

### Chapter Four Questions

1. The power to say who can practice law is a state power.

T\_\_\_\_\_ F\_\_\_\_\_

2. Texas has two high courts, the Texas Supreme Court in civil cases and the Texas Court of Criminal Appeals in criminal cases.

T\_\_\_\_\_ F\_\_\_\_\_

3. Which one statement is correct?

(A) The federal appellate court for Texas is the United States Court of Appeals for the 10<sup>th</sup> Circuit, headquartered in Denver.

(B) The federal appellate court for Texas is the United States Court of Appeals for the 11<sup>th</sup> Circuit, headquartered in Atlanta.

(C) The federal appellate court for Texas is the United States Court of Appeals for the Eighth Circuit, headquartered in St. Louis.

(D) The federal appellate court for Texas is the United States Court of Appeals for the Fifth Circuit, headquartered in New Orleans.

Answer: \_\_\_\_\_

4. Usually, appellate courts hear witnesses and admit evidence into the record.

T\_\_\_\_\_ F\_\_\_\_\_

5. When a case is heard by a jury, the jury is said to be “the trier of facts,” with the judge determining what the law is.

T\_\_\_\_\_ F\_\_\_\_\_

6. Texas state district court judges and Texas state county court judges are authorized to appoint attorneys in civil cases for parties who make a motion requesting appointed counsel, accompanied by a detailed affidavit of poverty and which explains why there are exceptional circumstances requiring attorney representation.

T\_\_\_\_\_ F\_\_\_\_\_

7. Which one statement is true about Texas Government Code Chapter 81?

- (A) It requires every county to have a “Register in Probate” who helps lay people handle the probating of estates.
- (B) It establishes the office of trustee who oversees voluntary compositions of debt in state court so that people do not have to use the federal bankruptcy court.
- (C) It sets forth the Texas statutory will form and the Texas statutory will with trust form.
- (D) It regulates the practice of law.

Answer: \_\_\_\_\_

8. Which one statement is correct?

- (A) In Texas, the state courts conduct judicial review of decisions denying Social Security and Medicare.
- (B) In Texas, the federal courts that conduct judicial review of Medicare cases hear new witnesses in addition to those witnesses who were heard by the Administrative Law Judge.
- (C) In Texas, there is not state court judicial review of Medicaid and food stamp eligibility determinations.
- (D) In Texas, the U.S. District Court will admit new evidence into the record when conducting judicial review of SSI cases.

Answer: \_\_\_\_\_

9. “Arbitration” and “mediation” are synonyms; there is no difference between “arbitration” and “mediation.”

T\_\_\_\_\_ F\_\_\_\_\_

10. In 1997, the Texas Legislature enacted a law stating in part,

The “practice of law” does not include the design, creation, publication, distribution, display, or sale, including publication, distribution, display, or sale by means of an Internet web site, of written materials, books, forms, computer software, or similar products if the products clearly and conspicuously state that the products are not a substitute for the advice of an attorney.

T\_\_\_\_\_ F\_\_\_\_\_

11. Most administrative agencies that allow non-lawyers to represent claimants require the representative to be authorized by use of an “authorization of representation” or similar designation form.

T\_\_\_\_\_ F\_\_\_\_\_

12. Generally speaking, a non-lawyer who has handled a matter for a claimant at the administrative level can continue to represent the claimant in court, if court proceedings are necessary for the matter.

T\_\_\_\_\_ F\_\_\_\_\_

13. In Social Security, SSI, and Medicare matters, non-lawyers are never permitted to handle a case at the Appeals Council level.

T\_\_\_\_\_ F\_\_\_\_\_

14. In Social Security cases, the fee, if any, must be approved by the Administrative Law Judge.

T\_\_\_\_\_ F\_\_\_\_\_

15. A person who is not a lawyer is prohibited from charging a fee for representing another individual in connection with an application for assistance from the Texas Department of Human Services.

T\_\_\_\_\_ F\_\_\_\_\_

16. Most legal services offices (which serve low-income persons) accept cases involving domestic violence, landlord-tenant disputes, mortgage foreclosures, and public benefits.

T\_\_\_\_\_ F\_\_\_\_\_

17. The Legal Hotline for Older Texans may be able to offer a client a referral to a reduced-fee attorney.

T\_\_\_\_\_ F\_\_\_\_\_

18. Benefits Counselors of Area Agencies on Aging can receive backup from the Legal Hotline for Older Texans.

T\_\_\_\_\_ F\_\_\_\_\_

19. The statute that allows a person to request a cost-free copy of medical records to support an application based on disability for SSI does not permit a non-lawyer to make the request.

T\_\_\_\_\_ F\_\_\_\_\_

20. Many legal services offices (offices which provide civil legal services to low-income persons) base their income eligibility on 100% or 125% of the federal poverty income guidelines.

T\_\_\_\_\_ F\_\_\_\_\_