

# LEGAL OFFICE PROCEDURES (27)

## Regional—2007

Objective Portion (*40 @ 5 points each*) \_\_\_\_\_ (200 pts.)

Job 1 - Durable Power of Attorney \_\_\_\_\_ (100 pts.)

Job 2 - Letter to Client \_\_\_\_\_ (100 pts.)

**TOTAL POINTS** \_\_\_\_\_ (**400 pts.**)

***Failure to adhere to any of the following rules will result in disqualification:***

- 1. Contestant must hand in this test booklet and all printouts. Failure to do so will result in disqualification.***
- 2. No equipment, supplies, or materials other than those specified for this event are allowed in the testing area. No previous BPA tests and/or sample tests or facsimile (handwritten, photocopied, or keyed) are allowed in the testing area.***
- 3. Electronic devices will be monitored according to ACT standards.***

No more than ten (10) minutes orientation

No more than 60 minutes testing

No more than ten (10) minutes wrap-up

Do **NOT** open test booklet until instructed to do so.

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*Workplace Skills Assessment Program* competition.

### **GENERAL INSTRUCTIONS**

1. Answer the objective questions using a No. 2 pencil on the Scantron scoring sheet unless instructed otherwise.
2. Fill in each answer space completely and erase any stray marks.
2. Make certain this test booklet contains Jobs 1 and 2.
3. For any problems where you would normally use your reference initials, use your contestant number. Your name or initials should NOT appear on any work you submit. Key your contestant number as a footer in the lower left-hand corner of each Job.
4. You may use reference materials, but you may not share references with other contestants. Assume these jobs are waiting for you upon arrival in the morning. You may complete the jobs in any order you choose.
5. Once you have finished, proofread your work carefully.
6. If you finish before the end of the testing time, notify the proctor. Time may be a factor in determining the winner in the event of a tie.
7. When turning in your contest, place your Scoring Sheet on top of your jobs. The jobs should be arranged in numeric order. The Scantron scoring sheet should be the first thing in your packet when you turn it in. Use your time wisely. You have 60 minutes to complete the test.
8. Good luck!

**PART I – OBJECTIVE**

**True/False Directions:** Using the Scantron scoring sheet provided, mark Column A if the statement is true; mark Column B if the statement is false.

1. To be valid, a contract must not violate the law, nor be contrary to public policy in its formation, purpose, or performance.
2. A contract involving illegal gambling, wagers, or lotteries is valid.
3. Unless so required by law, contracts need not be in writing to be enforceable.
4. An express warranty is an oral or written promise by the seller of product quality or performance.
5. When one owes money to another, the relationship is that of debtor and creditor.
6. Employment is not a form of contract.
7. Governmental payments to those who recently lost their jobs are called unemployment compensation.
8. Workers' compensation pays benefits such as medical bills, lost wages, and rehabilitation to those workers injured in the course of their employment from the risks of the job.
9. Real property includes such items as jewelry, clothing, and automobiles.
10. Legal action taken to remove a tenant from possession of all real property is called subletting.

**Multiple-Choice Directions:** Mark on your Scantron scoring sheet the letter of the answer that best completes/describes the statement.

11. All of the following are forms of commercial paper, EXCEPT:
  - A. checks
  - B. promissory notes
  - C. warranty deeds
  - D. certificates of deposit
12. The most simple and most numerous form of business organization is:
  - A. corporation
  - B. sole proprietorship
  - C. partnership
  - D. limited partnership

