NATIONAL FEDERATION OF PARALEGAL ASSOCIATIONS, INC.

ANNUAL MEETING
MAY 6-8, 1995
ALBUQUERQUE, NEW MEXICO

The Annual Meeting of the members of the National Federation of Paralegal Associations, Inc. (NFPA) was called to order by President Mary M. Thomas on Saturday, May 6, 1995 at 8:00 a.m. at the Holiday Inn/Pyramid in Albuquerque, New Mexico.

Opening Remarks

Following brief opening remarks, President Thomas welcomed all honored guests and attendees, including the following: Hazel Lange, President of the California Alliance of Paralegal Associations; Cynthia Manbeck Nader, President of Orange County Paralegal Association; and Clark Moscrip, NFPA Advisory Board Member and Board Member of the American Association for Paralegal Education (AAfPE).

The President also introduced the current NFPA Board of Directors and Dr. Lee Demeter, Parliamentarian for the Meeting:

Mary M. Thomas --------- President
Susan Kaiser ---------Vice President-Policy
Katherine A. Jordan ------Secretary/Treasurer
Leslie Harris --------Director of Marketing and Communications
Kathey Mehle --------Region I Director
Brad Baber ---------Region III Director
Kim Root ---------Region IV Director

The President indicated that Pat Smith, Vice President-Administration, would be arriving later in the meeting, and Anita Todmann, Vice President-Development, and Mary Beth Schultz, Region II Director, would be unable to attend the meeting for personal reasons.

Roll Call of Associations

Roll call was taken by Secretary/Treasurer Katherine A. Jordan. In attendance were the following credentialed delegates from the following member associations:

Arizona Association of Professional Paralegals
Lee Davis---------Primary Representative
Christine Anderson------Secondary Representative

California Association of Independent Paralegals
Helen Bellamy---------Primary Representative
Sylvia Cherry---------Secondary Representative

Central Connecticut Association of Legal Assistants
Mabel M. Diamond-----Primary Representative
Karen J. Morais-------Secondary Representative

Central Massachusetts Paralegal Association
Sandra L. Guyette------Primary Representative

Legal Assistants of Central Ohio
Andrea L. Doty--------Primary Representative
Sue Rinehart ---------Secondary Representative

Central Pennsylvania Paralegal Association
Josephine M. Brinley------Primary Representative

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Cynthia R. Patch--------Secondary Representative
Cincinnati Paralegal Association
Betty Zimpfer--------Primary Representative
Kimberly A. Nichols--------Secondary Representative
Cleveland Association of Paralegals
Christine L. Watson--------Primary Representative
Karen E. Simpson--------Secondary Representative
Columbia Legal Assistants Association
Elaine McBride Jenkins--------Primary Representative
Natalie c. Butryn--------Secondary Representative
Connecticut Association of Paralegals
Jean M. Anderson--------Primary Representative
Sandra Ostrelich--------Secondary Representative
Dallas Association of Legal Assistants
Wendi A. Rogers--------Primary Representative
Loretta Nesbitt--------Secondary Representative
Delaware Paralegal Association
Carolyn E. McKown--------Primary Representative
Sandra Lee McCollum--------Secondary Representative
Georgia Association of Legal Assistants
Beth Magee--------Primary Representative
Mildred Schmelz--------Secondary Representative
Greater Dayton Paralegal Association
Susan Witherspoon--------Primary Representative
Cindy Pike--------Secondary Representative
Greater Lexington Paralegal Association
Glenna Rambo--------Primary Representative
Hawaii Association of Legal Assistants
B.J. Wade--------Primary Representative
Carol A. Bruno--------Secondary Representative
Illinois Paralegal Association
Elsa Reyna--------Primary Representative
Laura Miller--------Secondary Representative
Indiana Paralegal Association
Holly A. Brown--------Primary Representative
Jennifer G. Cunningham--------Secondary Representative
Kansas City Association of Legal Assistants
Corrin C. Pursell--------Primary Representative
Dana Ober-Watts--------Secondary Representative
Kansas Legal Assistant Society
Julie Hejtmank--------Primary Representative
June Huic--------Secondary Representative
Los Angeles Paralegal Association
Ronen J. Summers--------Primary Representative
Patricia Gaines--------Secondary Representative
Louisville Association of Paralegals
Denise M. Cunningham--------Primary Representative
Jean Ann Edwards--------Secondary Representative
Maryland Association of Paralegals
Denise Jaynes--------Primary Representative
Elaine B. Patton--------Secondary Representative
Massachusetts Paralegal Association
Kathleen Swienton--------Primary Representative
Mary Jo Romano--------Secondary Representative
Memphis Paralegal Association
Jane Garvin--------Primary Representative
Dale Ivy--------Secondary Representative
Michiana Paralegal Association
Marilyn Cage-----------------Primary Representative
Tami Earnhart----------------Secondary Representative

Minnesota Association of Legal Assistants
Doris S. Wente--------------------Primary Representative
Barbara Peppersack---------------Secondary Representative

National Capital Area Paralegal Association
Joan M. Canterbury----------------Primary Representative
Wanda Wachtel-------------------Secondary Representative

New Haven County Association of Paralegals
Ann Rapice---------------------Primary Representative
Nancy Noel Abair---------------Secondary Representative

Legal Assistants of New Mexico
Anita Bardтриф----------------Primary Representative
Jaque Walston-------------------Secondary Representative

