

QUESTION 1

Gross Negligence is defined as:

Unreasonable action that results in foreseeable harm.

Reckless action that result in any harm.

Action that is so inherently dangerous that no amount of due care can make it safe.

Reckless action that result in foreseeable harm.

QUESTION 2

Of the following, which is the BEST definition of punitive damages?

Damages in excess of compensatory damages that the court awards for the purpose of deterring the defendant from doing the same act again.

Damages awarded to a party who cannot establish actual damages.

Damages awarded pursuant to the explicit terms contained in the damages clause of the contract that was breached.

Damages designed to place the non-breaching party in the position that party would have enjoyed had the terms of the contract been performed.

QUESTION 3

A contract which is entered, through a sellers intentional misrepresentation of a material fact, could be considered:

an intentional tort.

a crime.

creating a voidable contract.

all of the above.

None of the above.

QUESTION 4

A warranty that comes into existence because of the conduct (like a website photo) of the seller, but not because the terms were stated expressly seller would be called:

an oral warranty.

an express warranty.

a written warranty.

an implied warranty.

QUESTION 5

The highest court in the United States is:

The U.S. Court of Appeals.

Rhode Island District Court.

The U.S. Supreme Court.

U.S. District Court.

Massachusetts Superior Court.

QUESTION 6

Which of the following fact patterns would make a contract voidable?

One of the parties lacked contractual capacity.

An alleged offer was actually just an advertisement.

The contract was illegal.

The contract was not in writing.

QUESTION 7

In order for an offer to exist, there must be:

Sufficient definiteness in the terms of the offer.

Sufficient certainty to the offer.

It must be communicated to the offeree.

All of the above are required elements of an offer.

QUESTION 8

If a dentist physically molests a patient while the patient is asleep under anesthesia that conduct would be:

a Battery.

an Assault.

an Assault and Battery.

False Imprisonment.

QUESTION 9

The Civil Rights Act's ban on racial discrimination

Â Can be used to protect black people only.

Â Can be used to protect black and Hispanic people only.

Â Can be used to protect all citizens equally.

Â Can be used to protect only to people of color.

QUESTION 10

A product trademark that is identified by a made-up word (one that has no meaning otherwise), is called:

Fanciful.

Arbitrary.

Suggestive.

Descriptive.

QUESTION 11

Larry enters into a contract with Motivational Education Services to host a panel discussion at a sales conference. When the conference is postponed indefinitely, Larry asks a court to cancel the contract and return the parties to the positions that they held before its formation. This request involves

specific performance.

an injunction.

rescission.

an action that the court cannot order.

QUESTION 12

A child trespasser on your business premises, is owed:

a duty not to intentionally harm

a duty not to recklessly harm

a duty to protect from any foreseeable dangerous condition

no duty at all.

QUESTION 13

Which of the following theories of product liability would not require proof of foreseeable harm:

Breach of express warranty.

Breach of implied warranty of merchantability.

Strict Product Liability.

Negligence.

All of the above.

QUESTION 14

Don, a salesperson for Excel Autos, tells Fern that a certain car has a "smooth ride." Don offers a test drive, which Fern declines. She buys the car but soon realizes that its suspension is too firm for her because she can feel bumps in the road. Fern

can reject the contract on the ground of fraud.

can reject the contract on the ground of misrepresentation.

can reject the contract on the ground of breach of warranty.

cannot reject the contract, because the seller's statement was not factual.

QUESTION 15

A restaurant bouncer (security guard), who is employed by the restaurant, hurt a customer by using too much force to eject them from the premises. The bouncer is liable for the customer's injuries. Even though the restaurant did not authorize the bouncer's conduct, the restaurant may also be liable under the concept of:

Contributory negligence.

Strict Liability.

The restaurant would not be liable at all, since it didn't do anything wrong.

Breach of Contract.

Respondeat Superior.

QUESTION 16

A BFOQ defense:

is a potential defense in any employment discrimination case.

is a potential defense in a disparate impact employment discrimination case.

is a potential defense in a disparate treatment employment discrimination case.

is a potential defense, but only in cases involving discrimination on the basis of age.

QUESTION 17

Abby is a salesperson for Regional Sales, Inc. Ben is also a salesperson. Carl is Abby and Ben's supervisor. Dave is a Regional Sales customer. If Abby is the victim of sexual harassment and depending upon the facts of the case, Regional Sales could be liable for the harassing conduct committed by

Ben or Carl only.

Ben or Dave only.

Dave only.

Ben, Carl, or Dave.

QUESTION 18

The defense of Assumption of Risk is available in a case of :

Negligence.

Breach of contract.

Strict Liability.

Both a. and c. are correct.

Both b. and c. are correct.

QUESTION 19

The ADR procedure in which the disputing parties hire a private neutral person to whom they will argue their cases and who will then render a decision to resolve their dispute, is called:

Mediation.

Vegetation.

Visitation.

Meditation.

Arbitration.

QUESTION 20

The following statement is FALSE as to trademarks which are generally protected under Federal Trademark law?

Fanciful and arbitrary marks are protected, but descriptive marks are not.

Arbitrary marks are protected, but suggestive marks are not.

Suggestive and fanciful marks are protected.

Fanciful, suggestive, and arbitrary marks are protected.

QUESTION 21

Bob's Big Burgers nâ Shakes Restaurant brings a law suit, seeking a legal remedy. A legal remedy is

monetary damages.

a decree of specific performance.

a form of discovery.

an injunction.

QUESTION 22

The following would be an example of fraud.

A statement of opinion made by the seller to the buyer.

