

**INDIANA RULES FOR ADMISSION TO THE BAR  
AND THE DISCIPLINE OF ATTORNEYS**

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**Rule 2.2 Paralegals**

**Section 1. Registration of Paralegals.**

**The Supreme Court shall have exclusive jurisdiction for registration of paralegals.**

**Section 2. Definitions.**

**(a) “Paralegal” means a person who is qualified through education, training, or work experience and is employed by a lawyer, law office, governmental agency, or other entity to work under the direction of an attorney in a capacity that involves the performance of legal work that usually requires a sufficient knowledge of legal concepts and that would be performed by an attorney in the absence of the paralegal.**

**(b) “Paralegal work” means delegated legal work performed under the supervision of an attorney and that would be performed by an attorney in the absence of the paralegal. “Paralegal work experience” means paralegal work performed a substantial amount of the time while employed by a lawyer, law office, governmental agency, or other entity. Time spent performing clerical work is specifically excluded.**

**(c) As used in this Rule, “Indiana Registered Paralegal” (“IRP”) means a paralegal registered with the Indiana Supreme Court under this Rule and employed under the supervision of a sponsoring attorney.**

**(d) As used in this Rule, “an approved paralegal program” means a program approved by the American Bar Association (“ABA”), or a program that is in substantial compliance with the ABA guidelines and accredited by a nationally recognized accrediting agency.**

**(e) As used in this Rule, “employing,” “supervising,” or “sponsoring” attorney means the attorney having direct supervision over the paralegal or the appropriate managing attorney of the law office, corporation, governmental agency, or other entity employing the paralegal.**

**Section 3. Requirements.**

**To qualify for registration and to use the title Indiana Registered Paralegal, an applicant must meet the following requirements:**

(a) A person applying for paralegal registration must be of good moral character.

(b) A person applying for paralegal registration shall use the prescribed form accompanied with a registration fee, as determined by the Supreme Court, to cover costs of administration and shall file with the Clerk of the Supreme Court at 217 State House, Indianapolis, Indiana 46204, stating his or her correct name and residence address. A registered paralegal shall notify the Clerk of the Supreme Court in writing of any change of address or name within thirty (30) days of such change. The Clerk shall keep a roll of registered paralegals together with their correct addresses, shall assign a registration number, and shall issue a registration card to each Indiana Registered Paralegal.

(c) A person applying for paralegal registration must satisfy at least one of the following educational and paralegal work experience requirements:

1. A high school diploma or its equivalent plus a minimum of six (6) years of paralegal work experience in the previous eight (8) years; or

2. A Bachelor's degree in paralegal studies from an approved paralegal program plus a minimum of one (1) year of paralegal work experience; or

3. A Bachelor's degree plus a minimum of two (2) years of paralegal work experience; or

4. An Associate's degree in paralegal studies from an approved paralegal program plus a minimum of three (3) years of paralegal work experience; or

5. An Associate's degree plus a minimum of four (4) years of paralegal work experience; or

6. A certificate in paralegal studies from an approved paralegal program plus a minimum of five (5) years of paralegal work experience; or

7. Successful completion of the Paralegal Advanced Competency Exam (PACE certification as offered by the National Federation of Paralegal Associations) and good standing with PACE; or

8. Successful completion of the Certified Legal Assistant/Certified Paralegal examination (CLA/CP certification as offered by the National Association of Legal Assistants) ("NALA") and good standing with NALA.

(d) An applicant under sub-paragraphs (c)(1) through (c)(6) shall provide written confirmation of paralegal work experience by affidavit of a supervising

attorney or attorneys who employed such person as a paralegal or legal assistant setting forth the period of time so employed and the duties performed; or

(e) A person applying for paralegal registration shall submit documentation supporting the application for registration to the supervising attorney. The documentation supporting the application shall include:

1. Proof of education in the form of certified copies of official grade transcripts;
2. Copies of PACE or CLA/CP certificate; and/or
3. An affidavit of the attorney or attorneys employing the applicant setting forth the length of the applicant's employment and describing the applicant's work experience and duties performed. The affiant shall affirm that the applicant works under the direction of an attorney in a capacity that involves the performance of delegated legal work which the applicant performs while employed by an attorney, law office, governmental agency, or other entity.

