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QUESTION 1

Expert witness: Ten times, and in controlled circumstances, a single drop of the defendant's blood was allowed to fall onto the fabric. And in all ten cases, the stained area was much less than the expected 9.5 cm². In fact, the stained area was always between 4.5 and 4.8 cm². I conclude that a single drop of the defendant's blood stains much less than 9.5 cm² of the fabric.

Which one of the following, if true, most undermines the value of the evidence for the expert witness's conclusion?

- A. If similar results had been found after 100 test drops of the defendant's blood, the evidence would be even stronger.
- B. Expert witnesses have sometimes been known to fudge their data to accord with the prosecution's case.
- C. In an eleventh test drop of the defendant's blood, the area stained was also less than 9.5cm²--this time staining 9.3 cm².
- D. Another person's blood was substituted, and in otherwise identical circumstances, stained between 9.8 and 10.6 cm² of the fabric.
- E. Not all expert witnesses are the authorities in their fields that they claim to be.

Correct Answer: C

The task here is to weaken the conclusion that a single drop of this defendant's blood stains "much less than 9.5 square cm of the fabric." The evidence consists of 10 samples, each of which covered about of that area. But if an 11th sample covered almost the entire 9.5 square cm, as option [In an eleventh test drop of...] points out, then the witness's certainty about a droplet's being sure to stain "much less than 9.5" must be reduced to almost zero.

QUESTION 2

The Galapagos Islands are in the Pacific Ocean, off the western coast of South America. They are a rocky, lonely spot, but they are also one of the most unusual places in the world. One reason is that they are the home of some of the last giant tortoises left on earth. Weighing hundreds of pounds, these tortoises, or land turtles, wander slowly around the rocks and sand of the islands. Strangely, each of these islands has its own particular kinds of tortoises. There are seven different kinds of tortoises on the eight islands, each kind being slightly different from the other. Hundreds of years ago, thousands of tortoises wandered around these islands. However, all that changed when people started landing there. When people first arrived in 1535, their ships had no refrigerators. This meant that fresh food was always a problem for the sailors on board. The giant tortoises provided a solution to this problem. Ships would anchor off the islands, and crews would row ashore and seize as many tortoises as they could. Once the animals were aboard the ship, the sailors would roll the tortoises onto their backs. The tortoises were completely helpless once on their backs, so they could only lie there until used for soups and stews. Almost 100,000 tortoises were carried off in this way. The tortoises faced other problems, too. Soon after the first ships, settlers arrived bringing pigs, goats, donkeys, dogs and cats. All of these animals ruined life for the tortoises.

Donkey and goats ate all the plants that the tortoises usually fed on, while the pigs. Dogs and cats consumed thousands of baby tortoises each year. Within a few years, it was hard to find any tortoise eggs-or even any baby tortoises. By the early 1900s, people began to worry that the last of the tortoises would soon die out. No one, however, seemed to care enough to do anything about the problem. More and more tortoises disappeared, even though sailors no longer needed them for food. For another fifty years, this situation continued. Finally, in the 1950s, scientist decided that something must be done. The first part of their plan was to get rid of as many cats, dogs and other animals as they could. Next, they tried to make sure that more baby tortoises would be born. To do this, they started looking for wild tortoise eggs. They gathered the eggs and put them in safe containers. When the eggs hatched, the scientists raised the tortoises in



special pens. Both the eggs and tortoises were numbered so that the scientists knew exactly which kinds of tortoises they had-and which island they came from. Once the tortoises were old enough and big enough to take care of themselves, the scientists took them back to their islands and set them loose. This slow, hard work continues today, and, thanks to it, the number of tortoises is now increasing every year. Perhaps these wonderful animals will not disappear after all.

What happened soon after people brought animals to the islands?

- A. Tortoise eggs were kept in safe containers.
- B. Scientists took away as many animals as they could.
- C. The animals ate the tortoises\' food and eggs.
- D. The tortoises fought with the other animals.
- E. The tortoises continued to wander freely.

Correct Answer: C

QUESTION 3

At some point in any discussion of societal justice, the only possible doctrinal defense seems to be "That is the way we do things here." Different communities that each recognize the dignity and equality of all citizens - will, for example, nevertheless settle on somewhat different provisions for the elderly. So we can see that general principles of justice are never sufficient to determine the details of social policies fixed within a particular state.

Which one of the following statements, if true, most strengthens the argument concerning the general principles of justice?

- A. Although two socialist states each adhered to the same electoral principles, one had a different type of machine for counting ballots in public elections than the other did.
- B. Two democratic industrial states, both subscribing to capitalistic economic principles, differed markedly in the respective proportions of land they devoted to forestry.
- C. Although each adhered to its own principles, a democracy and a monarchy each had the same distribution of wealth in its population.
- D. Two states founded on and adhering to similar principles of justice had different requirements that had to be met in order to be eligible for government-subsidized daycare.
- E. Two societies based on different principles of justice, each adhering to its own principles, had the same unemployment benefits.