New Orleans Paralegal Association
David Quidd---------------------Primary Representative
Kathy Williams--------------------Secondary Representative

Northeastern Ohio Paralegal Association
Carolyn Staats-----------------Primary Representative
Mary Ellen Leslie-----------------Secondary Representative

Oregon Legal Assistants Association
Terrie Murray--------------------Primary Representative
Laurel Bielec---------------------Secondary Representative

Paralegal Association of the Pee Dee
Martha K. McConnell-----------Primary Representative
Stacey L. Campbell------------Secondary Representative

Philadelphia Association of Paralegals
Robin L. Solomon---------------Primary Representative
Beth M. Waynebern---------------Secondary Representative

Pittsburgh Paralegal Association
Susan K. McGivern------------Primary Representative
Bonnie McLaugherty----------Secondary Representative

Rhode Island Paralegal Association
Colleen S. Hayes---------------Primary Representative

Paralegal Association of Rochester
Wendy Brewer Keaty----------Primary Representative
Kelly A. Reynolds-----------Secondary Representative

Rocky Mountain Legal Assistants Association
Kelly Seek-------------------Primary Representative
Lisa Williams----------------Secondary Representative

Sacramento Association of Legal Assistants
Lisa Ratzlaff----------------Primary Representative
Renee Morgan----------------Secondary Representative

San Diego Association of Legal Assistants
Kathy Reifsteck----------------Primary Representative
Alison Henry-------------------Secondary Representative

San Francisco Association of Legal Assistants
Cynthia Koepf-----------------Primary Representative
Rose Nygaard-----------------Secondary Representative

South Jersey Paralegal Association
Maryjane D. Calvo-------------Primary Representative
Melissa Morrissey-----------Secondary Representative

Southern Tier Association of Paralegals
Sindy L. Keeney----------------Primary Representative

Washington State Paralegal Association
Larry Ausink------------------Primary Representative
Jeanne Johnston--------Secondary Representative
West/Rock Paralegal Association
Mary Kay Rivera--------Primary Representative
Marian Crapanzano-----Secondary Representative
Western New York Paralegal Association
Deborah Healy--------Primary Representative
Shawn Fagan----------Secondary Representative
Paralegal Association of Wisconsin
Jacqueline Kuenn-------Primary Representative
Diana K. Fleming-------Secondary Representative
York County Paralegal Association
Debra G. Smith---------Primary Representative

Credentials Report

The Secretary/Treasurer announced that she had reviewed the notices, affidavits and bylaws submitted by the member associations, confirmed those member associations who had paid their dues through the third quarter of February 15, 1995 and submitted the following report:

Of the 59 member associations, 55 of which are voting and 4 of which are affiliate members, 4 voting associations did not submit credentialing materials for the Annual Meeting. 49 voting members were fully credentialed and present. In addition, the Secretary/Treasurer indicated that 2/3 of the credentialed voting members present, which is 33 votes, shall be necessary to carry policy resolutions; 3/4 of the credentialed voting members present, which is 37 votes, shall be necessary to carry Bylaw amendments and resolutions set forth in Section 6.8A through I of the Bylaws not submitted 45 days prior to the meeting; and the majority of voting members present at the meeting (25 votes) shall be sufficient on most other matters.

The Secretary/Treasurer then moved that the Credentials Report be adopted and the delegates set forth above be seated for the 1995 Annual Meeting. The motion was seconded and unanimously carried by voice vote.

Rules of Order

The Secretary/Treasurer then moved that the Rules of Order be adopted, as amended. The motion was seconded and unanimously carried by voice vote.

Seating of Delegates

At 8:30 a.m. the delegates from the Alaska Association of Legal Assistants arrived:

Carol E. Butler--------Primary Representative
Teresa L. Grooms-------Secondary Representatives

The Secretary/Treasurer offered the following revised Credentials Report:

Of the 59 member associations, 55 of which are voting and 4 of which are affiliate members, 4 voting associations did not submit credentialing materials for the Annual Meeting. 50 voting members were fully credentialed and present. In addition, the Secretary/Treasurer indicated that 2/3 of the credentialed voting members present, which is 34 votes, shall be necessary to carry policy resolutions; 3/4 of the credentialed voting members present, which is 38 votes, shall be necessary to carry Bylaw amendments and resolutions set forth in Section 6.8A through I of the Bylaws not submitted 45 days prior to the meeting; and the majority of voting members present at the meeting (26 votes) shall be sufficient on most other matters.

The Secretary/Treasurer then moved that the revised Credentials Report be adopted and the delegates
set forth above be seated for the 1995 Annual Meeting. The motion was seconded and unanimously carried by voice vote.

**Agenda**

The Agenda was presented by President Mary Thomas who introduced revisions to the previously circulated Agenda. After discussion of the changes, upon motion duly made, seconded and passed by general consent of the assembly with one dissenting vote, the revised Agenda was adopted.

**Meeting Minutes Committee**

Secretary/Treasurer Katherine A. Jordan reported that the following members have been appointed by their regions to serve on the Meeting Minutes Committee:

- Terrie Murray--------Region I
- Don Mathias--------Region II
- Beth Magee--------Region III
- Robin Solomon------Region IV

**Welcome**

Linda Zwick of the Legal Assistants of New Mexico, host association for the Annual Meeting, welcomed the delegates to Albuquerque. She also identified and thanked members of the committee who had worked to make the meeting a success.

