

National Federation of Paralegal Associations, Inc.
POSITION STATEMENT
ON REGULATION OF THE PARALEGAL PROFESSION
(referencing NFPA Resolutions 15-04 and 12-04 approved by NFPA Delegates)

The National Federation of Paralegal Associations, Inc. (“NFPA”), recognized as a national leader for the paralegal community, is committed to advancing the paralegal profession. NFPA endorses the implementation of regulation to establish standards for all paralegals on a state-by-state basis insofar as its implementation is consistent with the NFPA Mission Statement and expands the utilization of paralegals to deliver cost-efficient legal services. Since 1985, NFPA has adopted numerous policy resolutions regarding the fundamentals of regulation of the paralegal profession.

NFPA adopts the following position statement on the issue of regulation of the paralegal profession. This position statement is consistent with NFPA Resolution 12-04 which unified NFPA’s resolutions regarding paralegal regulation into a single document and will be henceforth utilized by NFPA in drafting responses to potential legislation or court rules related to regulation of the paralegal profession. NFPA believes it is in the best interest of the paralegal profession to proactively advocate in the forefront of this issue.

Background

Regulation of the paralegal profession is a broad term that encompasses all processes granting authority for recognition to an individual or institution. Regulation of paralegals is defined by NFPA as the process by which a governmental or other entity authorizes general practice in the Paralegal profession and the use of the title “Paralegal”, to individuals meeting predetermined qualifications that include: a) an educational requirement; b) the passage of a proficiency based examination; c) continuing legal education; d) adherence to a code of ethics and e) other criteria as required by the governmental or other entity. Forms of regulation include entry qualifications, accreditation, registration, certification and licensure.

A basic element of any regulatory plan is establishing a definition of the term “Paralegal”. NFPA has a definition as does the American Bar Association. Many states also have definitions of a paralegal. NFPA defines a paralegal: *A Paralegal is a person, qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work.*

NFPA’s preferred form of regulation is mandatory licensure. Licensure of Paralegals is defined by NFPA as the process by which an agency or governmental entity authorizes general practice in the Paralegal profession and the use of the title “Paralegal”, to individuals meeting predetermined qualifications that include: a) an educational requirement; b) the passage of a proficiency based examination; c) continuing legal education; d) adherence to a code of ethics and e) other criteria as required by the agency or governmental entity.

Position

NFPA will actively promote regulation of the paralegal profession by providing information as to NFPA's preferred form of regulation of mandatory licensure and specialty licensure and its preference of a four-year degree being the requirement for entry into the paralegal profession.

NFPA shall not initiate the introduction of any proposal to regulate paralegals in any jurisdiction, but may educate and inform others regarding NFPA, its regulation policy, and its resources.

NFPA shall not support any regulatory proposal, if such regulatory proposal does not contain at least four of the five following standards:

1. Formal education requirements consistent with the following, with paragraph 1.(e) being the minimum acceptable level:

- (a) associate's degree in paralegal studies with 60 semester credit hours or equivalent, including a minimum of 24 semester credit hours or equivalent of paralegal specialty courses, OR
- (b) associate's degree in any subject (60 semester credit hours or equivalent) PLUS minimum of 24 semester credit hours or equivalent of paralegal specialty courses, OR
- (c) bachelor's degree in paralegal studies, including 24 semester credit hours or equivalent of paralegal specialty courses OR
- (d) bachelor's degree in any subject plus 24 semester credit hours or equivalent of paralegal specialty courses, OR
- (e) completion of a Short Term Paralegal Program which meets the following standards:
 - i. Post-secondary coursework in substantive and procedural law, the American legal system, law offices and related environments, the paralegal profession, legal research and writing, ethics, and areas of legal practice such as those described in AAfPE's *Core Competencies for Paralegal Programs*;
 - ii. No fewer than 18 semester credit hours (or the equivalent) of substantive paralegal courses;
 - iii. The completion of a minimum of 60 semester hours (or the equivalent) of total post-secondary study prior to graduation. A semester hour is

equivalent to 15 classroom hours of at least 50 minutes in duration. The course offerings may be for credit or not for credit, but should meet these minimum time periods;

- iv. The paralegal education program must be offered by an institution that is:
 - A. An institutional member of the American Association for Paralegal Education; or
 - B. A paralegal educational program approved by the American Bar Association; or
 - C. A paralegal education program offered by an institution accredited by an agency recognized by the United States Department of Education and offering courses at the post-secondary level.

