



PARALEGAL REGULATION BY STATE

UPDATED FEBRUARY 2009

REGION	STATE	DEFINITION	TYPE OF REGULATION	DESCRIPTION
III	Alabama	<p>The 1975 Code of Alabama 6-5-572: “(2) Legal Service Provider – Anyone licensed to practice law by the State of Alabama or engaged in the practice of law in the State of Alabama. The term legal service provider includes professional corporations, associations, and partnerships and the members of such professional corporations, associations, and partnerships and the persons, firms, or corporations either employed by or performing work or services for the benefit of such professional corporations, associations, and partnerships including, without limitations, law clerks, legal assistants, legal secretaries, investigators, paralegals, and couriers.”</p> <p>www.legislature.state.al.us/codeofalabama/1975/coatoc.htm</p>	None	
I	Alaska	<p>Alaska Rule of Professional Conduct 5.3: Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.</p> <p>www.state.ak.us/courts/prof.htm#5.3</p>	None	



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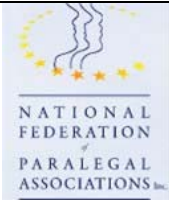
REGION	STATE	DEFINITION	TYPE OF REGULATION	DESCRIPTION
I	Arizona		Certification of Legal Document Preparers	<p>Supreme Court of Arizona adopted § 7-208 of the Arizona Code of Judicial Administration regarding "Legal Document Preparers" effective July 1, 2003.</p> <p>This code requires anyone preparing legal paperwork without an attorney's supervision must be certified as a legal document preparer. Legal document preparers can provide general legal information but can't give legal advice.</p> <p>Effective July 1, 2005, Legal Document Preparers must complete 10 hours of CLE annually. Effective July 1, 2006, LDP must take an examination.</p> <p>See http://www.supreme.state.az.us/orders/adm/order/Orders03/2003-14.pdf And http://www.supreme.state.az.us/orders/adm/code/7-208%20section2.pdf And http://www.supreme.state.az.us/cld/ldp.htm</p>



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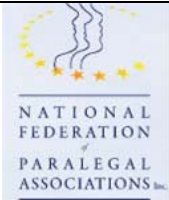
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II	Arkansas	Rule of Professional Conduct 5.3 Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. http://courts.state.ar.us/rules/profcond5.html	None	
I	California	California Business and Professions Code Section 6450-6456: “Paralegal” means a person who holds himself or herself out to be a paralegal, who is qualified by education, training, or work experience, who either contracts with or is employed by an attorney, law firm, corporation, governmental agency, or other entity, and who performs substantial legal work under the direction and supervision of an active member of the State Bar of California, as defined in Section 6060, or an attorney practicing law in the federal courts of this state, that has been specifically delegated by the attorney to him or her. Tasks performed by a paralegal include, but are not limited to, case planning, development, and management; information; drafting and analyzing legal documents; collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the	Registration of Legal Documents Assistants	1993 – Assembly Bill 1287 proposing to register legal technicians (any nonlawyer who holds himself or herself out to the public as a legal technician, or any nonlawyer who offers to provide or who provides legal information and assistance service directly to consumers for compensation or who offers elf-help legal services.” CA SB709 register independent paralegals (no recent action) The California Business and Professions Code defines and regulates “Legal document assistant.



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		<p>supervising attorney; and representing clients before a state or federal administrative agency if that representative is permitted by statute, court rule, or administrative rule or regulation.</p> <p>http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=06001-07000&file=6450-6456</p>		<p>http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=06001-07000&file=6400-6401.6</p> <p>Definition of Legal Document Assistant does not apply to paralegals provided that the paralegal does not also perform the duties of a legal document assistant. Legal document assistants must be registered in the county in which they provide services.</p> <p>www.calda.org</p>
II	Colorado	<p>Rule of Professional Conduct 5.3 Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.</p> <p>www.coloradosupremecourt.com/regulation/Rules/appendix20/statdspp0b99.html</p>	None	



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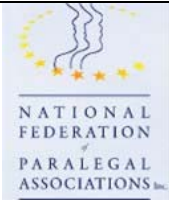
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V	Connecticut	<p>Rule of Professional Conduct 5.3 Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.</p> <p>www.jud.ct.gov/publications/practicebook/pb1.pdf</p>	None	<p>2009 HB 6138 An act Concerning the Licensing of Paralegals. To require new paralegals to obtain a paralegal license. Referred to Jt Committee on General Law (Jan. 2009)</p> <p>1993 bill (HB 5827 introduced into the state legislature providing for the state to develop licensing procedures for nonattorney operated legal document processing businesses. Defeated</p> <p>HB 5445 – provided for paralegals employed by Public Defendants be given the authority to administer oath.</p>
IV	District of Columbia		None	
IV	Delaware	Delaware Certified Paralegal	Voluntary Certification Through Paralegal Association	<p>Approved May 12, 2005. Provides for combination of experience and education; approval by the Delaware Paralegal Association. Applicants must be a member of the Delaware Paralegal Association.</p>



