

EXAM SPECIFICATIONS FOR CRIMINAL LAW

The purpose of the certification examination is to require applicant to demonstrate substantial knowledge of significant legal concepts and corresponding skills in criminal law.

DEFINITION. Criminal law is the practice of law dealing with, by way of definition not limitation, matters involving: legal aspects of pretrial release; examining trial, indictment, information and complaint; change of venue; continuance; severance; discovery; speedy trials; jeopardy; immunity; confessions; search and seizure; identification; competence to stand trial and culpable mental state; jury voir dire; rules of evidence - state and federal (e.g., impeachment, extraneous offenses, etc.); procedure and rules of evidence at punishment hearings; U. S. sentencing guidelines; law of sentences; legal aspects of plea bargaining and guilty pleas; motions for new trial; motions for arrest of judgment; appeals; post conviction remedies; probation and parole granting; probation and parole revocation; executive clemency; death penalty; other substantive criminal offenses; and juvenile crimes.

KNOWLEDGE. Applicant must have knowledge of the following: **(Not all of the following exam topics will be covered on the exam. Applicant will be tested on all laws currently in effect at the time of the exam.)**

- I. Establishment of the attorney-client relationship
- II. 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
- III. Aspects of Criminal Law Prior to Commencement of Formal Proceedings
 - A. Law of arrest, search and seizure
 - B. Police interrogation
 - C. Confessions
 - D. Pre-trial Identification
- IV. Commencement of Formal Criminal Proceedings
 - A. Pre-trial release
 - B. The role of the grand jury
 - C. Examining trails and preliminary hearings
 - D. Charging instruments
 - E. Venue
 - F. Joinder and severance
 - G. Speedy trial acts
 - H. Jurisdiction

- V. The Resolution of Criminal Proceedings
 - A. Pretrial matters
 - B. Plea bargains, guilty pleas and grants of immunity
 - C. Jury and non-jury trials
 - D. Evidence
 - E. Sentencing, including federal sentencing guidelines
 - F. Capital murder or death penalty cases
- VI. Post Conviction Proceedings
 - A. New Trials
 - B. Appeals
 - C. Post conviction Writs – Arts. §11.07 3. et seq; 11.071 and 11.072, C.Cr.P.
 - D. Revocation or Adjudication of Community Supervision Probation
 - E. Pardons and Paroles
 - F. Expunction and Nondisclosure
 - G. DNA Testing
 - H. Seizure and Forfeiture
- VII. Constitutional Law Issues in Criminal Proceedings
 - A. Right to Counsel
 - B. Right to Confrontation, compulsory process, and cross-examination
 - C. Right to present a defense and due process
- VIII. 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.

SKILLS. Applicant must demonstrate the:

1. Ability to communicate effectively to a variety of audiences (e.g., communications addressed to clients, counsel, courts, administrative agencies, etc.)
2. Ability to develop and evaluate strategies for solving a problem or accomplishing an objective
3. Ability to analyze and apply legal rules and principles
4. Ability to analyze, sort and use facts, and to plan and direct factual investigations
5. Ability to organize and manage a legal task efficiently within time constraints
6. Ability to represent a client consistent with applicable ethical standards
7. Ability to invoke and utilize the procedures normally required in the area of specialty including pleadings and filings

Specifically, applicant must be able to:

8. Evaluate a case; develop pre-trial strategy and proposals for disposition
9. Draft pleadings; identify defenses
10. Conduct investigation and discovery
11. Draft pre-trial motions
12. Conduct voir dire
13. Examine and cross-examine lay and expert witnesses
14. Present, and object to, evidence
15. Use documentary evidence
16. Compose arguments
17. Preserve error
18. Draft trial motions and briefs
19. Draft jury charges
20. Draft post-trial motions