Test Bank for Introduction to Paralegal Studies - A Critical Thinking Approach 7th Currier

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Chapter 2 - Paralegals in the Legal System

True/False

1. Paralegal and legal assistant are usually seen as synonymous terms.
   *a. True
   b. False
2. To practice law, attorneys must become members of the American Bar Association.
   a. True
   *b. False

3. The two major national paralegal associations are the National Federation of Paralegal Associations and the American Bar Association.
   a. True
   *b. False

4. Paralegals are not licensed to practice law.
   *a. True
   b. False

5. Generally, the term legal technician refers to someone providing direct services to the public.
   *a. True
   b. False

6. Generally, a legal technician is someone acting outside of the law, providing direct services to the public, whereas a lay advocate is operating within the law, representing persons before administrative agencies.
   *a. True
   b. False

7. The term independent paralegal can sometimes refer to freelance paralegals and sometimes to legal technicians.
   *a. True
   b. False

8. Formal paralegal education began in the late 1960s and early 1970s, principally in four-year universities and colleges.
   a. True
   *b. False

9. In order to offer a paralegal program, a college or university must be accredited by the American Bar Association.
   a. True
   *b. False

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10. IPMA stands for Internet Paralegal Members Association.
a. True
*b. False

11. Currently there is no nationwide required registration, certification, or licensing scheme covering paralegals.
*a. True
b. False

12. A synonym for registration is certification.
a. True
*b. False

13. A registration program can be either mandatory or voluntary.
*a. True
b. False

14. Certification is the formal recognition by a governmental organization that an individual has met some predetermined set of qualifications.
a. True
*b. False

15. Licensure is the formal recognition by a governmental organization that an individual has met some predetermined set of qualifications.
*a. True
b. False

16. LLLT stands for Licensed Legal Law Technician.
a. True
*b. False

17. Certified Legal Assistant is a registered trademark of NALA: The Paralegal Association.
*a. True
b. False

18. NFPA has developed an advanced proficiency exam, known as APR.
a. True
*b. False

19. A common paralegal task is the giving of legal advice.
a. True
*b. False

20. The unauthorized practice of law is a crime in most states.
*a. True
b. False

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21. A paralegal may not discuss client matters with anyone outside of the firm.
*a. True
b. False

22. Attorneys can bill clients directly for work done by either paralegals or legal secretaries.
a. True
*b. False

23. Approximately 70 percent of all paralegals work for the government.
a. True
*b. False

24. A disadvantage of doing business as a partnership is that each partner is responsible for the acts of all the other partners.
*a. True
b. False

Multiple Choice

1. Although paralegals perform many legal functions,
   a. they are not licensed to practice law.
   b. they may not give legal advice.
   c. they may not represent clients in most types of judicial proceedings.
   ***d. all of the above.**
   e. a and b only.

2. Freelance paralegals
   a. work as independent contractors and may give legal advice.
   b. are illegal in most states.
   c. generally receive the same employment benefits as do traditional paralegals.
   ***d. work as independent contractors, and as is true of traditional paralegals, may not give legal advice.**

3. Normally, to become an attorney, a person must
   a. hold at least an associate's degree, a degree from an accredited law school, and pass a state bar exam.
   b. hold at least a bachelor's degree, a degree from an accredited law school, and pass a state bar exam.
   ***c. hold at least a bachelor's degree, a degree from an accredited law school, pass a state bar exam, and pass a moral's check.**
   d. pass a state bar exam.

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4. In most states, to become a paralegal, a person
   a. must hold at least an associate's degree and attain a certificate from an ABA approved program.
   b. must hold at least a bachelor's degree and attain a certificate from an ABA approved program.
   c. must hold a bachelor's degree.
   ***d. need meet no requirements at all.**

5. The national association of paralegal educators is known as
   a. the American Association for Educators of Paralegals.
   ***b. the American Association for Paralegal Education.**
   c. the National Association for Paralegal Educators.
   d. the National Alliance for Paralegal Education.

6. The two major national associations of paralegal professionals are known as
   a. the National Paralegal Committee and the National Federation of Paralegal Associations.
   b. the National Paralegal Committee and the National Association of Legal Assistants.
   ***c. the National Federation of Paralegal Associations and NALA: The Paralegal Association.**
   d. the United Paralegal Union and the Affiliated Legal Assistant Association.

7. NFPA and NALA disagree as to
   a. whether paralegals should be governed by a set of ethics.
   b. what extent paralegals should be licensed.
   c. the extent to which paralegals should be permitted to work outside the direct supervision of an attorney.
   d. all of the above.
   ***e. b and c.**

8. Some professions follow a process of certification. Certification involves
   a. recognition by a nongovernmental organization that an individual has met a predetermined set of qualifications.
   b. recognition by a governmental organization that an individual has met a predetermined set of qualifications.
   c. generally educational requirements and passage of an examination.
   ***d. a and c.**
   e. b and c.

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9. Jack just graduated from an ABA approved certificate program. He may say that he is a
   ***a. certificated paralegal.**
   b. certified paralegal or legal assistant.
   c. either of the above, depending on the state in which his program is located.
   d. licensed paralegal.

10. Licensing typically involves
   a. governmental action.
   b. a prohibition against those not licensed working in that occupational field.
   c. adoption of certain standards for working in a particular occupational field.
   d. protection of the public against incompetence.
   ***e. all of the above.**

11. When a court considers ordering attorney's fees for work done by a paralegal, the court will consider all of the follow except
   a. the nature of the work, i.e., whether it was substantive or clerical.
   b. the paralegal's education.
   c. the paralegal's work experience.
   ***d. the amount of the paralegal's salary.**

12. Paralegals may do all of the following, except
   a. investigating facts.
   b. locating and interviewing witnesses.
   ***c. giving legal advice.**
   d. drafting correspondence.
   e. assisting with depositions.

13. The type of business form in which attorneys working together may find themselves liable for each others actions is called a
   a. corporation.
   b. limited liability partnership.
   ***c. partnership.**
   d. sole proprietorship.

Definitions

Type: F

1. A paralegal who works as an independent contractor rather than as an employee of a law firm or corporation, is also known as a _____ paralegal.
   a. freelance

Type: F

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2. Someone who operates within the law, representing persons before administrative agencies that permit this practice is known as a _____.
a. lay advocate

Type: F
3. A _____ is a nonlawyer who provides legal services directly to the public without being under the supervision of an attorney and who may be committing the unauthorized practice of law.
a. legal technician

Type: F
4. The two national paralegal associations are known as _____ and _____.
a. the National Federation of Paralegal Associations (NFPA), NALA: The Paralegal Association. (NALA)

Type: F
5. The process by which individuals or organizations have their names placed on an official list kept by some private organization or governmental agency is known as _____ .
a. registration

Type: F
6. A person is _____ if a nongovernmental organization recognizes that the person has met special criteria, such as meeting educational requirements and passing an exam, established by that organization.
a. certified

Type: F
7. A person is _____ if that person has received a document showing that the person has successfully completed an educational program.
a. certificated

Type: F
8. Governmental permission to engage in a profession is known as _____.
a. licensing

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