#### Section 4. Continuing Legal Education.

An Indiana Registered Paralegal shall complete a minimum of six (6) hours of continuing legal education each year. At least one (1) hour of such continuing legal education each year must be ethics credit. Each Indiana Registered Paralegal shall certify compliance with this requirement to the Commission for Continuing Legal Education.

#### Section 5. Ineligibility for Registration/Renewal.

A person ineligible for registration/renewal as an Indiana Registered Paralegal is:

- (a) A person who has been suspended or disbarred from the practice of law in any state or jurisdiction; or
- (b) A person who has been convicted of a felony, or its equivalent, or of unauthorized practice of law in any state or jurisdiction; or
- (c) A person who is currently under suspension, termination or revocation of a certification, registration or license to practice by a professional organization, court, disciplinary board, or agency in any jurisdiction; or
- (d) A person who fails to comply with prescribed continuing legal education requirements.

#### Section 6. Registration and Certificates.

The Clerk of the Supreme Court shall register an applicant for paralegal registration who submits the prescribed application and meets the registration requirements under this Rule as an Indiana Registered Paralegal and shall issue a certificate and a registration card as evidence of such registration. Upon an applicant meeting the foregoing prescribed requirements and being duly certified with the Clerk of the Supreme Court, such applicant shall receive a certificate and registration card issued by the Clerk of the Supreme Court.

#### Section 7. Renewal of Registration.

(a) An Indiana Registered Paralegal shall submit an application for renewal of paralegal registration, accompanied by administrative fees prescribed by the Supreme Court, to the Clerk of the Supreme Court on or before the anniversary date of the second year of registration and every second year thereafter. Failure to renew registration on or before the due date will result in an assessment of a late fee as determined by the Supreme Court.

(b) An Indiana Registered Paralegal must obtain a minimum of six (6) hours of continuing legal education, including one (1) hour of ethics credit, annually and report continuing legal education requirements in the same manner as attorneys report to the Indiana Commission for Continuing Legal Education.

#### Section 8. Inactive Status/Reinstatement to Active Status.

A Paralegal who meets the prescribed requirements and is an Indiana Registered Paralegal may file a written request with the Clerk of the Supreme Court that he or she be placed on inactive status for a period of one (1) year in the event that person is not employed as a Paralegal. A Paralegal returning to employment as an Indiana Registered Paralegal must apply in writing with the Clerk of the Supreme Court for reinstatement to active status and must pay the prescribed fee. Within six (6) months of reinstatement, the Paralegal shall have obtained six (6) hours of substantive continuing legal education, including one (1) hour of Ethics credit. This reinstatement continuing legal education shall be in addition to the current annual requirement for continuing legal education. Inactive status may be renewed for a period of one (1) year upon showing of good cause. The total period of inactive status for any one person shall not exceed three (3) years.

#### Section 9. Revocation of Registration.

(a) The Supreme Court shall appoint a Registration Review Committee (“Committee”) for the purpose of reviewing and acting upon complaints for revocation of the “Indiana Registered Paralegal” designation.

**(b) The Committee shall be comprised of one (1) Indiana Registered Paralegal, one (1) attorney who is a member in good standing of the Indiana Bar, and one (1) judge who is a member in good standing of the Indiana judiciary.**

**(c) Each member of the Committee shall serve a three (3) year staggered term and may be reappointed for an additional consecutive three (3) year term or be replaced as the Supreme Court shall determine.**

**(d) Complaints must be submitted to the Clerk of the Indiana Supreme Court (“Clerk”) on the prescribed “Affidavit of Complaint for Revocation of Paralegal Registration” form (“Complaint”).**

**(e) Complaints may be submitted to the Clerk for reasons including, but not limited to, the following:**

**1. Falsification of information provided by a paralegal on an application or renewal application for registration as an Indiana Registered Paralegal;**

**2. Conviction of an Indiana Registered Paralegal of a felony or its equivalent in any state or jurisdiction; or**

**3. Conviction of an Indiana Registered Paralegal of the unauthorized practice of law in any state or jurisdiction; or**

