

## **EXHIBIT A**

### **The National Federation of Paralegal Associations, Inc.**

## **Position Statement on Non-Lawyer Legal Professionals**

The National Federation of Paralegal Associations, Inc., (“NFPA”) believes it is in its members’ best interest to be prepared to respond to potential legislation and/or court regulation regarding Non-Lawyer Legal Professionals (“NLLP”).

Therefore, NFPA adopts the following position statement regarding NLLPs, to be implemented consistent with NFPA Resolution 15-01 on the concept of non-lawyer legal professionals. Although this position statement relates to non-lawyer practice, it is a new topic and stands on its own. It is not meant to be an amendment to NFPA’s 2005 Position Statement on Non-Lawyer Practice.

### **BACKGROUND**

Over thirty years ago, NFPA stated that,

In examining contemporary legal institutions and systems, the members of NFPA recognize that a redefinition of the traditional delivery of legal services is essential in order to meet the needs of the general public. We are committed to increasing the availability of affordable, quality legal services, a goal which is served by the constant reevaluation and expansion of the work that paralegals are authorized to perform. Delivery of quality legal services to those portions of our population currently without access to them requires innovation and sensitivity to specific needs of people.<sup>1</sup>

The growing gap between those individuals who can afford quality legal services and those who must proceed without any legal representation whatsoever has become more visible in recent years. Many observers now recognize the desirability and fairness of increasing the availability of basic legal services as a means to increasing Access to Justice.

In February 2016, the American Bar Association adopted Amended Resolution 105, ABA Model Regulatory Objectives for the Provision of Legal Services, which urges each state’s highest court, and those of each territory and tribe, to be guided by the Model

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<sup>1</sup> Legal Assistant Today/Winter 1985.

Regulatory Objectives when they assess the court's existing regulatory framework and any other regulation they may choose to develop concerning NLLPs.<sup>2</sup>

The ABA's Model Regulatory Objectives for the Provision of Legal Services are as follows:

**"ABA Model Regulatory Objectives for the Provision of Legal Services**

- A. Protection of the public;
- B. Advancement of the administration of justice and the rule of law;
- C. Meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;
- D. Transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections;
- E. Delivery of affordable and accessible legal services;
- F. Efficient, competent, and ethical delivery of legal services;
- G. Protection of privileged and confidential information;
- H. Independence of professional judgment;
- I. Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- J. Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system".

NFPA believes that paralegals can and should play an integral role in the delivery of cost-effective legal services. NFPA supports the concept of NLLPs delivering services directly to the public and views it as an extension of the paralegal profession.

For that reason, 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

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<sup>2</sup> The full text of the Amended Resolution and the Mid-Year report are available at: [http://www.americanbar.org/news/reporter\\_resources/midyear-meeting-2016/house-of-delegates-resolutions/105.html](http://www.americanbar.org/news/reporter_resources/midyear-meeting-2016/house-of-delegates-resolutions/105.html)

and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency, corporation or other entity or may be authorized by administrative, statutory or court authority to perform this work.

## **RECOMMENDATIONS**

In order to facilitate improved access to the legal system, qualified NLLPs must be permitted to provide limited legal and law-related services directly to the public, including guidance and/or direction within a predetermined scope, according to their expertise, experience, and education. To be effective, any “NLLP regulation plan” must include authority for qualified NLLPs to provide a predetermined scope of legal services under conditions which balance public protection with consumers’ individual needs.

While the education and CLE requirements recommended by NFPA would serve to ensure a degree of protection to the public, incidental errors and omissions may occur. In order to protect the public and the integrity of the profession, the licensing bodies are encouraged to include bonding or insurance requirements of the NLLP who provides services directly to the public.

Based on NFPA’s position that NLLPs are an extension of the paralegal profession, NFPA believes that minimum requirements for any NLLP should include education, training and experience as a paralegal as defined by NFPA’s definition of a paralegal. NFPA therefore recommends that candidates for any NLLP plan have paralegal credentials from one of the nationally recognized voluntary paralegal certification programs which include:

- NFPA’s PACE Registered Paralegal® or RP® program
- NFPA’s CORE Registered Paralegal™ or CRP™ program
- NALA’s Certified Paralegal® or CP® program
- NALA’s Advanced Certified Paralegal or ACP program
- NALS Professional Paralegal or PP program
- AAPI American Alliance Certified Paralegal Program

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

1. Exceptions from the Unauthorized Practice of Law within the confines of the respective states’ regulations and statements on Unauthorized Practice of Law;
2. Postsecondary education standards in the specialized area of law in which the NLLP will be practicing;

3. Ethical standards that are substantially similar to those defined by 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 jurisdictional authority; and
6. A requirement that 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 regulating authority.

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

1. Attestation by a licensed attorney familiar with the NLLPs substantive experience and work history; and
2. Fitness and Character criteria consistent with NFPA’s Fitness and Character Model.

## **CONCLUSION**

It has taken many years of diligent work for paralegals to be recognized as legal professionals and to establish industry standards. NFPA desires to maintain the integrity of the paralegal profession and together with AAFPE, has conscientiously worked to establish appropriate minimum standards of paralegal education, experience, certification criteria, ethical standards, CLE requirements, and bonding/insurance requirements. NFPA desires to keep these high standards intact. To allow NLLPs who have not met the minimum standards for the paralegal profession entry into the legal profession to deliver legal services directly to the public, or to identify themselves as paralegals, may ultimately jeopardize the integrity of the entire paralegal profession and in turn potentially harm the public.

With that qualifier, NFPA continues to support expanding paralegal roles and the delivery of affordable legal services by qualified legal professionals that enter alternate career paths, thereby improving Access to Justice for the underserved members of the public.

To further that resolve, NFPA supports the creation of a profession of licensed non-lawyer legal professionals provided they include the recommended criteria outlined above in the regulation guidelines of the NLLPs. Any jurisdiction seeking to regulate

NLLPs is to be commended for attempting to address Access to Justice issues with the increased utilization of NLLPs as an additional level of legal service providers.