

# **PARALEGAL EXAM SPECIFICATIONS FOR PERSONAL INJURY 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 personal injury 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 personal injury trial law is expected to understand the process for initiating and resolving claims for injuries to a person, including the litigation of these claims. An applicant is expected to know some substantive law and statutory requirements for personal injury 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 personal injury 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 personal injury 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, Section A** *(All questions must be answered)*

1. Negligence
  - a. Elements of Negligence Cause of Action
  - b. Parties
  - c. Defenses
  - d. Remedies
2. Legal Medicine
  - a. Medical Terminology
  - b. Medical Abbreviations
  - c. Affidavits for Records and Bills

**EXAM - PART I, Section B** *(Applicants are required to select and answer only 2 essay questions)*

3. Products Liability
  - a. Elements of Cause of Action
  - b. Parties
  - c. Defenses
4. Medical Malpractice
  - a. Elements of Cause of Action
  - b. Parties
  - c. Defenses
5. Governmental Tort Claims
  - a. Elements of Cause of Action
  - b. Parties
  - c. Defenses
6. Insurance Contract Claims (for example: uninsured/underinsured motorist claims; Texas Insurance Code violations; duty of good faith and fair dealing)
  - a. Elements of Cause of Action
  - b. Parties
  - c. Defenses

**EXAM - PART II:** This portion of the exam consists of 3 sub-sections of questions dealing with the areas listed below. These questions cover both Texas and Federal Law, with the primary emphasis on rules and procedures in state court practice.

1. Procedure (pre-trial, trial, and appellate) and Discovery
2. Evidence
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. Additionally, it is recommended that applicants be familiar with medical terminology and medical abbreviations.

- Texas Rules of Civil Procedure
- Texas Civil Practice & Remedies Code
- Federal Rules of Civil Procedure
- Texas Paralegal Ethics Handbook from the Division

**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.