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**FEDERAL JURISDICTION SAMPLE
MULTIPLE CHOICE QUESTIONS**

**PART II. MULTIPLE CHOICE
QUESTIONS (WORTH A TOTAL OF 40
POINTS). CHOOSE (CIRCLE) THE BEST
ANSWER TO EACH QUESTION, AND
ANSWER ALL THE QUESTIONS. EACH
QUESTION IS WORTH ONE POINT.**

Q1. The Supreme Court, under 28 USC § 1257 may review the final judgments of the highest court of a state in which a decision can be had. “Final judgment”

- A. must be subject to no further review or correction in any state tribunal.
- B. may include an interlocutory appeal if certified by the Court of Appeals.
- C. may be sufficiently final even though there are further proceedings on the merits of the case in state court if the state court has decided federal issues and there is no doubt as to the outcome of the remaining state court
- D. must only be from the highest court in the state.

Q2. The State of New Hampshire is operating a large nuclear plant on the Connecticut River. The plant uses river water for cooling and discharges water back into the river, fifteen degrees warmer than it was at the point of entry. The temperature is adversely affecting the dairy industry, downstream located in Vermont. The dairy industry along with Ben & Jerry’s convince Vermont to sue New Hampshire in the U.S. Supreme Court alleging damage to the environment and seeking an injunction against the discharge. The U.S. Supreme Court should

- A. Dismiss the suit because it does not have original jurisdiction.

B. Dismiss the suit because it is barred by the Eleventh Amendment.

C. Hear the case because Vermont is suing in its own right and jurisdiction is proper.

D. Dismiss the case because no subject matter jurisdiction.

E. Both A and D.

Q4. Two federal circuit courts have ruled on the legality of the so called “sanctuary cities” defined as those that do not allow local officials to be involved in enforcing federal immigration laws. Circuit 5 has ruled that sanctuary cities are barred by the Illegal Immigration Reform and Immigrant Responsibility Act of 2010 from refusing to cooperate with the enforcement of immigration laws. Circuit 9 has held that enforcement of immigration laws is strictly a federal responsibility so municipalities cannot be compelled to enforce the law. Now, the Court of Appeals for Circuit 10 has upheld a ruling by a district court that holds that it is within the authority granted by the state law for a city to refuse enforcement of immigration laws. A petition to review the holding of Circuit 10 has been filed with the U.S. Supreme Court. Should the petition for review be granted?

A. Yes, because the Supreme Court will hear cases from Circuit Courts of Appeal.

B. Yes, because there is a conflict between circuit courts.

C. No, because there were independent state grounds for the decision.

D. No, because the Supreme Court has discretion to decide what case it will hear.

Q5. Which of the following cases is least likely to be heard under the Supreme Court’s original jurisdiction?

A. *New Mexico v. U.S.*, regarding state citizens' interest in continue diplomatic ties with Mexico.

B. *Texas v. U.S.*, regarding a state challenge to an executive order reducing federal funding to a highway.

C. *New York v. New Jersey*, over which state owns part of a railroad.

D. *Montana v. Idaho*, over which state breached its duty to prevent a forest fire.

Q6. The primary limitation on the Supreme Court's constitutional authority to review state court judgments is that

A. such review is limited to questions of federal law.

B. such review is limited unless the Court is able to separate out the state law grounds.

C. such review is limited unless the state law issue is integrally tied to a federal question.

D. Both A and C.

Q15. Which of the following will not be reviewed by the U.S. Supreme Court?

A. New Mexico Supreme Court decision interpreting the federal Clean Air Act.

B. The decision of the Ninth Circuit interpreting state minimum wage regulations.

C. A Colorado Supreme Court decision in a quiet title action.

D. A decision of the Tenth Circuit interpreting Utah State law.

Q19. Recently enacted California legislation required farmers to use drip irrigation systems instead of traditional methods in order to conserve water for agricultural and other uses.

John Farmer who refused to use the drip system was charged pursuant to the enforcement provisions of the legislation. A state court enjoined Farmer from using other irrigation methods and fined him.

Farmer appealed to the state supreme court, arguing the legislation violated the state constitutional prohibiting certain governmental intrusions into private commercial activities and it was preempted by federal water management laws. The state supreme court agreed with Farmer on both arguments. California petitions for certiorari to the US Supreme Court, how should the Court rule on the petition?

A. Grant the petition, to determine whether the state court's interpretation of the scope of the federal statute is incorrect.

B. Grant the petition, because under principles of federalism, a state court cannot be the final arbiter of the validity of its own legislation when it is alleged to be in conflict with federal law.

