

CIVIL QUIZ 1:

1. A principal's designation of agent, when filed with the County Clerk, is valid for ___ years unless first revoked.
 - a) 1.
 - b) 2.
 - c) 3.
 - d) 5.

2. If not motion for a guardian ad litem is made by an infant - or their relative, friend, guardian, etc... - then any party may make such application after ___ days from completed service.
 - a) 5.
 - b) 10.
 - c) 15.
 - d) 20.

3. Which of the following statutory time limits is incorrect:
 - a) money judgment = 20 years.
 - b) crime = 7 years.
 - c) residential rent overcharge = 3 years.
 - d) all of the above are correct.

4. Which of the following regarding infants' cases is false:
 - a) Infant must appear unless excused.
 - b) arbitration is generally only by court order.
 - c) settlements can only enter on existing actions.
 - d) all of the above are correct.

5. All Special Proceedings must have the following, except:
 - a) a petitioner.
 - b) a respondent.
 - c) a petition.
 - d) all of the above are correct.

6. Parties in an action may be added without leave of the court or stipulation:
 - a) within 10 days after service.
 - b) within 20 days after service.
 - c) within 40 days after service.

d) at any time.

7. New York State may exercise personal jurisdiction over a non-domiciliary in any of the following situations, except if the individual:

- a) has a case in a NYS court.
- b) owns property in NYS.
- c) commits a tortuous act in NYS.
- d) all of the above are correct.

8. In an appeal by a poor person, which of the following does not apply:

- a) Party notifies stenographer within 2 days of order.
- b) Stenographer prepares 1 copy of transcript for the appellant.
- c) Party can submit 1 typewritten brief to each Appellate Justice.
- d) all of the above are correct.

9. Any money for an infant may be held by the infant's:

- a) guardian.
- b) adult spouse.
- c) adult with whom residing.
- d) all of the above are correct.

10. An individual served personally by mail must mail back the acknowledgment within ___ days, and then answer within ___ days.

- a) 20, 20.
- b) 20, 30.
- c) 30, 20.
- d) 30, 30.

11. Service of a special proceeding shall be at least ___ days before hearing, with answers due at least ___ days before.

- a) 16; 7.
- b) 12; 5.
- c) 8; 2.
- d) 5; 1.

12. If plaintiff fails to respond to defendant's demand for change of venue, defendant may then file motion ___ days after service.

- a) 5.
- b) 10.

- c) 15.
- d) 20.

13. Monies recovered on behalf of a poor person pursuant to an action are payable to the:

- a) Party.
- b) Attorney.
- c) Court.
- d) Clerk.

14. An order appointing a guardian for an infant must be filed:

- a) by the Clerk, with the Supreme Court.
- b) by the Guardian, with the Supreme Court.
- c) by the Clerk, with the Surrogates Court.
- d) by the Guardian, with the Surrogates Court.

15. Death of a parties attorney stays proceedings for ___ days.

- a) 10.
- b) 15.
- c) 20.
- d) 30.

16. Two or more plaintiffs sharing the same attorney may join up to ___ claims against 1 defendant within a single action.

- a) 3.
- b) 5.
- c) 7.
- d) 10.

17. Motion for permission to proceed as a poor person may be made:

- a) in court where action triable.
- b) in court where appeal may be taken.
- c) both.
- d) neither.

18. Service upon a limited partnership can be made by serving:

I. any partner; II. the managing director; III. a person of suitable age and discretion at a partner's residence.

- a) I, II, & III.
- b) I & II, but not III.

- c) II only.
- d) I & III, but not II.

19. A special proceeding served at least 12 days before hearing - and which so demands - must have answering papers due no later than ___ days before hearing date.

- a) 8.
- b) 7.
- c) 5.
- d) 2.

20. Corporations must appear by:

- a) President.
- b) Counsel.
- c) Director.
- d) any of the above.

21. An interpleader action includes which of the following parties.

- a) 3rd party defendant..
- b) Claimant.
- c) Garnishee.
- d) none of the above.

22. No default can be entered on an infant's action until a guardian ad litem has appeared, or unless ___ days have elapsed since one was appointed.

- a) 10.
- b) 15.
- c) 20.
- d) 30.

23. Domestic Corporations include any corporation:

- a) located in New York State.
- b) located in the United States.
- c) incorporated under NYS law.
- d) incorporated under US law.

24. The Court shall grant summary judgment on motion in a special proceeding unless defendant:

- a) objects.
- b) defaults.

- c) raises triable issues of fact.
- d) none of the above.

25. The provisions of the CPLR shall be construed _____.

- a) Literally.
- b) Liberally.
- c) Conservatively.
- d) Laterally.

26. Which of the following is grounds for dismissal of an action:

- a) non-joinder of party.
- b) mis-joinder of party.
- c) both.
- d) neither.

27. In a case where statute of limitations is 4 months or less, service of the summons must be effectuated no later than ___ days after expiration.

- a) 5.
- b) 10.
- c) 15.
- d) 20.

28. Valid grounds for change of venue include:

- a) county is not proper.
- b) county is not impartial.
- c) county is inconvenient to parties.
- d) all of the above.

29. An infant shall appear by any of the following, except:

- a) guardian ad litem.
- b) custodial parent.
- c) spouse.
- d) all of the above are correct.

30. Supreme Court may remove any case to:

- a) Lower Civil.
- b) Surrogates.
- c) itself.
- d) all of the above.

31. Substitution of parties extends time limits by ___ days.
- a) 10.
 - b) 15.
 - c) 20.
 - d) 30.
32. When Respondent files a motion after service of a special proceeding, and the Court extends the time to answer, Respondent must file responsive papers within ___ days following entry of the order granting the motion.
- a) 2.
 - b) 3.
 - c) 5.
 - d) 7.
33. Civil forms are published by the:
- a) Chief Administrator.
 - b) Chief Judge of the Court of Appeals.
 - c) Chief Clerk.
 - d) none of the above.
34. A local court may transfer a case to another such court, only that court has:
- a) subject matter jurisdiction.
 - b) personal jurisdiction.
 - c) both.
 - d) neither.
35. Inmates pay a reduced filing fee no less than ___, and no more than ___.
- a) \$10; \$35.
 - b) \$10; \$50.
 - c) \$15; \$35.
 - d) \$15; \$50.
36. Publication in a matrimonial action shall be complete as of the ___ day.
- a) 20th.
 - b) 21st.
 - c) 28th.
 - d) 30th.
37. Plaintiffs in a class action must motion to confirm the class after ___ days since expiration

of the period when responsive papers were due.

- a) 20.
- b) 30.
- c) 60.
- d) 90.

38. An infant must be served if over ___ years of age.

- a) 10.
- b) 14.
- c) 16.
- d) 18.

39. All of the following may intervene as of right, except:

- a) Comptroller, in a case for retirement benefits.
- b) Attorney General, when the constitutionality of a city ordinance is at issue.
- c) an individual whose interests would be adversely affected by judgment.
- d) all of the above are correct.

40. Service upon an incompetent is upon the:

- a) Committee.
- b) Conservator.
- c) Guardian.
- d) Lawyer.

41. Place of trial is designated by the:

- a) Plaintiff.
- b) Defendant.
- c) Court.
- d) Appellate Division.