

# PARALEGAL EXAM SPECIFICATIONS FOR ESTATE PLANNING AND PROBATE 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 estate planning and probate 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 estate planning and probate law is expected to understand the analysis and planning necessary for the conservation and disposition of clients' estates. This includes knowledge of drafting wills, trusts and other legal documents, statutory requirements for such documents, administration of estates and applicable tax effects. An applicant is expected to know some substantive law and statutory requirements for estate planning and probate 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 estate planning and probate 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 an estate planning and probate 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. Community and Separate Property
2. Formalities of Wills
3. Intestate Succession
4. Gifts
5. Life Insurance
6. Trusts (including the Texas Trust Code)
7. Original and Ancillary Probate and Administrative Procedures, including guardianships
8. Disclaimers
9. Income Taxation of Estates, Trusts, and Beneficiaries

10. Estate, Gift, Generation-Skipping Transfer Taxes, and Chapter 14 (including, but not limited to, the unified rate concepts, the marital deductions, transfers during life, powers of appointment, life insurance, annuities, jointly owned property, the charitable deduction, special use valuation, extended payments, the use of disclaimers in estate planning, basics of generation-skipping transfer taxes, and Chapter 14)
11. The Income Tax Basis of Property Acquired by Gift or from a Decedent
12. Planning for Disability (Property Management, Medical Care, Natural Death Act)
13. Non-Probate Assets (e.g., multiple party accounts)
14. Texas Uniform Transfers to Minors Act
15. Planning for Asset Protection and succession planning
16. Elder Law Issues (including government entitlements)
17. Drafting a 706 Estate Tax -you will be expected to prepare a hand-written 706 estate tax return, including identification of all necessary schedules by name and the placement of all items on the corresponding schedule.

**STUDY MATERIALS.** There is not an exam preparatory course provided by the TBLS. Past exams are not available for review. However, it is recommended that you attend and/or read materials from the Advanced Estate Planning and Drafting Courses. Much of the exam requires a good understanding of the Texas Estates Code, so it is highly recommended that you read and understand the Texas Estates Code as part of your study materials. Additionally, you should be able to respond based on the Texas Estates Code not local or county specific practices.

**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, and 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.