

Appendix A

Test Specifications for the NFPA Paralegal CORE Competency Exam (PCC Exam)

| | <u>% of Exam</u> |
|---|-------------------------|
| Domain 01: Paralegal Practice | 52% |
| Paralegal Profession | |
| Role of paralegal in legal profession | |
| National paralegal associations | |
| Paralegal regulation (licensing and certification) | |
| Ethics and Professional Practice | |
| Advertising and solicitation | |
| Confidentiality | |
| Conflicts of interest | |
| Communication of paralegal role to clients and to other legal professionals | |
| Fees and client funds, fiduciary responsibility | |
| NFPA code of ethics | |
| Privilege | |
| Rules of Professional Conduct, Rules of Responsibility, Rules of Ethical Conduct | |
| Unauthorized practice of law | |
| U.S. Legal System | |
| Terminology related to legal and court systems | |
| Administrative law | |
| Branches of government (executive, legislative, judicial) | |
| Case law | |
| Codes (U.S. and state statutes as opposed to common law) | |
| Constitutional law | |
| Court personnel | |
| Court rules | |
| Court systems (including federal court system, state court systems, and appellate systems, jury versus bench trial) | |
| Criminal versus civil law | |

Legal Research

Primary Sources (including mandatory and persuasive)

Secondary Sources

Case Law

Statutory law (US and state statutes as opposed to common law)

Computer-Assisted Legal Research

Proprietary programs (developing queries)

- Lexis (including defining search terms and Shepard's)
- Westlaw (including defining search terms and Keycite)

Free or less expensive internet sources

Nexis and other non-legal internet sources

U.S. and State reporters, state codified laws and rules, digests, legislative records, administrative publications

Law review and journal databases

Manual (hardbound) legal research

Legal Writing and Critical Analysis

Written communication basics

Grammar, punctuation, spelling

Format, captioning, and parts of pleadings

Citation (including Blue Book and Association of Legal Writing Directors
Citation Manual [ALWD])

Critical analysis basics

Identify audience

Identify issues

Identify primary and secondary legal authority

Identify rules

Apply rules to fact pattern to solve problem

IRAC method of case analysis

Legal writing products

Types of pleadings (e.g., complaints, answers and other responsive pleadings, forms)

Persuasive writing (e.g., briefs in support of summary judgment, motions to suppress, briefs in support of motions)

Discovery requests and responses

Memoranda of law

- Case briefing
- Settlements
- Forms – locate and utilize
- Client communications
- Appellate briefing

Communication

- Effective communication techniques
- Electronic communication (e.g., email, social media, text messages)
 - Fact finding
- Interviewing, including evaluating responses
- Written correspondence

Law Office Management and Legal Technology

- Case management systems
- Conflict checks
- Database management systems (e.g., elements, fields, relational operations)
- Docketing and calendar control
- Electronic discovery
- Electronic filing
- Litigation support systems
- Office management tools
- Retainer and fee arrangements
- Spreadsheets
- Timekeeping and billing
- Word processing software

Civil Litigation

- Terminology related to civil litigation
- Filing – initial case, for appeal, jurisdiction/venue
- Parties
- Discovery (e.g., depositions, interrogatories, requests for production, third-party discovery, request for admissions, e-discovery)
- Document production and control
- Process service
- Third party actions
- Entering and enforcing a judgment
- Appellate process and procedure

Trial Practice

Pre-trial preparation (e.g., motions in limine, direct and cross examination, checklists/notebooks, opening and closing statements)

Exhibits/presentations

Witnesses/experts

Jury selection

Federal Rules of Civil Procedure

Federal Rules of Evidence

Domain 02: Substantive Areas of Law

% of Exam
48%

Business Organizations

Terminology related to business organizations and corporate law

Type of entity (e.g., corporation, partnership, LLC, sole proprietorship, S Corporation)

Entity formation and dissolution

Registering as a foreign corporation/entity (inter-state)

Governance (e.g., maintaining and filing annual reports, minutes, and resolutions, maintaining corporate trail)

Contracts

Terminology related to contracts

Elements of a valid, enforceable contract (i.e., offer and acceptance, consideration)

Defenses (e.g., fraud, intent, statute of fraud, duress, impossibility, mistake)

Discharge of obligations

Remedies (e.g., specific performance, mitigation, expectation damages, liquidated damages, restitution, reformation)

UCC (specific Titles, including I, II, III, IX)

Criminal

Terminology related to criminal law and procedure

Classifications of criminal conduct-- property, persons, morality, public order

Defenses

Constitutional rights

Elements of a crime

Evidence

Stages of criminal procedure (e.g., charging document, arraignment, pre-trial motions, plea agreements)

Sources of criminal law (common law, statutory law, penal code, constitutional

limitations)

Appeals procedures

Trial Practice

Pre-trial preparation (e.g., direct and cross examination, opening and closing statements, witnesses/experts, exhibits, discovery)

Elements of a jury trial

Voir dire/jury selection

Estates, Wills and Trusts

Terminology related to estates, wills, trusts, and probate

Guardianship

Incapacity

Intestate succession

Living wills, healthcare proxies, durable power of attorney

Probate

Trusts

Wills (including validity, testamentary capacity, revocation)

Family

Terminology related to family law

Adoption

Alimony/spousal support/maintenance

Custody and visitation

Child support

Division of property

Divorce/annulment/separation

Prenuptial and postnuptial agreements

Paternity

Alternative Dispute Resolution (e.g., mediation, collaborative)

Real Estate

Terminology related to real estate law

Closing

Deeds

Easements and covenants

Financing, mortgages, promissory notes, foreclosure

Landlord-tenant

Liens

Ownership types
Regulations and zoning
Rental and leases
Surveys
Title search
Types of transfers

Torts

Terminology related to torts
Elements of negligence (e.g., duty of care, breach of duty, causation, damages)
Types of Torts
 Negligence
 Intentional
 Strict
Defenses (e.g., contributory, comparative negligence, assumption of risk)
Effects of insurance
Remedies
 Damages

- Economic damages (e.g., medical bills, loss of earning capacity)
- Non-economic damages (e.g., mental anguish, disfigurement)
- Punitive damages

 Injunctions