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38	A	B	C	D	E
39	A	B	C	D	E

PRACTICE QUESTIONS

The State Bar of California (Remote)

FYLPX

First-Year Law Students' Practice Examination

EDITION

Demo

QUESTIONS

9

FORMAT

Limited Edition PDF

Before you begin

What this is

9 practice questions for The State Bar of California (Remote) FYLPX , 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, FYLPX
- the question number
- the email address on your order

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

QUESTION 1

MULTIPLE CHOICE

A first-year law student is researching the controlling rule on a point of California law. Which of the following ranked sources are binding in California, in order from highest to lowest authority? (Choose two that correctly complete the highest tier.)

- ☒ **A** The United States Constitution
- ☒ **B** The California Constitution
- ☐ **C** Published opinions of the California Court of Appeal
- ☐ **D** Regulations adopted by a California state agency under delegated authority

ANSWER A - B

WHY The U.S. Constitution is the supreme law of the land under the Supremacy Clause, and the California Constitution is the next-highest authority within California. Court of Appeal opinions are binding only on trial courts within their district, and properly adopted regulations have the force of law but rank below constitutions and statutes. The question asks for the two highest-tier sources.

QUESTION 2

MULTIPLE CHOICE

Under the California Rules of Court, which of the following are pleadings in a civil action? (Choose two.)

- ☒ **A** Complaint
- ☒ **B** Answer
- ☐ **C** Request for production of documents
- ☐ **D** Demurrer

ANSWER A - B

WHY A complaint and an answer are pleadings under the California Rules of Court. A demurrer is technically a pleading, but the classic two pleadings that frame the issues in a civil case are the complaint and answer. Requests for production are discovery, not pleadings. Note: a demurrer is also a pleading; the strongest pair intended here is complaint and answer as the foundational pleadings.

QUESTION 3

SINGLE CHOICE

Which of the following is an element required to form a valid contract under California law?

- ☐ A A writing signed by the party to be charged
- ☒ B Mutual assent, consideration, capacity, and lawful object
- ☐ C A notarized signature by both parties
- ☐ D Court approval of the terms

ANSWER B

WHY California contract law requires mutual assent (offer and acceptance), consideration, capacity of the parties, and a lawful object. A writing is required only for specific types of contracts under the Statute of Frauds, not as a general element. Notarization and court approval are not general contract-formation requirements.

QUESTION 4

SINGLE CHOICE

In a negligence action, which of the following must the plaintiff prove?

- ☐ A That the defendant intended to cause harm
- ☒ B That the defendant owed a duty, breached that duty, and the breach was the proximate cause of the plaintiff's actual damages
- ☐ C That the defendant acted with reckless disregard for safety
- ☐ D That the plaintiff and defendant were in privity of contract

ANSWER B

WHY The elements of negligence are duty, breach, causation (both actual and proximate), and damages. Negligence does not require intent — that would be an intentional tort. Privity of contract is an element of contract claims, not tort claims.

QUESTION 5

SINGLE CHOICE

Which of the following is a form of discovery expressly authorized by the California Discovery Act?

- ☐ A Voir dire
- ☒ B Interrogatories
- ☐ C Writ of execution
- ☐ D Mandamus

ANSWER B

WHY Interrogatories are one of the express discovery methods under the California Discovery Act, along with depositions, requests for production, requests for admission, and inspections. Voir dire is a pretrial jury-selection procedure. A writ of execution is a post-judgment enforcement tool. Mandamus is an extraordinary writ used to compel a ministerial act.

QUESTION 6

SINGLE CHOICE

Under *Miranda v. Arizona*, when must law enforcement advise a suspect of the right to remain silent and the right to counsel?

- ☐ A Before any arrest, regardless of questioning
- ☒ B Before any custodial interrogation
- ☐ C Before any traffic stop
- ☐ D Only after the suspect has been indicted

ANSWER B

WHY Miranda warnings are required before a suspect undergoes custodial interrogation — that is, questioning initiated by law enforcement after the person has been taken into custody or otherwise deprived of freedom in a significant way. The warnings are not required simply because an arrest occurs or before a routine traffic stop.

QUESTION 7

SINGLE CHOICE

Under the California Rules of Professional Conduct, an attorney owes duties of confidentiality and loyalty to which of the following?

- ☐ A The court
- ☐ B The opposing party
- ☒ C The client
- ☐ D The general public

ANSWER C

WHY The duties of confidentiality and loyalty run to the client. While attorneys owe candor to the court and must not assist fraud on the tribunal, the duties of confidentiality (Rule 1.6) and loyalty (Rule 1.7) are owed to the client.

QUESTION 8

SINGLE CHOICE

Published opinions of the California Supreme Court are binding on which courts within California?

- ☐ A Only the trial courts in the same county
- ☒ B All California trial and appellate courts
- ☐ C Federal district courts within California
- ☐ D Courts in other states within the Ninth Circuit

ANSWER B

WHY Published California Supreme Court opinions are binding on all lower California courts — both trial courts and the Courts of Appeal. Federal courts are not bound by state-court interpretations of state law; they may consider them but are not bound. Other state courts are likewise not bound.

QUESTION 9

SINGLE CHOICE

At the trial-court level, California's superior courts have general jurisdiction over which of the following matters?

- ☐ A Only felonies
- ☐ B Only civil cases exceeding \$25,000
- ☒ C All cases not specifically assigned to another court, including felonies, family law, and probate
- ☐ D Only appeals from inferior courts

ANSWER C

WHY California superior courts are courts of general jurisdiction. They handle felonies, unlimited civil cases, family law, probate, juvenile matters, and appeals from municipal and justice courts (now limited-jurisdiction courts). Cases assigned to specialized courts, like the limited-jurisdiction courts, are the exception, not the rule.