

# LEVEL II Practice Test

## RIGHTS & ROLES

1. What is equal protection?
  - a. Immunity from treating defendants wrongly
  - b. A constitutional guarantee against a second prosecution
  - c. A constitutional guarantee that every person enjoys the same protection under the law**
  - d. A general law that guarantees that defendants have a right to be represented by an attorney
  
2. What is due process?
  - a. A course of legal proceedings according to rules and principles
  - b. Broad legal concept embodied in the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution
  - c. A safeguard for the protection of individual rights
  - d. All of the above**
  
3. What type of immunity do ministerial and administrative duties enjoy?
  - a. Absolute
  - b. Qualified**
  - c. Personal
  - d. No immunity
  
4. When can personal information about jurors be released?
  - a. Anytime the public requests.
  - b. The information is confidential and can never be released.
  - c. The judge may release after application by a party in the trial or a bona fide member of the news media upon a showing of good cause.**
  - d. It can be released only to certain persons under the Texas Rules of Evidence.
  
5. For what reason may a magistrate deny bail?
  - a. For violating a judicial order regarding community service
  - b. For violating a magistrate's order of emergency protection.**
  - c. For violating judicial orders requiring an interlock device after an alcohol related arrest
  - d. All of the above
  
6. In offering those who appear in court the courtesy that a business might offer its customers, what must a court clerk do?
  - a. Be careful never to provide more information than answers only the exact question being asked
  - b. Ensure court participants have access to refreshments, especially during time consuming

proceedings.

- c. **Be careful never to offer legal advice that may subject the city and the clerk to liability and/or charges of unlawful practice of law.**
- d. None of the above.

**TRUE/FALSE**

7. Municipal court defendants do not have the right to cross-examine a witness who is the victim.

**T**                      **F**

8. A municipal court defendant has most of the same rights as a defendant in a federal or state district court.

**T**                      **F**

9. When determining guilt or innocence, the judge may consider only evidence admitted during the trial.

**T**                      **F**

10. If a court in a county with a population over 50,000 cannot locate a certified interpreter within 75 miles of the court and the language needed is not Spanish, the court may appoint a spoken language interpreter.

**T**                      **F**

11. The victim of a crime who will testify at the trial has the right to be present at all public court proceedings related to the offense.

**T**                      **F**

12. When a judge sets bail, he or she is required to take into account the safety of the victim and the community.

**T**                      **F**

13. Only the victim can make a motion for an emergency protective order.

**T**                      **F**

14. Socioeconomic status is protected from biased behavior by the *Code of Judicial Conduct*.

**T**                      **F**

15. When a law enforcement officer decides to arrest someone, that person's due process rights are terminated.

**T**                      **F**

16. A defendant may only secure bail through a bail bond or cash bond.

**T**                      **F**

17. The court need only consider the issue of speedy trial if raised by the defendant.

**T**                      **F**

18. In all municipal court trials, the defendant is required to be present

## **MUNICIPAL COURT PROCESSES**

19. When a court *adjudicates* a case, it:

- a. Grants deferred disposition
- b. Makes a determination and formal pronouncement of judgment**
- c. Asks the defendant for a plea
- d. Finds the defendant indigent

20. What is an affiant?

- a. A person who complains about a neighbor's loud noise
- b. A person who commits an offense
- c. A person who has reason to believe that a person committed an offense and swears to a complaint**
- d. All of the above

21. What is municipal court jurisdiction over theft of service?

- a. Less than \$500
- b. Less than \$100**
- c. Less than \$50
- d. Less than \$20

22. What must all complaints allege?

- a. A culpable mental state
- b. A specific location
- c. A pecuniary loss
- d. A date of on or about when the offense occurred**

23. What is a *jurat*?

- a. The signature of the affiant swearing and signing the complaint
- b. The certificate of the person administering the oath to the person swearing to an affidavit**
- c. The certificate of the person certifying that a record is a true and correct copy of an original
- d. None of the above

24. When can a defendant be charged with the offense of failure to appear?

- a. After being summoned to court
- b. After defaulting on payment of fine
- c. Upon failing to appear after being arrested**

d. All of the above

25. When can a municipal judge take a plea?

- a. When a defendant is issued a citation
- b. When a code enforcement officer investigates a city ordinance violation
- c. When a sworn complaint or a citation has been filed with the court**
- d. All of the above

