

7-8

Proposal by Ms. Jennifer Zakrewski regarding oversight and regulation of paralegals.

Del Ciampo, Joseph

From: Jennifer Zakrzewski <jzakrzewski2011@gmail.com>
Sent: Monday, March 11, 2019 6:33 PM
To: Del Ciampo, Joseph
Subject: Re: Rules Committee Question
Attachments: CT Paralegal Plan 2018.pdf; National Federation of Paralegal Associations.pdf; Consumer Pamphlet_ Florida Registered Paralegal Program.pdf

Hello Attorney DelCiampo -

Sorry for the delay!

Dear Justice McDonald and Members of the Rules Committee:

Attached please find several documents that the Paralegals Section of the Connecticut Bar Association ("CBA") hopes you will consider for putting on the agenda of the Rules Committee for a formal presentation. The Paralegals Section and the Central Connecticut Paralegal Association have been working collaboratively on a proposal for the professional recognition of paralegals that have met certain educational, work experience and ethical requirements.

By way of background, there are two main national organizations in the United States that promote the paralegal and/or legal assistant profession. One organization is the National Federation of Paralegals Association ("NFPA"); the other is the National Association of Legal Assistants ("NALA"). Both of these organizations have developed written exams individuals can take upon proving that they meet certain educational, work experience and ethical requirements. Upon passing the exam, the individual can self-identify as a Registered Paralegal® (a title created for individuals who have passed the NFPA test) or a Certified Paralegal® (a title created for individuals who have passed the NALA test).

Multiple states throughout the country have now recognized the professional designations of a Registered Paralegal or Certified Paralegal with great success. These states include: Delaware, Indiana, Kentucky, Louisiana, Minnesota, New Jersey, Pennsylvania, Texas, Ohio and Florida. In fact, Florida now has over 5,000 Registered Paralegals. In addition, several states have expanded the roles of paralegals to assist with document preparation, court navigation and limited scope representation in an effort to close the access to justice gap. The exams that have been created by NFPA and NALA are the basis of the mini-bar exam required to become a Limited Licensed Legal Technician in Washington State and in Utah one must have the Registered Paralegal or Certified Paralegal title prior to becoming a Licensed Paralegal Practitioner.

We have approached the legislative office and the CBA with this proposal. Both bodies have advised that the Rules Committee would be the appropriate venue for this proposal.

We hope that Your Honor and the Rules Committee will provide the paralegals an opportunity to present on the attached proposal. We see it as a much-needed step forward in the paralegal profession. Thank you for your time and consideration.

Jen Zakrzewski, RP
860-839-3872

On Wed, Mar 6, 2019 at 8:03 AM Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov> wrote:

Good Morning,

I have reviewed the information you forwarded to me and will present it to the Chair of the Rules Committee for his consideration as regards placement on the Committee agenda. If you have any other materials that you would like me to submit, please forward them directly to me as soon as possible as the next meeting of the Committee is scheduled for March 18, 2019. Thank you.

Joseph J. Del Ciampo

Director of Legal Services

Connecticut Judicial Branch

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Hartford, CT 06106

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From: Jennifer Zakrzewski [<mailto:jzakrzewski2011@gmail.com>]

Sent: Wednesday, March 6, 2019 7:49 AM

To: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>

Subject: Fwd: Rules Committee Question

Good Morning -

Would you be so kind as to respond to my email. If you are not the appropriate person, could you please point me in the right direction?

Jen Zakrzewski

----- Forwarded message -----

From: **Jennifer Zakrzewski** <jzakrzewski2011@gmail.com>

Date: Fri, Feb 8, 2019 at 8:18 AM

Subject: Re: Rules Committee Question

To: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>

Hello Attorney DelCiampo -

I left a voice message last week. Basically, what I am reaching out to you about is a paralegal proposal that has been in the works for quite some time. By way of background, there currently is no oversight and/or criteria for someone to call themselves a paralegal. There are two main organizations in the United States that promote the paralegal profession; one of them is the National Federation of Paralegals and the other is the National Association of Legal Assistants. Each of these organizations promote the paralegal profession by setting forth professional guidelines for paralegals to follow. These include ethics, education and experience. Each organization has also compiled and administers testing for paralegals. Paralegals are eligible to sit for these exams when they meet the educational, experience and ethical criteria (no felonies, convictions, etc.). After they pass the exam, they can use the title "Registered Paralegal" or "Certified Paralegal". I am a Registered Paralegal as well. A lot of states currently recognize this certification. In Florida, the mandatory Florida Bar actually oversees the Florida Registered Paralegals (FRPs) and issues them bar numbers. This would be a VOLUNTARY testing for paralegals, but it would definitely promote the paralegal profession.

The paralegals in this state have come together and are seeking recognition in Connecticut. We have come up with a proposal that would set forth the guidelines. We originally started with the CT Bar Association as when Doug Brown was executive director, he indicated that it may be something that the CBA could oversee since they do something similar with the worker's comp. specialist. This did not go far. Most recently, I approached my House Rep., Dr. William Petit, who had his team research and investigate. I received feedback from him and spoke with Bill Chapman (CBA lobbyist) that the proposal would need to go to the Rules Committee. Bill indicated that the Rules Committee sessions are almost over (maybe 2 or 3 meetings) and then they will restart in September. Could you please advise as to how we would go about approaching the Rules Committee to get this on the agenda for consideration.