13. An association of two or more persons to carry on, as co-owners, a business for profit is called a:
- A. corporation
  - B. sole proprietorship
  - C. partnership
  - D. limited liability corporation
14. Partnerships may be terminated by:
- A. action of the partners
  - B. operation of law
  - C. decree of a court
  - D. all of the above
15. The Amendment to the U.S. Constitution which guarantees the accused in all criminal prosecutions the right to a speedy and public trial by an impartial jury is:
- A. The Third Amendment
  - B. The Fourth Amendment
  - C. The Fifth Amendment
  - D. The Sixth Amendment
16. The process of declaring a person unable to pay his or her debts and then taking the person's assets and distributing them among the creditors is called:
- A. liabilities
  - B. deficiency
  - C. insolvency
  - D. bankruptcy
17. Another word for equity is:
- A. chancery
  - B. advisory
  - C. laches
  - D. interpleader
18. An intentional and voluntary surrender of some known right is a(n):
- A. estoppel
  - B. waiver
  - C. doctrine
  - D. judgment
19. The Latin term which means "itself or of one's self" or "of one's own will" is:
- A. in pari delicto
  - B. respondeat superior
  - C. sua sponte
  - D. de facto

20. In describing land, which system uses feet and natural markers as monuments?
- A. artificial monuments
  - B. plats
  - C. metes and bounds
  - D. encumbrances
21. The highest court in the federal judicial system is called the:
- A. State Supreme Court
  - B. U.S. District Court
  - C. U.S. Supreme Court
  - D. Court of Appeals
22. A state court that reviews cases from the trial courts is referred to as:
- A. court of original jurisdiction
  - B. court of appeals
  - C. supreme court
  - D. probate court
23. To accuse one of a crime or to put oneself or another in danger of being charged with a crime is to:
- A. disclose
  - B. incriminate
  - C. vacillate
  - D. defraud
24. The Latin term which means almost, but not actually, is:
- A. quasi
  - B. mens rea
  - C. ex contractu
  - D. status quo
25. A deposition is:
- A. written questions held outside of court that are offered by either party to the opposing side, seeking information about the case
  - B. a written command issued by the court to appear at a certain time and place
  - C. a written request for evidence or other documents relevant to the case
  - D. a pretrial recorded statement of a party or witness to a lawsuit before a court reporter or other officer to determine, through questioning, what a party or witness knows and what their testimony will be at trial

26. A precedent is:
- A. something that can be debated, argued, or discussed and has not been settled by court decisions
  - B. a judicial decision that serves as a guide for future cases that are similar in nature
  - C. a document issued so that persons or property may be legally taken and held in the custody of the law
  - D. a legal notice to a person holding property belonging to a defendant that said property is to be held for the payment of a debt to the plaintiff
27. A request made by counsel to eliminate improper evidence from consideration in deciding an issue is:
- A. motion to strike
  - B. mistrial
  - C. testimony
  - D. direct examination
28. In a criminal case, if the defendant presents proof of being in another place at the time the crime was committed, the defendant is said to have a(n):
- A. alibi
  - B. preponderance of evidence
  - C. excuse
  - D. pendente lite
29. A trial de novo is:
- A. a writ issued by an appellate court stating that an error was committed
  - B. an order or a writ of review or inquiry used in an appellate proceeding
  - C. one who appeals a decision or verdict
  - D. a new trial of a case conducted by an appellate court as though there had been no other trial
30. The failure to exercise a degree of care that a reasonable person would exercise under the same circumstances is:
- A. liability
  - B. trespassing
  - C. negligence
  - D. offense

**Spelling Directions:** One of the three words on each line below MAY BE misspelled. Indicate the letter of the misspelled word, if any, on your Scantron. **If all the words are correctly spelled, mark Column D.**

31.     A. abandonment  
       B. coercion  
       C. affidavit  
       D. none are misspelled

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32. A. negligence  
B. judiciary  
C. fraudulent  
D. none are misspelled
33. A. clemency  
B. custody  
C. exemplary  
D. none are misspelled
34. A. equitable  
B. erroneous  
C. gerrymander  
D. none are misspelled
35. A. homicide  
B. intrinsic  
C. latent  
D. none are misspelled
36. A. amendment  
B. debentures  
C. dissolution  
D. none are misspelled
37. A. gratuitous  
B. genuine  
C. guardian  
D. none are misspelled
38. A. incidental  
B. hostile  
C. infraction  
D. none are misspelled
39. A. implied  
B. restitution  
C. separation  
D. none are misspelled
40. A. confidential  
B. reasonable  
C. genuine  
D. none are misspelled

