

MBE CRITICAL PASS PRACTICE TEST (SAMPLE)

STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 – 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

Questions

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- 1. Which of the following is NOT an element of negligence?**
 - A. Duty
 - B. Breach
 - C. Causation
 - D. Privity

- 2. In diversity cases, what is the minimum amount in controversy required to satisfy jurisdictional limits?**
 - A. Over \$75,000.
 - B. Over \$100,000.
 - C. Over \$1,000.
 - D. Exact amount is irrelevant.

- 3. Which circumstance triggers the requirement for Miranda warnings?**
 - A. Noncustodial interrogation
 - B. Custodial interrogation
 - C. Any police questioning
 - D. Only when the suspect asks for counsel

- 4. May police search the contents of an arrestee's cell phone without a warrant?**
 - A. No, police may not search digital information on a phone seized during an arrest without a warrant.
 - B. Yes, they may search digital information on a phone seized during an arrest without a warrant.
 - C. No, but they may photograph the contents of the phone.
 - D. Yes, if the phone is unlocked.

- 5. Defenses relate to tort liability for negligence and strict liability alternatives?**
 - A. Res ipsa loquitur only.
 - B. Contributory or comparative negligence, assumption of risk, and superseding causes.
 - C. Double jeopardy.
 - D. Statute of limitations.

6. When are Miranda warnings required?

- A. During noncustodial interviews
- B. During custodial interrogation
- C. In all police encounters
- D. Only when the suspect asks for counsel

7. How do relevance and 403 balancing affect admissibility?

- A. Evidence must be relevant to be admissible, but it may be excluded if its probative value is substantially outweighed by risks like unfair prejudice, confusion, or waste of time.
- B. All relevant evidence is admissible with no exceptions.
- C. Irrelevant evidence is admissible if it is entertaining.
- D. Relevant evidence can always be admitted even if prejudicial.

8. What rights does a defendant have to challenge potential jurors at trial?

- A. The defendant may not question jurors
- B. The defendant may question jurors on prejudices; jurors can be struck for cause if necessary
- C. The judge selects all jurors without defendant input
- D. Peremptory challenges may be used for any reason, including race or gender

9. Can prosecutors grant immunity in exchange for potentially incriminating grand jury testimony?

- A. Prosecutors cannot offer any immunity to compel grand jury testimony
- B. Immunity eliminates the need for Miranda warnings
- C. Immunity only applies to civil cases
- D. Prosecutors can grant immunity in some form (i.e., use or derivative-use immunity) in exchange for potentially incriminating testimony

10. What type of prior conduct may be admissible as evidence of habit?

- A. Conduct must be highly specific and frequently repeated; i.e., regular response to a specific set of circumstances
- B. Any prior conduct is admissible to prove habit
- C. Habit evidence is never admissible
- D. Prior acts to prove character

Answers

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1. D
2. B
3. B
4. A
5. B
6. B
7. C
8. B
9. D
10. A

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Explanations

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1. Which of the following is NOT an element of negligence?

- A. Duty
- B. Breach
- C. Causation
- D. Privity**

In negligence, you're looking for the four main requirements that must be proven: the defendant had a duty to the plaintiff, the duty was breached, the breach caused the harm (causation), and the plaintiff suffered actual damages. Privity isn't one of these elements because negligence is a tort that governs duties owed to others regardless of any contract between the parties. Duty means the defendant owed the plaintiff a legal obligation to act with reasonable care under the circumstances. Breach occurs when that obligation is not met. Causation links the breach to the harm, usually in two parts: but-for causation (the harm wouldn't have happened but for the breach) and proximate causation (the harm was a foreseeable consequence of the breach). Damages are the actual injuries or losses the plaintiff suffered as a result. Privity refers to the relationship between contracting parties and is a concept from contract law, not a requirement for a negligence claim. You can sue for negligence even if there is no contract between the parties, so privity is not an element of negligence.

