



01	A	B	C	D	E
02	A	B	C	D	E
03	A	B	C	D	E
04	A	B	C	D	E
05	A	B	C	D	E
06	A	B	C	D	E
07	A	B	C	D	E
08	A	B	C	D	E
09	A	B	C	D	E
10	A	B	C	D	E
11	A	B	C	D	E
12	A	B	C	D	E
13	A	B	C	D	E

14	A	B	C	D	E
15	A	B	C	D	E
16	A	B	C	D	E
17	A	B	C	D	E
18	A	B	C	D	E
19	A	B	C	D	E
20	A	B	C	D	E
21	A	B	C	D	E
22	A	B	C	D	E
23	A	B	C	D	E
24	A	B	C	D	E
25	A	B	C	D	E
26	A	B	C	D	E

27	A	B	C	D	E
28	A	B	C	D	E
29	A	B	C	D	E
30	A	B	C	D	E
31	A	B	C	D	E
32	A	B	C	D	E
33	A	B	C	D	E
34	A	B	C	D	E
35	A	B	C	D	E
36	A	B	C	D	E
37	A	B	C	D	E
38	A	B	C	D	E
39	A	B	C	D	E

PRACTICE QUESTIONS

The State Bar of California (Test Center)

FYLNIX

First-Year Law Students' Test Center Examination

Uploaded by Community A

EDITION

Original Demo

QUESTIONS

6

ISSUED

October 14, 2026

Before you begin

What this is

6 practice questions for The State Bar of California (Test Center) FYLNX , each with its answer key and an explanation. Answer a question before you read its key - the explanation is worth more once you have committed.

If something looks wrong

Send us three things and we will check it:

- the exam code, FYLNX
- the question number
- the email address on your order

Write to **support@mometrix.net**. We reply within one business day.

Licence

Free Mometrix practice demo. The complete question bank is available through a paid account.

QUESTION 1

SINGLE CHOICE

At trial, a witness testifies that she heard an unidentified bystander shout, 'The defendant just robbed the store!' The statement is offered to prove that the defendant robbed the store. The statement is best characterized as:

- ☐ A An excited utterance, and therefore admissible.
- ☐ B A present sense impression, and therefore admissible.
- ☒ C Hearsay, and not within any recognized exception.
- ☐ D A party admission, and therefore admissible.

ANSWER C

WHY The statement is an out-of-court declaration offered to prove the truth of the matter asserted—that the defendant robbed the store—so it is hearsay. Although it might appear to qualify as an excited utterance or present sense impression, the bystander is unidentified and there is no evidence that the bystander personally observed the robbery. Because the proponent cannot establish the necessary foundation, no exception applies.

QUESTION 2

SINGLE CHOICE

A defendant who lives and works in State A is sued in a federal district court in State B for an automobile accident that occurred entirely in State B. The defendant has never been to State B. The plaintiff serves process on the defendant at his home in State A. Which jurisdictional issue is most clearly raised?

- ☐ A Lack of subject matter jurisdiction because no federal question is alleged.
- ☐ B Lack of personal jurisdiction because the defendant was not served within the forum state.
- ☐ C Improper venue.
- ☒ D Lack of personal jurisdiction because the defendant lacks minimum contacts with the forum state.

ANSWER D

WHY Under *International Shoe* and its progeny, a court may exercise personal jurisdiction over an out-of-state defendant only if the defendant has minimum contacts with the forum state such that the assertion of jurisdiction does not offend traditional notions of fair play and substantial justice. Operating a motor vehicle in the forum state, even briefly, generally creates sufficient purposeful contacts for specific jurisdiction over a tort claim arising from that conduct. Service in another state does not by itself defeat personal jurisdiction if minimum contacts exist. The facts do not establish that the defendant purposefully availed himself of State B, so the minimum-contacts question is squarely presented. Subject matter jurisdiction could exist through diversity if the amount in controversy exceeds \$75,000 and the parties are diverse.

QUESTION 3

SINGLE CHOICE

A shopper in a grocery store slips on a puddle of milk in an aisle and falls, suffering injuries. The store has a written policy requiring employees to inspect each aisle for spills every 30 minutes. Inspection records show the last inspection of that aisle was two hours before the fall. Which of the following best describes the store's potential liability?

