

McWay_Chapter02

MULTIPLE CHOICE

1. Personal jurisdiction refers to:
- a. authority over parties involved.
 - b. authority over questions at issue.
 - c. locations where trials are conducted.
 - d. locations where trial parties reside.

ANS: A PTS: 1

2. Cases that have subject matter jurisdiction and that are limited by the U.S. Constitution and statute have _____ jurisdiction.
- a. Diversity
 - b. federal question
 - c. general
 - d. supreme

ANS: B PTS: 1

3. Diversity jurisdiction is specific to:
- a. authority over the question at issue that resulted in a case.
 - b. citizens of different states as well as the federal courts.
 - c. general jurisdiction, which does not limit subject matter.
 - d. state citizens where amounts in controversy are over \$75,000.

ANS: B PTS: 1

4. The jurisdiction for medical malpractice cases:
- a. always falls to state courts.
 - b. could be either state or federal.
 - c. depends on the defendant's citizenship.
 - d. is dependent on the plaintiff's citizenship.

ANS: B PTS: 1

5. Which statement is true of a supreme court, except in New York State?
- a. The supreme court is a court of last resort.
 - b. Any party dissatisfied with a decision may take their course to the supreme court.
 - c. The supreme court must hear any case requested.
 - d. Supreme court judges are nominated and confirmed by Congress.

ANS: A PTS: 1

6. According to the Constitution, which branch has been granted the power to establish lower federal courts?
- a. Congress
 - b. House of Representatives
 - c. Senate
 - d. Supreme Court

ANS: A PTS: 1

7. Trial courts in the federal system are called _____.
- a. Appellate
 - b. Criminal
 - c. District
 - d. Supreme

ANS: C PTS: 1

8. The U.S. Supreme Court decides which cases to hear:

- a. According to severity of decision.
- b. By a *writ of certiorari*.
- c. Based on a lottery.
- d. On a first come basis.

ANS: B PTS: 1

9. State supreme courts (except in New York State):
- a. decide which cases to hear via *writ of certiorari*.
 - b. hear appeals from the intermediate appellate courts.
 - c. maintain guidelines concerning the type of cases.
 - d. try appeals from state courts involving the Constitution.

ANS: B PTS: 1

10. The admissibility of the health record into evidence is guided by Federal:
- a. Bill of Rights.
 - b. CFR 21.
 - c. Civil Procedure Rules of Evidence.
 - d. HIPAA statutes and regulations.

ANS: C PTS: 1

11. Article X of the Evidence Rules allows:
- a. An exact duplicate copy to serve as evidence in lieu of an original.
 - b. Allows for expert testimony to be presented during the court case.
 - c. For exceptions to attorney-client privilege during a hearing.
 - d. The family to testify as witnesses during depositions and court cases.

ANS: A PTS: 1

12. The person who initiates a lawsuit is the _____.
- a. Attorney
 - b. Defendant
 - c. Plaintiff
 - d. Surrogate

ANS: C PTS: 1

13. The defendant's reply to the allegations of a lawsuit is called the _____.
- a. Answer
 - b. Complaint
 - c. Counterclaim
 - d. Summons

ANS: A PTS: 1

14. _____ can be defined as those devices or tools used by one side to obtain facts and information about the case:

- a. Investigation
- b. Discovery
- c. Wire tapping
- d. Motions

ANS: B PTS: 1

15. A deposition is a:
- a. Formal request for information from another entity.
 - b. Request for specific documents from a health care facility.
 - c. Testimony provided under oath outside of the courtroom.
 - d. Written questions presented to a party to obtain admissions of certain fact(s).

ANS: C PTS: 1

16. The questions presented to a party used to gather evidence are part of a(n):
- a. Deposition.
 - c. Mental examination.

- b. Interrogatory. d. Request for admission.

ANS: B PTS: 1

17. Electronically stored information (ESI) includes all forms of electronic data, and it is the principal subject matter for _____.

