

**National Federation of Paralegal Associations
Informal Ethics Opinion No. 21-1.**

The following Opinion of the National Federation of Paralegal Associations (NFPA) is offered based upon its positions and research in paralegal ethics. It should not be construed as binding and must be interpreted in conjunction with the applicable state's Supreme Court rules and opinions governing the professional conduct of members of the legal profession. This opinion may be used for guidance, and, by the appropriate entity, as a persuasive argument in favor of the findings of NFPA.

REQUEST

For an opinion from the Ethics Board regarding the misuse and misrepresentation by an individual of NFPA's paralegal credentials (or any paralegal credentials for that matter) to purport to a training and level of expertise that they may not possess; in this context, in order to deceive a member of the public into believing she was credentialed paralegal working under the supervision of an attorney.

FACTS:

The request was made in response to of an Ohio disciplinary matter against a paralegal for flagrant UPL violations and who purported to hold Registered Paralegal (RP) and other professional credentials. NFPA verified that it has/had no record of the paralegal ever applying for or passing the Paralegal Advanced Competency Exam (PACE) and determined that the paralegal did not have authority to use the Registered Paralegal (RP) credentials. Subsequently, NFPA put the paralegal on Notice to Cease and Desist the use of its credentials.

FINDINGS:

NFPA is committed to identifying and addressing ethical dilemmas faced by paralegals in the performance of their professional duties and to advance the paralegal profession. The ethical guidelines and standards for conduct to which all paralegals should aspire are delineated in NFPA's Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement. The emphasis on ethics and ethical practices is vital to promoting the growth, development, and recognition of the paralegal profession as an integral partner in the delivery of legal services. The misuse and misrepresentation of paralegal credentials diminishes the confidence of the legal community and the public in the integrity and professional responsibility of paralegals.

CONCLUSION, OBSERVATIONS AND RECOMMENDATIONS:

The Ethics Board has considered the request and determined, after careful consideration and discussion, that no opinion on this issue is warranted. The NFPA currently has processes and procedures in place for dealing with the misuse and misrepresentation of credentials. Perhaps an ad hoc committee should be convened to consider modifications to NFPA's policies & procedures to enable the association to take a more active role in monitoring misuse and misrepresentation of credentials.

By making a request to the National Federation of Paralegal Associations for an opinion and/or recommendation concerning proper conduct for a member of the legal profession as it pertains to ethical conduct, obligations, and/or utilization of paralegals, the inquirer and his/her employers, employees, agents and representatives agree to indemnify, hold harmless, and defend the NFPA, its

Officers, Directors, Coordinators, Ethics Board and Managing Director from any claims arising from any act or omission of NFPA except those occasioned by NFPA's willful or deliberate acts.