**State of the Federation**

President Mary Thomas next gave the State of the Federation address, noting three significant projects which the National Federation of Paralegal Associations had undertaken or been a part of during the proceeding year. The first is NFPA as the first paralegal association with a presence on the Internet. She indicated that, while this seemed cutting edge at the moment, in the future members would look back and wonder how they had gotten along without it. She was proud to be able to continue the NFPA's Standard of Excellence. The second area concerned the ABA Commission on Nonlawyer Practice. NFPA's representation was unprecedented on this Commission and NFPA's presence will have an impact on the profession and delivery of legal services in the future. The final area she discussed was regarding the setting of educational standards in the paralegal profession. President Thomas indicated she looked forward to serving again in the coming year and reminded delegates that NFPA's strength is through its diversity.

**William R. Robie Award**

Clark Moscrip, a member of the NFPA Advisory Council, presented the William R. Robie Award to Jolene Miller, current ABA Approval Commission Representative and former NFPA President. President Thomas expressed thanks to the members of the William R. Robie Award Committee for their work and also thanked those individuals and association who had made nominations.

**Information America/NFPA Scholarships**

Jolene Miller, ABA Approval Commission Representative and Education Committee Co-Chair, introduced Doug Graham from Information America and thanked Information America for providing scholarship money. Mr. Graham indicated that over 150 applications had been received this year. The first place winner of a $3,500 scholarship was Deborah Ann Hill from Pennsylvania College of Technology in Williamsport, Pennsylvania, and the second place winner of a $1,500 scholarship was Teresa I. Kiefer from Winona State University in Winona, Minnesota. Ms. Kiefer thanked Information America and NFPA for providing this valuable assistance to students. Mr. Graham indicated prior Information America scholarship winners who were present at the meeting.

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Restructuring of Board of Directors

Upon motion duly made, seconded and passed by unanimous consent of the assembly, the assembly moved to a committee of the whole to discuss proposed changes to the structure of the Board of Directors and to address any concerns (separate of specific Bylaw changes). Region III Director, Brad Baber, introduced the process undertaken by the Board in determining what final product would be presented to the delegates. He indicated that associations had been surveyed regarding what they felt currently works or doesn't work and the Board met with a facilitator for a day and a half at one Board meeting. Three general areas of concern were identified for change: (i) NFPA is a policy driven association and as it grows, there is too much work in this area for one person to handle; (ii) labels for positions do not accurately reflect the purpose of the position and need to be more "user friendly" and approachable by members; and (iii) 20 years into the profession, NFPA needs to be able to meet the changing needs of the profession. General discussion followed regarding the proposed changes. The assembly then moved out of a committee of the whole.

Upon motion duly made and seconded, the following resolution passed on a roll call vote of 49 yes and 1 abstention:

Resolution 95-1

RESOLVED: That the restructuring of the Board of Directors and the Bylaws amendments necessary to effectuate the same be approved, with the proviso that Article IX will not take effect until after the installation of officers (See Exhibit A attached hereto and made a part hereof).

Guests

President Thomas introduced NFPA Advisory Council member, Deborah Orlik, to the delegates.

Professional Development Committee

Sandra McCollum, Chair of the Professional Development Committee, indicated her committee was in the process of completing the Professional Responsibilities handbook and it would be available for publication soon. She is in need of information for some specialty areas. In addition, she indicated her committee was still in the process of updating the bar report.

Delivery of Paralegal Services Committee

Carolyn McKown, Chair of the Delivery of Paralegal Services Committee, told the delegates that her committee has met its charge and would be bringing a resolution before them later in the meeting. She recognized committee members and associations who had participated in the development of the committee's work product. Ms. McKown stated that, although the current proposed resolution is not state specific, in the future delegates may wish to charge the committee with developing guidelines on what might be different in a given state or suggestions for changes as needed on a case-by-case basis.

Ethics and Professional Responsibility Committee

Susan Witherspoon and Don Mathias, Co-Chairs of the Ethics and Professional Responsibility Committee, presented their committee report to the delegates. They indicated that the idea to develop an outline for local ethics presentations had been scrapped and the project will now involve developing one specific to NFPA's model code. It became too difficult to try to be state specific and to keep up on changes. An agenda topic regarding this development would be brought before the delegates later in the meeting. Susan Witherspoon indicated that her portion of the committee's charge, developing disciplinary rules, is proceeding.

Vice President - Policy

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Susan Kaiser, Vice President - Policy, addressed the delegates regarding her activities throughout the past year. She has made every effort to keep delegates well informed on an ongoing basis. Ms. Kaiser expressed admiration to all the people who have called her with comments and concerns. She indicated everyone needs to stay involved and not to sit back and only react.

Ms. Kaiser relayed the information that the Board of Directors had approved two new committees at its meeting the previous day: Unauthorized Practice of Law Research, to draft responses to state legislatures and bars considering changes to local UPL statutes, and Roles and Responsibilities, to be a "crystal ball" committee to see what paralegals are doing nationwide to expand their roles.

She indicated that the Lockhart amicus brief had been finalized and filed. Ms. Kaiser recognized the 13 associations who had assisted financially and signed onto the brief. Each will receive a copy of the brief.

**Law-Related Activities**

Mary Thomas indicated that there had been no conclave meeting yet this year, therefore, there would be no report at this time. A meeting should be held prior to the Mid-Year Meeting and, if that happens, a report would be at that time. NFPA did not attend the most recent consortium meeting, but Ms. Thomas is unaware of anything NFPA should be doing with regard to this group at this time. Any bar activities which occur before the Mid-Year Meeting will be reported at that time.

