

PARALEGAL EXAM SPECIFICATIONS FOR ESTATE PLANNING AND PROBATE LAW

Date/Location/Fee. The 2008 Paralegal Exam will be held Monday, October 6, in Austin, at the offices of the Texas Board of Legal Specialization, located in Centennial Towers, 505 E. Huntland Dr., Ste. 400, Austin, Texas. The exam fee is \$100 per specialty exam. Information and specific details concerning exam day schedule, registration, and payment instructions are mailed to applicants approved for certification.

Exam Format. The exam is 4 hours in length and is divided into two sessions. Part I of the exam consists 3 comprehensive essay questions emphasizing estate planning, the probate process, and the 706 estate tax return, all of which may overlap and test both state law factors and tax law requirements (e.g., What are state law and tax law requirements for a qualified disclaimer?). Part I has a total point value of 150 points. Applicants will have 2-1/2 hours to complete Part I.

Part II consists of 90 multiple-choice questions. Although emphasizing state law matters, the exam may also test problem recognition and problem resolution with regard to appropriate federal income, gift and estate tax law subjects. Part II has a total point value of 90 points (1 point per question). Applicants will have 1-1/2 hours to complete Part II.

This will be a "closed-book" examination. Applicants will not be permitted to take reference materials into the examination room. If a particular question should test an area that requires tax tables or valuation tables, that information will be submitted as a part of the examination booklet.

Applicants will need to bring a small calculator that runs on batteries and operates quietly.

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. The TBLS overall pass rate for paralegal certification is approximately 70%, although it varies among the different specialty areas. 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.

ESTATE PLANNING AND PROBATE LAW SUBJECT MATTER OUTLINE

Estate planning and probate law involves responsibilities and duties dealing with the analysis, planning and recommendations for the conservation and disposition of clients' estates in accordance with the clients' expressed desires, including tax effects and consequences of such planning or non-planning. Additionally, it is the drafting and preparation of legal instruments to effectuate the clients' estate plans, e.g., wills, trusts, and other legal documents, and the administration of estates.

The intent of the exam is to fairly test an applicant's ability to display special knowledge, skills and proficiency in the estate planning and probate law area, which could include factual analysis, issue identification, problem solving, case evaluation, and strategies for persuasion. 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.

NOTE: On any given exam, not all topics will be covered. Applicants will be tested on all laws currently in effect at the time of the exam.

Content. The following topics may be covered on the exam:

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 deduction, 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
16. Elder Law Issues (including government entitlements)
17. Recommend attending and/or reading materials from advanced estate planning and drafting courses