

# **PARALEGAL EXAM SPECIFICATIONS FOR CRIMINAL LAW**

**PURPOSE OF THE EXAM.** The purpose of the certification exam is to require an applicant to demonstrate substantial knowledge of significant legal concepts and corresponding paralegal skills in criminal law.

**EXAM FORMAT.** The exam is 4 hours in length and is divided into two sessions. Part I consists of 3 essay questions with a total value of 150 points (50 points per essay). This portion of the exam requires the identification of critical or substantive issues and knowledge of procedures. Applicants will have 2-1/2 hours to complete Part I. Part II consists of 90 multiple-choice questions with a total point value of 90 points (1 point per question). Applicants will have 1-1/2 hours to complete Part II.

**OVERALL KNOWLEDGE.** An applicant in criminal law is expected to understand the process for the initiation and resolution of charges of criminal conduct, including the litigation of the charges. An applicant is expected to know some substantive law and statutory requirements for criminal law and be able to practically apply legal concepts in the area and should be able to conduct factual analyses, identify issues, solve problems, evaluate cases and effectively communicate about criminal law matters. A more detailed list of required knowledge is set out below.

**ESSAY QUESTIONS.** Essay questions consist of a fact pattern followed by a series of questions (usually 4-6) for an applicant to answer. Essays are designed to require an applicant to recognize and analyze issues in the fact pattern and explain how those issues should be resolved. The fact patterns will involve situations you would likely encounter in your work as a paralegal. Applicants should make sure to provide the specific information each question asks for and to communicate as clearly as possible. An organized, clearly written answer using complete sentences will almost always receive a higher score than a choppy, disorganized one. In order to pass the exam, applicants must be able to clearly express answers in a manner that would be persuasive to the decision-maker in a case.

**MULTIPLE CHOICE QUESTIONS.** These questions are designed to test a breadth of issues in the specialty area and require an applicant to select the **best** available answer option.

**REQUIRED KNOWLEDGE, SKILLS AND ABILITIES.** The knowledge, skills and abilities required of a criminal law applicant are 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. Attorney-Client Relationship, including:
  - a. Privileges
  - b. Victim's rights
  - c. Ethical considerations
  - d. Unauthorized practice of law
2. Pre-Trial Release and Related Matters, including:
  - a. Bail
  - b. Examining trials/preliminary hearings
  - c. Grand jury
3. Motion practice, including:
  - a. Charging instruments
  - b. Venue

- c. Limitations
- d. Continuance
- e. Discovery
- f. Speedy trial
- g. Confessions
- h. Search and seizure
- i. Law of arrest
- j. Subpoenas
- 4. Plea Bargaining and Guilty Pleas, including:
  - a. Punishment options
  - b. Probation, deferred adjudication, diversion
- 5. Trial, including:
  - a. Jurisdiction
  - b. Jury selection
  - c. Crimes
  - d. Defenses
  - e. Constitutional law
  - f. Competency/insanity
  - g. Experts
  - h. Evidence
  - i. Jury Charges
  - j. Punishment, including death penalty
  - k. Jeopardy
- 6. Post-Trial, including:
  - a. New trials
  - b. Direct appeals
  - c. Post-conviction writs
  - d. Federal Sentencing Guidelines
- 7. Miscellaneous
  - a. Juvenile Matters
  - b. Expunctions/Non-Disclosures
  - c. Administrative license revocations
  - d. Occupational driver's licenses

**STUDY MATERIALS.** There is not an exam preparatory course provided by the TBLS. Past exams are not available for review.

**SCORING/RESULTS.** TBLS has not predetermined the passing score. An applicant's score from Part I and Part II will be added together to determine the applicant's overall performance. Examination credits will be given for accuracy, clarity, brevity, reasoning, recognition of problems presented, knowledge of the principles of law involved and a correct application of those principles. Grades are established by using a variation of the bell curve, which measures an applicant's performance in relation to other applicants' performance.