- a. acquisition of digital media c. early case assessment
b. computer database management d. electronic discovery

ANS: D PTS: 1

18. When records are modified or destroyed, it is referred to as:

- a. Destruction. c. Non-preservation.
b. Non-native format. d. Spoliation.

ANS: D PTS: 1

19. In addition to supplying the record, the person who possesses the record could be compelled to deliver it at a certain time and place if the request is accompanied by a:

- a. request for production.
b. judicial process of health information.
c. rule of civil procedure.
d. *subpoenaduces tecum*.

ANS: D PTS: 1

20. The authority by which courts and judicial officers may hear and decide a case is called _____.

- a. authority c. mediation
b. jurisdiction d. sovereignty

ANS: B PTS: 1

21. The three main types of jurisdiction involves _____ authority.

- a. alternative dispute resolution, arbitration, and mediation
b. dualism, monolism, and pluralism
c. global, international, and universal
d. personal, subject matter, and territorial

ANS: D PTS: 1

22. Under which jurisdiction is the following categorized: most issues involving the regulation of trades and professions.

- a. federal courts c. special
b. state courts d. supplemental

ANS: B PTS: 1

23. Diversity jurisdiction includes is a form of subject-matter jurisdiction whereby US district courts (e.g., trial courts of general jurisdiction in the federal judiciary) have the power to hear a _____ case where the parties are "diverse" in citizenship, indicating that they are citizens of different states or non-U.S. citizens.

- a. civil c. criminal
b. contract d. customs

ANS: A PTS: 1

24. The stages through which a lawsuit passes is called the _____ process.

- a. appeal
- b. complaint
- c. interrogatory
- d. legal

ANS: D PTS: 1

25. The person being sued is called the _____.

- a. court clerk
- b. defendant
- c. judge
- d. plaintiff

ANS: B PTS: 1

26. The written document that describes the grounds of jurisdiction, plaintiff's claim, and demand for relief is called the _____.

- a. appeal
- b. complaint
- c. decision
- d. interrogatory

ANS: B PTS: 1

27. The answer to a complaint that is made by the defendant is called the _____.

- a. appeal
- b. decision
- c. interrogatory
- d. written response

ANS: D PTS: 1

28. Which is the name of the process used by the defendant (or plaintiff) to obtain facts and information about the case from the plaintiff (or defendant)?

- a. appeal
- b. discovery
- c. legal process
- d. trial

ANS: B PTS: 1

29. FRCP governs all forms of discovery performed in federal court, including seeking information that is stored electronically in any medium, which is called _____.

- a. court order
- b. e-discovery
- c. metadata
- d. *subpoenaduces tecum*

ANS: B PTS: 1

30. Which is the unseen information that is located in common text files, such as that which can indicate when the document was created?

- a. data dictionary
- b. data virtualization
- c. hypermapping
- d. metadata

ANS: D PTS: 1

31. What term refers to the actions of a party who processes data to make efforts to prevent routine destructions and preserve electronically stored data?

- a. court order
- b. litigation hold
- c. restraining order
- d. subpoena *duces tecum*

ANS: B PTS: 1

32. Which is a letter sent by an adversary in a court case that explains the need to preserve electronic evidence?

- a. legal hold
- c. subpoena *duces tecum*

4. Order of Preservation

D. A court order requiring a party to preserve electronic and other evidence, regardless of the party's need to engage in routine deletion or destruction practices and procedures.

Essay

1. List the steps of a civil lawsuit.
 1. Complaint
 2. Discovery
 3. Pretrial conference
 4. Trial
 5. Appeal
 6. Satisfying the judgment

2. Explain two methods of discovery.
 1. Deposition- testimony given under oath outside the courtroom pursuant to a subpoena.
 2. Interrogatories- written questions presented to a party or witness designed to gather information.
 3. Production of documents- Inspection and/or copying of documents or other physical evidence upon written request.
 4. Physical/ mental examination- Ordered by the court upon a party's request with good cause shown.
 5. Requests for admissions- written questions presented to a party designed to obtain admission of a certain fact.