January 26, 2022

House Judiciary Committee  
The New Hampshire General Court  
107 North Main Street  
Concord, NH 03301

Re: Statement in Support of House Bill 1343

Chair Gordon and Members of the House Judiciary Committee:

The National Federation of Paralegal Associations, Inc. (NFPA), a professional organization founded in 1974 as the first national paralegal association, is an issue-driven, policy-oriented professional association directed by its membership, comprising nearly 50 paralegal associations and representing over 8,000 individual members. NFPA promotes leadership in the legal community, with a core purpose of advancing the paralegal profession.

In pursuit of this purpose, NFPA supports and advocates expanding the paralegal role, in limited circumstances, to bridge the access to justice gap. The United States is ranked 41st across 139 countries for civil justice but is ranked near the bottom (126th) when it comes to people who can access and afford civil justice. Current endeavors, such as pro bono work and legal aid, are not enough to meet the need, and it is NFPA’s view that qualified paraprofessionals should be trained and utilized in providing additional affordable legal assistance options to the people who need it most.

NFPA first comprehensively addressed the issue of Non-Lawyer Practice in 2005 when it issued its first Position Statement on Non-Lawyer Practice, and again in 2017 when it approved its current Position Statement on Non-Lawyer Legal Professionals (“NLLP”), which outlines the suggested criteria for the creation of such a Project, to wit:

NFPA supports legislation and adoption of court regulations permitting NLLPs to deliver limited legal services directly to the public, provided that such legislation or court regulation includes:

1. Exceptions from the Unauthorized Practice of Law within the confines of the respective states’ regulations and statements on Unauthorized Practice of Law;

2. Postsecondary education standards in the specialized area of law in which the NLLP will practice;

3. Ethical standards that are substantially similar to the ABA and NFPA;
4. Continuing Legal Education ("CLE") consistent with NFPA’s CLE standards;

5. Bonding or insurance requirements as set forth by the jurisdictional authority; and

6. A requirement that all NLLPs submit to advanced competency testing as to specialty practice area and limitation of practice as prescribed by the laws, regulations, or court rules of the jurisdiction with the regulating authority.

Further, candidates for any NLLP plan shall have the following criteria:

1. Attestation by a licensed attorney familiar with the NLLP’s substantive experience and work history; and

2. Fitness and character criteria consistent with NFPA’s Fitness and Character Model.

NFPA has watched the development of limited licensing and paraprofessional practice projects throughout the United States. The New Hampshire proposal, while somewhat conservative, is a good start. Our primary feedback on the bill is that limiting the services provided by a paraprofessional to clients with a household income of no greater than 300 percent of the federal poverty guidelines will prevent some middle-income litigants from obtaining services. Other programs we have seen roll out throughout the United States generally do not have an income limit for clients represented by paraprofessionals.

Overall, NFPA commends the authors of HB1343 on bringing this proposal forward, and we look forward to watching further developments in New Hampshire.

Respectfully submitted,
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