

UNITED STATES DISTRICT COURT FOR DISTRICT OF PUERTO RICO
FEDERAL BAR EXAMINATION
SAMPLE CIVIL PROCEDURE QUESTIONS

Which of the following defenses is waived if it is not asserted in a responsible pleading or in a motion filed before pleading?

- a. Lack of subject matter jurisdiction.
- b. Failure to state a claim upon which relief can be granted.
- c. Lack of personal matter jurisdiction.
- d. Failure to join a party.

Answer: (c)

Source: Federal Rule of Civil Procedure 9

Which of the following is the best alternative regarding subpoenas?

- a. An attorney authorized to practice in the issuing court may issue and sign a subpoena to command the production of documents, but only the clerk of the court may issue a subpoena to command a person to attend and testify.
- b. A person commanded in a subpoena to produce documents need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- c. Serving a subpoena requires delivering a copy to the named person and always tendering the fees for 1 day's attendance and the mileage allowed by law.
- d. If the subpoena commands the production of documents, each party to the case must be notified before the production, but there is no need to serve a copy of the subpoena.

Answer: (b)

Source: Federal Rule of Civil Procedure 45