



NATIONAL
FEDERATION
of
PARALEGAL
ASSOCIATIONS Inc.
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*NFPA – The Leader
of the Paralegal Profession®*

January 27, 2012

American Bar Association
Commission on Ethics 20/20
Center for Professional Responsibility
15th Floor
321 N. Clark Street
Chicago, IL 60654

**COMMENTS TO ABA DISCUSSION DRAFT ON ALTERNATIVE
LAW PRACTICE STRUCTURE**

Dear Commission Members:

The National Federation of Paralegal Associations, Inc. (“NFPA”) hereby submits these comments to the American Bar Association Commission on Ethics 20/20’s Discussion Draft regarding Alternative Law Practice Structure. We want to thank the Commission for the opportunity to present these comments and for your time in reviewing them. NFPA appreciates the strong history of support from the ABA and looks forward to working with the ABA in areas affecting nonlawyers.

NFPA advocates the proposed amendment to Rule 5.4 and offers these comments in support thereof.

NFPA is a non-profit professional organization representing approximately 10,000 paralegals in the United States as well as having membership in other countries around the world. NFPA’s core purpose is the advancement of the paralegal profession. NFPA promotes a global presence for the paralegal profession and leadership in the legal community.

As defined by the ABA, “A legal assistant or paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.” As part of the legal team, paralegals play an integral role in the cost effective delivery of legal services.

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The ABA's Standing Committee on Paralegals has published the ABA Model Guidelines for the Utilization of Paralegal Services. In comments to Guideline 1, the ABA stresses that lawyers should delegate tasks to paralegals "so that legal services can be rendered more economically and efficiently."

Paralegals aid in the expansion and financial viability of law firms through the billing of their time. In its comments to Guideline 8, the ABA includes that the United States Supreme Court encourages the use of paralegals in aiding in the cost effective delivery of legal services. The Supreme Court held in *Missouri v. Jenkins*, 491 U.S. 274 (1989), that legal fees may include paralegal fees. Therefore, while aiding in the cost effective delivery of legal services for a firms' clients, paralegals also prove to be a valued source of income for their firms.

As referenced in the proposed draft resolution amending 5.4 of the ABA Rules of Professional Conduct, nonlawyers must read and understand the Rules of Professional Conduct and agree in writing to conform to these Rules. It is already inherent in the paralegal profession that paralegals understand and abide by these Rules of Professional Conduct. In fact, NFPA has, in addition to the ABA Model Rules, authored its own Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement (a copy of which is enclosed).

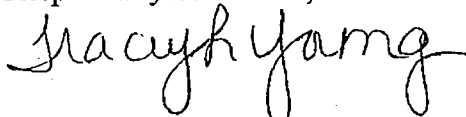
Based on the above, it is unequivocal that paralegals, as nonlawyers, clearly impact the strength of a law practice and contribute to the efficient and effective delivery of traditional legal services. Paralegals, properly utilized, aid in remedying the growing problems of unmet legal needs and increase access to justice. Furthermore, by allowing nonlawyer ownership, as proposed by this amendment, firms will be provided with the opportunity to recruit and retain quality paralegals.

It is irrefutable that paralegals meet the key requirements of the proposal for nonlawyer ownership by (1) actively participating in the delivery of legal services and (2) abiding by ABA Rules of Professional Conduct.

Whereby the ABA Commission on Ethics 20/20 seeks to amend the Rules of Professional Conduct to allow for Alternative Law Practice Structures for nonlawyers, including paralegals, NFPA concurs with the position of this amendment.

On behalf of NFPA and its members, we thank you for your time and consideration of this of these comments.

Respectfully Submitted,



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