26. A motion to quash means that the defendant is:

- a. Asking the court to set aside and dismiss the complaint**
- b. Asking the court for permission to amend the complaint
- c. Asking the judge to recuse himself or herself
- d. None of the above

27. Who has authority to request and accept a plea and set fines?

- a. Judge**
- b. City Council
- c. Mayor
- d. All of the above

28. When must a judge enter a judgment?

- a. Payment of fine and costs
- b. Plea of guilty or *nolo contendere*
- c. Finding of guilty
- d. All of the above**

29. What is *voir dire*?

- a. A motion stating that the jurors were selected with a bias
- b. A request for a legal exemption from jury duty
- c. Questioning of jurors under oath about their qualifications to sit on a jury**
- d. A request for a jury charge

30. What is a challenge to the array?

- a. A request to shuffle jurors
- b. A motion to withdraw request for jury trial
- c. A challenge to the court process
- d. A motion stating that the jurors were selected with a bias**

31. When can a prosecutor charge a defendant with the offense of violation of promise to appear?

- a. Anytime a citation has been issued and the defendant fails to appear
- b. When a defendant fails to appear who is charged with a Subtitle C, Rules of the Road offense**
- c. When a defendant has been summoned for a city ordinance violation and then fails to appear
- d. All of the above

32. A pre-trial can be conducted only when either the defense or prosecutor requests a pre-trial.

**T**                      **F**

33. An adult defendant may pay a fine or may mail or deliver a plea and waiver of jury trial to the court.

**T**                      **F**

34. If a defendant who requests a trial is indigent, the court is required to appoint an attorney to represent the defendant in all instances.

**T**                      **F**

35. Defendants may call the court to request an extension and reset of their cases.

**T**                      **F**

36. Municipal courts are not required to pay jurors.

**T**                      **F**

37. A person who is deaf or hearing impaired may not be a juror.

**T**                      **F**

38. A summons issued by a judge may be served by mail by the court clerk because it does not arrest anyone.

**T**                      **F**

39. Judges may not grant deferred disposition for any offense that occurs in a construction maintenance zone when workers are present.

**T**                      **F**

40. Adult defendants represented by an attorney do not have to appear at trial as long as the prosecutor agrees.

**T**                      **F**

41. There is no time limit when a judge of a municipal court of non-record may grant a new trial as long as the judge determines that justice has not been done in the first trial.

**T**                      **F**

42. A motion for new trial is timely filed in a non-record municipal court if it is mailed on or before the

date it was due and received by the clerk on or before the 10<sup>th</sup> business day that it was due to be filed.  
T F

43. Defendants in a non-record municipal court who request to take a driving safety course but fail to complete the course, lose the right to appeal.  
T F

44. Before a judge grants deferred disposition, the court must collect court costs from the defendant.  
T F

45. Defendants who fail to complete the terms of deferred disposition must pay the \$15 time payment fee immediately with payment of the fine.  
T F

46. If a defendant pays the judgment and then requests an appeal, the appeal is moot because the judgment has been satisfied.  
T F

47. Defendants who fail to complete DSC or the terms of their deferral under deferred disposition do not lose their right to appeal in a non-record municipal court.  
T F

48. If a defendant fails to present an appeal bond to the court within the required time deadline, the municipal court may refuse to send it to the county court.  
T F

## **APPLYING CRIMINAL CODES**

49. What is the purpose of the Code Construction Act?

- Aid in understanding statutes
- Provide guidance on construction of words and phrases
- Help courts to ascertain and enforce the legislative intent of statutes
- All of the above**

50. What is the Rule of the Specific?

- If a statute specifically refers to a specific court, that law applies to that court and no other.
- If there are two provisions that seem to cover the same topic but one is specific to a certain court that law applies to that court.**
- If a law is passed by the Legislature at a later date, the law passed later controls.
- All of the above

51. Which statutes contain rules regarding pleas and appearances for municipal court defendants?

- a. **Chapter 45 and Article 27.14, C.C.P.**
- b. Chapter 4 and Article 49.02, C.C.P.
- c. Chapters 24 and 15
- d. All of the above

