

PARALEGAL EXAM SPECIFICATIONS FOR CIVIL TRIAL 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 civil trial 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 civil trial law is expected to understand the process for the initiation and resolution of civil controversies, including the litigation of the same. An applicant is expected to know some substantive law and statutory requirements for civil trial 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 civil trial 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 civil trial 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.

EXAM - PART I: Applicants will be required to answer only 3 of the 5 questions provided. Each essay question is based upon hypothetical fact situations requiring original drafting and/or completion of various pleadings and discovery requests, identifying critical or substantive issues, and knowledge of procedural considerations in the subject areas listed below.

1. Litigation between Businesses (For example: contract disputes, business torts, unfair competition, antitrust, and trade secrets)
2. Litigation between Business and Consumers
3. Employee and employer relations (For example: wages, hours and working conditions, discrimination, employee contracts)
4. Personal Injury
5. Product Liability

EXAM - PART II: This portion of the exam consists of 3 sub-sections with a total of 90 multiple choice questions dealing with the areas listed below. These questions cover Texas Law, with the primary emphasis on rules and procedures in state court practice. There are no optional areas. All questions must be answered.

1. Procedure (pretrial, trial, and appellate, Texas Rules) and Discovery
2. Evidence (Texas Rules)
3. Ethics

STUDY MATERIALS. There is not an exam preparatory course provided by the TBLS. Past exams are not available for review. However, the following are resources that an applicant should review and study:

- Texas Rules of Civil Procedure
- Texas Rules of Evidence
- Civil Practice & Remedies Code
- Texas Paralegal Ethics Handbook from the Division
- Dorsaneo
- O'Connor's Causes of Action

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.