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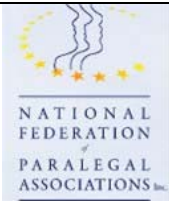
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				www.deparalegals.org/dcpp.php
III	Florida	Florida Registered Paralegal	Registered Paralegal Program (voluntary)	<p>On November 15, 2007, the Supreme Court of Florida adopted a voluntary program for the registration of paralegals under Chapter 20 of the Rules Regulating the Florida Bar. The Florida Registered Paralegal Program, “provides for voluntary registration of paralegals who meet certain minimum educational, certification, or work experience criteria and who abide by an established code of ethics in exchange for the ability to refer to themselves as Florida Registered Paralegals.” The voluntary Florida Registered Paralegal Program became effective March 1, 2008. More information is available at: www.flordiasupremecourt.org/decisions/2007/sc06-1622.pdf.</p> <p>The South Florida Paralegal Association (SFPA) objected to the Florida Bar’s proposal for regulating paralegals as the proposed plan for registration is not mandatory. In September 2006 that Association petitioned the Florida Supreme</p>



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			<p>Regulation and limits on the use of the term "paralegal" in Florida [TABLED]</p>	<p>Court to hold oral arguments on the proposal. South Florida Paralegal Association established a website for the purpose of monitoring the proposal at www.floridaregisteredparalegal.com/homepage.html</p> <p>Special Committee of the Florida Bar voted to recommend that the Board of Governors of The Florida Bar approve a new rule, Chapter 20, which would establish the Florida Registered Paralegal Program. The program sets up a two tier system for paralegals. The first tier, incorporated in the chapter by definition only, includes a person with education, training, or work experience, who works under the direction and supervision of a member of The Florida Bar and who performs specifically delegated substantive legal work for which a member of The Florida Bar is responsible. No additional requirements are necessary to use this title and to perform paralegal work. The second tier is the Florida Registered Paralegal. In order to reach this tier, the</p>



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				<p>individual must have certain education and training or certification. Because the chapter establishes a two tier system, those individuals currently working as paralegals may continue to do so as long as they meet the general definition. Individuals who wish to obtain the higher level may do so, although obtaining the status is not mandatory to continuing to work as a paralegal. On June 2, 2006, the Board approved the rule. TABLED. More information about Chapter 20 is available at www.floridabar.org</p> <p>April 2006 - The Florida Bar derailed the bill that would have placed paralegals under the oversight of the state Department of Business and Professional Regulation. State Representative Juan Zapata has withdrawn his proposed Paralegal Professional Act and has signed on to a Bar proposal to create a voluntary regulatory system controlled by the Bar.</p> <p>The Paralegal Profession Act proposed in</p>



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				<p>the legislature in March of 2005 would have created provisions to regulate paralegals, provided educational requirements, grandfathering clause and reciprocity.</p> <p>http://www.flsenate.gov/data/session/2005/Senate/bills/billtext/pdf/s2054.pdf</p> <p>http://www.flsenate.gov/data/session/2005/House/bills/billtext/pdf/h151900.pdf</p> <p>GENERAL BILL by Argenziano Paralegal Profession Act: creates said act re regulation of paralegals; provides legislative intent; provides educational requirements for qualification as paralegal; provides continuing education requirements; provides for paralegal code of ethics & professional responsibility; provides for reciprocity; provides penalties; establishes Paralegal Regulation Board; provides for severability, etc. Creates 454.37-.48; amends 57.104, 744.108. Effective Date: Upon becoming law except as otherwise provided Last Event: 03/07/06 S Introduced, referred</p>



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				<p>to Judiciary; Criminal Justice; Governmental Oversight and Productivity; Justice Appropriations - SJ 00096 on Monday, March 06, 2006 6:58 PM</p> <p>http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=32195&BillNumber=395</p> <p>GENERAL BILL by Zapata (CO-SPONSORS) Robaina</p> <p>Paralegals: Authorizes citation as the "Paralegal Profession Act"; provides legislative intent; provides exceptions and exemptions; provides educational requirements for qualification as a paralegal; provides continuing education requirements; provides for a paralegal code of ethics and professional responsibility; provides a grandfathering clause; provides for reciprocity; provides penalties; provides for severability; establishes the Paralegal Regulation Board; provides for the board's members, terms, vacancies, headquarters,</p>



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				<p>meetings, powers, and fiscal accountability; conforms terminology.</p> <p>Effective Date: October 1, 2006.</p> <p>Last Event: 1st Reading on Tuesday, March 07, 2006 11:59 PM</p> <p>http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=32147&BillNumber=395</p> <p>In 1983 the Paralegal Association of Florida established the Voluntary Certified Florida Legal Assistant Program.</p>
III	Georgia		None	<p>In 1994 The Committee to Examine the Role of Legal Assistants of the State Bar of Georgia prepared a preliminary report on the role of legal assistants.</p>