52. Which statutes contain rules regarding municipal court appeals?

- a. Chapters 4 and 5
- b. Chapters 19 and 20
- c. **Chapters 44 and 45**
- d. All of the above

53. When researching Penal Code offenses, with what should the clerk be concerned?

- a. What has been harmed
- b. How much harm has occurred
- c. Definitions of words in the Penal Code
- d. **All of the above**

54. What is an inchoate offense?

- a. A disorderly conduct offense
- b. A culpable mental state
- c. **An attempted criminal act when the act was not completed**
- d. None of the above

55. What is venue?

- a. An ordinance
- b. **Location**
- c. A state law
- d. A fine-only offense

56. The Code of Criminal Procedure governs criminal investigations and trials.

**T**                      **F**

57. The rules in the Code Construction Act for computing time require the courts to count the day that the action occurs and the last day of the action is also included.

**T**                      **F**

58. The Code Construction Act provides that title headings of articles or sections do not limit or expand the meaning of a statute.

**T**                      **F**

59. Municipal court defendants do not have a right to a speedy trial.

T F

60. When a clerk researches a procedure, the clerk should first determine the statutes that are applicable.

T F

61. The Penal Code is a collection of criminal and civil statutes defining offenses, setting criminal penalties and civil remedies.

T F

62. Fine-only offenses outside the Penal Code are Class B misdemeanors if the fine is more than \$500.

T F

63. Cities can enact ordinances for conduct covered by the Penal Code as long as the ordinance does not set a criminal penalty different from the penalty provided in the Penal Code.

T F

64. Courts are required to notify DPS when a corporation or association is convicted.

T F

65. Both court clerks and deputy court clerks are public officials.

T F

66. If an offense does not specify a specific penalty, the court must look to the general penalty clause of the statute.

T F

67. The Penal Code does not provide a specific age for when a person can be prosecuted.

T F

## **BOND FORFEITURES**

68. What is the purpose of bail?

- a. Guarantee payment of fine
- b. Guarantee appearance in court**
- c. Guarantee case is filed in court
- d. All of the above



69. What is a judgment *nisi*?

- a. A final judgment in a criminal case
- b. A temporary order of continuance
- c. An affidavit that the defendant's name was called outside the courtroom
- d. A temporary order that will become final unless the defendant has good cause why judgment should be set aside**

70. When can a surety be released from liability on a bond?

- a. After filing affidavit of intention to surrender principal on the bond
- b. After the warrant of arrest is issued for the principal on the bond
- c. After the surety files an affidavit with the court that the defendant is in custody**
- d. All of the above

71. When a defendant posted bond with the court fails to answer docket call, what must a court do?

- a. Call the defendant's name distinctly at the courthouse door
- b. Declare a bond forfeiture
- c. Issue a *capias* for the defendant
- d. All of the above**

72. What rules govern bond forfeitures?

- a. The Texas Rules of Civil Procedure**
- b. The Texas Rules of Criminal Procedure
- c. The Common Law Right Procedures
- d. None of the above

73. The court must always give notice of the bond forfeiture to the defendant/principal.

**T**                      **F**

74. An answer is a plea to the bond forfeiture case.

**T**                      **F**

75. In a bond forfeiture case, an answer that is a general denial may not be amended.

**T**                      **F**

76. A prosecutor, as a party in the bond forfeiture case, must request the clerk to issue the citation before the clerk may issue it.

**T**                      **F**

77. If a surety files an answer before the court issues the citation, the court must still have the citation served on the surety.

**T**                      **F**

78. When a pleading needs to be verified, it means that the clerk must certify the pleading.

**T**            **F**

79. Before a clerk may serve a citation on a surety by certified mail or by publication, the prosecutor must request the clerk to serve the citation by these methods.

**T**            **F**

80. If service by certified mail and service by personal delivery by a peace officer are unsuccessful, the court may enter a default judgment.

**T**            **F**

81. Before a court grants service by publication, the prosecutor must make the request under oath to the court.

**T**            **F**

82. The person being sued or the registered agent for service must accept service or the citation is not considered to be served.

