

FEDERAL JURISDICTION & VENUE

Plaintiff, a Cuban citizen residing in the Dominican Republic, filed suit in the U.S. District Court for the Southern District of Florida against the Republic of Cuba, alleging that Cuban government agents operating in Miami were responsible for the assassination of his brother, causing him damages in excess of \$75,000, exclusive of costs and interest. The complaint is premised solely on the existence of diversity jurisdiction, and seeks damages as provided under Florida law. The Court:

- (a) Must dismiss the complaint because a foreign state can never be sued in federal court.
- (b) Must dismiss the complaint because the Court's diversity jurisdiction does not encompass suits between an alien and a foreign state.
- (c) Must not dismiss the complaint because an alien is considered a citizen of the United States for purposes of diversity jurisdiction, regardless of where he resides.
- (d) Must not dismiss the complaint because the case falls within the Court's diversity jurisdiction.

Answer: (b)

Source: 28 U.S.C. §1332(a)

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FEDERAL EVIDENCE

In a jury trial, when the court has made a ruling excluding evidence, an offer of proof by the affected party:

- (a) Should always be made in the presence of the jury, in civil cases.
- (b) Should be heard by the court in the absence of the jury if, in its discretion, the court determines that this is necessary so as to prevent inadmissible evidence from being suggested to the jury by the offer of proof and arguments anent same.
- (c) Must always be reserved for the end of the trial, but before the jury retires to deliberate.
- (d) May never be made in the presence of the jury, in criminal cases.

Answer: (b)

Source: Fed. R. Evid. 103(c).

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FEDERAL CIVIL PROCEDURE

A civil action governed by the Federal Rules of Civil Procedure before the United States District Court commences

- (a) after the extrajudicial notice and demand required by the Federal Rules of Civil Procedure in order to first attempt to resolve the controversy without appearing before the United States District Court.
- (b) with the filing of a complaint before the United States District Court.
- (c) upon service of summons on at least one of the defendants.
- (d) at different times depending on the form of action that is filed.

Answer: (b)

Source: Fed. R. Civ. P. 2 and 3.

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LOCAL RULES

Which alternative best describes the rule that applies to communication with jurors:

- (a) Except under the supervision of the Court, before the jury has been discharged attorneys involved in a particular case may not interview or interrogate any juror with respect to the action heard by the juror. This prohibition does not apply after the jury has been discharged.
- (b) Except under the supervision of the Court, attorneys involved in a particular case may not interview or interrogate any juror with respect to the action heard by the juror. This prohibition applies even after the jury has been discharged.
- (c) After the jury has been discharged, attorneys involved in a particular case may interview or interrogate any juror with respect to the action heard by the juror provided that attorneys for all parties are present.
- (d) Attorneys involved in a particular case may never interview or interrogate any juror with respect to the action heard by the juror.

Answer: (b)

Source: Local Civil Rule 47(c)

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