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I	Hawaii	<p>Rule of Professional Conduct 5.3 Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.</p> <p>http://www.hawaii.gov/jud/ctrules/hrpcond.htm</p>	None	The Hawaii State Bar Association Task Force on Paralegal Certification drafted a proposal to amend the Hawaii Supreme Court Rules and Hawaii Rules of Professional Conduct to require certification of paralegals and only general supervision by attorneys. The proposal included a voluntary national exam, education and experience requirements. In 2001 The Hawaii State Bar Association rejected this mandatory paralegal certification program
I	Idaho	<p>Rule of Professional Conduct 5.3 Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.</p> <p>http://www2.state.id.us/isb/pdf/irpc.pdf</p>	None	
II	Illinois	<p>Paralegal – a person who is qualified through education, training or work experience, and is employed by a lawyer, law office, governmental agency or other entity to work under the direction of an attorney in a capacity that involves the</p>	Legal Document Preparer	In 2005 two bills (HB 4686 and SB2253) were introduced creating the Legal document Preparer Act. Both bills have been referred to Rules Committee. These were updated versions of SB0335 which has



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		<p>performance of substantive legal work that usually requires a sufficient knowledge of legal concepts</p> <p>and would be performed by the attorney in the absence of the paralegal</p> <p>http://www.ilga.gov/</p>		<p>also been referred to Rules. SB 0776 from the 87th General Assembly and SB2314 from the 86th General Assembly created the Legal Technician Licensing Act. Both were defeated</p> <p>www.ilga.gov</p>
III	Indiana	<p>Definition - I.C. 1-1-4-6</p> <p>As used in this section, "paralegal" means a person who is:(1) qualified through education, training, or work experience; and (2) employed by a lawyer, law office, governmental agency, or other entity; to work under the direction of an attorney in a capacity that involves the performance of substantive legal work that usually requires a sufficient knowledge of legal concepts and would be performed by the attorney in the absence of the paralegal.</p> <p>Guidelines for utilization of paralegal - Sections 9.1-10 of the Indiana Rules of Professional Conduct, http://www.in.gov/judiciary/rules/prof_conduct/#_US_E_OF_NON-LAWYER_ASSISTANTS</p>	<p>Voluntary registration – Indiana Registered Paralegal NOT APPROVED</p> <p>Bar Association Ethical Rules for Paralegals</p>	<p>The Indiana Supreme Court rejected Proposed Rule 2.2. Although the Indiana Rules of Professional Conduct govern an attorney's supervision of paralegals, there's nothing currently in place for governing these individuals directly. The Court did say they would be open to reexamining the issue.</p> <p>The Board of Governors of the Indiana State Bar Association (ISBA) fully supported comments to proposed Rule 2.2 as gathered by John Conlon, the ISBA appointed Chair of the subcommittee on proposed Rule 2.2 Paralegals. A report of the comments gathered was made to the ISBA House of Delegates and additional comments were</p>



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				<p>received from various delegates. Pursuant to his earlier request, all comments will be forwarded by ISBA to Chief Justice Randall T. Shepard for action by the Supreme Court.</p> <p>The Indiana Supreme Court is considering an addition to the Rules for Admission to the Bar. Indiana Supreme Court was accepting comments through 4/3/06 on voluntary paralegal registration. The comment period for the rule ended in April 2006; comments were overwhelmingly positive. In October 2006, the Indiana State Bar Association Board of Governors unanimously passed a resolution for a favorable recommendation of support of proposed Rule 2.2. This proposal defines paralegals, establishes educational requirements and bans disbarred attorneys, felons and those convicted of UPL from registering. Paralegals now await adoption by the Indiana Supreme Court. The proposal can be found at http://www.in.gov/judiciary/rules/proposed/2005/dec-a&d-paralegal.pdf</p>



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				In October of 1993, the Indiana Supreme Court issued an Order amending the Rules of Professional Conduct, combining the ethical rules and the model guidelines for utilization of legal assistants proposed by the Indiana State Bar Association.
II	Iowa	<p>Rule of Professional Conduct 32:5.3 Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.</p> <p>www.legis.state.ia.us/rules/current/court/courtrules.pdf</p>	Paralegal Certification	An opinion issued by the Iowa Supreme Court Board of Professional Ethics and Conduct in September 2003 stated that it was desirable for legal assistants to achieve certification by NALA.
II	Kansas	<p>Rule of Professional Conduct 5.3 Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.</p> <p>www.kscourts.org/ctruls/rule5.htm#5.3</p>	None Bar Assoc. Utilization Standards	<p>In February, 2008, Kansas paralegal associations presented a voluntary certification program proposal to the Kansas Bar Board of Governors. This is still pending.</p> <p>The Kansas Bar Association adopted Official Standards and Guidelines for the Utilization of Legal Assistants/paralegals in Kansas in 2004.</p>



