



Lisa B. Vessels, RP, CP, FRP
Vice President & Director of Positions and Issues
c/o DUANE MORRIS LLP
200 S. Biscayne Blvd., Ste. 3400
Miami, FL 33131
(305) 960-2283
VPPI@paralegals.org

September 12, 2013

The Honorable Jonathan Lippman
The Honorable Luis A. Gonzalez
The Honorable Randall T. Eng
The Honorable Karen K. Peters
The Honorable Henry J. Scudder
The Honorable A. Gail Prudenti
David M. Schraver, Esq.
CivilLegalServices@NYCourts.gov

RE: Task Force to Expand Access to Civil Legal Services in New York

Dear Justices and Mr. Schraver:

The National Federation of Paralegal Associations, Inc. (NFPA) is a non-profit paralegal professional organization, founded in 1974, and currently represents the largest number of individual paralegal members in the United States. As the first national paralegal professional organization, NFPA is directed by its membership to be issues-driven, and policy-oriented.

Four paralegal professional associations in the state of New York are member associations of NFPA: Capital District Paralegal Association in Albany, New York City Paralegal Association, Paralegal Association of Rochester, and Western New York Paralegal Association, Inc. in Buffalo (hereinafter collectively, "NY Member Associations.") The NY Member Associations are also members of the Empire State Alliance of Paralegal Associations (ESAPA) an alliance of seven paralegal professional associations in the state of New York.

NFPA is addressing the issue of possible non-lawyer practice program proposals as it pertains to the topic of: "The current state and scope of the unmet need for civil legal services by low income New Yorkers confronting legal problems involving the 'essentials of life,' including housing, family stability and personal safety in domestic relations, access to health care or education, or subsistence income and benefits."

The NY Member Associations share the concern of the justices voiced over the past few years on the subject Task Force (NY Task Force) regarding unmet legal needs of low-income New York citizens. They believe a limited license legal technician (LLLT) program, similar to one implemented in the state of Washington, may be a beneficial start to resolve some of these unmet needs.

23607 Hwy 99, Ste. 2-C
Edmonds, WA 98026

p: 425-967-0045
f: 425-771-9588

info@paralegals.org
www.paralegals.org

The NY Member Associations believe the time is ripe to implement a pilot project regarding limited non-lawyer practice as recommended in the NY Task Force's November 2012 report. They recognize a pilot project will require lengthy research and collaboration among all concerned parties, and would welcome the opportunity to participate.

NFPA formally addressed the issue of non-lawyer practice in 2005, and published a position statement outlining the following minimum standards for a non-lawyer limited practice. NFPA's Position Statement is attached for ease of reference and is also available on our website at: http://www.paralegals.org/associations/2270/files/non_lawyer_practice.pdf. The NY Member Associations support these minimum standards for a limited non-lawyer practitioner, as follows:

- (a) Minimum post-secondary education substantially equivalent to a bachelor's degree in paralegal studies, plus two years of substantive paralegal experience under an attorney licensed to practice law in the state in which the non-lawyer practice will occur (see Appendix A).
- (b) Advanced competency testing as to specialty practice area, and limitation of practice as prescribed by laws, regulations, or court rules.
- (c) Required Continuing Legal Education (see Appendix B)
- (d) Required Fitness and Character criteria (see Appendix C)
- (e) Required Bonding or Insurance.

NFPA and their NY Member Associations applaud the strides that the Washington State Supreme Court made with the implementation of the LLLT Rule (Admission to Practice Rule 28). The creation of a separate board to oversee the operational details which includes non-lawyers and educators is essential to efficient implementation of a new profession. The due diligence employed in the creation of the program by the state of Washington is a model for all.

The NY Member Associations and NFPA stand ready to assist the NY Task Force with any additional resources at our disposal on this particular topic. Please contact me at the telephone number or email address above with any questions or if additional information is required.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. B. Vessels".

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