

Sally Andress, RP
Paralegal Outsourcing
505 Blueberry Hill Rd.
Shaftsbury, Vermont 05262
802.442.2522
214.704.1800 (cell)
president@paralegals.org

February 20, 2001

Ms. Fran Johanssen
Arizona State Bar Association
111 West Monroe
Suite 1800
Phoenix, Arizona 85003-1742

Re: Paralegals and the Unauthorized Practice of Law

Dear Ms. Johanssen:

The National Federation of Paralegal Associations (NFPA) has been advised by our local association, the Arizona Association of Professional Paralegals, Inc. (AzAPP) and other sustaining members of NFPA living and working in Arizona, of your project to define paralegals as part of your effort to create standards for the unauthorized practice of law in Arizona. Both AzAPP and those individual sustaining members have asked NFPA to provide information on the paralegal profession that we feel would assist your committee in reaching its stated goal.

Known as the leader in the paralegal profession, NFPA is a non-profit organization representing over 17,000 paralegals through our 57 member associations nationwide.

The practice of law is a business and the ever increasing need for high quality legal services has made it necessary for attorneys to find new, innovative ways to meet these needs and continue to maintain the integrity of the profession while maintaining a profitable law practice.

Paralegals are an integral part of the legal services team. Their proper utilization in an expanded role performing substantive legal work for which an attorney is ultimately responsible would serve to increase access to justice allowing attorneys to provide high quality, cost effective legal services so in demand in every area of the country. Added benefits include the ability for lawyers to maintain and, in fact, increase their profits by working on the more complex issues of law while permitting paralegals to perform other substantive tasks to complete the strategy of a legal matter. Further, this presents an opportunity to change the public's current perception of the legal profession.

The medical profession, when faced with a similar crisis occasioned by the insurance companies reduction in fee reimbursement, expanded the medical team to include physician's assistants. As the needs of patients grew and insurance company reimbursement mandated the fees that could

be charged, the role of the physician's assistants grew. Physicians remain ultimately responsible for the substantive medical tasks performed by physician's assistants which include writing prescriptions and seeing patients. Training for physician's assistants while not as extensive of that required by a doctor, includes a curriculum of medical based courses, continuing medical education, a testing mechanism, an ethical component and the issuance of a license.

Critical to any paralegal "definition" that would seek to protect the public as well as meet the needs of the legal profession, is a well rounded policy that must include minimum educational criteria, a testing mechanism, an ethical component and continuing legal education.

NFPA prides itself on being a grass roots organization whose members create the policies that this federation may espouse.

To be recognized as an integral part of the legal profession across the United States, our delegates promulgated policies and created model codes to assist states in their individual processes to include paralegals in their statutes, codes, court rules, laws, etc.

It must be noted that while any policy or definition of paralegal would necessarily be exclusive to those persons who fail to meet its criteria, there must be a grand parenting period which would not exclude paralegals currently working in Arizona under the criteria mandated by your committee. Just as critical would be a sunset of said provision.

Paralegals across the country are assigned substantive legal work by their employers and we enclose for your ready reference our publication "Paralegal Responsibilities" detailing the many tasks properly delegated to paralegals in various practice areas.

As matters presently stand, there are no set educational standards for paralegals. NFPA delegates ratified an educational curriculum that calls for 24 hours of legal specialty courses encompassed in either a degree or certificate program. A copy of the curriculum is attached for your review.

Professions by their very nature, require some form of regulation to properly distinguish those persons who may properly call themselves members of that particular profession.

Regulation may take the form of registration, certification or licensure. Again, NFPA, aspiring to the highest level of advanced competency, created policy which has licensure (specifically two tier licensure including specialty licenses) as our preferred form of regulation.

Such licensing would encompass the passing of a competency based examination, adherence to a code of ethics and continuing legal education. This criteria is detailed in NFPA's Model Code of Licensure and our Model Code of Professional Responsibility and Guidelines for Enforcement, copies of which accompany this submission.

The Paralegal Advanced Competency Exam (PACE) was our answer to the need for a psychometrically valid test that would gauge the advanced competencies of paralegals in all practice areas with ethical components woven throughout. The successful PACE candidate earns the designation "Registered Paralegal" or "RP" and maintains this designation with the

completion of 12 hours of CLE every two years. Currently, Arizona has eight paralegals who have earned the RP designation.

While NFPA opposes the unauthorized practice of law, they strongly uphold the need for the legal profession to provide pro bono legal services to those people, who despite our best efforts to provide cost effective legal services, cannot afford them. NFPA policy mandates that each of our members strive to perform 24 hours of pro bono service per year. To facilitate this policy, NFPA has working relationships with AARP, the American Bar Association's Conference on Equal Justice and is always seeking new ways that paralegals may assist in the pro bono arena. Additionally, NFPA recognized the efforts of paralegals in pro bono efforts by bestowing annual awards to individuals and association for their pro bono achievements.

Our federation maintains a wonderfully informative web site at www.paralegals.org and we invite you to visit our site to learn more about us.

We hope the foregoing will prove of value to your committee in providing for the role of paralegals as part of your UPL statutes. If you require additional information or wish to speak to someone about these matters, please contact either me or Mary Kay Rivera, RP, our present Vice President and Director of Positions and Issues. Ms. Rivera can be reached at the office of Richard A. Glickel, Esq., Two Crosfield Avenue, Suite 103, West Nyack, New York 10994; her work number is (845) 353-4300 and you may email her at VPPI@paralegals.org. On a local level, you can contact our Region I Director, Lee Davis at LeeDav@aol.com.

Thank you for allowing NFPA to provide this information to you.

Very truly yours,

Sally Andress, RP
President

enclosures

cc: NFPA Board of Directors