2. In diversity cases, what is the minimum amount in controversy required to satisfy jurisdictional limits?

- A. Over \$75,000.
- B. Over \$100,000.**
- C. Over \$1,000.
- D. Exact amount is irrelevant.

The key idea is the amount in controversy required for federal diversity jurisdiction. For a case to be heard in federal court based on diversity of citizenship, the plaintiff must seek more than \$75,000, exclusive of interest and costs. That means if the claim totals above \$75,000, the jurisdictional threshold is met (assuming other requirements like complete diversity are satisfied). If the claim is \$75,000 or less, it does not meet the threshold. So the best answer is the one that states more than \$75,000. The other options either set a higher or lower amount, or suggest the amount is irrelevant, which isn't correct for this rule.

3. Which circumstance triggers the requirement for Miranda warnings?

- A. Noncustodial interrogation
- B. Custodial interrogation**
- C. Any police questioning
- D. Only when the suspect asks for counsel

Miranda warnings come into play only when police are interrogating someone who is in custody. Custody means a situation where a reasonable person would not feel free to leave. Interrogation covers not just direct questions but any police conduct likely to elicit an incriminating response. Because of that, questioning someone who is not in custody doesn't require warnings, and a suspect asking for counsel doesn't by itself trigger the warnings—the warnings are needed only for custodial interrogation.

4. May police search the contents of an arrestee's cell phone without a warrant?

A. No, police may not search digital information on a phone seized during an arrest without a warrant.

B. Yes, they may search digital information on a phone seized during an arrest without a warrant.

C. No, but they may photograph the contents of the phone.

D. Yes, if the phone is unlocked.

The key idea is that digital data stored on a smartphone seized during an arrest is protected and generally cannot be opened and read without a warrant. This protection comes from Riley v. California, where the Supreme Court held that a warrant is normally required to search the contents of a cell phone because the data can be vast and highly private. A routine search incident to arrest, which law enforcement often uses for physical items, does not automatically extend to a phone's digital information. So, without an exception like exigent circumstances or consent, police may not search the phone's contents simply because it was seized at the time of arrest. The unlocked status of the phone does not create a blanket permission to search its data, and photographing the contents would effectively reveal private information, which isn't allowed under this rule. That's why the best answer is that they may not search the contents without a warrant.

5. Defenses relate to tort liability for negligence and strict liability alternatives?

A. Res ipsa loquitur only.

B. Contributory or comparative negligence, assumption of risk, and superseding causes.

C. Double jeopardy.

D. Statute of limitations.

Defenses to tort liability center on fault and causation. Contributory negligence means the plaintiff's own care contributed to the harm; in comparative negligence, fault is allocated between plaintiff and defendant, reducing damages accordingly. Assumption of risk shows the plaintiff knowingly exposed themselves to danger, which can bar or limit recovery. A superseding (intervening) cause breaks the chain of causation, so the defendant isn't liable for harms caused by that new event. These defenses are the primary ways liability can be limited in negligence cases and are commonly relevant in related strict liability situations as well, through reduced damages or other recognized defenses. Other concepts like res ipsa loquitur are evidentiary rules about negligence, double jeopardy is criminal-law, and statutes of limitations are timing rules, not the core fault-and-causation defenses in tort.

6. When are Miranda warnings required?

- A. During noncustodial interviews
- B. During custodial interrogation**
- C. In all police encounters
- D. Only when the suspect asks for counsel

Miranda warnings are meant to protect the Fifth Amendment right against self-incrimination and apply when a person is in custody and being questioned by police. The warnings must be given before any interrogation—that is, before police ask questions intended to elicit information in a custodial setting. If warnings aren't given in that situation, the statements are typically not admissible at trial, unless there's a valid waiver or an applicable exception. If the person isn't in custody or the encounter isn't an interrogation (for example, a casual, noncustodial interview), warnings aren't required. They aren't triggered merely by police contact or by the suspect asking for counsel; the warnings come into play specifically with custodial interrogation.

