaching the analysis from an incorrect angle.

BONUS SECTION T: ETHICS IN LEGAL RESEARCH AND WRITING (10 QUESTIONS)

1. The duty of competence in legal research requires that a legal professional:

- A. Always use the most expensive research platform available
- B. Complete all research within one hour regardless of complexity
- C. Research only the issues favorable to the client
- D. Conduct thorough research that identifies relevant authorities and reflects the current state of the law

2. The duty of candor to the tribunal requires an attorney to:

- A. Share all client communications with the court
- B. Disclose directly adverse authority in the controlling jurisdiction that opposing counsel has not cited
- C. Agree with the opposing party's legal arguments
- D. File only cases that support the client's position

3. A paralegal who independently signs and sends a legal opinion letter to a client without attorney review has potentially:

- A. Engaged in the unauthorized practice of law
- B. Demonstrated exceptional professional initiative
- C. Complied with all ethical obligations
- D. Followed standard paralegal practice

4. Inflating research hours on a client's billing statement violates the ethical duty of:

- A. Confidentiality
- B. Candor to the tribunal
- C. Honest and reasonable billing
- D. Attorney-client privilege

5. A paralegal discovers during research that a key case supporting the client's position was overruled last week. The ethical obligation requires:

- A. Ignoring the development and citing the overruled case anyway
- B. Waiting until the opposing party discovers the overruling
- C. Informing only the client but not the supervising attorney
- D. Immediately informing the supervising attorney so the legal strategy can be reassessed

6. Citing a case that has been overruled without disclosing its status may violate the duties of:

- A. Confidentiality and privilege
- B. Competence and candor
- C. Attorney-client communication
- D. Judicial immunity

7. The ethical obligation to use cost-effective research methods means that a researcher should:

- A. Plan research strategically, use appropriate resources for each task, and avoid unnecessary duplication of effort
- B. Always use only free resources regardless of the task's requirements
- C. Never use fee-based platforms under any circumstances

D. Bill the maximum amount permitted by the engagement letter

8. A paralegal working under attorney supervision drafts a memorandum that contains an incorrect legal conclusion due to inadequate research. Ethical responsibility for this error:

A. Falls only on the paralegal with no responsibility for the supervising attorney

B. Is eliminated because the memorandum was an internal document

C. Does not exist because errors in legal research are expected

D. Falls on both the paralegal and the supervising attorney who has a duty to review and supervise the paralegal's work

9. When using AI-powered legal research tools, the ethical duty of competence requires the legal professional to:

A. Accept all AI-generated results without verification

B. Verify AI results independently, understand the tool's limitations, and exercise professional judgment before relying on any authority

C. Avoid using AI tools entirely

D. Disclose to the court that AI was used in every filing

10. A researcher copies a citation from a secondary source and includes it in a memorandum without verifying the citation against the original source or validating it with a citator. This practice:

A. Is acceptable because secondary sources are always accurate

B. Saves time and is recommended for efficient research

C. Risks propagating citation errors and citing authority that may no longer be good law

D. Complies with the duty of diligence

BONUS SECTION T: ANSWERS AND EXPLANATIONS

1. **D. Conduct thorough research that identifies relevant authorities and reflects the current state of the law** — The duty of competence under the Model Rules of Professional Conduct requires legal professionals to provide representation using the knowledge, skill, thoroughness, and preparation reasonably necessary for the matter. In the research context, this means identifying all relevant authorities, verifying their current status, and producing analysis that accurately reflects the law as it exists today.
2. **B. Disclose directly adverse authority in the controlling jurisdiction that opposing counsel has not cited** — The duty of candor to the tribunal is one of the most important ethical obligations in legal practice. It requires attorneys to bring directly adverse controlling authority to the court's attention even when the opposing party has not cited it. After disclosure, the attorney may distinguish, challenge, or argue against the authority, but the obligation to disclose exists regardless of the authority's ultimate impact on the analysis.
3. **A. Engaged in the unauthorized practice of law** — Providing legal advice directly to a client without attorney supervision constitutes the unauthorized practice of law for a paralegal. All correspondence containing legal analysis or opinions must be reviewed, approved, and signed by a supervising attorney before it is sent to the client. This requirement protects the client, the paralegal, and the integrity of the legal profession.
4. **C. Honest and reasonable billing** — Billing for research hours that were not actually spent is a form of billing fraud that violates the ethical obligation to charge reasonable fees and bill honestly for work performed. It can result in disciplinary action against the supervising attorney, malpractice claims, loss of client trust, and damage to the firm's reputation.
5. **D. Immediately informing the supervising attorney so the legal strategy can be reassessed** — When a key supporting authority has been overruled, the paralegal must promptly inform the supervising attorney. This allows the legal team to reassess the strategy, identify alternative authorities, adjust the analysis, and avoid citing an overruled case in court filings — which would violate the duties of both competence and candor.
6. **B. Competence and candor** — Citing an overruled case without disclosing its status violates two ethical duties simultaneously. It violates the duty of competence because a competent researcher would have validated the authority and discovered the overruling. It violates the duty of candor because presenting an overruled case as good law misrepresents the state of the law to the court.

7. **A. Plan research strategically, use appropriate resources for each task, and avoid unnecessary duplication of effort** — The ethical obligation of reasonable billing requires researchers to use time and resources efficiently. Strategic planning, appropriate use of free and fee-based resources matched to each task's requirements, and avoidance of duplicative research ensure that clients are charged only for work that is reasonable, necessary, and proportional to the matter's needs.
8. **D. Falls on both the paralegal and the supervising attorney who has a duty to review and supervise the paralegal's work** — The duty to supervise requires attorneys to ensure that the work of paralegals and other non-attorney staff meets professional standards. While the paralegal bears responsibility for conducting thorough research, the supervising attorney has an independent obligation to review the work product and catch errors before the memorandum is relied upon or filed. Both share ethical responsibility for the quality of the final product.
9. **B. Verify AI results independently, understand the tool's limitations, and exercise professional judgment before relying on any authority** — The duty of competence requires legal professionals to understand the tools they use, including their limitations. AI tools can produce inaccurate results, including fabricated citations to cases that do not exist. Every AI-generated result must be independently verified for existence, read in full for accuracy and relevance, and validated with a citator to confirm current status before being relied upon in any legal document.
10. **C. Risks propagating citation errors and citing authority that may no longer be good law** — Copying citations from secondary sources without independent verification is a dangerous practice that can introduce errors into the researcher's work product. The secondary source may contain incorrect volume numbers, page references, or court designations, and the cited authority may have been overruled, amended, or superseded since the secondary source was published. Every citation must be verified against the original source and validated with a citator before inclusion in a legal document.