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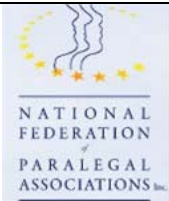
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III	Kentucky	<p>Supreme Court Rule 3.700 defines paralegal as “a person under the supervision and direction of a licensed lawyer, who may apply knowledge of law and legal procedures in rendering direct assistance to lawyers engaged in legal research; design, develop or plan modifications or new procedures, techniques, services, procedures or applications; prepare or interpret legal documents and write detailed procedures for practicing in certain fields of law; select, compile and use technical information from such references as digests, encyclopedias or practice manuals; and analyze and follow procedural problems that involve independent decisions.</p> <p>http://www.kybar.org/documents/scr/scr3/scr_3.700.pdf</p>	Voluntary Paralegal Certification Through Paralegal Association	<p>Certified Kentucky Paralegal Program – still pending See www.kypa.org/ckp.pdf for the proposal Manual In 1997 the Kentucky Paralegal Association proposed a statewide voluntary paralegal certification exam. The KPA is developing the exam and study materials. Completion of the exam is pending. Successful completion of the PACE or CLA exams will exempt the paralegal from the general knowledge portion of the exam.</p>
II	Louisiana		Voluntary Paralegal Certification Through Paralegal Association	<p>In 1996, the Louisiana State Paralegal Association developed a statewide voluntary paralegal certification exam. The two-part certification process includes successful completion of NALA’s CLA exam as well as the LCP exam.</p>



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				www.la-paralegals.org
V	Maine	<p>Effective 1999 Paralegal" and "legal assistant" mean a person, qualified by education, training or work experience, who is employed or retained by an attorney, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which an attorney is responsible (the ABA definition)</p> <p>http://janus.state.me.us/legis/statutes/4/title4sec921.html</p>	None	<i>(confirmed by Governor's Office)</i>
IV	Maryland	<p>Rule of Professional Conduct 5.3 Does not define paralegals but considers "paraprofessional" as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct.</p> <p>http://www.courts.state.md.us/rules/Rule5.3-LetterReport.pdf</p>	None	HB 1029 (defeated 1988) providing for the regulation of paralegal/legal assistant; creating a state regulatory board to review the provision of paralegal/legal assistant services
V	Massachusetts	<p>Rule of Professional Conduct 5.3 Does not define paralegals but considers "paraprofessional" as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are</p>	None	



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		responsible for their assistants' conduct. http://www.mass.gov/obcbbo/rpc5.htm#Rule%205.3		
III	Michigan	Rule of Professional Conduct 5.3 Does not define paralegals but considers "paraprofessional" as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. http://www.michbar.org/generalinfo/pdfs/mrpc.pdf	None	



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II	Minnesota		Regulation of Legal Assistants	In 1991, as a result of S.F. 520 (Referred to the Committee on Judiciary) relating to legal services; providing for the creation of a state board of specialized legal assistants; requesting the supreme court to adopt rules governing the delivery of legal services by specialized legal assistants; amending Minnesota statutes 1990 section 481.02, subdivision 3 the Minnesota Legislature enacted Chapter 299, Senate File 520 directing the Supreme Court to undertake a study of regulation of legal assistants. This died in committee.
III	Mississippi	Rule of Professional Conduct 5.3 Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.	None	
II	Missouri	Rule of Professional Conduct 5.3 Does not define paralegals but considers “paraprofessional” as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are	Regulation of Paralegals	In 2003 the Southwest Missouri Paralegal Association formed a committee to draft a proposal to be presented to the Missouri Bar Association’s Paralegal Committee. The



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		<p>responsible for their assistants' conduct.</p> <p>www.courts.mo.gov/courts/clerkhandbooksp2rulesonline.nsf/supreme%20court%20rules?openview</p>		<p>Paralegal Committee drafted a proposed court rule for the attorney supervision of paralegals that was rejected by SMPA because they wanted a self-governing rule. The committee is drafting a Code of Ethics and Professional Responsibilities for Paralegals based on the Ethics Code followed by the State Bar as well as a proposal outlining education and testing for paralegals.</p> <p>In 1991 the Kansas City Association of Legal Assistants drafted a bill for the State of Missouri Relating to Legal Assistants and independent Legal Technicians and their Role in the Delivery of Legal services.</p>
I	Montana	<p>Rule of Professional Conduct 5.3 Does not define paralegals but considers "paraprofessional" as non-lawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct.</p> <p>http://data.opi.state.mt.us/bills/mca/37/60/37-60-101.htm</p>	Regulation of Paralegals	<p>In September of 1994, the Montana State Bar Board of Trustees voted to petition Montana Supreme Court to adopt rules regulating paralegals which included education and testing requirements. Supreme Court No. 94-577 was denied</p>