7. How do relevance and 403 balancing affect admissibility?

- A. Evidence must be relevant to be admissible, but it may be excluded if its probative value is substantially outweighed by risks like unfair prejudice, confusion, or waste of time.
- B. All relevant evidence is admissible with no exceptions.
- C. Irrelevant evidence is admissible if it is entertaining.**
- D. Relevant evidence can always be admitted even if prejudicial.

Relevance is the starting point for admissibility: evidence must have some tendency to make a fact of consequence more or less probable. But even if something is relevant, it can still be kept out. The balancing under Rule 403 weighs the evidence's probative value against the dangers of unfair prejudice, confusion of the issues, or unnecessary waste of time. If the potential prejudice or confusion substantially outweighs the usefulness of the information for proving a point, the judge can exclude it. This keeps the jury focused on probative facts rather than emotional impact or distraction. So, the admissibility hinges on relevance plus a favorable 403 balance.

8. What rights does a defendant have to challenge potential jurors at trial?

- A. The defendant may not question jurors
- B. The defendant may question jurors on prejudices; jurors can be struck for cause if necessary**
- C. The judge selects all jurors without defendant input
- D. Peremptory challenges may be used for any reason, including race or gender

During voir dire, the defense has the opportunity to question prospective jurors about biases or prejudices that could affect impartiality. If a juror reveals, or the defense reasonably believes, that they cannot be fair, the juror can be struck for cause, with the judge deciding. This mechanism helps ensure the jury can render a fair verdict. Peremptory challenges exist as well, allowing removal of a juror without giving a reason, but they cannot be used to discriminate on race or gender. The other statements aren't accurate: jurors can be questioned; the judge doesn't select all jurors without input; and peremptory challenges aren't unlimited or allowable for discriminatory reasons.

9. Can prosecutors grant immunity in exchange for potentially incriminating grand jury testimony?

- A. Prosecutors cannot offer any immunity to compel grand jury testimony
- B. Immunity eliminates the need for Miranda warnings
- C. Immunity only applies to civil cases
- D. Prosecutors can grant immunity in some form (i.e., use or derivative-use immunity) in exchange for potentially incriminating testimony**

The key idea is that the Fifth Amendment privilege can be overcome by granting immunity, which allows a witness to testify even if the testimony could be incriminating. In grand jury proceedings, prosecutors can offer immunity in exchange for the witness's testimony. The form commonly used is use immunity (or derivative-use immunity): the government cannot use the witness's testimony itself or any evidence derived from it to prosecute the witness for the offenses addressed by that testimony. This protection removes the barrier the witness's own words would otherwise pose, making compelled testimony permissible. Why this is the best answer: immunity is precisely the mechanism that allows prosecutors to compel potentially incriminating grand jury testimony while safeguarding the witness from later prosecutions based on that testimony. It strikes a balance between investigating crimes and protecting individuals from self-incrimination. Why the other statements don't fit: immunity does not imply that prosecutors cannot offer any immunity—quite the opposite—that is how they compel testimony. Immunity does not universally eliminate the need for Miranda warnings; grand jury proceedings are not custodial interrogations, and Miranda warnings are not the determining factor in compelling testimony. Immunity is a tool used in criminal investigations, not limited to civil cases.

10. What type of prior conduct may be admissible as evidence of habit?

- A. Conduct must be highly specific and frequently repeated; i.e., regular response to a specific set of circumstances**
- B. Any prior conduct is admissible to prove habit
- C. Habit evidence is never admissible
- D. Prior acts to prove character

Habit evidence is admissible when it shows a person's regular, almost automatic response to a specific situation. The key is that the conduct is highly specific and repeated frequently enough to reveal a pattern. When you have such a consistent routine—like always turning off a device at a particular time or consistently checking security before leaving a place—the court may accept that as evidence of how the person would act in a similar situation. This is different from broad character evidence or a lone past act, which do not reliably show how someone would behave in a specific instance. So the best answer reflects that the conduct must be highly specific and regularly repeated in response to a particular set of circumstances.

Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

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We wish you the very best on your exam journey. You've got this!

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