

2009 PARALEGAL EXAM SPECIFICATIONS FOR CIVIL TRIAL LAW

The intent of the exam is to fairly test an applicant's ability to display special knowledge, skills and proficiency in the civil trial 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. Civil trial law involves responsibilities and duties dealing with litigation and mediation of civil controversies in all areas of substantive law before state courts, federal courts, administrative agencies, and arbitrators. In addition to assisting the attorney with the actual pre-trial and trial process, "civil trial" includes evaluating, and handling civil controversies prior to the initiation of suit as well as the full course of appellate processes.

EXAM FORMAT. The exam is 4 hours in length and is divided into two sessions. Part I consists of 5 essay questions of which the applicant must select and answer 3 of the essays for 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. 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.

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

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 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. 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.