Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**No dictionaries or electronic aids are allowed in the exam. Please see me if you need translation assistance.**

**Multiple Choice -- 32 Questions (31 count) -- 80 Points Possible**

Identify the letter of the choice that best completes the statement or answers the question. You may select **one** of the following multiple choice questions that you do not wish to answer. For your two selected questions, mark a line through the "a, b, c, d" choices. If you do not select a question, the last multiple choice question (32) will not count for your examination.

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| 1. | Aspects of the use of negotiation as a method of ADR |
| 2. | The Arbitration Fairness Act (AFA) |
| 3. | Common methods of ADR  |
| 4. | *Chenal Restoration v.Trade Wynds Imports* |
| 5. | The “bottom line” in negotiation |
| 6. | Mediation versus negotiation |
| 7. | Arbitration |
| 8. | The Federal Arbitration Act |
| 9. | Mediation-arbitration |
| 10. | Mandatory arbitration |
| 11. | Business-to-business arbitration |
| 12. | The Great Depression, President Roosevelt and new legislation |
| 13. | Federalism |
| 14. | States’ police powers |
| 15. | the Patient Protection and Affordable Care Act |
| 16. | the Articles of Confederation |
| 17. | Representation in Congress – the Senate and the House of Representatives |
| 18. | Federal Preemption |
| 19. | Powers granted to Congress or to the states |
| 20. | The Fourteenth Amendment |
| 21. | The doctrine of state secrets |
| 22. | (Repetition of prior topic) |
| 23. | The establishment clause |
| 24. | The First Amendment  |
| 25. | Contract offers  |
| 26. | The Statute of Frauds |
| 27. | The UCC  |
| 28. | Common-law contract rules |
| 29. | A noncompete clause |
| 30. | Common-law contract acceptance  |
| 31. | Advertising as a contract  |
| 32. | Unilateral versus bilateral contracts |

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| . | **Essay - 20 points possible – Answer the two following questions. Place your answers on the back of the multiple choice scantron sheet. Please see me if you need an additional sheet for your answers.****(I will use two of the following six essay questions)** |
|  | Discuss the role of arbitrators in arbitration. |
|  | Give an example of broad interpretation of the powers granted to Congress under the Commerce Clause.  |
|  | Discuss how use of BATNA and WATNA may lead to successful negotiation or mediation. |
|  | Discuss the equal protection process clause of the U.S. Constitution. |
|  | Explain the Establishment Clause and the Free Exercise Clause. |
|  | What is the purpose of the Arbitration Fairness Act of 2009 (AFA)? |