**Vice President - Development**

Julie Hejtmanek gave the report of the Vice President - Development, Anita Todmann, in Ms. Todmann's absence. One goal of Anita's has been to educate associations (affiliated and non-affiliated alike) regarding NFPA. The International Relations Coordination (Lauren Watson) travelled to Paris earlier in the year and made a presentation to the American Institute there. In addition, she has established or continued working with contacts throughout the world.

The Outreach Team has been busy making contacts and trying to bring in new members. Ms. Hejtmanek recognized new members - Paralegal Association of the Pee Dee and California Association of Independent Paralegals.

Association Management Co-Coordinators, Nancy Abair and Loretta Nesbitt, have been very busy. They have established a video library for use by local associations. In addition, they have given direct assistance to more than 17 local associations. The focus of the Co-Coordinators has been on membership retention and development issues for local associations. Ms. Hejtmanek reminded the delegates of the importance of bringing information to their local associations for distribution in order for such information to be effective.

**Legislative Committee**

Susan Kligerman, Legislative Committee Chair, introduced the Speaker of the New Mexico House of Representatives, Representative Raymond Sanchez, to the delegates. The Speaker gave a brief and informative presentation on the legislative process, stressing three points:

1. Principle of Independence - people must be allowed the independence to think, write, see and speak as they want;
2. Beneficence - do no harm, try to do good, respect the opinions and needs of others; and
3. Justice - justice ties the first two together and leads to the equitable and fair distribution of benefits and burdens.

In addition, he spoke directly to the delegates, explaining to them the need for them to show that paralegals are not here to serve attorneys but to serve clients. After a question and answer period, Ms.

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Kligerman thanked the Speaker for taking the time to address NFPA’s delegates.

Ms. Kligerman then thanked her committee members for their service during the year. She discussed budgetary problems with the way legislative searches had been done in the past and explained the problem will be resolved by bringing searching in-house and through a trade contract with LEXIS. Also, attempts are being made to try to do as much legislative searching as possible on the Internet.

**Case Law Monitoring Committee**

Ms. Kaiser indicated that the Case Law Monitoring Committee had been ably chaired this year by CoAnn Sims. However, a new chair would be needed for the coming year. During this year, the committee had reported its activities on a monthly basis, so there would be no year-end report.

**Pro Bono Committee**

Ms. Kaiser recognized Patricia Dotson and Jim Vale, the Pro Bono Committee Co-Chairs. The committee had been charged with developing two publications - a pro bono directory and a pro bono manual. Each chair was responsible for a product and both have been provided previously through *Inside NFPA*.

**Ad Hoc Committee on Exempt/Non-Exempt Status**

Doreen Ridgeway informed the delegates that NFPA’s proposal with regard to paralegal designations within the new NAICS (to replace SIC) system had been submitted in December. The proposal looks for traditional paralegals to continue to be included under the attorney designation with a new category for independent paralegals.

With regard to the Exempt/Non-Exempt issue, a questionnaire has been completed for distribution to those paralegals who are currently considered exempt by their employers. Ms. Ridgeway estimated that the Exempt/Non-Exempt split with paralegals appears to be around 50/50. With restructuring of the Board, the Ad Hoc Committee charge will become part of the responsibilities of the Long Range Profession Planning Coordinator.

**Continuing Education Coordinator**

Jeanne Johnston took over the position of Continuing Education Coordinator mid-year. She indicated that many education providers are pleased with NFPA’s CLE program and she continues to receive a large volume of applications. In the future, CLE awards need to be fit into any PACE CLE requirement. In addition, she is looking to streamline the administrative process for approving seminars.

**Announcements**

President Mary Thomas made several announcements including the need for those who were interested in running or nominating another person to run for an office to see the Nominations Chair, Nancy Heller, as soon as possible.

Nominations Committee Chair, Nancy Heller, introduced those members of her committee who were present. The following candidates were announced:

President
  Mary Thomas

Vice President/Director of Profession Development
  Susan Kaiser

[Link to the original document on http://paralegals.org/etavirp/Minutes/95ann.htm]
Secretary/Director of Operations
Pat Smith

Treasurer/Director of Finance
Katherine A. Jordan

Director of Membership
Anita Todmann

Additional nominations for each position were solicited and the following received:

Vice President/Director of Positions and Issues
Susan Kligerman

Secretary/Director of Operations
Larry Ausink

Director of Membership
Julie Hejtmanek

Each person newly nominated accepted their nomination. Nominations were then closed. All candidates present made their acceptance speeches. Those not yet present would be allowed time later in the meeting to address the delegates.

ABA Approval Commission

Jolene Miller, NFPA's ABA Approval Commission Representative, gave a brief report, indicating that a more detailed report would be distributed through the next Inside NFPA. The Commission has recommended changes to the Guidelines with regard to general education requirements. The recommendation includes change from 10% of graduates may have had general education requirements waived to 10% of those admitted. This change will be reviewed by AAfPE and needs the approval of the ABA Standing Committees. Mr. Miller said the next Commission meeting will be held in November and she should know more about the status of the proposed change to the Guidelines at that time.

