

PARALEGAL 101 PRACTICE TEST (SAMPLE)

STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

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Table of Contents

Copyright	1
Table of Contents	2
Introduction	3
How to Use This Guide	4
Questions	5
Answers	8
Explanations	10
Next Steps	15

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 – 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

Questions

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- 1. Which term refers to the federal court power to hear matters of federal law?**
 - A. Removal
 - B. Diversity jurisdiction
 - C. Federal question jurisdiction
 - D. Concurrent jurisdiction
- 2. Which term refers to the delivery of a pleading or other paper to the opposing party?**
 - A. Notice
 - B. Service
 - C. Verification
 - D. Summons
- 3. What term describes a means of gaining appellate review where the writ is discretionary and used to review a federal question if four of the nine justices vote to hear the case?**
 - A. Subpoena
 - B. Writ of certiorari
 - C. En banc
 - D. Court of record
- 4. A rule that states that evidence obtained in violation of an individual's constitutional rights cannot be used against that individual in a criminal trial.**
 - A. Exclusionary rule
 - B. Fruit of the poisonous tree doctrine
 - C. Miranda warning
 - D. Best evidence rule
- 5. Which method allows a prospective juror to be excused based on bias or lack of impartiality?**
 - A. Challenge for cause
 - B. Peremptory challenge
 - C. Voir dire
 - D. Dismissal with prejudice

- 6. Which proceeding occurs when the court informs the defendant of the charges and the defendant enters a plea?**
- A. Arraignment
 - B. Booking
 - C. Indictment
 - D. Information
- 7. In professional liability, which term refers to a professional's failure to act with the required degree of care, resulting in harm to a client—distinct from ordinary negligence?**
- A. Negligence
 - B. Legal malpractice
 - C. Contingency fee
 - D. Client trust account
- 8. Which term covers all property that is not real property?**
- A. Real property
 - B. Personal property
 - C. Constructive
 - D. Assumption of the risk
- 9. Which defense is based on the defendant acting to avoid a greater harm?**
- A. Necessity
 - B. Duress
 - C. Self-defense
 - D. Entrapment
- 10. A national organization of paralegal programs that promotes high standards for paralegal education.**
- A. AAfPE
 - B. NFPA
 - C. ABA
 - D. Paralegal

Answers

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

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Explanations

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1. Which term refers to the federal court power to hear matters of federal law?

- A. Removal
- B. Diversity jurisdiction
- C. Federal question jurisdiction**
- D. Concurrent jurisdiction

Federal question jurisdiction is the authority of federal courts to hear cases arising under federal law, including the Constitution, federal statutes, or treaties. This means a case can fall under federal jurisdiction if the claim involves a federal issue, regardless of the parties' citizenship or the amount in controversy. This power is provided by 28 U.S.C. § 1331 and is what lets federal courts adjudicate matters that hinge on federal law. Removal is a procedural option that lets a case move from state court to federal court, not the basis for the court's power to hear federal-law issues. Diversity jurisdiction is another route for federal jurisdiction based on complete diversity of citizenship and a sufficient amount in controversy. Concurrent jurisdiction refers to situations where both state and federal courts could hear the same type of case, not the specific power to hear federal-law questions.

2. Which term refers to the delivery of a pleading or other paper to the opposing party?

- A. Notice
- B. Service**
- C. Verification
- D. Summons

The act of delivering a pleading or other paper to the opposing party is called service (service of process). This step is essential because it provides the party with legally proper notice of the case and gives them an opportunity to respond. Service must follow specific rules about who can deliver, how they must be delivered (for example, personally delivering the documents or using an approved method), and when it must happen. Without proper service, the court may lack jurisdiction over the party, and the case could be delayed, dismissed, or render the proceedings invalid. Notice is related in that it communicates information about the case, but the term for the delivery itself is service. Verification is a sworn declaration about the truth of the pleadings, and a summons is a specific document directing the party to appear or respond, usually served together with the complaint.

3. What term describes a means of gaining appellate review where the writ is discretionary and used to review a federal question if four of the nine justices vote to hear the case?

- A. Subpoena
- B. Writ of certiorari**
- C. En banc
- D. Court of record

The concept here is discretionary appellate review through a writ of certiorari. The Supreme Court largely approves or denies review on a case-by-case basis, rather than automatically hearing every appeal. A writ of certiorari is the mechanism it uses to select cases, and a four-justice vote to grant cert—the rule of four—decides whether a case will be placed on the Court's docket. This process is specifically about reviewing questions of federal law or the Constitution that arise from lower court decisions. Subpoena is a command to appear or produce evidence, not a review mechanism. En banc refers to all judges of a particular appellate court hearing a case, not the Supreme Court's discretionary review. A court of record is a court whose proceedings are recorded and preserved, also not related to the certiorari process.

4. A rule that states that evidence obtained in violation of an individual's constitutional rights cannot be used against that individual in a criminal trial.

