
Test Bank

CHAPTER 1

True/False

Indicate whether the statement is true or false.

1. Precision and attention to detail are important characteristics of a paralegal.
ANS: T
2. One out of every three Americans will need the advice of an attorney in the next six months.
ANS: F
3. NALA is one of the member associations of NFPA.
ANS: F
4. Independent contractors are employees of attorneys.
ANS: F
5. Some states allow disbarred or suspended attorneys to work as paralegals.
ANS: T
6. In California, an independent contractor cannot be called a paralegal unless he or she works under attorney supervision.
ANS: T
7. The definition of a paralegal that is legally binding is the definition written by the American Bar Association.
ANS: F
8. Under our legal system, winning and losing parties always pay their own attorney fees.
ANS: F
9. Leveraging can make paralegals profitable for employing attorneys.
ANS: T

Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

10. The association that is primarily concerned with the supervision of paralegals on the job is:
 - a. NALA
 - b. IPMA
 - c. SCOP
 - d. NFPAANS: B
11. When an independent contractor does work for an attorney, the independent contractor controls:
 - a. the objectives of the work
 - b. the scope of the work
 - c. many of the administrative details of performing the workANS: C

12. Sources of opposition to independent paralegals who sell their services directly to the public have been:
- a. some disgruntled clients of the independent paralegal
 - b. some bar associations
 - c. some traditional paralegals
 - d. all of the above

ANS: D

13. In California, independent contractors who sell legal or law-related legal services to the public without attorney supervision are called:
- a. legal document assistants
 - b. unlawful detainer assistants
 - c. bankruptcy petition preparers
 - d. all of the above

ANS: D

14. Which of the following is not considered overhead in most states?
- a. rent
 - b. paralegal work
 - c. phone bill
 - d. secretarial work

ANS: B

Short Answer Essay

15. Name five of the major organizations in the field of paralegalism.

ANS: National Federation of Paralegal Associations, National Association of Legal Assistants, American Bar Association Standing Committee on Legal Assistants, your state bar association, and your local paralegal association.

16. Name an important difference between the certification exams of NALA and NFPA.

ANS: You can take the CLA certification exam of NALA with no paralegal experience. You need experience, however, to sit for the PACE exam of NFPA.

17. What is the distinction between a traditional paralegal and an independent contractor?

ANS: A traditional paralegal is an employee of an attorney; an independent contractor has his or her own business.

18. What is a conflicts specialist?

ANS: A person who helps the office determine whether it should refrain from taking a case because of a conflict of interest with present or prior clients.

19. Define the unauthorized practice of law.

ANS: Engaging in acts that require either a license to practice law or other special authorization by a person who does not have the license or special authorization.

20. What did *Missouri v. Jenkins* decide?

ANS: The market rate of paralegal fees can be awarded in statutory fee cases such as those that arise under the Civil Rights Attorney's Fees Award Act.

21. What is the Rule of Three?

ANS: A general guideline used by some law firms to identify budget expectations from hiring paralegals: the gross revenue generated through paralegal billing should equal three times a paralegal's salary.

22. What are three characteristics that are common to the definitions of a paralegal in many states?

ANS: Has special qualifications due to education, training, or experience; works under attorney supervision; and performs substantive legal work.

Fill-in-the-Blank

Complete each statement.

23. One of the most important skills in the law is the ability to identify the _____ that needs to be resolved.

ANS: question or issue

24. _____ million lawsuits are filed every year.

ANS: Eighty

25. A paralegal who often works with contracts or incorporations is sometimes called a _____ paralegal.

ANS: transactional

26. A _____ fee is dependent on the outcome of the case.

ANS: contingent

27. Paralegal fees will be denied for _____ tasks performed by a paralegal.

ANS: clerical or secretarial.

28. Paralegal career ladders are most likely to be found in those law offices that employ _____ paralegals.

ANS: more than three

29. A paralegal must meet a _____ quota if he or she is expected to work a minimum number of billable hours over a designated period of time.

ANS: billable hours

30. The Rule of Three is unlikely to be achieved if the office assigns many _____ tasks to a paralegal.

ANS: nonbillable

31. Something is _____ if it exists or occurs in the same period of time, or if it pertains to records that are prepared on events as the events are occurring or shortly thereafter.

ANS: contemporaneous

32. The hourly rate that a law office actually collects from the billable hours submitted by an attorney or paralegal is the _____ rate.

ANS: realization

Matching

Match each numbered entry with the most relevant lettered entry.

- | | |
|-------------------------------------|---|
| A. Continuing legal education (CLE) | 33. Not recoverable from a client |
| B. Traditional paralegal | 34. Paid by the losing party |
| C. Independent contractor | 35. Further training |
| D. Overhead | 36. Profiting from the income-generating efforts of others |
| E. Statutory fees | 37. Business owner |
| F. Leveraging | 38. An employee |
| G. Lodestar | 39. Clients pay their own attorney fees |
| H. American rule | 40. A method of calculating an award of attorney fees authorized by statute |

Correct Answers:

33. ANS: D
 34. ANS: E
 35. ANS: A
 36. ANS: F
 37. ANS: C
 38. ANS: B
 39. ANS: H
 40. ANS: G

CHAPTER 2

True/False

Indicate whether the statement is true or false.

- The job market for paralegals rarely fluctuates.
ANS: F
- Most paralegals today are employed in medium to large private law offices.
ANS: T
- Paralegals in large law firms tend to specialize less than paralegals in smaller firms.
ANS: F
- A paralegal specialist in the federal government always specializes in a particular area of the law.
ANS: F
- An indigent does not have funds to pay a private attorney.
ANS: T
- Begin looking for a job once you graduate and know what kind of paralegal job you want.
ANS: F