

Level I Preparatory Practice Tests

1. What is Common Law?

- A. The right to have your case heard in a common law court
- B. The principles, customs, and rules developed in England and early American history that form our judicial system
- C. Laws that are viewed as the protection from a second prosecution
- D. A guarantee that provides for the separation of power in our government

2. In which branch of government is the police department?

- A. Executive
- B. Judicial
- C. Legislative
- D. Enforcement

3. What is the Bill of Rights?

- 0 A. The Preamble to the Texas Constitution
- 0 B. The amendments to the Declaration of Independence
- 0 C. The first ten amendments to the United States Constitution
- 0 D. None of the above

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4. What is a civil case?

- 0 A. A legal action in a criminal court
- 0 B. A legal action in a municipal court
- 0 C. A case that deals with the private rights of individuals
- 0 D. A case that charges a person with a crime

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5. What is jurisdiction?

- 0 A. Ministerial influence over the administration of the court
- 0 B. Arbitrative authority over mediation of cases
- 0 C. Legal authority and power over certain types of cases and certain geographical locations
- 0 D. All of the above

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6. To which court does a municipal court appeal go?

- A. County court
- B. Common law court
- C. Texas Supreme Court
- D. Court of Criminal Appeals

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7. Who writes the Rules of Judicial Education for municipal judges?

- A. The Texas Municipal Courts Education Center
- B. The Court of Criminal Appeals
- C. The Center for the Judiciary
- D. The State Bar

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8. What is the role of the prosecutor in municipal court?

- A. To see that justice is done
- B. To bring criminal charges before the court for trial
- C. To represent the State
- D. All of the above

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9. What is a “canon?”

- 0 A. A doctrine of religious belief
- 0 B. A case handed down by an appellate court
- 0 C. An ethical standard of conduct for members of the judiciary
- 0 D. A judicial ruling mandating a certain basic procedure that clerks must follow

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10. What is the purpose of the *Code of Judicial Conduct*?

- 0 A. Provide all the ethical rules that judges must follow
- 0 B. Provide basic standards of ethical rules for judges
- 0 C. Provide an all encompassing guide of penalties that judges are required to know if they make a wrong legal decision
- 0 D. All of the above

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11. Which of the following is ethical conduct for a clerk?

- 0 A. Predict future revenue for a court
- 0 B. Show a peace officer’s notes on the back of the ticket to the judge
- 0 C. Run a defendant’s driving record for the judge
- 0 D. All of the above

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12. What does consanguinity mean?

- 0 A. Relationship by marriage
- 0 B. Common law marriage
- 0 C. Relationship by blood
- 0 D. Relationship by nepotism

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13. In what situation does the *Code of Judicial Conduct* govern the judge and clerk's behavior?

- 0 A. In the courtroom only
- 0 B. In the courtroom and court offices only
- 0 C. In and out of the courtroom, including social situations
- 0 D. Only when the public can view court staff behavior

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14. Which of the following is the judge allowed to do?

- 0 A. Talk on the telephone to a defendant about his or her case
- 0 B. Talk in the office to a defendant about his or her case
- 0 C. Read the notes on the back of citation
- 0 D. None of the above

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15. Which of the following is a clerk allowed to do?

- A. Advise a defendant to ask the judge for deferred disposition
- B. Accept gifts from friends and relatives
- C. Prohibit a city council member from sitting as a juror
- D. Tell the judge about a defendant's belligerent attitude

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16. What is it called when a court pronounces judgment?

- A. Arraignment
- B. Magistration
- C. Adjudication
- D. Discretion

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17. What kind of courts are municipal courts?

- A. Constitutional courts
- B. Statutory courts
- C. Common law courts
- D. Appellate courts

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18. What is municipal court subject matter jurisdiction?

- 0 A. Only over offenses that have a maximum penalty of \$500
- 0 B. Only over offenses that have a maximum penalty of \$2000
- 0 C. Only over fine-only offenses that may include any sanction that does not include confinement
- 0 D. Only over fine-only offenses that are first time offenses

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19. To what does the two year statute of limitations apply?

- 0 A. The length of time that a warrant is legally effective
- 0 B. The length of time that a case can be filed from the date of offense
- 0 C. The length of time the court has to file a warrant on a case
- 0 D. All of the above

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20. Which of the following is a ministerial duty?

- 0 A. Stamping the judge's signature on documents because the judge is part-time
- 0 B. Granting extensions of time to pay
- 0 C. Resetting a case when a defendant calls and asks for a continuance
- 0 D. Researching community service projects

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21. What is a general-law city?

- A. A city with a population under 5,000 and subject to the statutes of the State
- B. A city that has at least 8,000 in population and has adopted a home-rule charter
- C. A city that has a measure of self-government
- D. None of the above

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22. Which oath does a clerk not have authority to administer?

- A. The one to an affiant swearing to a complaint
- B. The one to a defendant swearing to a driving safety course affidavit
- C. The one to a judge taking the oath of office
- D. All of the above.

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23. If a victim is not present when an emergency protection order is issued, what must the clerk do?

- A. Provide the victim with a copy
- B. Provide the police department with a copy
- C. Provide the news media with a copy
- D. Notify the parents of the victim

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24. When is a complaint required to be filed after a citation has been filed?

- A. When a defendant pleads guilty or *nolo contendere*
- B. When a defendant pleads guilty and appeals
- C. When a defendant pleads not guilty and does not waive the right to a complaint
- D. All of the above

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25. What is the *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

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26. All city ordinance complaints must conclude with the following wording?

- A. Against the peace and dignity of the State
- B. Contrary to said ordinance
- C. In the name and by the authority of the State of Texas
- D. That the person intentionally and knowingly committed the crime in the presence of the person who swore to the complaint

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27. When a defendant pleads guilty or *nolo contendere*, what else must the defendant give the court?

