

## Final Exam

1. One way to get the parties in a boundary dispute to get past the win-lose nature of the dispute is to:
  - a. Remind them that surveyors are highly trained and licensed professionals
  - b. Remind them that surveyors are neutral persons who aren't biased for or against any party
  - c. Introduce concepts of risk, cost, delay, and value of future relationships into the negotiations
  - d. Tell the parties that the law will support the boundary as determined by the surveyor and its futile to challenge it
  
2. Which one of the following most accurately describes a technique for resolving conflict?
  - a. Physical force by one party
  - b. Litigation
  - c. Arbitration
  - d. All of the above
  
3. When working as a neutral facilitator to help the parties negotiate an agreed-upon dispute resolution, the facilitator should encourage the parties to:
  - a. Listen to the other party and ignore what the facilitator has to say
  - b. Discuss their goals, hopes, plans, interests, etc... before discussing their preferred resolution
  - c. Agree with everything the other party has to say as often as possible.
  - d. Be sure to announce their preferred resolution as soon as possible
  
4. BATNA is an acronym that means:
  - a. Begin Agreeing To Never Accept
  - b. Best Alternative To a Negotiated Agreement
  - c. Basic Attempt To Negotiate Agreements
  - b. Boundary Agreement To Now Accept

5. If your state allows surveyors to jointly contract to assist two or more clients in resolving a boundary issue, your contract for services should specify that fees will be:
  - a. Shared equally with each party being billed separately for half regardless of the outcome
  - b. Shared and billed based on the proportion of the disputed land that goes to each client
  - c. Billed fully to each client with a refund given after the last client pays
  - d. Billed to whomever the surveyor desires, leaving it to the parties to work out the details between themselves
  
6. When working as a neutral facilitator to help the parties negotiate an agreed-upon dispute resolution, the facilitator should encourage the parties to:
  - a. Be sure to announce their preferred resolution as soon as possible
  - b. Listen to the facilitator and ignore what the other party has to say
  - c. Speak directly to the facilitator and ignore the other party
  - d. Speak directly to one another
  
7. If a surveyor is approached by a prospective client who says they are in a boundary dispute and are preparing for litigation, which one of the following fee structures is best suited to ensure that the surveyor is paid for all time spent assisting the client in that litigation:
  - a. A simple fixed fee bid to do the survey
  - b. A simple hourly rate fee for the survey field crew, office technicians, and Professional Surveyor review.
  - c. Whatever the surveyor wants to charge for the surveying work plus a fee for testifying at depositions and at trial.
  - d. Whatever the surveyor wants to charge for the surveying work plus a fee for consulting with attorneys, responding to subpoenas, preparing to testify and standing by to testify, in addition to fees for time spent actually testifying
  
8. Which one of the following kinds of conflict is rarely resolved by agreement?
  - a. Conflicts between parties who have similar and shared interests.
  - b. Conflicts where neither party is positional
  - c. Value-based conflicts.
  - d. Interest-based conflicts

9. One of the important prerequisites to have productive negotiations is for the parties to:
  - a. Believe that it is possible to reach an agreement with the other party
  - b. Be experienced in commercial negotiations.
  - c. Believe that you have the best attorney ready to step in on your behalf
  - d. Have little or nothing in common with the other party
  
10. If a surveyor has assisted the parties to reach an agreement to resolve a boundary dispute, that agreement should be memorialized in some fashion. Ideally, the decision as to exactly how the agreement should be memorialized should come from:
  - a. The parties themselves as part of the agreement.
  - b. The party who is least benefitted by the agreement
  - c. The attorney for the party who is least benefitted by the agreement
  - d. An attorney who represents all parties or who has obtained the consent of all parties.