



National Federation of Paralegal Associations, Inc.

Please Reply To:

S. Kristine Farmer
Vice President and Director of Positions & Issues
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May 21, 2003

The Honorable Henry P. Mock
Chair, House Judiciary Committee
P O Box 237
Jackson, New Hampshire 03846-0237

Re: *Senate Bill 83*

Dear Representative Mock:

The National Federation of Paralegal Associations, Inc. (NFPA) is a non-profit professional organization representing the largest number of individual members in the United States. The Paralegal Association of New Hampshire (PANH) is a voting member of NFPA.

We would like to take this opportunity to provide you with some information about our Federation and to offer a brief comment on SB 83.

As a member-driven organization, NFPA prides itself on the professionalism of its members and its position as a leader in the profession for over 25 years. NFPA routinely monitors legislation, case law, proposed changes to rules of professional responsibility, and ethics opinions that affect the paralegal profession. In monitoring legislative activity, NFPA has reviewed SB 83, which would propose changes to New Hampshire Revised Statutes Annotated §311:7 regarding prohibitions to the practice of law. NFPA shares your goals in recognizing an attorney's ethical obligations with respect to the utilization of paralegals. NFPA also recognizes those obligations as they apply to paralegals individually. NFPA members support that premise when they created and adopted the NFPA Model Code of Ethics and Professional Responsibilities in May 1993, delineating the principles for ethics and conduct to which every paralegal should aspire. NFPA believes it is important to emphasize that its members do not endorse or support the unauthorized practice of law.

We applaud New Hampshire's strong history of support of paralegals and the paralegal profession and would appreciate your consideration of our comments. NFPA, along with our member association, the Paralegal Association of New Hampshire, would like to take this

opportunity to provide you with some brief comments with supplemental materials in response to the proposed changes to Section 311:7 as they pertain to paralegals.

Our concern is the lack of a meaningful definition of the terms "paralegal" in SB 83. NFPA defines a paralegal as:

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.

While the language of SB 83 uses both the terms "paralegal" and "legal assistant," NFPA prefers the term "paralegal" for our profession. The term "legal assistant," which may be used interchangeably with the term "paralegal," can mean anything from a legal secretary, to a paralegal, to an assistant district attorney in at least one jurisdiction. There may be many non-lawyers who work in a legal setting, each performing different tasks. It is becoming increasingly difficult for the general public to understand the different roles within the legal field. For those reasons, NFPA recommends using only the term "paralegal" in the body of SB 83.

Approximately 84% of paralegals responding to NFPA's 2001 Compensation and Benefit Report have formal education in paralegal studies. Paralegals who have passed NFPA's Paralegal Advanced Competency Exam (PACE), as well as many of those in local paralegal and bar associations, have a mandatory continuing legal education requirement, including an ethics component. Many of NFPA's local member associations have also adopted, and their members are subject to, a Code of Ethics and Professional Responsibility. In addition, some jurisdictions have adopted ethical guidelines for paralegals.

To address the concern outlined above, please give consideration to adding additional language to Section II of SB 83 to include the definition of paralegal, so that it reads in its entirety as follows (insertions are italicized and double-underlined while deletions are marked by a single strike-through):

II. A paralegal ~~—or legal assistant,~~ *defined as 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 an attorney,* appearing *and working* under the ~~direct~~ *ultimate* supervision of an attorney admitted to practice in New Hampshire, *or otherwise authorized by court rule, statutes, tribal laws or governmental authority,* shall not be deemed to be commonly practicing as an attorney in court, provided that:

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Please feel free to contact me or Brandy Swanson, CLA, PANH President at (603) 595-0210 or at brandyds@mac.com, if you have any questions or would like additional information.

Thank you for your attention and courtesy.

Respectfully,

A handwritten signature in black ink, appearing to read "S. Kristine Farmer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

S. Kristine Farmer

Vice President and Director of Positions & Issues

/skf

Enclosures

ENCLOSURES

1. NFPA – *Statement on Issues Affecting the Paralegal Profession*
2. NFPA – *Model Code of Ethics and Professional Responsibility*
3. NFPA – *Paralegal Responsibilities*
4. NFPA – *Your Source for Paralegal Information*
5. NFPA – *The Paralegal's Partner in Progress*
6. NFPA – *What is a Paralegal? Often-Asked Questions about the Paralegal Profession*
7. NFPA – *PACE – Paralegal Advanced Competency Exam*
8. NFPA – *2001 Paralegal Compensation and Benefits Report*
9. NFPA – *Pro Bono – Paralegals Making a Difference*
10. NFPA – *National Paralegal Reporter*