2. Passage of a proficiency based exam, as promulgated by a national paralegal organization, a state or commonwealth, an accredited educational institution, a national, state or local bar association or any additional testing to be reviewed or approved by NFPA; and

3. Meet a standard of character and fitness consistent with what is required to sit for the Paralegal Advanced Competency Exam (“PACE[®]”) and to maintain the RP[®] credential. Any practicing paralegal shall:

- (a) Not have been convicted of a felony or comparable crime as defined by an individual state or jurisdiction that does not have a felony designation;
- (b) Not have been suspended or disbarred from the practice of law in any state or jurisdiction;
- (c) Not have been convicted of the unauthorized practice of law in any state or jurisdiction;
- (d) For reasons of misconduct, not be currently under suspension, termination or revocation of a certification, registration, license to practice by a professional organization, court, disciplinary board, or agency in any jurisdiction.

4. Mandatory CLE requirement, although the specific number of hours to be earned shall be left to the determination of the drafters of the regulatory proposal; and

5. A grand-parenting provision allowing for individuals with a particular number of years of substantive paralegal experience to be eligible to apply for whatever form of regulation is being proposed without having to satisfy the formal education and proficiency based exam requirements. The specific number of years of substantive paralegal experience needed, and whether or not a sunset provision for eligibility under the grand-parenting provision is to be included in the proposal, shall be left to the drafters of the proposal.

NFPA has drafted two models for paralegal regulation: the Model Act for Paralegal Licensure and the Model Plan for Voluntary Paralegal Regulation.

Conclusion

Inasmuch as NFPA's preferred form of regulation is mandatory licensure and specialty licensure with preference of a four-year degree as the requirement for entry into the paralegal profession, NFPA supports the concept of Paralegal Regulation in its various forms such as, registration and certification, consistent with current NFPA policy provided that any such proposed Paralegal Regulation contain at least four of the five standards set forth in NFPA's Regulation Policy.

This position statement was prepared for NFPA by the Regulation Position Statement Committee. The Committee was created as a result of Resolution 15-04 passed by the NFPA delegation at the 2015 NFPA Policy Meeting in Honolulu, Hawaii. The Committee was formed under the Vice President and Director of Positions and Issues, Lynne-Marie Reveliotis, with Valerie A. Wilus, RP, PaCP, appointed as the Committee Chair. The Committee's draft position statement was presented to delegates for review in advance of the 2016 Policy Meeting held at the Hilton Burlington in Burlington, Vermont on October 20-23, 2016.

The Regulation Position Statement Committee members were:

- Valerie A. Wilus, RP, PaCP, Litigation Paralegal with the law firm of Hangle Aronchick Segal Pudlin & Schiller in Philadelphia, Pennsylvania and a member of the Philadelphia Association of Paralegals
- Tracey L. Young, RP, Litigation Paralegal at Lamarche Safranko Law in Clifton Park, New York and a member of the Capital District Paralegal Association, Inc.
- Jamie Collins, Litigation Paralegal at Shartz Law Firm in Indianapolis, Indiana and a member of the Indiana Paralegal Association
- Melissa Pemberton
- Susan McNicholas, ILAP, Senior Paralegal with UL LLC in Northbrook, Illinois and a member of the Illinois Paralegal Association
- Anita G. Haworth, RP, CEDS, Litigation Paralegal with the law firm of Cohen Garellick & Glazier, Indianapolis, Indiana and a member of the Indiana Paralegal Association