Education Committee

The Education Committee has continued to try to work with AAfPE to bring the joint project to fruition as soon as possible. However, there is no work product yet, it still being in various stages of drafting. The Committee hopes to have something by the Mid-Year Meeting. PACE has brought paralegal education to the forefront, especially with regard to the sitting requirements affect on terminal associates degree programs. For this reason, the Committee feels it would be appropriate to hold an Education Symposium similar to the Regulation Symposium before the 1995 NFPA Mid-Year Meeting. This Summit could set the tone for education requirements for the future of the profession.

Guests

President Mary Thomas introduced AAfPE President Ann Yarbro McCoin and President-Elect Diane Petropolis to the delegates.

PACE

Diane Soroko, PACE Coordinator, reported that the job analysis committee had already met, and she commended the committee for the tough work it had accomplished. The next step will happen over the summer months when 1,500 paralegals will be surveyed for comments on the work of the job
analysis committee. The item writing committees will meet in September after the survey has been completed. Ms. Soroko indicated she is still looking for members to fill these committees. Broad based committees will result in the most comprehensive product. After the item writing committees have completed their charge, the test specification committee will meet in February.

Fee Recovery

After a very brief discussion, upon motion duly made and seconded, the following resolution carried by unanimous voice vote:

Resolution 95-2

WHEREAS, the economic advantages derived from employing paralegals are widely known within the legal and business communities; and,

WHEREAS, at a time when clients are concerned about the delivery of cost-effective legal services, attorneys are able to provide clients with a higher caliber work product at a lower cost through the use of paralegals; and,

WHEREAS, the American Bar Association pronounced its positions in its 1991 Model Guidelines for the Utilization of Legal Assistant Services and a 1993 resolution adopted by the ABA House of Delegates, both of which support the award of paralegal fees to law firms or attorneys who represent prevailing parties in lawsuits where statutes or current law allow for the recovery of attorney's fees; and,

WHEREAS, five federal statutes permit the award of attorney fees for paralegal services to prevailing parties; and,

WHEREAS, in Missouri v. Jenkins, 491 U.S. 274, 109 S.Ct. 2463 (1989), the U. S. Supreme Court held that paralegal fees should be awarded to the prevailing parties in a lawsuit, and that this award customarily should be based on the hourly rate charged to the consumer; and,

WHEREAS, NFPA recognizes that, although state and federal laws are being developed by legislatures and courts, the lack of comprehensive state and federal statutes and/or court rules permitting the recoverability of paralegal fees has precluded a more speedy development of cost-effective legal services to the public; and,

WHEREAS, NFPA recognizes that, although the Courts have awarded paralegal fees at hourly rates which vary according to the complexity of the tasks performed, whether to permit the recoverability of paralegal time in an attorney's application for fees frequently is decided at the discretion of and at a rate determined by the state and federal judiciary; and,

WHEREAS, NFPA recognized that, if a statute or court rule includes a provision for paralegal services, the risk of statutory misinterpretation in the courts may be avoided and courts may base their awards on the same merits and in the same manner as with attorney services; and,

WHEREAS, NFPA recognizes that if the issue of paralegal services is addressed in the statutes and/or court rules, there can be no question of legislative intent;

NOW THEREFORE
BE IT RESOLVED, that NFPA adopts the attached model legislation which provides for the recoverability of paralegal time at market rates in an attorney's application for fees; and,

FURTHER RESOLVED, that said model legislation may be used by NFPA and/or any NFPA member association to propose legislation for the award of attorney fees for paralegal time at market rates in an attorney's application for fees in a state or federal legislative or judicial arena, as appropriate.
(attachment)

[INSERT STATE]

[INSERT SESSION NO. AND YEAR]

A BILL FOR AN ACT to amend the [INSERT STATE][INSERT EITHER "CODE" OR "COURT RULES"] concerning the following provisions, [INSERT APPROPRIATE REFERENCE]

Be it enacted by the [INSERT STATE/FEDERAL LEGISLATIVE BODY NAME] of the [INSERT STATE]:

SECTION [INSERT APPROPRIATE REFERENCE] IS ADDED TO THE [INSERT STATE][INSERT EITHER "CODE" OR "COURT RULES"] AS A NEW SECTION TO READ AS FOLLOWS: [INSERT APPROPRIATE SECTION REFERENCE]. AS USED IN THE SECTION, "PARALEGAL" MEANS "A person, qualified through education, training or work experience, to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work." The terms "paralegal" and "legal assistant" are interchangeable and used synonymously.

Any and all references in the [INSERT STATE][INSERT EITHER "CODE" OR "COURT RULES"] to attorney's fees shall include paralegal's fees.

In any action or decision in which attorneys' fees are to be determined or awarded by the court, the court shall consider, among other things, the time and labor of any paralegal who contribute or perform nonclerical, legally substantive tasks that in the absence of the paralegal would be performed by the attorney. The award of such fees shall be based on the nature, the extent, and the value of such services, the time spent on such services, and cost of comparable services. The award of such fees shall be based on the same merit and in the same manner as with attorney services and shall be based on the hourly rate charged to the consumer of the legal services.

Effective date
[Note to NFPA Members, not a part of this model bill: you may wish to change the word "shall" on lines 17 and 18 to "should" or "may".]

