

**STATE OF MINNESOTA  
IN SUPREME COURT**

**ADM19-8002**

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**In Re: Implementation Committee for Proposed Legal Paraprofessional Pilot Project**

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**COMMENT OF NATIONAL FEDERATION OF PARALEGAL ASSOCIATIONS  
IN SUPPORT OF IMPLEMENTATION OF  
PROPOSED LEGAL PARAPROFESSIONAL PILOT PROGRAM**

**I. Introduction.**

The National Federation of Paralegal Associations, Inc. (NFPA), a professional organization founded in 1974 as the first national paralegal association, is an issues-driven, policy-oriented professional association directed by its membership, comprised of nearly 50 paralegal associations and representing approximately 6,000 individual members. NFPA promotes a global presence for the paralegal profession and leadership in the legal community. Its core purpose is to advance the paralegal profession.

In pursuit of this purpose, NFPA supports and advocates for paralegals to expand their roles in limited circumstances to increase access to justice for low and moderate income litigants that would otherwise be unrepresented. It is estimated in today's world that a very small percentage of those needing legal services are actually able to obtain them, as cited in evidence included with the report of the Committee for Proposed Legal Professional Pilot Project. It is NFPA's view that qualified paraprofessionals could and should be trained and utilized to help bridge the Access to Justice gap.

**II. Minnesota's Legal Paraprofessional Pilot Project.**

NFPA has watched the development of Minnesota's Proposed Legal Paraprofessional Pilot Project ("LPPP") with excitement, and it is honored to provide support to the Committee developing this Project as it makes its case before the Supreme Court to move it forward. A review of this Project makes us optimistic that the Committee has done a thorough job of developing a program that will be successful, enabling paraprofessionals to provide limited legal services to the public under the supervision of an attorney. We are encouraged by their efforts and applaud the job done by the committee. We are hopeful with this plan that they have avoided some of the pitfalls that have befallen other such programs.

### **III. Access to Justice.**

Individuals throughout the United States, including Minnesota, struggle to afford legal assistance. Legal aid clinics nationwide are overwhelmed and struggle with proper funding, leaving many pro se litigants to face their legal issues without competent affordable legal assistance. The LPPP was created to offer affordable options for legal services, particularly in certain practice areas with high demand where there are a high percentage of unrepresented individuals needing legal assistance. The LPPP Project will allow well-trained, experienced, and competent legal paraprofessionals to help meet the needs of those unable to afford a lawyer. NFPA supports, promotes and highlights programs like the LLLP nationally via conferences, webinars and presentations, including the ABA/National Legal Aid and Defender Association ("NLADA") Equal Justice Conference. It was in this environment that states like Utah, Oregon, Arizona, Illinois and Minnesota noticed and recognized the importance of developing innovative programs to address the shortfall in the growing demand of the access to justice.

### **IV. NFPA's Role in Advocating for Non-Lawyer Legal Professionals (NLLPs) to help bridge the Access to Justice Gap.**

NFPA addressed the issue of Non-Lawyer Practice in 2005 when it issued its first Position Statement on Non-Lawyer practice, and again in 2017 when it approved the updated Position Statement on Non-Lawyer Legal Professionals, which outlines the suggested criteria for the creation of such a Project, to wit:

NFPA supports legislation and adoption of court regulations permitting NLLPs to deliver limited legal services directly to the public<sup>1</sup>, provided that such legislation or court regulation includes:

1. Exceptions from the Unauthorized Practice of Law within the confines of the respective state's regulations and statements on Unauthorized Practice of Law;
2. Postsecondary education standards in the specialized area of law in which the non-lawyer legal professional ("NLLP") will practice;
3. Ethical standards that are substantially similar to the ABA and NFPA;
4. Continuing Legal Education ("CLE") consistent with NFPA's CLE standards;
5. Bonding or insurance requirements as set forth by the bonding authority;
6. A requirement that all NLLPs submit to advanced competency testing as to specialty practice area and limitation of practice as prescribed by the laws, regulations or court rules of the jurisdiction with the regulating authority.

Further, candidates for any NLLP plan shall have the following criteria:

1. Attestation by a licensed attorney familiar with the NLLP's substantive experience and work history; and

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<sup>1</sup> *NFPA understands that some of these items may not be a consideration under this Project, since paralegals will still be practicing under the supervision of an attorney.*

2. Fitness and character criteria consistent with NFPA's Fitness and Character model.

## **V. Conclusion**

A review of the Minnesota Proposed Legal Paraprofessional Pilot Project satisfies us that these criteria have been met, to the extent they are applicable. NFPA commends the Committee on its diligence to research, evaluate and develop this Project, which we believe has great potential for success. We highly advocate that the Minnesota Proposed Legal Professional Pilot Project be approved and allowed to move forward.

Respectfully submitted,

NATIONAL FEDERATION OF PARALEGAL  
ASSOCIATIONS

/s/ Lori J. Boris

Lori J. Boris, RP, MnCP

Vice President and Director of Positions and Issues

400 South 4th Street, Suite 754e

Minneapolis, MN 55415

[VPPI@paralegals.org](mailto:VPPI@paralegals.org)

Nita Serrano, RP®, FRP, AACP

NATIONAL FEDERATION OF PARALEGAL  
ASSOCIATIONS

President

400 South 4th Street, Suite 754e

Minneapolis, MN 55415

[President@paralegals.org](mailto:President@paralegals.org)