**T**            **F**

83. If a citation is served by publication, the court must also have the judgment *nisi* published.

**T**            **F**

84. Defendants may never waive service of a citation.

**T**            **F**

85. If a defendant (surety) is deceased, the court must dismiss the bond forfeiture lawsuit.

**T**            **F**

86. Thirty-five days' notice of a trial setting must be given to the defendant (surety) in a bond forfeiture case.

**T**            **F**

87. Before the court can enter a default judgment, the citation with the officer's return must have been on file in the clerk's office for at least 10 days, exclusive of the date of filing and the date of judgment.

**T**            **F**

88. If the prosecutor makes a motion for summary judgment, he or she is requesting the court to summarize the facts of the bond forfeiture case.

**T**            **F**

89. An agreed judgment is one in which the state and the sureties enter into an agreement without having to go to trial.

**T** **F**

90. A motion for a new trial in a bond forfeiture case must be made within one day of the judgment.

**T** **F**

91. Criminal court costs must be assessed when there is a final forfeiture of the bond.

**T** **F**

92. A corporation surety cannot post a surety bond if the corporation is in default of only one bail bond.

**T** **F**

93. The clerk must mail written notice of the default judgment to the defendant (surety) at the address shown in the certificate filed by the prosecutor.

**T** **F**

94. A bill of review in a bond forfeiture case is a proceeding brought for the purpose of reversing a prior judgment.

**T** **F**

95. Municipal courts must file a civil suit in the justice of the peace court to collect a final bond forfeiture judgment if the surety refuses to pay.

**T** **F**

96. When a defendant files a cash bond with the court and also gives a conditional plea of *nolo contendere*, the court may enter a finding of guilty and forfeit the bond for the fine and court costs if the defendant fails to appear.

**T** **F**

97. Courts are required to report to the Department of Public Safety final judgments on bond forfeitures of traffic cases.

**T** **F**

## **CHILDREN AND MINORS**

98. Of which of the following offenses does a municipal court have jurisdiction?

- a. Parent Contributing to Non-Attendance
- b. Public intoxication (Defendants 10 years of age and older)
- c. Speeding (Defendants 10 years of age and older)
- d. All of the above**

99. What is the definition of a child in Chapter 45 of the Code of Criminal Procedure?
- a. A person who is at least age 6 and under the age of 17
  - b. A person who is at least age 10 and under the age of 17**
  - c. A person who is under the age of 17 (no minimum age)
  - d. A person who is at least age 13 and under the age of 18
100. What may a court do if an attorney appears in court to represent a child defendant?
- a. Waive the presence of the parents
  - b. Waive the presence of the child
  - c. Handle the case through the mail
  - d. None of the above**
101. Who may issue and who may serve a summons for the parents of a juvenile?
- a. A judge issues and a peace officer serves.**
  - b. A clerk may issue and serve.
  - c. A prosecutor may issue and a clerk may serve.
  - d. All of the above
102. Which code contains specific handling provisions for defendants under age 17?
- a. Code of Criminal Procedure**
  - b. Alcoholic Beverage Code
  - c. Penal Code
  - d. None of the above
103. Under which of the following is the court required to waive jurisdiction over a juvenile defendant?
- a. When the defendant is charged with possession of drug paraphernalia
  - b. When there are two prior convictions for non-traffic offenses**
  - c. When the defendant has been granted deferred disposition for two prior offenses
  - d. All of the above
104. When is the court required to notify the child and parent of the child's right to an expunction?
- a. When the child is charged with penal offenses**
  - b. When the child is charged with an Alcoholic Beverage Code offense
  - c. When the child is charged with a tobacco offense
  - d. All of the above
105. Defendants under age 17 charged with an Alcoholic Beverage Code offense do not have to appear with a parent in open court.

**T**

**F**

106. When a minor fails to appear for a traffic offense, the court is required to notify DPS of the failure so that DPS will suspend or deny issuance of a driver's license.

**T** **F**

107. Municipal court is required to suspend the driver's license of a person under the age of 21 convicted of the offense of public intoxication.

**T** **F**

108. Generally, persons under age 17 charged with Penal Code offenses are subject to the same penalties as adults.

**T** **F**

109. If a minor is 18 years of age, municipal court retains jurisdiction over the third and subsequent Alcoholic Beverage Code offenses.