Delivery of Paralegal Services Committee

Motion was made and seconded to adopt the Committee report and resolution. A friendly amendment to make the Model Code and PACE explanation part of the Model Act was not accepted, and no motion was made to present the proposal as an amendment. A friendly amendment to change their term "state" in the Model Act to "geographic area" was not accepted, and no formal motion was made. This matter was left to the appropriate Vice President to resolve. After continued discussion, the following resolution carried by unanimous voice vote:

Resolution 95-3

WHEREAS, NFPA Resolution 94M-10 charged the Standing Committee for the Delivery of Paralegal Services ("Committee") with revising the Model Guidelines for Licensure and Specialty Licensure through dissemination of additional related information to member associations and reasonable periods for comment; and

WHEREAS, the Committee upheld the deadlines imposed by 94M-10 and hereby submits a revised Model Act entitled, "Model Act for Paralegal Licensure"; and

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WHEREAS, the Model Act submitted by the Committee reflects NFPA's regulation policy as stated in Resolution 92M-1.

NOW, THEREFORE,
BE IT RESOLVED, that the Model Act for Paralegal Licensure ("Model Act") be adopted in support of NFPA's regulation policy; and

FURTHER RESOLVED, that, in accordance with Resolution 92M-1, NFPA and its board of directors will not initiate the introduction of any proposal to regulate paralegals in any jurisdiction; but, in order to advocate NFPA regulation policy, may use this Model Act to support or oppose, as appropriate, any legislative, judicial, administrative or other regulatory activity; and

FURTHER RESOLVED, that, the Model Act will be provided to a non-member as a response to formal regulatory activity within that non-member's state and NFPA member association(s), if any, within that state must be informed that the Model Act will be provided to a non-member and advised of said non-member's identity.

(see Exhibit B attached hereto and made a part hereof)

PACE Grandparenting Criteria

The following motion to extend the grandparenting criteria in the PACE sitting requirements was made and seconded:

WHEREAS, the one year grandparenting sign-up period for the PACE exam does not allow enough time to reach all paralegals who may meet the grandparenting requirements and permit those paralegals sufficient time to register; and

WHEREAS, the provisions allowing a currently practicing paralegal to waive the education requirements for eligibility for grandparenting, as passed in Resolution 94-M11, are an inequitable substitute for a bachelor's degree plus work experience which is required for those ineligible for grandparenting;

IT IS RESOLVED, that the language of Resolution 94-M11 relating to the grandparenting provisions of PACE should be amended as follows:

FURTHER RESOLVED: That grandparenting provisions shall apply as follows:

(1) First Tier - all of the above criteria may be waived for paralegals with a minimum of six (6) years work experience as a paralegal as of the date that the PACE exam is activated; and

(2) Second Tier - all of the above criteria may be waived for paralegals with a minimum of eight (8) years work experience as a paralegal as of the date that the PACE exam is activated.

To qualify for the grandparenting provisions, a paralegal must make application to take the test within five (5) years following the date the test is activated, but must meet the grandparenting criteria on the activation date. The time period within which one must actually take the test shall be determined at a later date.

All other provisions of Resolution 94-M11 shall remain in full force and effect and are not altered by this amendment.

During discussion, concern was raised that the current criteria were exclusionary and prevented entry into the profession. On the other hand, counter concern was expressed that the criteria weren't stringent enough and thought should be given to considering making a bachelor degree mandatory in

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order to sit for the exam. A friendly amendment to include CLE requirements to the on-the-job requirement was not accepted as it was determined to be too vague. As discussion continued as to just what delegates were trying to accomplish, delegates were challenged to remember that NFPA should be a leader in determining paralegal education requirements and not a follower or reactor. A friendly amendment to delete on-the-job only requirement was not accepted. Upon motion duly made, seconded and carried by voice vote, the topic was tabled to the first item of business the next day and a caucus scheduled for 9:00 p.m. this evening.

The meeting was recessed at 4:40 p.m. to enable delegates to attend scheduled association management workshops.

The President called the meeting to order at 10:45 a.m. on Sunday, May 7, 1995.

Roll Call

The Secretary/Treasurer called the roll, indicating 50 delegates seated to begin the session.

PACE Grandparenting Criteria

The motion regarding PACE grandparenting criteria was removed from the table by motion duly made, seconded and carried by voice vote. A motion made to call the question and terminate debate was seconded but failed to pass. Debate remained open. A friendly amendment to change the First Tier minimum years work experience to four (4) years, Second Tier minimum years work experience to six (6), time period to make application to take the test to three (3) years and several other wording changes was not accepted. Upon motion duly made, seconded and passed by voice vote, the friendly amendment changes were approved. Upon motion duly made, seconded and passed on a roll-call vote of 48 for and 2, against the following motion, as amended, carried:

Resolution 95-4

WHEREAS, the one year grandparenting sign-up period for the PACE exam does not allow enough time to reach all paralegals who may meet the grandparenting requirements and permit these paralegals sufficient time to register; and

WHEREAS, the provisions allowing a currently practicing paralegal to waive the education requirements for eligibility for grandparenting, as passed in Resolution 94M-11, are an inequitable substitute for a bachelors degree plus work experience which is required for those ineligible for grandparenting;

IT IS RESOLVED, that the language of Resolution 94M-11 relating to the grandparenting provisions of PACE should be amended as follows:

FURTHER RESOLVED: That grandparenting provisions shall apply as follows:

(1) First Tier - all of the above criteria may be waived for paralegals with a minimum of four (4) years work experience as a paralegal; and

(2) Second Tier - all of the above criteria may be waived for paralegals with a minimum of six (6) years work experience as a paralegal.

