

# NALA Certified Paralegal Practice Exam (Sample)

## Study Guide



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**SAMPLE**

## **Questions**

- 1. Thomas has violated the ethical rule(s) regarding confidentiality by leaving sensitive documents exposed. Which rules did he not breach?**
  - A. Competence**
  - B. An express authorization to disclose confidential client information**
  - C. Confidentiality**
  - D. Discretion**
- 2. A court's written or oral statement setting forth the applicable law and the reasons for its decision in a case is called what?**
  - A. A case title**
  - B. A case citation**
  - C. Case law**
  - D. An opinion**
- 3. \_\_\_\_ is a body of law created by government agencies in the form of rules, regulations, orders, and decisions used to carry out their duties and responsibilities.**
  - A. Case law**
  - B. Statutory law**
  - C. Administrative law**
  - D. Constitutional law**
- 4. What does "due diligence" refer to in legal practice?**
  - A. The standard time frame for court proceedings**
  - B. Investigation and research before decisions**
  - C. Monitoring court ruling outcomes**
  - D. Compliance with legal requirements**
- 5. \_\_\_\_ is jurisdiction that exists when two different courts have the power to hear the same case, such as when a case can be heard in either a federal or state court.**
  - A. Exclusive jurisdiction**
  - B. Appellate jurisdiction**
  - C. Original jurisdiction**
  - D. Concurrent jurisdiction**

- 6. Which of the following describes the useful function of the doctrine of stare decisis?**
- A. Efficiency**
  - B. Consistency**
  - C. Stability and Predictability**
  - D. All of the above**
- 7. What is the main distinction between common law and statutory law?**
- A. Common law is enforced by judges, while statutory law is approved by the public**
  - B. Common law evolves from judicial decisions, while statutory law is made by legislative bodies**
  - C. Common law is outdated, while statutory law is current and applicable**
  - D. Common law applies to civil disputes, while statutory law applies to criminal cases**
- 8. \_\_\_\_ exists when the connection between an act and an injury is strong enough to justify imposing liability as a matter of public policy.**
- A. Proximate cause**
  - B. Cause in fact**
  - C. "But for" cause**
  - D. Duty**
- 9. What is a "pretrial conference" in legal proceedings?**
- A. A meeting between the parties and the judge to discuss the issues of the case and prepare for trial**
  - B. A type of informal meeting between attorneys to negotiate**
  - C. A session for jury selection prior to trial**
  - D. A public hearing for community input on a case**

**10. A retailer or other business owner owes a duty to exercise reasonable care to protect persons who are invited onto the premises for business purposes and who are called \_\_\_\_.**

- A. Guests**
- B. Reasonable persons**
- C. Business invitees**
- D. Trespassers**

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## **Answers**

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1. B
2. D
3. C
4. B
5. D
6. D
7. B
8. A
9. A
10. C

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## **Explanations**

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**1. Thomas has violated the ethical rule(s) regarding confidentiality by leaving sensitive documents exposed. Which rules did he not breach?**

**A. Competence**

**B. An express authorization to disclose confidential client information**

**C. Confidentiality**

**D. Discretion**

The correct answer indicates that Thomas did breach the rules concerning confidentiality because he left sensitive documents exposed, which compromises the confidentiality of client information. However, it highlights that he did not breach the rule regarding express authorization to disclose confidential client information. This is because there was no indication in the scenario that he had received such authorization from the client; therefore, this specific rule would not apply in this situation. In this context, the competence rule pertains to a legal professional's duty to be adequately prepared and knowledgeable in their work. While leaving documents exposed may suggest a lack of care, it does not directly pertain to competency. Therefore, it is accurate that he did not breach that rule either. Overall, the correct answer reflects that while Thomas did violate rules related to confidentiality and possibly competence through negligence, he did not breach the rule regarding express authorization, as the scenario does not provide any evidence of such authorization. Thus, the emphasis here is on what Thomas did not do in relation to the ethical requirements surrounding client confidentiality.

**2. A court's written or oral statement setting forth the applicable law and the reasons for its decision in a case is called what?**

**A. A case title**

**B. A case citation**

**C. Case law**

**D. An opinion**

A court's written or oral statement, known as an opinion, is the court's official reasoning and explanation for its decision in a case. A case title, on the other hand, is simply the name of the case and is not an explanation of the court's decision. A case citation is a reference for locating the court's written opinion and is not the opinion itself. While case law refers to the collection of legal decisions from past cases, it does not specifically pertain to the written or oral statement of the court in a specific case. Therefore, none of the other options are correct in describing a court's written or oral statement of applicable law and reasoning, which is known as an opinion.

3. \_\_\_\_ is a body of law created by government agencies in the form of rules, regulations, orders, and decisions used to carry out their duties and responsibilities.

A. Case law

B. Statutory law

**C. Administrative law**

D. Constitutional law

Administrative law is a branch of law that governs the actions and procedures of government agencies. It is created by these agencies in order to fulfill their duties and responsibilities. This body of law is necessary since government agencies often have specific rules and regulations they must follow in order to make decisions and carry out their functions. The other options mentioned, such as case law, statutory law, and constitutional law, are created by other governing bodies, such as courts and legislatures, and are not directly related to government agency actions.

