

# **2009 PARALEGAL EXAM SPECIFICATIONS FOR CRIMINAL LAW**

The intent of the exam is to fairly test an applicant's ability to display special knowledge, skills and proficiency in the criminal law area, which could include factual analysis, issue identification, problem solving, case evaluation, and strategies for communication. It will require knowledge of substantive areas of the law, statutory requirements and practical application of legal concepts and theories. The reason this emphasizes legal theory is because "Board Certified" paralegals need to understand "why" they do what they do, not just "how" and "when". This test is not designed to solely test a paralegal on procedural processes. Applicants will be required to demonstrate an understanding of legal analysis and the elements of various causes of action. Applicable law is as of the exam date, unless otherwise indicated.

**DEFINITION.** Criminal law involves responsibilities and duties related to litigation and appeal of criminal proceedings in state and federal courts. Such responsibilities and duties include, but are not limited to: assisting attorneys with substantive and procedural issues; investigations; grand jury proceedings; detention and release; pretrial motions and other proceedings; jury selection and trial; client and victim considerations; and sentencing, punishment and incarceration. It also includes the ethical issues applicable to each.

**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. 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.

**KNOWLEDGE.** The following is the possible exam content, which includes BOTH Texas and federal criminal law, evidence and procedure. When in conflict with "local practice" or "local rules," statutory or case law controls. **(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.)**

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 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. Exam results are mailed in late December. Due to the confidentiality of our applicants, exam results are not available over the phone or on the web site.