C. Deny the petition, because there is no substantial federal question that is dispositive of the case.

D. Deny the petition, because a state government may not seek review of decision of its own courts in the U.S. Supreme Court.

Q20. An attorney was appointed as an administrative judge for the Bureau of Indian Claims to review claims against the federal government made by Indian tribes under a congressional act. For 20 years, the attorney heard, reviewed and decided disputed claims made against the United States. Any claimant had the right to bring suit in a federal court if dissatisfied with the decision. Last year, a presidential commission recommended the abolition of the Bureau of Indian Claims as a cost-cutting measure. Congress acted on the recommendation and repealed the statute. The

attorney was offered another position in the Department of Energy, but she turned it down and filed suit against the federal government for termination of her position. What is the likely result of this suit?

- A. The lawyer prevails because it violates the doctrine of separation of powers for the executive branch to interfere with a congressional act recommending its repeal.
- B. The lawyer prevails because it violates Article III of the Constitution to terminate the tenure of a federal judge during good behavior.
- C. The federal government prevails because the Congress established the position and it can terminate it at will.
- D. The federal government prevails because the attorney had no judicial discretion or powers in her position with the Bureau of Indian Claims.

Q21. Pursuant to its power under the Commerce Clause, Congress adopted legislation prohibiting employers from requiring any employees to work more than a 12-hour day. The legislation also provided that any employee whose rights under the legislation were violated by his employer could bring a cause of action for damages against the employer in the federal district court in the district where the employer resided. The legislation defined “employer” to include “all commercial employers, all charities that compensate workers for their time, and all state and local governments.”

New Mexico required its police department paramedics to work a 24-hour shift because of the nature of the job. They would then be off for 48 hours. A paramedic for the New Mexico police department was displeased with this arrangement and preferred to work a regular 10-12 hour day. A friend of the paramedic told him about the federal legislation discussed above, and the paramedic immediately brought an

action against the state in federal court. The district court should hold:

- A. In favor of the paramedic because under the Commerce Clause Congress can create a federal court cause of action for damages against state governments.
- B. In favor of the paramedic because Congress has the power to regulate the jurisdiction of the federal courts under Article III.
- C. Against the paramedic because the federal legislation was not enacted pursuant to Congress’s power to enforce the Fourteenth Amendment.
- D. Against the paramedic because Congress has not power to remove the states’ Eleventh Amendment immunity from suit in federal court.

Q22. Oregon has recently enacted a law prohibiting the sale of computer printer ink cartridges in plastic bags. In accordance with the new law, all ink cartridges within the state must be sold in paper cartons that are recyclable. Before passage of the law, about 35% of all ink cartridges used in the state was packaged in plastic bags. Of that total, 75% of the ink cartridges was packaged outside Oregon, while 25% was packed by companies in state. The legislature passed the bill at the strong urging of the paper industry and environmentalists.

The Oregon Supreme Court strikes down the law as unconstitutional on the grounds that it violates the contracts clause of both the state and federal constitutions. The Oregon contracts clause is similar to the one in the federal Constitution. The Oregon court so held because in its view, the statute retroactively impairs the ability of plastic bag packagers to honor their existing contracts for the sale of ink cartridges packaged in plastic bags. The Oregon Attorney General seeks review of this decision to the U.S.

Supreme Court. How should the Supreme Court rule on this case?

A. Refuse to review the case on the merits because there is an adequate and independent ground for the decision rendered by the state court.

B. Reverse the decision on the merits with respect to the constitutional issue because the federal constitutional holding rendered below makes such a state constitutional decision unnecessary.

C. Affirm the decision on the merits with respect to the federal constitutional issue and abstain from reviewing the state constitutional issue.

D. Affirm the decision on the merits with respect to both the federal and state constitutional issues because the state constitution must substantially conform with the federal constitution on this issue.

Q24. Within the last two years (despite what I said in class) the number of cases coming before the U.S. Supreme Court has quadrupled. Because of this increased work load, the Justices have complained they are unable to properly review all of its cases. Listening to the Justices, Congress formed a committee to conduct a study for improving the operations of the Court. Based on the committee's recommendations, Congress enacted a statute dividing the Court into two panels. One panel would be assigned to handle criminal cases exclusively, and the other panel would handle all non-criminal matters. Each panel would be composed of four associated Justices and a Chief Justice. According to the new law the decisions of each panel would be final not reviewable by any court. Which of the following is the strongest argument against the constitutionality of this federal law?

A. The federal law violates the requirement in the U.S. Constitution that there be one Supreme Court.

B. The federal law does not fall within the enumerated powers of Congress and is not necessary and proper for the effectuation of those powers.

