

**STATE OF MINNESOTA
IN SUPREME COURT**

ADM19-8002

In Re: Implementation Committee for Proposed Legal Paraprofessional Pilot Project

**WRITTEN COMMENTS OF THE MINNESOTA PARALEGAL ASSOCIATION IN
SUPPORT OF IMPLEMENTATION OF THE PROPOSED LEGAL
PARAPROFESSIONAL PILOT PROJECT**

I. INTRODUCTION

The Minnesota Paralegal Association (MPA), submits these comments to relay the association’s support of Minnesota’s Proposed Legal Paraprofessional Pilot Program (LPPP). MPA is a professional association founded in 1974; comprised of paralegals living and/or working in the State of Minnesota, and we are dedicated to fostering the growth and development of the paralegal profession. The members of MPA adhere to a Code of Ethics, among them achieving and maintaining a high level of competence and personal and professional integrity, and striving to serve the public interests by contributing to the delivery of quality legal services and the improvement of the legal system.

II. SUPPORT FOR THE IMPLEMENTATION COMMITTEE

MPA and its members have received routine updates from the Implementation Committee for the Proposed Legal Paraprofessional Pilot Project, the committee tasked with developing the recommendation before you. MPA is confident in the recommendations and the process used by the Implementation Committee to reach these recommendations. When requesting feedback from our members about the Committee’s process, 81% said they were either “satisfied” or “very satisfied” with the Committee Process. Even more members were

confident in the rule changes recommended by the Implementation Committee. When asked how satisfied MPA members are with the Implementation Committee's recommendations, 84% said they were either "satisfied" or "very satisfied" with the recommendations.

III. SUPPORT FOR THE PARTICIPATION REQUIREMENTS

Many of our members are currently employed as a paralegals within the legal industry, and they are cognizant of the program's need to adhere to the strict guidelines concerning a candidate's legal experience and level of education as set forth in the recommendations. When asked how satisfied our members are with the recommended requirements to participate in the program's requirements, 82% said they were either "satisfied" or "very satisfied" with the recommendations. MPA specifically applauds the Committee's decision to have our association's Minnesota Certified Paralegal (MnCP) credential serve as a candidate's pathway to qualification in the program. The MnCP is a voluntary credential offered by the Minnesota Paralegal Association to paralegals throughout Minnesota as an opportunity to validate their experience and show their commitment to the profession and furthering their abilities. One area where MPA does not align with the Committee's recommendation, is a qualified candidate having no college degree and five years of paralegal experience. To align with our MnCP credential program requirements and the feedback we received from our members, MPA requests the Court consider that any individual looking to be a part of the LPPP, with a high school diploma or its equivalent, would have a minimum of ten (10) years of substantive paralegal experience, in addition to a minimum of ten (10) continuing legal education (CLE) credits.

An additional provision of MPA's Code of Ethics to which MPA members and Minnesota Certified Paralegals adhere to, is that the members shall not engage in the

unauthorized practice of law. We take seriously, and disagree with, any opinion that suggests this program will lead to the unauthorized practice of law. It is our opinion that the requisite experience and levels of education that are needed to participate in the program will identify candidates who understand well what it means not to engage in the unauthorized practice of law. Further, we note that candidates will only be allowed to participate in the program under the supervision of an attorney, and stress that it is the responsibility of both the paralegal and supervising attorney to identify the scope in which the paralegal is permitted to provide legal advice or work semi-independently within the LPPP.

IV. SUPPORT FOR THE SCOPE OF ALLOWABLE PRACTICE

MPA understands that the Court must provide a scope of allowable work when considering a program like the one before you. It is in this spirit that MPA supports the scope of allowable practices, included in the Committee's recommendations, namely: parenting time, paternity, and child support in family court; and tenancy issues in housing court. At 82%, we found the same level of support from our members for the scope of allowable practice that we found for the participation requirements.

Finally, we wish to also recognize the potential the program has in narrowing the access to justice gap the general public and legal system faces. The allowable practices included in the Committee's recommendations are among many where the demand for access to additional legal resources is greatly needed by both the public and the Court. A candidate possessing the qualifications outlined above, and the support and supervision of a qualified attorney, has a unique opportunity to provide the general public with these additional resources, giving individuals the representation they need and deserve in our justice system.

V. CONCLUSION

It is for these reasons that MPA requests that the Minnesota Proposed Legal Professional Pilot Program be approved for implementation. We thank the Committee for its commendable efforts in the research, evaluation and development of this project

Respectfully submitted,

MINNESOTA PARALEGAL ASSOCIATION

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