- A. A written waiver of the right to appeal
- B. A written waiver of community service
- C. A written waiver of a written judgment
- D. A written waiver of jury trial

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28. Which of the following is not considered a court appearance?

- A. Payment of fine by mail
- B. Payment of fine by delivery to the court by defendant
- C. Payment of fine by delivery to the court by spouse
- D. Appearance in open court before the judge

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29. Which of the following process may municipal court clerks issue?

- A. Warrant
- B. Subpoena
- C. *Capias pro fine*
- D. Summons

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30. What is a *scire facias* docket?

- A. A special criminal docket
- B. A special docket for bond forfeitures
- C. A listing of criminal cases for trial
- D. None of the above

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31. Which of the following is an example of a writ?

- A. *Capias pro fine*
- B. Summons
- C. Subpoena
- D. All of the above

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32. How can a summons be served?

- A. By a clerk mailing it
- B. By a clerk personally delivering it
- C. By a peace officer mailing it
- D. All of the above

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33. What is a challenge to the array?

- 0 A. A motion to shuffle jurors
- 0 B. A motion that the jury be discharged because they were chosen with a bias
- 0 C. A motion to remove certain jurors from the jury panel
- 0 D. None of the above

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34. What is "The Rule?"

- 0 A. A motion asking that all witnesses be sworn in at the same time
- 0 B. A motion asking that the defendant adhere to all the rules of the court
- 0 C. A motion asking the court to keep all witnesses outside the courtroom so they don't hear each other's testimony
- 0 D. A motion asking the court to immediately rule on all physical evidence

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35. What is a *venire*?

- 0 A. A list of defendants set for trial on a certain date
- 0 B. A list of citizens filing complaints
- 0 C. A list of prospective jurors
- 0 D. A list of prospective dates to schedule jury trials

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36. What is the judgment of a court?

- 0 A. The final legal decision of the court
- 0 B. The final payment of the fine and costs
- 0 C. The clerk's notation in the docket that closes the case
- 0 D. All of the above

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37. When a defendant has been in jail before conviction, who is responsible for granting jail credit?

- 0 A. The clerk does by noting it in the docket
- 0 B. The judge grants it when entering the judgment
- 0 C. The jail does when the defendant is released
- 0 D. All of the above

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38. When a defendant is arrested on a *capias pro fine*, what must the judge do?

- 0 A. Conduct an indigent hearing
- 0 B. Release the defendant on a personal bond
- 0 C. Release the defendant on a cash bond, since the defendant failed to pay
- 0 D. Charge the defendant with failure to appear

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39. When a court grants deferred disposition, what must or can the court require the defendant to pay up front?

- A. Court costs and a deferred fee
- B. Court costs and a bond to secure payment of the fine
- C. Court costs and the special expense fee
- D. Court costs, the fine, and the special expense fee

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40. How does a court calculate time under the Code Construction Act?

- A. Only count working days
- B. Count calendar days, including the first and last day even if it falls on a weekend
- C. Count calendar days, but don't count the day the action occurred and enlarge the time if the last day falls on a weekend or a holiday
- D. Count week days except for those that fall on a holiday

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41. What reports must courts submit to the Texas Department of Public Safety?

- A. Convictions of all traffic offenses
- B. Convictions of Alcoholic Beverage Code offenses involving minors
- C. Orders of deferred disposition of Alcoholic Beverage Code offenses
- D. All of the above

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42. When are court costs required to be collected?

- 0 A. Only upon conviction
- 0 B. Upon conviction and anytime the case is deferred
- 0 C. Upon conviction, deferral, and dismissal of a case
- 0 D. Upon filing of the case

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43. Who is responsible for determining whether to file failure to appear charges or to enhance charges?

- 0 A. The judge
- 0 B. The clerk
- 0 C. The prosecutor
- 0 D. The police officer

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44. When can the judge assess a compliance dismissal fee?

- 0 A. When a defendant shows proof of a valid Texas driver's license that was valid at the time of arrest
- 0 B. When the defendant changes his or her address on his or her driver's license
- 0 C. When a defendant gets a headlight fixed
- 0 D. All of the above

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45. For what types of offenses must the court notify a juvenile defendant and his or her parents of the right to expunction?

- A. Penal offenses and the Education Code offense of Failure to Attend School
- B. Alcoholic Beverage Code offenses
- C. Tobacco offenses and Alcoholic Beverage Code Offenses
- D. All of the above

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46. When is a court required to waive jurisdiction over a juvenile?

- A. When the juvenile turns 17
- B. When the juvenile has two prior convictions for non-traffic offenses
- C. When the juvenile has three prior convictions for any fine-only offense
- D. When the juvenile asks to be transferred to juvenile court

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47. Before a court may issue an arrest warrant for a juvenile who has failed to appear, what must the court first do?

- A. Use all available resources to obtain the appearance of the juvenile
- B. When the juvenile turns 17, mail a notice of obligation to appear
- C. File violation of obligation to appear and issue an arrest warrant for that charge
- D. All of the above

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48. What must a court do before issuing a *capias pro fine* for a juvenile?

- A. Conduct a contempt hearing
- B. Immediately issue a *capias pro fine* when the juvenile defaults on payment of fine
- C. Wait until the juvenile turns 18 and then arrest the juvenile
- D. None of the above

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49. What filters do people listen through?

- A. Their perceptions of a situation
- B. Their past experiences
- C. Their assumptions about what a person might be trying to say
- D. All of the above

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50. What types of words do not show bias?

- A. Terms like policeman, fireman, workmen
- B. Terms like police officer, fire fighter, workers
- C. Terms like one-man operation or man made
- D. All of the above

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