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II	Nebraska	<p>“support person” and “paraprofessional” in its definition of nonlawyer assistants. The rule states attorneys must supervise their assistants and are responsible for their assistants’ conduct.</p> <p>http://court.nol.org/rules/RulesProfConduct.34.pdf</p>	None	
I	Nevada	<p>Nevada Supreme Court Rule 187 does not define paralegals, but states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.</p> <p>http://www.leg.state.nv.us/courtrules/scr.html</p>	Certification of Paralegals by State Bar	<p>In 2001 a Task Force was established by the State Bar of Nevada’s Legal Assistant’s Division to prepare a proposal on a certification program for the state’s legal assistants. It is still being developed.</p> <p>3/10/93 Assembly Bill 341 defining paralegal as “a person who is not an active member of the State Bar of Nevada and who provides, or holds himself out as providing any form of legal assistance to another person for compensation.” It also provides for a Paralegal Council composed of 5 licensed paralegals, 1 atty and a rep of the public who would be responsible for administering an examination for the licensing of paralegals</p>



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V	New Hampshire	<p>New Hampshire Supreme Court Administrative Rule 25 defines a paralegal as a person not admitted to the practice of law in the state who is under the direct supervision of an active member of the New Hampshire State Bar</p> <p>www.courts.state.nh.us/rules/scr/scr-35.htm</p>	None	
IV	New Jersey		Registration of Paralegals	<p>The New Jersey Supreme Court denied a proposal from its special committee calling for the mandatory licensing of paralegals; however, it encouraged local associations to consider the development of a credentialing system.</p> <p>In the early 1990's a state Supreme Court committee called for paralegal licensure but the state bar objected stating that the process was unnecessarily burdensome. In 1998, the New Jersey Supreme Court Committee on Paralegal Education and Regulation issued a report with its recommendations as to goals, standards and ethics for paralegals. The Committee's recommendations were defeated by the Supreme Court in 1999. The Court held that</p>



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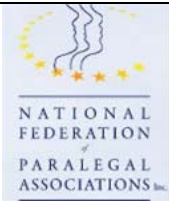
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				<p>lawyers, not the court, are responsible for supervising paralegals and that any credentialing or standards should be worked out from within the profession.</p> <p>In June 2003, the State Bar's Board of Trustees met to discuss a registration proposal from the Bar's Paralegal Committee and ultimately asked the Supreme Court was to review and issue a recommendation on the Bar's ability to oversee paralegals.</p>
II	New Mexico	<p>A. a "paralegal" is a person who:</p> <p>(1) contracts with or is employed by an attorney, law firm, corporation, governmental agency or other entity;</p> <p>(2) performs substantive legal work under the supervision of a licensed attorney who assumes professional responsibility for the final work product; and</p> <p>(3) meets one or more of the education, training or</p>	None	<p>In 2004, the state Supreme Court amended its rules to establish minimum standards for calling oneself a "paralegal" and to discourage disbarred or suspended attorneys along with those not qualified from using the title. (www.nmlaws.org)</p> <p>1993 SB 804 proposing to authorize prescribed "legal assistant services" to be delivered directly to the public by nonlawyers. (referred to committee?)</p>



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		<p>work experience qualifications set forth in Rule 20-115 NMRA of these rules; and</p> <p>B. "substantive legal work" is work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer.</p>		
V	New York	<p>New York State Bar Association has adopted Guidelines for the Utilization of Paralegals/Legal Assistants which includes the following definition: A legal assistant/paralegal is a person who is qualified through education, training or work experience to be employed or retained by a lawyer, law office, governmental agency, or other entity in a capacity or function that involves the performance, under the ultimate direction and supervision of, and/or accountability to, an attorney, of substantive legal work, that requires a sufficient knowledge of legal concepts such that, absent such legal assistant/paralegal, the attorney would perform the task.</p> <p>Guidelines can be found at: http://www.nysba.org/Content/NavigationMenu/Attorney Resources/Law Practice Management1/Paralegal Information/Paralegalguidelines.pdf</p>	None	<p>Empire State Alliance of Paralegal Associations is preparing a position paper on regulation of the paralegal profession and intends to develop a proposal for regulation of New York paralegals.</p>



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III	North Carolina		Voluntary Certification Through State Bar	Plan for Certification was adopted by the North Carolina Bar Association on July 16, 2004 and became effective on October 1, 2004. http://www.nccertifiedparalegal.org/
II	North Dakota	Legal assistant as someone who works under the direct supervision of a licensed lawyer and whose work product is the complete responsibility of the attorney. www.ndcourts.com/court/rules/conduct/rule5.3.htm	None	
III	Ohio		Voluntary through State Bar OSBA Certified Paralegal.	The Ohio State Bar Association (OSBA) has established a credentialing program for paralegals. Paralegals interested in earning a certification good for four years must meet educational standards stipulated by the bar association, have sufficient experience and pass an examination. Applications were available beginning Jan. 1, 2007 at ohioabar.org . The first exam will be offered in March 2007.



