

REQUIRED KNOWLEDGE. An applicant in criminal law is expected to understand the resolution of charges of criminal conduct in both state and federal court from the initiation of charges and pretrial proceedings through trials and appeals. Applicants should know the Texas Penal Code, Texas Code of Criminal Procedure, Texas Rules of Evidence, Federal Rules of Criminal Procedure, Federal Rules of Evidence and common federal criminal statutes, including all major decisions from the Supreme Court of the United States and the Court of Criminal Appeals of Texas in at least the last two years, etc. A more detailed list of required knowledge is set out below.

NOTE: NOT ALL TOPICS LISTED BELOW WILL BE COVERED ON ANY GIVEN EXAM. APPLICANTS WILL BE TESTED ON RULES AND LAWS IN EFFECT AT THE TIME OF THE EXAM UNLESS OTHERWISE SPECIFIED.

- 1. Establishment of the attorney-client relationship**
 - a. Appointed, hired, payment of fees
- 2. Criminal Responsibility**
 - a. Substantive criminal offenses
 - b. Accomplice, party and conspiracy culpability
 - c. Culpable mental states
 - d. Defenses, including jeopardy and statutes of limitations
 - e. Competency and sanity
- 3. Criminal Law Prior to Commencement of Formal Proceedings**
 - a. Arrest, search and seizure
 - b. Police interrogation
 - c. Confessions
 - d. Pre-trial identification
- 4. Commencement of Formal Criminal Proceedings**
 - a. Pre-trial release
 - b. The role of the grand jury
 - c. Examining trials and preliminary hearings
 - d. Charging instruments
 - e. Venue
 - f. Joinder and severance
 - g. Speedy trial acts
 - h. Jurisdiction
 - i. Pre-trial writs of habeas corpus (jeopardy, bail, and others)
- 5. Resolution of Proceedings**
 - a. Pre-trial matters
 - b. Plea bargains, guilty pleas and grants of immunity
 - c. Jury and non-jury trials
 - d. Jury selection, jury conduct
 - e. Evidence, objections and preservation
 - f. Procedure

- g. Punishment phase
- h. Charge to the jury
- i. Sentencing, including federal sentencing guidelines and parole
- j. Capital murder or death penalty cases
- k. Revocation or adjudication of community supervision
- l. Expunction and non-disclosure
- m. Asset seizure and forfeiture
- n. Motion for new trial and appeal

6. Federal and State Constitutional Law Issues

- a. Right to counsel
- b. Right to confrontation, compulsory process, and cross-examination
- c. Right to present a defense and due process
- d. Double jeopardy
- e. Arrest, search and seizure
- f. Equal protection
- g. Speedy trial
- h. Public trial
- i. Cruel and unusual punishment

- 7. The Texas Disciplinary Rules of Professional Conduct.** The ethics questions regarding this topic will involve an array of hypothetical fact situations which will cover several different aspects of ethical issues that arise in the practice of law. The questions will not be limited to the practice of any one specialty area, and consequently, an applicant is advised to be familiar with all provisions of the TDRPC.