**4. Violation of the Rules of Professional Conduct.**

**(f) The paralegal who is the subject of a Complaint shall have the right to notice and shall have the right to reply to the Complaint in writing to the Registration Review Committee.**

**(g) The Registration Review Committee may interview parties and witnesses and may conduct a hearing in its discretion.**

**(h) The decision of the Registration Review Committee shall be final and shall be reported to the Clerk.**

#### **Section 10. Supervision, Accountability and Professional Conduct.**

**An Indiana Registered Paralegal shall perform services only under the direct supervision of a lawyer while in the employ of the lawyer or the lawyer’s employer. The supervising attorney shall be authorized to practice in the State of Indiana or shall be a lawyer admitted in another United States jurisdiction providing legal services authorized under Rule 5.5 of the Rules of Professional Conduct. The supervising attorney has an ongoing duty to supervise the work delegated to the Paralegal and retains responsibility and accountability for the paralegal’s work**

performance, conduct, and work product. An Indiana Registered Paralegal is subject to and agrees to comply with Guidelines 9.1 through 9.10 (“Use of Non-Lawyer Assistants”) of the Rules of Professional Conduct.

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## Rule 23

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### Section 27. Protection of Clients' Interests.

Whenever an attorney has been disbarred or suspended and has not fully complied with the provisions of Section 26 above, or if an attorney has disappeared or died or is otherwise unable to comply with said section, the judge of the circuit court of the county in which said attorney maintained a practice shall, upon proper proof of such facts, appoint an attorney or attorneys to inventory the files of said attorney and take such action as may be appropriate to protect the interests of said attorney and his or her clients.

Any attorney so appointed shall not disclose any information contained in any such files without the consent of the client to whom such file relates, except as necessary to carry out the order of the court which appointed the attorney.

#### Attorney Surrogates

##### (a) Definitions:

“Attorney Surrogate” means a member of the bar of this State, in good standing, who has been designated by a lawyer under this section as an attorney surrogate or has been appointed by a court of competent jurisdiction to act as an attorney surrogate for a lawyer.

“Court of competent jurisdiction” means a court of general jurisdiction in the county in which a lawyer maintains or has maintained a principal office.

“Disabled” means that a lawyer has a physical or mental condition resulting from accident, injury, disease, chemical dependency, mental health problems or age that significantly impairs his/her ability to practice law.

“Lawyer” means a member of the bar of this State who is engaged in the private practice of law in this State. For purposes of the attorney surrogate section of these rules, however, the term “lawyer” shall not include a lawyer (a) whose sole employment is by an

organization that is not engaged in the private practice of law, or (b) who is engaged with one or more other lawyers in the private practice of law pursuant to (i) Ind. Admission and Discipline Rule 27 or (ii) articles of partnership filed with the office of the Indiana Secretary of State.

(b) Designation of Attorney Surrogate

At the time of completing the annual registration required by Ind. Admission and Discipline Rule 23 Section 21 (D), a lawyer shall file with the Clerk of the Supreme Court the name, office address and residence address of the attorney surrogate. A lawyer designated as an attorney surrogate shall evidence acceptance of the designation by a writing, which shall confirm that satisfactory arrangements have been made for compensation for the performance of the attorney surrogate's duties. The designation of an attorney surrogate shall remain in effect until revoked by either the attorney surrogate or the lawyer designating the attorney surrogate. The lawyer who designates the attorney surrogate shall notify the Clerk of the Supreme Court of any change of attorney surrogate within thirty (30) days of such change. The Clerk shall keep a list of attorney surrogates and their addresses.