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REGION	STATE	DEFINITION	TYPE OF REGULATION	DESCRIPTION
II	Oklahoma	Paralegal" and "legal assistant" mean a person, qualified by education, training or work experience, who is employed or retained by an attorney, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which an attorney is responsible (the ABA definition)	Paralegal Standards	The Oklahoma Bar Association Legal Assistant Services Committee drafted a legal assistant definition and minimum education and skill standards for legal assistants. The OBA's Board of Governor's approved both.
I	Oregon		Licensure of Independent Paralegals	<p>In 1991 the Oregon State Bar Task Force on Legal Technicians was formed to recommend the draft plan for the regulatory program for the licensing of paralegals or legal technicians. In 1997 House Bill 3082 was introduced addressing the licensure of paralegals. It was found that the bill was not complete with regard to educational requirements. The bill was amended and resubmitted where it died in committee.</p> <p>SB 379 nonlawyer w/at least four years of experience in Immigration matters to act as an immigration consultant (1993) The bill died in committee.</p> <p>SB 941 providing for the establishment of a</p>



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				<p>State Board of Legal Technician Examiners. The bill died in committee.</p> <p>SB 1068 in the 1991 Regular Session related to legal technicians.</p>
IV	Pennsylvania	<p>Pennsylvania Consolidated Statutes Section 2424(a) of Title 42 states paralegals and legal assistants can't deliver legal services without attorney supervision and can't present themselves as people entitled to practice law. The law was passed in 1996 in response to widespread concern that it was misleading to potential clients for people using the terms "paralegal" and "legal assistant" in ads.</p>	Voluntary Certification through Keystone Alliance of Paralegal Associations	<p>In April 2008, the Keystone Alliance started offering a voluntary certification program to those individuals who choose to become a Pennsylvania Certified Paralegal and use the designation of Pa.C.P. to provide paralegal employees and employers a benchmark of qualified individuals that are competent to provide legal services under the supervision of an attorney.</p>
V	Rhode Island	<p>Supreme Court Provisional Order No. 18 was established in 1983 and defines a legal assistant as: "one who under the supervision of a lawyer, shall apply knowledge of the law and legal procedures in rendering direct assistance to lawyers, clients and courts; design, develop and modify procedures, techniques, services and processes; prepare and</p>		<i>Task Force in Bar Association?</i>



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		interpret legal documents, detail procedures for practicing in certain fields of law; research, select, access and compile information from the law library and other references; and analyze and handle procedural problems that involve independent decisions.		
III	South Carolina	<p>Rule 5.3 of the Supreme Court of South Carolina Rules of Conduct does not define paralegals, but considers “paraprofessionals” as nonlawyer assistants. The rule states that lawyers must direct supervise their assistants and are responsible for their assistants’ conduct</p> <p>www.judicial.state.sc.us/courtreg/listapprules.cfm</p>	Regulation of Paralegals	In 2003 the South Carolina Alliance of Legal Assistant Associations submitted a proposal for regulation of paralegals to the South Carolina Bar Association’s Board of Governors which included a definition, educational standards, code of ethics and guidelines for paralegal utilization. The Bar Association’s House of Delegates tabled the proposal. In response to this move, the Bar set up a Task Force to look at the issue of regulation.



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II	South Dakota	<p>South Dakota Supreme Court Rule 97-25 defines legal assistants as a distinguishable group that assists attorneys and has expertise regarding the legal system, substantive and procedural law, the ethical considerations of the legal profession and state rules, which qualify them to do work of a legal nature under the direct supervision of a licensed attorney.</p> <p>This rule has been changed to replace the term <i>paralegal</i> for legal assistant; the rule change was approved by the state bar and will be submitted to the legislature in late 2006 or early 2007.</p> <p>http://legis.state.sd.us/statutes/displaystatute.aspx?type=statute&statute=16-18-34</p>	Paralegals Standards	<p>In December 2006, the State Bar submitted proposed changes to SDCL 16-18-34 to the Supreme Court to revise the definition of paralegal and set minimum qualifications for paralegals. The Supreme Court held hearings in 2007 on the proposal, however, the proposal was rejected.</p> <p>In June 2004 the Legal Assistant's Committee of the South Dakota State Bar submitted a proposal to the Bar for the consideration of the establishment of educational requirements for the state's paralegals.</p>
III	Tennessee	<p>Rule 5.3 effective in 1981, a lawyer should give "nonlawyer assistants" and "paraprofessionals" appropriate instruction and supervision "concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product.</p> <p>www.tsc.state.tn.us/opinions/tsc/rules/tnrulesofcour/06supct1_9.htm</p>	Tennessee District Attorney's Office Certification of Paralegals	<p>HB 1302 and SB 854 established certified paralegal positions in the district attorney's office. Both bills died in committee in 1995.</p>