A. Exclusionary rule

B. Fruit of the poisonous tree doctrine

C. Miranda warning

D. Best evidence rule

The exclusionary rule prohibits using evidence obtained in violation of a person's constitutional rights in a criminal trial. This rule exists to deter unlawful police conduct by ensuring that illegally obtained proofs of guilt cannot be used to convict someone. It primarily applies to violations of protections like the Fourth Amendment against unreasonable searches and seizures, the Fifth Amendment right against self-incrimination, and the Sixth Amendment right to counsel. An important extension of this rule is the fruit of the poisonous tree doctrine, which bars not only the illegally obtained evidence itself but also additional evidence derived from the original improper source, unless an exception applies. This strengthens the incentive for law enforcement to stay within constitutional bounds. The other options address different concepts: a Miranda warning relates to informing suspects of their rights during custodial interrogation, which can affect admissibility in certain contexts but is not the blanket rule about excluding illegally obtained evidence. The best evidence rule concerns requiring original documents to prove a fact when the contents are at issue, not about suppressing evidence obtained unlawfully.

5. Which method allows a prospective juror to be excused based on bias or lack of impartiality?

A. Challenge for cause

B. Peremptory challenge

C. Voir dire

D. Dismissal with prejudice

Challenging for cause is the mechanism used when a prospective juror cannot be fair or impartial because of bias, prejudice, or a disqualifying relationship. During voir dire, attorneys ask questions to uncover any such biases. If a juror reveals they cannot set aside preconceived opinions or has a connection that might influence their judgment, the judge can sustain the challenge for cause, excusing that juror from serving. The crucial point is that the bias directly threatens impartiality, and the judge must agree that a reasonable person would doubt the juror's ability to be fair. By contrast, a peremptory challenge lets an attorney remove a juror without giving a reason, though it must comply with laws prohibiting discrimination. Voir dire is the questioning process used to reveal biases; it isn't itself the method of excusing a juror. Dismissal with prejudice is a post-trial or procedural outcome not used to select jurors.

6. Which proceeding occurs when the court informs the defendant of the charges and the defendant enters a plea?

A. Arraignment

B. Booking

C. Indictment

D. Information

The meeting described is arraignment—the court appearance where the defendant is formally informed of the charges and asked to enter a plea. This happens after arrest and initial processing, and it's the defendant's first opportunity in court to respond to the charges, usually by pleading guilty, not guilty, or no contest. The judge may also address bail or release conditions at this time. Booking is the pre-arraignment intake process after arrest, handling fingerprints and processing. Indictment is a grand jury's formal charging document used in some jurisdictions. Information is another type of formal charging document filed by the prosecutor without a grand jury. While these relate to how someone is charged, they are not the proceeding in which the defendant is informed of charges and pleads.

7. In professional liability, which term refers to a professional's failure to act with the required degree of care, resulting in harm to a client—distinct from ordinary negligence?

A. Negligence

B. Legal malpractice

C. Contingency fee

D. Client trust account

In professional liability, the term used when a professional fails to meet the standard of care expected of them and this breach harms a client is legal malpractice. This focuses on the specialized duty professionals owe to their clients—lawyers, in particular—rather than everyday negligence. A legal malpractice claim arises when a lawyer's conduct falls below the standard of a reasonably competent attorney in similar circumstances, causing damages to the client. The idea is not just carelessness, but a breach of the professional standard of care that professionals are expected to uphold. Other terms in the options refer to more general concepts (negligence), fee arrangements (contingency fee), or fiduciary/accounting practices (client trust account) and do not describe the professional liability standard for legal practice.

8. Which term covers all property that is not real property?

A. Real property

B. Personal property

C. Constructive

D. Assumption of the risk

Property is categorized as real property or personal property. Real property includes land and anything permanently attached to it, like buildings and fixtures. All property that is not part of the land or permanently affixed is personal property, such as furniture, vehicles, cash, or intangible assets like stocks or patents. So the term that covers all property not real property is personal property. The other options refer to different concepts: real property is the land-and-permanently-attached category, while constructive and assumption of the risk describe unrelated legal ideas.

9. Which defense is based on the defendant acting to avoid a greater harm?

- A. Necessity**
- B. Duress
- C. Self-defense
- D. Entrapment

Necessity applies when a person commits a crime to prevent a greater imminent harm. The idea is that a dangerous situation forces a choice, and the criminal act is viewed as the lesser of two evils because it prevents a more serious harm. For it to work, the threat has to be imminent, there must be no legal alternatives that would avoid the harm, the defendant's response must be proportional to the danger, and the harm avoided must outweigh the harm caused by the crime. This is distinct from self-defense, which protects against harm from an immediate aggressor, and from duress, which involves being forced to commit a crime under threat by another person. Entrapment occurs when law enforcement induces someone to commit a crime they would not have otherwise committed. In a scenario describing avoidance of a greater harm, the defense most appropriately fits necessity.

10. A national organization of paralegal programs that promotes high standards for paralegal education.

- A. AAfPE**
- B. NFPA
- C. ABA
- D. Paralegal

The American Association for Paralegal Education focuses on raising and maintaining standards for paralegal programs nationwide, supporting curriculum quality, accreditation processes, and faculty development. That emphasis on education standards makes it the best fit for a national organization dedicated to paralegal education. The other groups serve different purposes: NFPA is a professional association for practicing paralegals, not specifically education programs; the ABA is a broad organization for the legal profession and not limited to paralegal education standards; and "paralegal" is not an organization at all.

Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

<https://paralegal101.examzify.com>

We wish you the very best on your exam journey. You've got this!

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