Correct Answer: D

This stimulus cuts a little deeper than most, philosophically speaking. The idea introduced in the first sentence and reinforced at the end is that any given state will have its own conception of "social justice" that goes beyond any universal set of principles about that which is just. The example they provide -- that two states may have different ideas about the just way to treat the elderly, even though both states operate under the same general ideals -- helps to clarify matters and also may help to identify [Two states founded on and adhering to...] as correct. In the same way as the stimulus example, it is revealing that two different states have different ideas about the just way to qualify for day care, even though their general principles of justice are the same.



QUESTION 4

Legal theorist: It is unreasonable to incarcerate anyone for any other reason than that he or she is a serious threat to the property or lives of other people. The breaking of a law does not justify incarceration, for lawbreaking proceeds either from ignorance of the law or of the effects of one's actions, or from the free choice of the lawbreaker. Obviously mere ignorance cannot justify incarcerating a lawbreaker, and even free choice on the part of the lawbreaker fails to justify incarceration, for free choice proceeds from the desires of an agent, and the desires of an agent are products of genetics and environmental conditioning, neither of which is controlled by the agent.

The claim in the first sentence of the passage plays which one of the following roles in the argument?

- A. It is offered as a premise that helps to show that no actions are under the control of the agent.
- B. It is offered as background information necessary to understand the argument.
- C. It is offered as the main conclusion that the argument is designed to establish.
- D. It is offered as evidence for the stated claim that protection of life and property is more important than retribution for past illegal acts.
- E. It is offered as evidence for the stated claim that lawbreaking proceeds from either ignorance of the law, or ignorance of the effects of one's actions, or free choice.

Correct Answer: C

The question stem tells us we need to identify the purpose of the first sentence, so we need to put it in context. Standing alone, the first sentence could be a conclusion or evidence, but the rest of the stimulus makes its purpose clear. Sentence 1 essentially says that the only reason to lock someone up is to prevent them from harming others/others' property. Sentence 2 rules out lawbreaking alone as a justification, and sentence 3 elaborates on this point. So the last two sentences support the first by excluding another justification for locking people up. Therefore, the first sentence must be the conclusion.

QUESTION 5

Philosopher Denise Meyerson views the Critical Legal Studies (CLS) movement as seeking to debunk orthodox legal theory by exposing its contradictions. However, Meyerson argues that CLS proponents tend to see contradictions where none exist, and that CLS overrates the threat that conflict poses to orthodox legal theory.

According to Meyerson, CLS proponents hold that the existence of conflicting values in the law implies the absence of any uniquely right solution to legal cases. CLS argues that these conflicting values generate equally plausible but opposing answers to any given legal question, and, consequently, that the choice between the conflicting answers must necessarily be arbitrary or irrational. Meyerson denies that the existence of conflicting values makes a case irresolvable, and asserts that at least some such cases can be resolved by ranking the conflicting values. For example, a lawyer's obligation to preserve a client's confidences may entail harming other parties, thus violating moral principle. This conflict can be resolved if it can be shown that in certain cases the professional obligation overrides ordinary moral obligations.

In addition, says Meyerson, even when the two solutions are equally compelling, it does not follow that the choice between them must be irrational. On the contrary, a solution that is not rationally required need not be unreasonable. Meyerson concurs with another critic that instead of concentrating on the choice between two compelling alternatives, we should rather reflect on the difference between both of these answers on the one hand, and some utterly unreasonable answer on the other ?such as deciding a property dispute on the basis of which claimant is louder. The acknowledgment that conflicting values can exist, then, does not have the far-reaching implications imputed by CLS;



even if some answer to a problem is not the only answer, opting for it can still be reasonable.

Last, Meyerson takes issue with the CLS charge that legal formalism, the belief that there is a quasi-deductive method capable of giving solutions to problems of legal choice, requires objectivism, the belief that the legal process has moral authority. Meyerson claims that showing the law to be unambiguous does not demonstrate its legitimacy: consider a game in which participants compete to steal the item of highest value from a shop; while a person may easily identify the winner in terms of the rules, it does not follow that the person endorses the rules of the game. A CLS scholar might object that legal cases are unlike games, in that one cannot merely apply the rules without appealing to, and therefore endorsing, external considerations of purpose, policy, and value. But Meyerson replies that such considerations may be viewed as part of, not separate from, the rules of the game.

The author's primary purpose in the passage is to

- A. evaluate divergent legal doctrines
- B. explain how a controversy arose
- C. advocate a new interpretation of legal tradition
- D. describe a challenge to a school of thought
- E. refute claims made by various scholars

Correct Answer: D

The author's primary purpose is closely connected to the main idea. As we've discussed, the author describes Meyerson's challenge to CLS, but the author's own opinion doesn't really come through.

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