December 20, 2021

To The State Bar of California:

The National Federation of Paralegal Associations, Inc. (NFPA), a professional organization founded in 1974 as the first national paralegal association, is an issues-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 to expand 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 (126/139) when it comes to people who can access and afford civil justice.¹ Current endeavors, such as pro bono 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 bridging the access to justice gap.

NFPA has watched the development of limited licensing and paraprofessional practice projects throughout the United States. California’s comprehensive proposal is well researched, reasoned, and provides a robust framework for a paraprofessional licensure/certification program. We are especially impressed with the scope of work that will be permitted, the education and testing requirements, and the inclusion of qualified paralegals as defined by California Business and Professions Code § 6450(c). We are hopeful that the California plan has built on the experience of other states utilizing non-lawyer legal professionals to provide legal services to low and middle income families and individuals.

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 state's 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.*

A review of the California Paraprofessional Program Working Group Report and Recommendations satisfies us that California’s proposal not only meets this criteria, it exceeds it in many areas. Specifically, proactive regulation measures, such as the “ethics hotline,” combined with robust continuing legal education requirements, will help to ensure the ongoing success of the program. The Report and Recommendations are extremely comprehensive in nature, and we applaud the California Paraprofessional Program Working Group for their exceptional work.

NFPA would recommend, going forward, that the Working Group engage paralegals as members to ensure the voice of the profession is at the table. It was notable that the Working Group Roster was composed of eleven (11) attorneys, five (5) Judicial officers, and only four (4) public members, one of which is from the California Association of Legal Document Assistants, and no members identified as paralegals.

Overall, NFPA commends the Working Group on its diligence to create a comprehensive plan for paraprofessional practice, which we believe has great potential for success, and support the proposal in its entirety as put forth by the Working Group.

Respectfully submitted,

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