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39	A	B	C	D	E

PRACTICE QUESTIONS

National Association of Legal Assistants (NALA)

CPKE

Certified Paralegal Knowledge Exam

EDITION

Demo

QUESTIONS

9

FORMAT

Limited Edition PDF

Before you begin

What this is

9 practice questions for National Association of Legal Assistants (NALA) CPKE , each with its answer key and an explanation. Answer a question before you read its key — the explanation is worth more once you have committed.

If something looks wrong

Send us three things and we will check it:

- the exam code, CPKE
- the question number
- the email address on your order

Write to **support@mometrix.net**. We reply within one business day.

QUESTION 1

MULTIPLE CHOICE

Which of the following are categories of substantive law? (Choose two.)

- ☒ **A** Criminal law
- ☐ **B** Procedural law
- ☒ **C** Contract law
- ☐ **D** Remedial law

ANSWER A - C

WHY Substantive law defines rights and duties and includes both criminal law (offenses against the state) and contract law (rights and duties arising from agreements). Procedural law and remedial law govern how substantive rights are enforced, so they are not substantive law.

QUESTION 2

MULTIPLE CHOICE

Under NALA's Code of Ethics and Professional Responsibility, a paralegal must preserve the confidentiality of attorney-client communications. Which of the following are recognized exceptions that permit disclosure of confidential information? (Choose two.)

- ☒ **A** Disclosure required to prevent death or substantial bodily harm
- ☐ **B** Disclosure to a friend who is not involved in the case
- ☒ **C** Disclosure impliedly authorized to advance the client's interests
- ☐ **D** Disclosure to the news media for publicity

ANSWER A - C

WHY NALA's Code permits disclosure when impliedly authorized to advance the client's interests and when disclosure is necessary to prevent death or substantial bodily harm. Sharing information with friends or the media violates confidentiality obligations.

QUESTION 3

SINGLE CHOICE

Which court has the final authority to interpret the United States Constitution?

- ☐ A U.S. District Court
- ☐ B U.S. Court of Appeals
- ☒ C U.S. Supreme Court
- ☐ D State Supreme Court

ANSWER C

WHY The U.S. Supreme Court is the highest court in the federal judiciary and has the final authority on constitutional interpretation. State supreme courts are the highest authority on purely state-law issues, but federal constitutional questions are ultimately resolved by the U.S. Supreme Court.

QUESTION 4

SINGLE CHOICE

A client asks a paralegal for legal advice on a pending matter. Under NALA's ethical standards, the paralegal should:

- ☐ A Provide general legal information based on the paralegal's own judgment
- ☒ B Refuse to discuss the matter and refer the client to the supervising attorney
- ☐ C Draft a brief legal opinion for the client
- ☐ D Recommend that the client consult an unrelated attorney

ANSWER B

WHY NALA's Code prohibits paralegals from giving legal advice or establishing attorney-client relationships. The proper response is to decline to give advice and refer the client to the supervising attorney for guidance.

QUESTION 5

SINGLE CHOICE

In federal civil litigation, what is the purpose of a deposition?

- ☐ A To enter the court's final judgment in the case
- ☒ B To obtain sworn out-of-court testimony from a witness for later use
- ☐ C To formally challenge the sufficiency of the opposing party's pleading
- ☐ D To request the court to order a party to produce documents

ANSWER B

WHY A deposition is a pretrial discovery device in which a witness gives sworn out-of-court testimony, recorded for later use at trial or in motions. Entry of judgment, motions to dismiss pleadings, and document production (a subpoena duces tecum) are separate procedural mechanisms.

QUESTION 6

SINGLE CHOICE

In Bluebook citation form, when a case has not yet appeared in the official reporter, what citation should be used?

- ☐ A The pinpoint citation only
- ☒ B A citation to the unofficial reporter, with subsequent history
- ☐ C The docket number only
- ☐ D The URL of the court's website only

ANSWER B

WHY The Bluebook generally prefers citation to the official reporter. When a case is not yet reported there, citation to an unofficial reporter (such as a regional reporter or West's reporter) with any relevant subsequent history is the accepted alternative. URLs and docket numbers alone are not substitute citations.

QUESTION 7 SINGLE CHOICE

The doctrine of stare decisis requires courts to:

- ☐ A Defer to executive branch interpretations of statutes
- ☒ B Follow the precedent established by prior decisions in similar cases
- ☐ C Apply foreign law whenever a U.S. citizen is a party
- ☐ D Decide each case without reference to earlier rulings

ANSWER B

WHY Stare decisis is the common-law doctrine of following precedent: courts are generally bound to apply the legal principles established in earlier decisions of the same or a higher court when the facts are similar.

QUESTION 8 SINGLE CHOICE

In contract law, which element requires that there be a manifestation of mutual assent to the terms of the agreement?

- ☐ A Consideration
- ☐ B Capacity
- ☐ C Legality
- ☒ D Agreement

ANSWER D

WHY Agreement (the meeting of the offer and the acceptance, i.e., mutual assent) is a required element of every contract. Consideration, capacity and legality are the other core elements, but they address value, the parties' ability to contract and the lawful nature of the subject matter, respectively.

QUESTION 9

SINGLE CHOICE

Which of the following is a primary source of law that a paralegal would consult when performing legal research?

- ☐ A A legal encyclopedia
- ☐ B A law review article
- ☒ C A federal statute enacted by Congress
- ☐ D A practice guide

ANSWER C

WHY Primary sources of law include constitutions, statutes, administrative regulations and case law. A federal statute enacted by Congress is a primary source. Legal encyclopedias, law review articles and practice guides are secondary sources that help locate and interpret primary authority.