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II	Texas	<p>In 2005, the State Bar of Texas Board of Directors, and the Paralegal Division of the State Bar of Texas, adopted a new definition for “Paralegal:”</p> <p>A paralegal is a person, qualified through various combinations of education, training, or work experience, who is employed or engaged by a lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of a licensed attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal principles and procedures that, absent such person, an attorney would be required to perform the task.</p> <p>On April 21, 2006, the State Bar of Texas Board of Directors approved amending this definition by including the following standards, which are intended to assist the public in obtaining quality legal services, assist attorneys in their utilization of paralegals, and assist judges in determining whether paralegal work is a reimbursable cost when granting attorney fees:</p>	Certification (voluntary)	<p>In 1974 The State Bar of Texas adopted voluntary specialty certification program for paralegals in Texas, structured after the voluntary specialty certification program for attorneys in Texas, which is governed by the Texas Board of Legal Specialization. After passing exam, one becomes a Board Certified Legal Assistant – [Area of Law], Texas Board of Legal Specialization</p> <p>www.tbls.org</p>



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REGION	STATE	DEFINITION	TYPE OF REGULATION	DESCRIPTION
		<p>A. Support for Education, Training, and Work Experience:</p> <p>1. Attorneys are encouraged to promote:</p> <ul style="list-style-type: none"> a. paralegal attendance at continuing legal education programs; b. paralegal board certification through the Texas Board of Legal Specialization (TBLS); c. certification through a national paralegal organization such as the National Association of Legal Assistants (NALA) or the National Federation of Paralegal Associations (NFPA); and d. membership in the Paralegal Division of the State Bar and/or local paralegal organizations. <p>2. In hiring paralegals and determining whether they possess the requisite education, attorneys are encouraged to consider the following:</p> <ul style="list-style-type: none"> a. A specialty certification conferred by TBLS; or b. A CLA/CP certification conferred by NALA.; or c. A PACE certification conferred by NFPA; or d. A bachelor's or higher degree in any field together 		



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		<p>with a minimum of one (1) year of employment experience performing substantive legal work under the direct supervision of a duly licensed attorney AND completion of 15 hours of Continuing Legal Education within that year; or</p> <p>e. A certificate of completion from an ABA-approved program of education and training for paralegals; or</p> <p>f. A certificate of completion from a paralegal program administered by any college or university accredited or approved by the Texas Higher Education Coordinating Board or its equivalent in another state.</p> <p>3. Although it is desirable that an employer hire a paralegal who has received legal instruction from a formal education program, the State Bar recognizes that some paralegals are nevertheless qualified if they received their training through previous work experience. In the event an applicant does not meet the educational criteria, it is suggested that only those applicants who have obtained a minimum of four (4) years previous work experience in performing substantive legal work, as that term is defined below, be considered a paralegal.</p>		



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		<p>B. Delegation of Substantive Legal Work:</p> <p>"Substantive legal work" includes, but is not limited to, the following: conducting client interviews and maintaining general contact with the client; locating and interviewing witnesses; conducting investigations and statistical and documentary research; drafting documents, correspondence, and pleadings; summarizing depositions, interrogatories, and testimony; and attending executions of wills, real estate closings, depositions, court or administrative hearings, and trials with an attorney.</p> <p>"Substantive legal work" does not include clerical or administrative work. Accordingly, a court may refuse to provide recovery of paralegal time for such nonsubstantive work. Gill Sav. #####'n v. Int'l Supply Co., Inc., 759 S.W.2d 697, 705 (Tex. App. Dallas 1988, writ denied).</p> <p>C. Consideration of Ethical Obligations (See Note* below):</p> <p>1. Attorney. The employing attorney has the responsibility for ensuring that the conduct of the</p>		



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		<p>paralegal performing the services is compatible with the professional obligations of the attorney. It also remains the obligation of the employing or supervising attorney to fully inform a client as to whether a paralegal will work on the legal matter, what the paralegal's fee will be, and whether the client will be billed for any nonsubstantive work performed by the paralegal.</p> <p>2. Paralegal. A paralegal is prohibited from engaging in the practice of law, providing legal advice, signing pleadings, negotiating settlement agreements, soliciting legal business on behalf of an attorney, setting a legal fee, accepting a case, or advertising or contracting with members of the general public for the performance of legal functions.</p> <p>*Note: a more expansive list is included in the "General Guidelines for the Utilization of the Services of Legal Assistants by Attorneys" approved by the Board of Directors of the State Bar of Texas, May, 1993.</p>		



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		State Bar of Texas at www.texasbar.com/paralegalstandards		
II	Utah	Supreme Court Rule of Professional Conduct 5.3 states that paralegals work under the ultimate supervision of attorneys, who are responsible for their paralegals' work product and must give appropriate instruction concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client http://www.utcourts.gov/resources/rules/ucja/13_p_r oco/5_3.htm	Licensure of Paralegals	In April of 1998 the Licensing of Legal Assistants Committee of the Legal Assistants Division of the Utah State Bar issued a report recommending mandatory licensing of paralegals to include education, attorney supervision and the NALA exam as the most reliable standard for competency.