To qualify for the grandparenting provisions, a paralegal must make application to take the test within three (3) years following the date the test is activated. The time period within which one must actually take the test shall be determined at a later date.

All other provisions of Resolution 94M-11 shall remain in full force and effect and are not altered by this amendment.
**Pace Alternative Education Criteria**

Upon motion duly made and seconded, the following resolution was brought to the floor and discussed:

NOW THEREFORE
BE IT RESOLVED, that the eligibility criteria for taking the PACE exam as set out in Resolution 94-M11 is amended as follows:

FURTHER RESOLVED, that the following criteria shall be met in order to be eligible to take the test:

(1) Education:

(a) A Bachelor Degree AND completion of a paralegal program within an institutionally accredited school. Said paralegal program may be embodied in the Bachelor Degree;

or

(b) A Bachelor Degree and three (3) years of on-the-job paralegal training or internship attested to by applicant;

or

(c) Completion of an Associate Degree or Associate of Applied Science Degree AND completion of a paralegal program within an institutionally accredited school (said paralegal program may be embodied in the Associate Degree or Associate of Applied Science Degree) AND three (3) years of on-the-job paralegal training or internship attested to by applicant;

or

(d) Eight (8) years of on-the-job paralegal training or internship attested to by applicant.

PLUS

(2) Work experience (exclusive of any training or internship period required by paragraph 1 above):

(a) First Tier - 2 years work experience as a paralegal; and

(b) Second Tier - 4 years work experience as a paralegal

This amendment modifies the eligibility requirements for taking the PACE exam. All other provisions of 94-M11 shall remain in effect and unaffected by this Amendment.

A motion to call the question and close debate was duly made, seconded and passed by voice vote. The resolution on the floor failed to carry by a roll call vote of 18 for and 32 against.

**Student Dues**

Motion was duly made and seconded to set dues for student members of local associations at a rate of $15.00, with full NFPA benefits being retained. After discussion it was determined that the Parliamentarian should review the resolution as it related to the By-Laws and the motion was laid on the table until the first item after lunch.

**Disciplinary Code**

http://paralegals.org/etavirp/Minutes/95ann.htm

1/29/00
Discussion was had regarding adding a disciplinary code to the Model Code of Ethics and Professional Responsibility. Opinions expressed ranged from the feeling that enacting a disciplinary code was premature to the feeling that it was imperative to have a disciplinary code in order to make the Model Code effective. Question was raised as to how any disciplinary code would be enforced and how it could be drafted given the fact that the Model Code looked at the big picture and not individual jurisdictions. The Ethics and Professional Responsibility Committee will continue to work on the disciplinary code question and report further on its progress to the delegates at the Mid-Year Meeting with, hopefully, a final product for the 1996 Annual Meeting.

Announcements

The President announced that a budget meeting would be held at 10:00 p.m. The Vice President-Policy announced that the Ohio associations should meet briefly to discuss their joint response to the Ohio State Bar Unauthorized Practice of Law Committee.

Student Dues

Upon motion duly made, seconded and passed by voice vote, the motion regarding student dues was removed from the table and discussion ensued. A friendly amendment to make the resolution effective as of July 1, 1996 to allow for budgeting considerations was accepted. Issues discussed included the fact that no numbers were known with regard to how many student members there are in local associations, questions regarding what constitutes a student and who would be responsible for making that determination, what benefits (or reduced benefits) would be offered student members, what each member costs NFPA, the impact such a resolution would have on NFPA's budget, the question of whether reduced dues would lead to more student members who would later become voting members, and the drain large student membership numbers have placed on many local associations. A motion to table the motion was duly made and seconded but failed to carry. A motion to call the question and end debate was duly made and seconded. A point of order was raised as to whether the motion involved a By-Laws change and the Parliamentary ruled that no By-Law amendment was necessary. The motion to call the question and end debate passed by voice vote. The motion regarding student dues failed to pass by a vote of 28 for and 22 against, according to Article V, Section 5.1 of the By-Laws a vote of 3/4 being required.

Upon motion duly made, seconded and carried by unanimous voice vote, the following resolution passed:

Resolution 95-5

RESOLVED: That the topic of NFPA offering a student membership rate to member associations at a reduced rate be referred to the appropriate committee by the Board of Directors with a report to be made to the membership at the 1995 Mid-Year Meeting.

Elections

Candidates who had not yet been given the opportunity to give their speeches were afforded the opportunity at this time and those not present in person had their speeches given by others. The President asked that the Secretary/Treasurer be authorized to cast a single ballot for those positions which were not contested and the Secretary/Treasurer so did.

President-----------------------------Mary Thomas

Vice President/Director
of Profession Development------------Susan Kaiser

Vice President/Director

http://paralegals.org/etavirp/Minutes/95ann.htm

1/29/00
of Positions & Issues------------------Susan Kligerman

Treasurer/Director of
Finance-----------------------------Katherine A. Jordan

Ballots for contested positions were distributed then collected by the Nominations Committee.

PACE Marketing

Discussion was had regarding the status and direction of PACE marketing efforts.

Education

The Education Committee indicated that it thought an Education Symposium was unnecessary and would rather see discussion regarding bringing consistency to NFPA policies containing education components and maybe changing some education criteria to set separate requirements for entry level and advanced paralegals. The Committee will work to have an agenda topic ready before the end of the meeting to distribute to delegates to bring home to their local associations for discussion prior to the Mid-Year Meeting.