**T** **F**

110. The court must order the driver's license suspension of a minor convicted of the offense of driving under the influence of alcohol.

**T** **F**

111. Minors may petition the municipal court to expunge multiple Alcoholic Beverage Code convictions upon reaching the age of 21.

**T** **F**

112. A minor may petition the court to expunge multiple convictions of tobacco offenses only when the minor reaches age 18.

**T** **F**

113. Municipal courts are required to report to the Department of Public Safety convictions and orders for deferred disposition for all Alcoholic Beverage Code offenses.

**T** **F**

114. When a defendant is charged with any Alcoholic Beverage Code offense, the court must require as a term of the deferred an alcohol awareness course and community service.

**T** **F**

115. When a minor charged with a first time offense of consuming a tobacco product completes a tobacco awareness program and presents evidence of completion to the court, the court is required to dismiss the case.

**T** **F**

116. The offense of failure to attend school can be prosecuted in the municipal court.

**T** **F**

117. Municipal court has jurisdiction over the offense of truancy.

**T** **F**

118. When a juvenile violates an order of the municipal court, including an order to pay a fine, the municipal court may find the child in contempt and assess a fine not to exceed \$500.

**T** **F**

119. Before a court may issue an arrest warrant for a person who turns 17 who committed an offense while younger than 17 and failed to appear, the court must have exhausted all the remedies available to obtain the defendant's appearance before the defendant turned age 17.

**T** **F**

120. Before a court may issue an arrest warrant for a person who committed an offense while under age 17, the court must issue a notice of continuing obligation to appear.

**T** **F**

121. If a person under the age of 17 fails to pay a fine, the court may issue a *capias* pro fine for the defendant's arrest.

**T** **F**

122. When a person under the age of 17 fails to pay and then turns age 17, the court may not issue a *capias* pro fine because the offense was committed while the person was a juvenile.

**T** **F**

123. Juveniles can be taken into custody and taken to a place of non-secure custody for failure to appear and failure to pay.

**T** **F**

## **FINANCIAL MANAGEMENT**

124. What should be included in a sound financial management system?

- a. A means to safeguard assets
- b. A reliable and timely bookkeeping and accounting data, and reports
- c. Efficient operation and adherence to prescribed laws and regulations, policies, and procedures
- d. All of the above**

125. What is the purpose of internal control?

- a. To prevent errors
- b. To require more audits
- c. To safeguard assets and protect people who do their job**
- d. All of the above

126. What are the basic principles of internal control?

- a. Separate bank accounts for each fund
- b. Appropriate division of duties; qualified personnel; and sound, written procedures**
- c. Announced periodic audits
- d. None of the above

127. How should a person handle receipt of a change fund every day?

- a. Make sure the amount is different every day.
- b. Use money from the change fund to balance receipts.
- c. Sign a receipt for the amount received every day.**
- d. Make sure the change fund has sufficient money in it for petty cash purposes.

128. What are the basic guidelines for handling receipts?

- a. A receipt should be issued for each payment.
- b. Receipts should periodically be accounted for.
- c. Receipts should be signed for by person receiving them.
- d. All of the above**

129. State law requires municipal courts to maintain a bank account.

**T**                      **F**

130. Sound financial management procedures do not include opening the mail daily as long as the mail is kept in a secure place.

**T**                      **F**

131. A receipts journal is a chronological listing of issued and unissued receipts.

**T**                      **F**

132. Only the judge can authorize collection of fines, fees and costs by credit card, electronic means, or through the internet.

**T**                      **F**

133. There should be a written installment agreement every time the court allows time payments.

**T**                      **F**

134. It is not necessary to have community service orders in writing because no money is actually paid to the city.

T F

135. A receipt should not be given to a defendant posting a cash bond until the bond is forfeited.

T F

136. Any overages or shortages should be excluded from the reconciliation form unless it is known what the cause was.

T F

137. Defendants can only pay the fine, not court costs, by jail credit.

T F

138. A disbursement journal is used to identify disbursements of all unclaimed funds.

T F

139. When a court pro-rates court costs and fees, the costs and fees owed to the state must be paid before the costs and fees retained by the city.

T F

140. When courts receive a payment without documentation and are unable to determine to whom to credit the payment, the court or city is required to contact the Unclaimed Property Section in the Comptroller's Treasury Operations Division.