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V	Vermont	<p>Vermont Rule of Professional Conduct 5.3 doesn't define paralegals, but states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct.</p> <p>www.vermontjudiciary.org/committees/prbrules/vtpcfrulespage.htm</p>	Licensure of Paralegals	<p>In January of 1994 a house bill was introduced establishing licensed legal technicians and a governing board which included an exam and educational requirements.</p> <p>In January 1994 a senate bill was introduced establishing licensed legal technicians but with a different governing body.</p>
IV	Virginia	<p>Virginia Supreme Court Rule 5.3 doesn't define paralegals but states that lawyers must directly supervise their assistants are responsible for their assistants' conduct.</p> <p>www.courts.state.va.us/scv/amendmentsrule3_5_rule5_3_092603.pdf</p>	Paralegal Standards	<p>In 1994 the Virginia Alliance of Legal Assistant Associations developed and proposed to the Virginia State Bar educational standards and professional responsibility guidelines for legal assistants. These were adopted by the Virginia State Bar in March of 1995.</p> <p>http://www.skewedperspective.com/vapa/educational.html</p>



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I	Washington	Limited Practice Rule for Legal Technicians	Licensure of Legal Assistants	<p>In 2008, the Practice of Law Board (POL) proposed a Legal Technician Rule. Legal technicians are envisioned to be educated, tested and certified nonlawyers authorized to provide limited legal services in specific areas. The Supreme Court is looking at it and the rule is still pending.</p> <p>1997 HB 1451 A bill to license legal assistants was introduced in the legislature but died in subcommittee.</p> <p>In December 2005, the Washington State Practice of Law Board drafted a regulation proposal, which the bar's Board of Governors will consider in early 2006. If the board approves the draft, it will be submitted to the state Supreme Court for consideration. The proposal includes a definition, certification and educational requirements.</p> <p>www.wsba.org/lawyers/groups/practiceoflaw/default.htm</p>



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IV	West Virginia	<p>Rule 5.3 states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct</p> <p>www.wvbar.org/barinfo/rulesprofconduct/rules5.htm</p>	None	
II	Wisconsin	<p>The Supreme Court of Wisconsin took up a petition for a court rule (Rule 23) defining the practice of law at a public hearing on December 10, 2007. Wisconsin Legislative Statute 757.30 adopted a criminal statute for practicing law without being duly licensed, but, did not clearly define what constituted the practice of law. Because of the lack of definition, district attorneys in Wisconsin tend not to investigate or pursue complaints against unlicensed person practicing law. The Supreme Court will discuss this matter and any amendments thereto on March 14, 2008 in an open administration conference.</p>	None	<p>In April 2008, the Wisconsin Supreme Court denied the State Bar paralegal petition which would have established licensure and regulation for paralegals. The court will encourage the Bar to work with other interested groups to consider creating a voluntary certification program using programs currently used in other states as models. Even though the court denied the petition, the justices emphasized that they recognize the valuable service provided by paralegals.</p> <p>In 1994 The State Bar of Wisconsin created the Paralegal Practice Task Force to both address concerns expressed over unmet legal needs, and to pursue the State Bar of Wisconsin's Commission on the Delivery of Legal Services recommendations. The Task Force's intent is to "establish criteria for the</p>



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				<p>licensure of paralegals in Wisconsin so as to establish recognized standards of training, education and qualifications that will assure attorneys, consumers and the court that the persons providing paralegal services in the State of Wisconsin have achieved a level of ability that can be measured and recognized."</p> <p>See :</p> <p>http://www.wisbar.org/bar/reports/2004/ptf_final_2004.pdf</p> <p>Current Status: Report finalized January 2004; submitted to State Bar in February 2004; Board of Governors of State Bar petitioned the Supreme Court of Wisconsin to establish a system for the licensure and regulation of paralegals in Wisconsin; Wisconsin Supreme Court held a public hearing on October 27, 2004 regarding the Board of Governor's Petition 04-03; Supreme Court met in open administrative</p>



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				<p>conference on December 16, 2004 to discuss Petition 04-03. .The petition for licensure remains on the Court's list of Pending Rules and Petitions.</p> <p>The Supreme Court of Wisconsin will take up the mandatory licensing of paralegals at a hearing on April 7, 2008. The State Bar of Wisconsin is bringing this issue to the Supreme Court based on their Paralegal Practice Task Force Final Report, which was completed in January 2004.</p> <p>NFPA continues to monitor this pending regulation.</p>
II	Wyoming	<p>Wyoming Rule of Professional Conduct 5.3 doesn't define paralegals but considers "paraprofessionals" as non-lawyer assistants. The rule states lawyers must directly supervise their assistants and are responsible for their assistants' conduct.</p> <p>http://courts.state.wy.us/rules/professional%20conduct%20for%20attorneys.html</p>	None	



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History:

Revised January 2009 by Robin Nicholson

Revised March 2008 by Wayne Akin

Revised July 2006, March 2007 by Tracey L. Young, RP

Revised April 2006 by Jane F. Sakiewicz, RP