- ☐ A Strict liability in tort for an abnormally dangerous activity.
- ☐ B Negligence per se because the store violated its own written safety policy.
- ☒ C **Negligence based on breach of the duty of reasonable care, with breach and causation likely satisfied.**
- ☐ D No liability because the store's policy is internal and creates no legal duty to shoppers.

ANSWER C

WHY Grocery stores owe business invitees a duty of reasonable care to keep the premises reasonably safe, including reasonable inspection and cleanup of hazards. Violation of an internal safety policy is not negligence per se (which applies to violations of criminal statutes or regulations), but it is strong evidence of breach of the standard of care. Causation is likely satisfied because the puddle existed for at least two hours before the fall. The store is not strictly liable for slip-and-fall accidents because such activities are not abnormally dangerous, and internal policies do create evidentiary duties relevant to the standard of care.

QUESTION 4

MULTIPLE CHOICE

A state-law tort action is brought in federal court based solely on diversity jurisdiction. The federal procedural rule in question conflicts with the state procedural rule that would apply in state court. In applying the Erie doctrine, which two factors must a federal court consider in deciding whether to follow the federal rule? (Choose two.)

- ☒ **A** Whether the federal rule is procedural or substantive under the Rules of Decision Act
- ☐ **B** Whether the state legislature enacted the conflicting state rule
- ☒ **C** Whether application of the state rule would significantly affect the outcome of the case
- ☐ **D** Whether the parties have agreed to have the case decided in federal court

ANSWER A - C

WHY Under the Erie doctrine and its progeny (*Hanna*, *Burlington Northern*), a federal court sitting in diversity must first determine whether the federal rule is within the scope of the Rules Enabling Act (procedural vs. substantive). If the federal rule is valid and procedural under the Rules Enabling Act, it applies even if it differs from state law (*Hanna*). However, when there is no direct federal rule on point, courts apply the state rule if its application would be likely to significantly affect the outcome of the case (outcome-determination test from *Erie* and its gloss in *Byrd* and *Hanna*). The source of the state rule (B) and party agreement (D) are not the controlling factors in this analysis.

QUESTION 5

SINGLE CHOICE

A driver runs a red light and crashes into a pedestrian crossing the street with the walk signal. The pedestrian sues the driver for negligence. Which element will the pedestrian most easily establish?

- ☒ **A** Duty, because all drivers owe a duty of reasonable care to pedestrians.
- ☐ **B** Breach, because a reasonable driver does not run red lights.
- ☐ **C** Causation, because the crash would not have occurred but for running the light.
- ☐ **D** Damages, because the pedestrian would not have been injured absent the crash.

ANSWER A

WHY In a typical car-versus-pedestrian case, the duty element is the most easily established: drivers owe a duty of reasonable care to foreseeable plaintiffs such as pedestrians, and the pedestrian was a foreseeable plaintiff. Breach, causation, and damages each require additional factual proof (e.g., the pedestrian's comparative fault could complicate causation and damages). Because duty to a foreseeable plaintiff is generally a legal conclusion not dependent on the specific conduct, option A is the most defensible.

QUESTION 6

SINGLE CHOICE

A defendant intends to kill a specific victim. He aims his gun at the intended victim and fires, but the bullet strikes and kills a bystander standing next to the intended victim instead. The bystander dies from the gunshot wound. Under the doctrine of transferred intent, the defendant is most likely guilty of which crime?

- ☐ A Murder of the bystander only
- ☐ B Attempted murder of the intended victim only
- ☒ C Murder of both the intended victim and the bystander
- ☐ D No crime, because the defendant did not intend to kill the bystander

ANSWER C

WHY Under the doctrine of transferred intent, when a defendant intends to commit a crime against one person but accidentally commits that crime against another person instead, the intent transfers to the actual victim. The defendant is guilty of murder of the bystander. Attempted murder (B) is not appropriate because the killing was completed, not just attempted. The defendant had the requisite malice aforethought for murder, which transfers along with the act.