An innocent misrepresentation of fact made by the seller to the buyer.

An intentional misrepresentation of fact made by the seller to the buyer.

A misrepresentation of fact made by the seller to the buyer that the buyer does not rely on.

2.22222 points

QUESTION 23

A defendant can be sued in the state:

Where they reside.

Where they do business.

Where they committed an act that caused harm to the plaintiff.

In any state, if they respond to the complaint without objecting to the court's jurisdiction

Where either of the above answers occurs.

2.22222 points

QUESTION 24

All of the following are Invasion of Privacy torts, EXCEPT for which one?

Public disclosure of private confidential information.

Placing someone in a false light in the public eye.

Placing an illegal wiretap on their telephone.

Defamation.

2.22222 points

QUESTION 25

Liquidated damages are recoverable if:

the specified amount is not excessive.

the contract specifies the amount to be paid in the event of a breach.

Both a. and b. are required to recover.

None of the above are required to recover.

2.22222 points

QUESTION 26

The defense of Comparative Negligence is available in a case of :

Negligence.

Breach of contract.

Strict Liability.

Both A. and B. are correct.

Both B. and C. are correct.

2.22222 points

QUESTION 27

Lewis wants to file a suit against Mikayla. Before any court can hear the case

the parties to the dispute must agree.

the court must have jurisdiction.

the court must issue a deposition.

the parties must own property.

2.22222 points

QUESTION 28

Administrative law is created by which branch of government?

The legislative branch.

The judicial branch.

The executive branch.

The constitutional branch.

2.22222 points

QUESTION 29

Law that is created by a court is called:

Statutory Law.

Constitutional Law.

Common Law.

Administrative Law.

2.22222 points

QUESTION 30

A non-competition agreement:

is always enforceable if it is part of the sale of a business.

is always enforceable if it is not overly restrictive in time, territory or market.

is always enforceable.

is always void.

is enforceable if it is part of the sale of a business and it is not overly restrictive in time, territory or market.

2.22222 points

QUESTION 31

Assuming the conduct is repetitive and unwelcome, an employer's sexual harassment liability may arise from:

a female worker overhearing a male worker telling a sexually-offensive joke to a male co-worker.

a female supervisor pinches the rear end of a male employee.

a male worker being subjected to a new employee hazing ritual that involves sexually-offensive behavior.

All of the above.

QUESTION 32

In a lawsuit based upon negligence, the following remedies may generally be recoverable:

Specific performance.

Punitive damages.

Liquidated damages

All of the above.

None of the above.

QUESTION 33

A day care center hired a convicted child molester to take care of the children, without doing the required background check. The molester then attacked one of the children and the parents are suing the day care center. The day care center:

Would be liable under respondeat superior.

Would be liable for its own negligent conduct.

Would be liable due to its comparative negligence.

Would not be liable because the parents assumed the risk of harm.

Would not be liable in any or all of the above events.

QUESTION 34

Which of the following is not a form of civil discovery?

Deposition.

Counterclaim.

Request for Production.

Interrogatories.

All of the above are discovery procedures.

QUESTION 35

To mitigate damages means:

To ignore one's damages and let them increase as much as possible

To calculate what damages have been caused by a breach.

To sue for damages.

To reduce one's damages if reasonably possible

QUESTION 36

To succeed in a strict products liability action, the plaintiff must prove all of the following elements, EXCEPT for which one?

The product was defective when sold.

The defect rendered the product dangerous.

The defendant acted unreasonably.

The product was the cause of the plaintiff's injury.

QUESTION 37

Which of the following is considered a property right violation in most states?

False light privacy invasion.

Appropriation of plaintiff's image or name for commercial gain.

Photographing plaintiff while they sunbathe in their backyard.

Publication of plaintiff's confidential medical records.

2.22222 points

QUESTION 38

The following is an example of quid pro quo sexual harassment.

A male employee tells dirty jokes to a female superior.

A male employee grabs a male co-worker in an inappropriate manner.

A female employer refuses to hire a potential employee, unless the new employee agrees to have an affair with the employer.

A worker has a photo of his spouse on his cell-phone and shows it to his co-workers.

QUESTION 39

Punitive damages could be available in the event of:

Breach of Contract.

Fraud.

Battery.

both a and b.

both b. and c.

QUESTION 40

A contract, which is entered while one of the parties was under duress, would be considered:

Void.

Valid.

Voidable.

Valid, but unenforceable.

None of the above.

QUESTION 41

Which of the following is an equitable remedy?

compensatory damages.

specific performance.

liquidated damages.

criminal penalties.

QUESTION 42

Employment discrimination on the basis of age may be prohibited under:

the ADA.

the Civil Rights Act.

the Fair Labor Standards Act.

the ADEA.

QUESTION 43

Which of the following is the primary goal of a civil case?

Deterring future wrongs.

Giving society a form of revenge.

Compensating innocent persons who are injured as a result of another's wrongful conduct.

Jailing offenders to prevent them from committing future offenses.

QUESTION 44

Which of the following theories of product liability would require proof of privity of contract:

Breach of express warranty.

Breach of implied warranty of merchantability.

Strict Product Liability.

Negligence.

All of the above.

QUESTION 45

The Civil Rights Act makes it unlawful for an employer to make employment decisions that intentionally discriminate based on religion

and like prohibitions against race and skin color discrimination, there will be no BFOQ defense.

and unlike prohibitions against race and skin color discrimination, there can be a BFOQ defense.

and like prohibitions against race and skin color discrimination, there can be a BFOQ defense.

None of the choices are correct.