**Job 1— Durable Power of Attorney**

Please prepare a Durable Power of Attorney for Grantor, Carla Jones. She appoints Debra Klein her attorney for the purpose of :

To make, do, and transact all and every kind of business whatsoever nature and kind; to demand, sue for, receive, and give effectual discharges on any legal matters determined necessary by my attorney-in-fact; and to invest and reinvest my assets and securities or other property, real or personal, as she sees fit,

**Job 2—Letter to Client**

Please prepare the following letter to Carla Jones at 1546 Wilson Avenue, Columbus, Ohio 43670 regarding the Durable Power of Attorney.

Enclosed are the original and one copy of the Power of Attorney requested and prepared on your behalf. After reviewing the document, please sign it in the presence of two witnesses and a notary public. The original Power of Attorney should be returned to our office at your earliest convenience and the copy is for your file.

Thank you for giving us the opportunity to serve you in this matter. If you have any questions regarding the Durable Power of Attorney, please do not hesitate to contact me. Sincerely yours





# LEGAL OFFICE PROCEDURES (27)

## *KEY*

Regional—2007

*TOTAL POINTS*

\_\_\_\_\_ (400 pts.)

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***Graders:***

When grading computer-generated problems, refer to the Style and Reference Manual and Production Standards in the *Workplace Skills Assessment Program Guidelines* for further instructions.

Please double-check and verify all scores!

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**SCANTRON**

1. T
2. F
3. T
4. T
5. T
6. F
7. T
8. T
9. F
10. F
11. C
12. B
13. C
14. D
15. D
16. D
17. A
18. B
19. C
20. C
21. C
22. B
23. B
24. A
25. D
26. B
27. A
28. A
29. D
30. C
31. C
32. D
33. B
34. A
35. D
36. C
37. A
38. D
39. B
40. C

**Note to Grader(s):**  
The production standards  
should be followed for grading.  
Top margin and side margins



**Job 1— Durable Power of Attorney**

**DURABLE POWER OF ATTORNEY**

**Know All Men By These Presents:**

That, CARLA JONES, Grantor, has made, constituted and appointed, and by these presents does make, constitute and appoint DEBRA KLEIN, her true and lawful attorney-in-fact for her and in her name, place and stead, for the sole and singular purpose of:

to make, do, and transact all and every kind of business whatsoever nature and kind; to demand, sue for, receive, and give effectual discharges on any legal matters determined necessary by my attorney-in-fact; and to invest and reinvest my assets and securities or other property, real or personal, as she sees fit,

giving and granting unto DEBRA KLEIN, said attorney-in-fact, full power and authority to do and perform all and every act and thing whatsoever requisite and necessary.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Signed and sealed  
in the presence of

\_\_\_\_\_  
Witness

\_\_\_\_\_  
CARLA JONES

\_\_\_\_\_  
Witness

Durable Power of Attorney  
of Carla Jones

Page 1 Initials \_\_\_\_\_

Contestant #  
Job 1



**Job 2—Letter to Client**

Current Date

Ms. Carla Jones  
1546 Wilson Avenue  
Columbus, Ohio 43670

Dear Ms. Jones

**DURABLE POWER OF ATTORNEY**

Enclosed are the original and one copy of the Power of Attorney requested and prepared on your behalf. After reviewing the document, please sign it in the presence of two witnesses and a notary public. The original Power of Attorney should be returned to our office at your earliest convenience and the copy is for your file.

Thank you for giving us the opportunity to serve you in this matter. If you have any questions regarding the Durable Power of Attorney, please do not hesitate to contact me.

Sincerely yours

Debra Klein

contestant #

Enclosure