(c) Role of Attorney Surrogate

1) Upon notice that a lawyer has:

- (a) died;
- (b) disappeared;
- (c) become disabled; or
- (d) been disbarred or suspended and has not fully complied with the provisions of Ind. Admission and Discipline Rule 23, Section 26

any interested person or the designated attorney surrogate may file in a court of competent jurisdiction a verified petition (1) informing the court of the occurrence and (2) requesting appointment of an attorney surrogate. If no effective attorney surrogate designation has been made by the lawyer, any interested party (including a local bar association) may file the verified petition and request that the court appoint an attorney surrogate. A copy of the verified petition shall be served upon the lawyer at the address on file with the clerk of the Supreme Court of Indiana or, in the event the lawyer has died, upon the personal representative, if one has been appointed. Upon the filing of the verified petition, the court

shall, after notice and opportunity to be heard (which in no event shall be longer than ten (10) days from the date of service of the petition), determine whether there is an occurrence under (a), (b), (c) or (d), and an attorney surrogate needs to be appointed to act as custodian of the law practice. If the court finds that an attorney surrogate should be appointed then the court shall appoint the designated attorney surrogate or, in the event no effective designation has been made, shall appoint a suitable person as attorney surrogate.

**2) Upon such appointment, the attorney surrogate shall:**

- (a) take possession of and examine the files and records of the law practice, and obtain information as to any pending matters which may require attention;**
- (b) notify persons and entities who appear to be clients of the lawyer that it may be in their best interest to obtain other legal counsel;**
- (c) apply for extensions of time pending employment of other counsel by the client;**
- (d) file notices, motions and pleadings on behalf of the client where jurisdictional time limits are involved and other legal counsel has not yet been obtained;**
- (e) give notice to appropriate persons and entities who may be affected, other than clients, that the attorney surrogate has been appointed;**
- (f) arrange for the surrender or delivery of clients' papers or property;**
- (g) as approved by the court, take possession of all trust accounts subject to Ind. Prof. Cond. R. 1.15(a), and take all appropriate actions with respect to such accounts; and**
- (h) do such other acts as the court may direct to carry out the purposes of this section.**

**(d) Jurisdiction of Court**

**A court of competent jurisdiction that has granted a verified petition for appointment under this section shall have jurisdiction over the files, records and property of clients of the lawyer and may make orders necessary or appropriate to protect the interests of the lawyer, the clients of the lawyer and the public. The court shall also have jurisdiction over closed files of the clients of the lawyer and may make appropriate orders regarding those files including, but not limited to, destruction of the same.**



(e) Time Limitations Suspended.

Any applicable statute of limitations, deadline, time limit or return date for a filing as it relates to the lawyer's clients (except as to a response to a request for temporary emergency relief) shall be extended automatically for a period of 120 days from the date of filing of appointment of an attorney surrogate.

(f) Applicability of Attorney-Client Rules.

Persons examining the files and records of the law practice of the lawyer pursuant to this section shall observe the attorney-client confidentiality requirements set out in Ind. Professional Conduct Rule 1.6 and otherwise may make disclosures in camera to the court only to the extent necessary to carry out the purposes of this section. The attorney-client privilege shall apply to communications by or to the attorney surrogate to the same extent as it would have applied to communications by or to the lawyer. However, the attorney surrogate relationship does not create an attorney/client relationship between the attorney surrogate and the client of the lawyer.

(g) Final Report of Attorney Surrogate; Petition for Compensation; Court Approval.

When the purposes of this section have been accomplished with respect to the law practice of the lawyer, the attorney surrogate shall file with the court a final report and an accounting of all funds and property coming into the custody of the attorney surrogate. The attorney surrogate may also file with the court a petition for fees and expenses in compensation for performance of the attorney surrogate's duties. However, an attorney surrogate who was designated by the lawyer is not required to petition the court for approval of fees and expenses. Notice of the filing of the final report and accounting and a copy of any petition for fees and expenses shall be served as directed by the court. Upon approval of the final report and accounting, the court shall enter a final order to that effect and discharging the attorney surrogate from further duties. Where applicable, the court shall also enter an order fixing the amount of fees and expenses allowed to the attorney surrogate. The amount of fees and expenses allowed shall be a judgment against the lawyer or the estate of the lawyer. The judgment is a lien upon all assets of the lawyer (except trust funds) retroactive to the date of filing of the verified petition for appointment under this section. The judgment lien is subordinate to nonpossessory liens and security interests

created prior to its taking effect and may be foreclosed upon in the manner prescribed by law.

(h) Immunity

Absent intentional wrongdoing, an attorney surrogate shall be immune from civil suit for damages for all actions and omissions while acting as an attorney surrogate under this section.

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