T F

141. Auditing is a process that examines court records and operations for mathematical accuracy, legality, and propriety.

T F

142. The state traffic fee is collected on all traffic convictions.

T F

## **COURT RECORDS**

143. What is the purpose of a well-managed records management system?

- a. **It is essential to administering justice.**
- b. The purpose is to ensure that juvenile records are kept confidential.
- c. It is essential to determining case disposition after trial.
- d. The purpose is to determine how to budget money for the court.



144. What is records management?

- a. Economical and efficient creation, organization, use, maintenance, and disposition of records
- b. Systematic control of recorded information
- c. Active supervision and control of records
- d. All of the above**

145. What are the six stages of a record's cycle?

- a. Plan, develop, test, monitor, train personnel, and develop a records manual
- b. Creation, distribution, use, maintenance, storage, and disposition**
- c. Develop, file, manage, disposition, archive, and destroy
- d. None of the above

146. What is a Gantt chart?

- a. A chart used to develop the six stages of a record's cycle.
- b. A chart used to follow the active stage of a case.
- c. A chart used to show planned times for tasks and actual dates of completion of a project.**
- d. A chart used to decide the goals of a records management program.

147. What do the steps to develop a records management program include?

- a. Determine what the court wants to accomplish
- b. Set goals and objectives
- c. Establish record retention periods
- d. All of the above**

148. The Local Government Records Act establishes requirements for custodian of records.

**T**                      **F**

149. When developing a records management program, the first issue the court needs to determine is the number of employees needed to staff the court.

**T**                      **F**

150. When determining what type of numbering system to use, the court should make sure that it is complex enough to handle the volume of court records.

**T**                      **F**

151. When considering the selection of filing cabinets, the court's only concern should be costs.

**T**                      **F**

152. To help maintain records properly, every clerk should be a file clerk.

**T**                      **F**

153. Record schedules should be reviewed once every six months.

**T**                      **F**

154. All documents in the court are considered local government records.

**T**                      **F**

155. The goal of a records inventory is to inventory every piece of paper.

**T**                      **F**

156. If records are stored in bound volumes, the retention period dates from the date of the first entry.

**T**                      **F**

157. Electronic mail is never considered a government document.

**T**                      **F**

158. The court does not need to keep a record of records that are destroyed.

**T**                      **F**

159. An electronic document system can scan and digitize documents.

**T**                      **F**

160. A court clerk commits a felony if he or she violates any requirements of the Local Government Records Act.

**T**                      **F**

161. The city can establish any costs that they want to for copying municipal court records.

**T**                      **F**

162. It is not necessary to monitor a case flow management system if it is properly set up.

**T**                      **F**

163. Time standards provide a basis for measuring the effectiveness of the court's case flow management system and a basis for case progress decisions in the management of individual cases.

**T**                      **F**

164. The monitoring of a case flow management system should provide methods of monitoring significant events in a case to determine if it has fallen within time guidelines.

**T**                      **F**

165. Event standards are standards that measure the disposition of cases.

T

F

## **LEGAL RESEARCH**

166. Which of the following types of law affect municipal court?

- a. Administrative law
- b. Statutory law
- c. Case law
- d. **All of the above**

167. What is *stare decisis*?

- a. A legal concept that requires courts to adhere to administrative law
- b. A legal concept that municipal court jurisdiction is only over fine-only offenses
- c. **A legal principal that the decision of a court is a binding authority on the court that issued the decision and on lower courts in the same jurisdiction for the disposition of factually similar cases**
- d. A legal principal that provides courts guidance on how to interpret statutes

168. What is *ratio decidendi*?

- a. **It is the holding or the principle of law on which a case is decided.**
- b. It is a legal principle that allows for Texas to have a bifurcated high court.
- c. It is the idea that courts are able to make decision about the law.
- d. All of the above

169. The court of last resort in Texas that hears criminal appeals is called:

- a. County Court at Law
- b. Texas Supreme Court
- c. **Texas Court of Criminal Appeals**
- d. None of the above

170. Rules created by agencies such as the Department of Public Safety and the Texas Parks and Wildlife Commission are which type of law?

