



## **LCP® EXAM INFORMATION SHEET**

Any paralegal who is already a CP/CLA is eligible to take the LCP exam. If you are not a CP/CLA, there are three additional categories of paralegals who qualify:

Category 1 - One who is a graduate of a paralegal program that is (a) approved by the ABA; or (b) an associate degree program; or (c) a post-baccalaureate certificate program in paralegal studies; or (d) a bachelor's degree program in paralegal studies; or (e) a paralegal program which consists of a minimum of 60 semester hours of which at least 15 semester hours are substantive legal courses

Category 2 - One who has earned a bachelor's degree in any field and has one year's experience as a paralegal, with attorney/employer attestation.

Category 3 - One who has a high school diploma or equivalent plus seven years' experience as a paralegal, with attorney/employer attestation, plus a minimum of twenty hours of continuing legal education completed within a two-year period prior to application for the exam.

The LCP is a two-day exam that tests on knowledge of Louisiana law only. It can be looked upon as an adjunct to the CP/CLA exam, which is a voluntary national certification exam for paralegals which covers a broad spectrum of legal subjects in federal and the common law. One who is already a CP/CLA and who takes and passes the LCP exam may immediately use the LCP credential. However, one who takes and passes the LCP exam without having first passed the CP/CLA exam may not use the LCP credential until s/he has passed the CP/CLA exam, and must do so within three years from the date of notification of passing the LCP exam.

### **REQUIRED SECTIONS**

#### **General Law**

This section of the exam covers Louisiana's Constitution, the existence and purpose of Louisiana's statutes and codes; similarities and differences between civil law and common law; jurisdiction; selection process and duties of judges, district attorneys and officers of the court; duties and authority of grand juries; and the qualifications and exemption of jurors.

#### **Ethics**

Tests on Louisiana's statutes governing the unauthorized practice of law and cases interpreting those statutes; authorized delegation of work to paralegals by attorneys; lawyers' ethics, with a focus on those lawyers' ethical rules that apply to paralegal duties; and the Codes of Ethics of NALA and LSPA.

#### **Civil Procedure**

Covers many more subjects than its name might imply. It covers all phases of litigation, such as types of civil actions; jurisdiction; venue; parties; incidental demands; citation and service of process; subpoenas; discovery; pre-trial procedure; trials, verdicts and judgments; and execution of judgments. It also covers such topics as probate procedure and administration of successions; attachment and sequestration; injunctions; and procedural rules governing divorce and annulment of marriage, tutorship, interdiction and curatorship; partition of property; and the extraordinary writs such as mandamus and quo warranto.

## SUBSTANTIVE LAW SECTIONS

(Examinees must choose four on which to be tested)

### Business Organizations

This section of the exam covers types of business organizations and characteristics of each type, documentation required to form and maintain each type of business organization in compliance with Louisiana law; rights and obligations of parties involved in each type of organization; organizational and/or personal liabilities; and dissolution, merger and consolidation.

### Contracts/Obligations

Obligations in Louisiana (contracts in common-law states) involves the types of valid contracts; counter letters; sales; leases; negotiable notes; transfer of obligations; proof of obligations; extinction of obligations, including compromise and settlement; interpretation of contract clauses by Louisiana courts; remedies for non-performance; damages; and reinscription.

### Criminal Law and Procedure

Substantive criminal law deals with declaration of rights and Article I of the Louisiana Constitution; criminal prosecution; criminal negligence and criminal intent; misdemeanor and felony offenses and their penalties; culpability. Criminal procedure includes defendants' rights, selection and functions of a grand jury; preliminary examinations; accusatory pleadings; detention and arrest; pleas; arraignment; ail; pre-trial motions; sentencing; appeal and post-conviction relief; probation; parole and expungement.

### Evidence

The exam covers relevancy of evidence and its limits; admissibility of evidence; judicial notice; tangible evidence, authentication and identification; testimony, including hearsay and opinion; testimonial privileges; and witnesses, including expert witnesses.

### Family Law

The exam on this topic encompasses adoption; marriage; annulment; divorce; child custody; child support; paternity and filiation; tutorship emancipation and legitimation; effect of marriage on property rights; and the Children's Code.

### Property

Property law involves real estate transactions and documents; real and personal property; acquisition and ownership of property; capacity related to property ownership; mortgages and promissory notes; ownership in indivision; partition and co-ownership; usufructs and servitudes; recordation of documents; and property descriptions.

### Torts

The definitions and elements of torts will be addressed on this portion of the exam, together with intentional torts; theories of recovery and defenses; comparative fault; joint and solidary obligation; types of liability; types of recovery (remedies); prescription; causes of action and right of action; governmental immunity; and Louisiana's Direct Action statute.

### **Wills/Probate/Successions/Trusts**

These various segments of law include successions and probate; usufruct as it applies to successions and heirship; acceptance or renunciation of successions; estate taxes; valid wills; forced heirship; *inter vivos* and testamentary trusts; gratuitous and onerous trusts; trustees; beneficiaries of trusts; acceptance and refusal of trusts; alienation or seizure by creditors; modification of a trust; termination of a trust; revocation of a trust; rescission of a trust; and injunctive relief.

Although no core paralegal competencies are tested, all sections of the LCP examination will test critical thinking skills, organizational skills and communication skills.