

# **2009 PARALEGAL EXAM SPECIFICATIONS FOR PERSONAL INJURY TRIAL LAW**

The intent of the exam is to fairly test an applicant's ability to display special knowledge, skills and proficiency in the personal injury 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.** Personal injury trial law involves responsibilities and duties dealing with trauma or disability, physical or mental, to a person. It includes, by way of definition and not limitation, assisting the attorney with personal injury litigation and mediation involving automobile and other vehicular accident reparations; workmen's compensation; governmental claims; professional malpractice; products liability; statutory claims; Social Security claims; insurance contract claims; or any negligent or intentional tort.

**EXAM FORMAT.** The exam is 4 hours in length and divided into two sessions. Part I consists of two sections for a total value of 150 points. Section A deals with Negligence and Legal Medicine. All questions in Section A must be answered. Section B has essay questions based upon hypothetical fact situations. Applicants are required to select and answer only 2 questions from this section. 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.

<b>PART I</b>
---------------

**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

**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

<b>PART II</b>
----------------

Part II 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 (pretrial, trial, and appellate) and Discovery
2. Evidence
3. Ethics

**STUDY MATERIALS.** There is not an exam preparatory course provided by TBLS. Past exams are not available for review. It is recommended that applicants review the Texas Rules of Civil Procedure, Texas Civil Practice and Remedies Code and the Federal Rules of Civil Procedure. Additionally, it is recommended that applicants be familiar with medical terminology and medical abbreviations.

**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.