- a. Statutory
- b. Case
- c. **Administrative**
- d. None of the above

171. Which of the following is defined as any published source of law that sets forth rules, legal doctrine or that can be used as a basis for legal decisions?

- a. **Legal authority**
- b. Case law
- c. Legal research
- d. All of the above

172. Where are decisions of Texas appellate courts published?

- a. L.Ed.2d
- b. **S.W.3d**
- c. S.Ct.
- d. All of the above

173. The Name Tag Rule states that:

- a. When two laws conflict, the most recent passed prevails.
- b. Title headings do not limit or expand a section's meaning.
- c. **If a statute clearly identifies the court to which it applies, then it applies to that court only.**
- d. None of the above

174. What is the common term for a proposed law?

- a. **Bill**
- b. Session laws
- c. Committee report
- d. None of the above

175. When amending a bill, which of the following indicates that language is to be deleted or changed?

- a. Underlining
- b. **Strike-thru**
- c. Bolding
- d. All of the above

176. What does *In Re* mean when used in a case title or case name?

- a. **That there were no adversary parties**
- b. That a special proceeding was involved
- c. In lieu of
- d. All of the Above

177. Which of the following types of opinions disagrees with the results and the reasoning of the majority?

- a. Plurality
- b. Majority
- c. Dissenting**
- d. None of the above

178. Who is authorized by statute to request an attorney general opinion?

- a. The chairman of the governing board of a river authority
- b. The regent of a state educational institution
- c. The Governor
- d. All of the above**

179. How are bound copies of law updated?

- a. Pocket parts**
- b. Statute attachments
- c. Slip opinions
- d. All of the above

180. Dictum is the language in the decision that is not essential to the decision of the court.

**T**                      **F**

181. There is only one approach to legal research.

**T**                      **F**

182. A citation is the reference to the legal authority.

**T**                      **F**

183. A headnote is a summary of a statute.

**T**                      **F**

184. The highest appellate courts in Texas are bifurcated.

**T**                      **F**

## **TECHNOLOGY**

185. The hard drive or hard disk within a computer is a:
- Chip that stores data only for processing
  - External storage data
  - Fixed disk that stores information long-term**
  - Disk that performs calculations within the computer
186. Which of the following is defined as a data disks?
- CD-ROM
  - DVD-ROM
  - DVD-RW
  - All of the above**
187. When using social media sites, the court clerk
- Is not bound by the same ethical concerns that the judge has to follow.
  - Has taken proper precautions if he or she does not use the sites at work.
  - Must be aware that information posted on these sites could become public and reflect on the court**
  - All of the above.
188. Which of the following is true about chat sites?
- They forward electronic mail.
  - They transfer files between downloading computers.
  - They send electronic mail messages to everyone on the list.
  - They allow users to talk in real-time.**
189. Which of the following should a case management software do (at a minimum)?
- Allow court to monitor cases as they move through the system
  - Allow for financial reports to be pulled
  - Allow for complaints, courtesy letters and jury notices to be processed
  - All of the above**
190. What company provides the payment option "Quick Collect?"
- Western Union**
  - Department of Public Safety
  - OmniBase
  - All of the above

191. A system that allows the public to obtain information about their case status by dialing a local phone number is called a:

- a. **Interactive Voice Responder System**
- b. Fax-on-demand System
- c. Kiosks
- d. All of the above

192. What is the study of the way the body moves and works most efficiently and safely?

- a. Recess
- b. **Ergonomics**
- c. Labor day
- d. All of the above

193. What does the term "download" refer to?

- a. To start up a computer
- b. **To transfer to your computer a copy of a file that resides on another computer**
- c. Security measures designed to protect a network
- d. None of the above

194. A scanner is a:

- a. Communications port to which a serial device can be attached
- b. Computer program that modifies how certain aspects of the computer work
- c. **Device that transfers printed documents into a digital file**
- d. None of the above

195. When a court adopts an imaging system, it is using video for arraignments.

T F

196. A firewall is a fire-proof case for computer hardware.

T F

197. Texas law does not allow video arraignments because the judge or magistrate does not see the accused face to face in prison.

T F

198. Texas law does not allow for fax or electronic filings.

T F

199. Temperature and magnetism can affect computers.

T F