Elections

Nancy Heller, Chair of the Nominations Committee, announced the following election results:

Secretary/Director
of Operations-----------------Larry Ausink

Director of Membership--------Julie Hejtmanek

Announcements

The current issue of the Reporter was passed out to delegates and all of those involved in producing the issue were congratulated for a job well done.

Susan Kligerman asked if the delegates were comfortable with the recovery of paralegal fees model legislation.

Sue Kaiser reminded the delegates that NFPA no longer monitors attorney fee recovery legislation but only that related to paralegal fee recovery.

Carolyn McKown issued a call for assistance with drafting guidelines for the Model Act and with collating ideas not included in the Model Act.

Anchorage has been chosen as the site of the 1998 Annual Meeting, the Alaska Association of Legal Assistants being the host association, and Phoenix has been chosen as the site of the 1997 Mid-Year Meeting, the Arizona Association of Professional Paralegals being the host association.

PACE Criteria

A motion to bring a new agenda topic before the delegates was made but the determination was made by the Parliamentarian that it did not meet noticing requirements. A voice vote to allow the topic to be brought to the floor was unclear but a standing count of 26 in favor allowed for the topic to be introduced. A motion to waive certain criteria in PACE seating requirements was duly made and seconded. Discussion was had regarding the vagueness of the resolution and concerns that standards would be lowered. The question was called, seconded and by voice vote debate was closed. The motion failed to pass when there were only 4 standing votes in favor of the resolution.
Announcements

Announcement was made that any questions concerning the budget should be brought to Monday morning’s budget session.

The Professional Development Committee is still looking for help from people in specialty areas to be covered in the Professional Responsibilities handbook.

Delegates were reminded to review the Consent Calendar before Monday morning.

Those interested in being appointed Coordinators or serving on a committee were asked to report to the front of the room.

The meeting recessed at 4:45 p.m.

The meeting was reconvened by the President at 9:15 a.m. on Monday, May 8, 1995.

Roll Call

While the Secretary/Treasurer and Managing Director worked to produce the fiscal year 1996 budget in the form requested by delegates during the budget session and approved by the Board of Directors, Kim Root, Region IV Director, called the roll, indicating 49 delegates seated to begin the session. Two-thirds of the credentialed voting members present, which is 33 votes, shall now be necessary to carry policy resolutions; 3/4 of the credentialed voting members present, which is now 37 votes, shall be necessary to carry Bylaw amendments and resolutions set forth in Section 6.8A through I of the Bylaws not submitted 45 days prior to the meeting; and the majority of voting members present at the meeting (25 votes) shall now be sufficient on most other matters. Now present was the Primary Representative to the Manhattan Paralegal Association, Amy Mellon.

Internet

President Mary Thomas discussed with the delegates NFPA’s presence on the Internet, where the Association intended to go and what it would cost. The President also impressed upon the delegates the need for each of them to become conversant in Internet offerings, “surfing” and how best to accomplish the same.

Roll Call

At 9:40 a.m., the delegates from New Orleans arrived, making 50 delegates seated for the session. 2/3 of the credentialed voting members present necessary to carry policy resolutions would be 34 votes; 3/4 of the credentialed voting members present, which is now 38 votes, shall be necessary to carry Bylaw amendments and resolutions set forth in Section 6.8A through I of the Bylaws not submitted 45 days prior to the meeting and the majority of voting members present at the meeting (26 votes) shall now be sufficient on most other matters.

Vice President-Administration

Pat Smith, Vice President-Administration, highlighted her activities throughout the year. She discussed the difficult process of entering into incentive agreements with local associations scheduled to host NFPA meetings but indicated everyone involved had been cooperative throughout.

Executive Session

Upon motion duly made, seconded and passed by voice vote, the assembly convened into executive Session at 9:40 a.m. Executive session was limited to include only the following persons: Primary Representatives, Secondary Representatives, Association Presidents, the Board of Directors,
including Board Advisor, the Parliamentarian, Committee Chairs, Coordinators and members of NFPA member associations.

General session was called back to order at 10:07 a.m. Delegates were reminded that no written reports could be made of the Executive Session and reporting to their local associations must remain oral only.

Consent Calendar

The Secretary/Treasurer presented the Consent Calendar, moving for passage as presented. The motion was seconded and the Consent Calendar was approved as follows:

Resolution 95-6

RESOLVED: That the per diem for attendance by a Board member at an NFPA or law related meeting will include full reimbursement for meeting functions by applying one-third of the day's per diem to the particular ticketed event and reimbursing in full for the event.

Ratification of Actions

Upon motion duly made by the Secretary/Treasurer, seconded and passed by voice vote, the following Resolution was adopted:

Resolution 95-7

RESOLVED: To ratify the actions of the Board of Directors for the past year.

Budget

The Secretary/Treasurer moved adoption of the budget, as amended, for fiscal year 1996 as approved and presented by the Board of Directors. The motion was seconded and the following resolution was approved:

Resolution 95-8

RESOLVED: That the 1995-1996 budget for NFPA, as presented by the Board of Directors, be approved.

Closing Remarks

President Mary Thomas brought the meeting to an end by thanking the Legal Assistants of New Mexico for a job well done in hosting the meeting and expressing her appreciation to the delegates for a productive meeting.

Adjournment

There being no further business to come before the delegates, the President adjourned the meeting at noon.

Following adjournment of the meeting, the Parliamentarian, Dr. Lee Demeter, installed the new officers and directors.