4. What does "due diligence" refer to in legal practice?

A. The standard time frame for court proceedings

**B. Investigation and research before decisions**

C. Monitoring court ruling outcomes

D. Compliance with legal requirements

The concept of "due diligence" in legal practice pertains to the investigation and research conducted before making important decisions or taking significant actions. This involves a thorough and systematic assessment of all relevant facts, documents, and circumstances related to a particular legal matter. Professionals in the legal field engage in due diligence to identify any potential risks, legal implications, or liabilities that could impact their clients or cases. This process is fundamental, especially in scenarios such as mergers and acquisitions, litigation preparation, and compliance with regulations, where understanding the full context is crucial to making informed decisions. By conducting due diligence, legal practitioners ensure they have all necessary information to advise their clients accurately and to mitigate potential legal issues down the line. The other options, while related to aspects of legal practice, do not capture the essence of due diligence. For instance, standard time frames for court proceedings or monitoring court rulings pertain to judicial processes and outcomes rather than the preparatory research phase. Compliance with legal requirements can intersect with due diligence but does not encompass the broader investigative aspect that due diligence entails.

5. \_\_\_\_\_ is jurisdiction that exists when two different courts have the power to hear the same case, such as when a case can be heard in either a federal or state court.

A. Exclusive jurisdiction

B. Appellate jurisdiction

C. Original jurisdiction

**D. Concurrent jurisdiction**

Concurrent jurisdiction is the term used to describe a situation where two or more courts have the power to hear the same case. In this case, both a federal and state court have the authority to hear the same case. The other options are incorrect because exclusive jurisdiction refers to when only one court has the power to hear a case, appellate jurisdiction refers to a court's ability to review a lower court's decision, and original jurisdiction refers to a court's power to hear a case for the first time.

6. Which of the following describes the useful function of the doctrine of stare decisis?

A. Efficiency

B. Consistency

C. Stability and Predictability

**D. All of the above**

The doctrine of stare decisis, which means "to stand by things decided," is a legal principle that requires judges to follow the decisions of previous courts in similar cases. This function promotes efficiency by avoiding the need to constantly reexamine settled legal questions. It also promotes consistency by ensuring that similar cases are decided in the same manner. Additionally, it promotes stability and predictability in the legal system since people can rely on prior legal decisions when making decisions. Therefore, all of the above descriptions accurately describe the useful function of the doctrine of stare decisis.

**7. What is the main distinction between common law and statutory law?**

**A. Common law is enforced by judges, while statutory law is approved by the public**

**B. Common law evolves from judicial decisions, while statutory law is made by legislative bodies**

**C. Common law is outdated, while statutory law is current and applicable**

**D. Common law applies to civil disputes, while statutory law applies to criminal cases**

The primary distinction between common law and statutory law lies in their origins and how they are developed. Common law is derived from judicial decisions and interpretations of laws made by judges over time, meaning it evolves through court rulings and precedents set by previous cases. This creates a body of law that is adaptable and can change as societal norms and understandings evolve. On the other hand, statutory law is created and enacted by legislative bodies such as Congress or state legislatures. This means that statutory law is written and formalized through a specific legislative process, which includes proposals, debates, votes, and finally, the approval and enactment of these laws. This distinction is significant because it reflects the different functions and sources of law in the legal system, illustrating how law is not only a static set of rules but also a dynamic process influenced by human judgment and societal needs.

**8. \_\_\_\_ exists when the connection between an act and an injury is strong enough to justify imposing liability as a matter of public policy.**

**A. Proximate cause**

**B. Cause in fact**

**C. "But for" cause**

**D. Duty**

Proximate cause is the correct choice because this legal term describes the concept of legal causation, or the link between an act and an injury that is strong enough to hold someone responsible for that injury. This means that there must be a direct and immediate connection between the act and the injury for it to be considered proximate cause. This concept is necessary in order to determine who is legally responsible for the harm caused by a certain action. It is different from cause in fact, which refers to the actual physical cause of an injury, and "but for" cause, which asks whether the injury would not have occurred if the act had not taken place. Duty, on the other hand, is a separate legal principle that outlines a person's responsibility or obligation to behave in a certain way towards others. While duty is an important consideration in determining liability, it is not the same as proximate cause.

**9. What is a "pretrial conference" in legal proceedings?**

- A. A meeting between the parties and the judge to discuss the issues of the case and prepare for trial**
- B. A type of informal meeting between attorneys to negotiate**
- C. A session for jury selection prior to trial**
- D. A public hearing for community input on a case**

A "pretrial conference" is a meeting that takes place before the trial begins, involving the parties in the case and the judge. The primary purpose of this conference is to facilitate discussion about the issues at hand, ensuring that both the judge and the parties have a clear understanding of the case's complexities. This gathering is critical for establishing the scope of the trial, identifying key areas of dispute, and potentially narrowing down the issues that need to be addressed. During this time, the judge may encourage settlement discussions, set timelines for further proceedings, and outline expectations for the trial itself. The pretrial conference serves as an organizational tool, helping both the court and the parties involved prepare effectively for trial, which can lead to a more efficient judicial process. Thus, it plays a fundamental role in setting the stage for the trial, making option A the correct choice. The other options, while relating to legal proceedings, do not accurately capture the essence of a pretrial conference, which specifically involves both parties and the judge discussing the issues pertinent to the trial.

**10. A retailer or other business owner owes a duty to exercise reasonable care to protect persons who are invited onto the premises for business purposes and who are called \_\_\_\_.**

- A. Guests**
- B. Reasonable persons**
- C. Business invitees**
- D. Trespassers**

A. Is incorrect because the term "guests" is too broad and can include more than just business invitees. B. Is incorrect because the term "reasonable persons" does not specify who the retailer or business owner owes a duty to. D. Is incorrect because trespassers are not invited onto the premises for business purposes and therefore, are not protected by the duty of care.