C. Based on the doctrine of judicial supremacy, Congress does not have the authority to legislate with respect to the jurisdiction of the Supreme Court.

D. Based on the separate sovereignty doctrine, Congress does not have authority to interfere with the procedural machinery of the Supreme Court.

Q26. Before a proposal to merge two towns was placed on a ballot, the state attorney general issued an advisory opinion stating that the measure did not, in her opinion, violate any statutory or constitutional provisions. Thereafter, the proposal was placed on the ballot and was overwhelmingly passed by the voters in both towns. After the election, but before the merger had been officially carried out, two taxpayers from one of the towns initiated suit to enjoin the unification, attacking the constitutionality of the proposal. The suit reached the state supreme court and was found to be constitutional under both state and federal law. The two plaintiffs now file a petition seeking to have the case reviewed by the U.S. Supreme Court. The Court may:

A. not hear the case because it was decided on independent state grounds.

B. not hear the case but have it remanded to federal district court.

C. hear the federal issues involved but decline to rule on the state issue.

D. rely on the advisory opinion rendered by the state attorney general and not hear the case on its merits.

Q35. Plaintiff Diane Smith filed a complaint in federal district court of Indianapolis, Indiana alleging discrimination in employment pursuant to the Age Discrimination in Employment Act. Smith was an elderly worker in the defendant Big Auto's manufacturing plant. On the same day, Smith files a petition in the County Superior Court, also in Indianapolis, alleging discrimination in employment under the Indiana Human Rights Act. The parties agree that the two suits contain the same allegations based on the same set of facts. Big Auto files answers to Smith's state and federal suits. Scheduling orders have been issued in both courts. Big Auto files a motion to stay the pending state court action in federal court until the federal age discrimination action is concluded. What should the federal court do?

A. Deny the motion and stay the proceedings in federal court based on *Colorado River* and *Moses H. Cone*.

B. Grant the motion and stay the state court proceeding based on *Colorado River* and *Moses H. Cone*.

C. Deny the motion because a federal court cannot enjoin a state proceeding under the Anti-Injunction Act.

D. Grant the motion because this is a lawsuit involving claims of age discrimination, and the federal court has jurisdiction.

Q36. Harry Graham pled guilty in Washington state court to one count of sodomy and one count of sex abuse. He was sentenced to 15 years imprisonment on the sodomy count and 2 years on the sex abuse count, to be served consecutively. He appealed to the appellate court arguing among other claims a denial of his

right to counsel under the state and federal constitutions. The state appellate court affirmed. Graham appealed to state supreme court and argued two Washington cases to support his right to counsel claim. The Washington Supreme Court affirmed in a per curiam order that stated in its entirety: "The conviction is affirmed. The defendant's arguments were adequately answered by the court of appeals opinion." Graham files a habeas corpus petition in the federal court of Washington arguing ineffective counsel under the Sixth Amendment to the U.S. Constitution. The state attorney general moves to deny the habeas corpus. How should the federal court rule?

A. Grant the motion because the exhaustion requirement was not met by Graham because the state supreme court was not given opportunity to address federal law Sixth Amendment issue.

B. Deny the motion because the federal court is the sole decision maker on federal law Sixth Amendment issues.

C. Deny the motion and remand for further hearing.

C. Grant the motion because the doctrine of federalism requires deference to state court criminal proceedings.

Q38. After a series of opinions favoring criminal defendants, the Attorney General and Solicitor General became increasingly vocal about their dissatisfaction with the Supreme Court's criminal justice jurisprudence. Congress held hearings, and the Congress passed, and the President signed, the "Safe Jurisdictions Act," which provided: "The Supreme Court shall have no appellate jurisdiction over criminal cases. Appellate jurisdiction over all criminal cases is hereby conferred on the U.S. Court of Appeals for the Fourth Circuit, which shall be the final

reviewer of all such cases.” The Fourth Circuit is a pro-government circuit. Assume the grant is proper. What’s the best argument to strike it down?

A. The Congress has no authority to strip the jurisdiction of the Supreme Court.

B. The Court retains its original habeas corpus jurisdiction.

C. The Congress has violated the Suspensions Clause of the Constitution, no valid grounds exist for a suspension of the writ of habeas corpus.

D. The Congress has not explicitly removed the jurisdiction of the Supreme Court.

Q39. Supplemental jurisdiction --

A. is derived from the U.S. Constitution, Art. III, § 2.

B. relates to a suit based on federal question jurisdiction and whether state law is an ingredient of federal law.

C. applies generally to jurisdiction exercised by the district courts under 28 USC § 1367.

D. Both B and C.