Thank you for your attention to this matter.

Jen Zakrzewski

On Wed, Jan 30, 2019 at 4:50 PM Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov> wrote:

Dear Ms. Zakrzewski,

I can be reached at the number identified below. Thank you.

Joseph J. Del Ciampo

Director of Legal Services

Connecticut Judicial Branch

100 Washington Street, 3rd Floor

Hartford, CT 06106

e-mail: Joseph.DelCiampo@jud.ct.gov

Tel: (860) 706-5120

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From: Jennifer Zakrzewski [mailto:jzakrzewski2011@gmail.com]

Sent: Wednesday, January 30, 2019 8:13 AM

To: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>

Subject: Rules Committee Question

Hello Attorney DelCiampo,

My name is Jen Zakrzewski and I am a paralegal with the CT Bar Association. The paralegals in CT have been working on a proposal for greater professional recognition in CT. Mark Dubois and Fred Lowry are aware of this proposal and so is the CBA. We tried going through the legislature, but have been advised the the Rules Committee would be the better place to start. Is there a number that I can contact you at to discuss. I am also a new paralegal for the State of CT at DSS. Feel free to call me at 860-424-5526. Thank you!

Jen

CONNECTICUT STANDARDS FOR PARALEGAL REGISTRATION

I. PURPOSE

The State of Connecticut OR GOVERNING BODY (hereinafter referred to as “GB”) acknowledges that there is a need for the provision of cost-effective legal services to serve the citizens of Connecticut. GB further recognizes that the use of qualified paralegals by lawyers, law firms, judicial, educational, commercial and governmental entities is the best way to provide the community with such cost-effective legal services. In recognition of the above, GB enacts the following Voluntary Registered Paralegal Plan (the “Plan”).

II. DEFINITIONS

For purposes of this Plan, the following terms have the following meaning:

(a) Paralegal shall mean a person qualified through education, training or substantive work experience to perform substantive legal work that requires the 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 an administrative, statutory or court authority to perform this work.

(b) Connecticut Registered Paralegal. A Connecticut Registered Paralegal (hereinafter referred to as “CTRP”) is an individual who meets the definition of paralegal and the requirements for registration as set forth elsewhere in these rules, who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity, and who performs substantive legal work for which a lawyer is responsible.

(c) Paralegal Work and Paralegal Work Experience. Paralegal work and paralegal work experience are specifically delegated substantive legal work performed by a person with education, training, or work experience under the direction and supervision of an attorney who is licensed to practice law – or is registered with a state agency that oversees the registration of in-house counsel who are not otherwise licensed to practice law – in any state, jurisdiction or territory of the United States for which such attorney is responsible. Time spent performing clerical work is specifically excluded.

(d) Employing or Supervising Attorney. An employing or supervising attorney is the attorney having direct supervision over the work product of the Paralegal or CTRP.

III. GB PARALEGAL REGISTRATION BOARD

A GB Paralegal Registration Board (hereinafter referred to as the “Registration Board”) will be established, with members appointed by the GB, who will serve at the pleasure of the President of the Registration Board. The purpose of the Registration Board (as delegated by the GB) shall be to grant, revoke or re-grant registration as a CTRP.

The Registration Board shall have a minimum of seven and maximum of nine members. The Registration Board shall consist of: at least two associate Paralegal members (not students) with two alternate members, from the Paralegals Section of the Connecticut Bar Association; at least two voting Paralegal members of the Central Connecticut Paralegal Association; and the remaining members shall be practicing attorneys, who are in good standing with the State of Connecticut. At least one practicing attorney will have a background in teaching or administering a paralegal academic program.

The initial composition of the Registration Board will be two members chosen to serve a (two)-year term, two members chosen to serve a (three)-year term, with any remaining members chosen to serve a (four)-year term. Thereafter, each member will serve a term of four years, with permitted renewals of the same length.

Registration Board members shall serve on a volunteer basis and without pay. The Registration Board will determine its own meeting and related schedules and its own internal procedures after its final composition is determined.

The Registration Board, by an affirmative vote of a the majority of its members, may deny registration to a Paralegal previously registered under the standards as outlined in Section V below if material changes reported on the affidavit or form, or that may otherwise come to the Registration Board's attention, are such that the Paralegal involved would no longer be qualified for registration or renewal of registration under the standards as outlined in Section V below. Any Paralegal denied registration may request reconsideration, and, if denied, appeal the denial of registration pursuant to the appeal procedures set forth in Section IX below.

IV. REQUIREMENTS FOR REGISTRATION

A. Any person, currently employed as a paralegal, to be eligible for Registration under this Plan, shall:

- (1) Be eighteen (18) years of age or older; AND
- (2) Be of good moral character; AND
- (3) Hold one of the following certifications:
 - a. successful completion of the Paralegal Advanced Competency Exam (PACE certification as offered by the National Federation of Paralegal Associations "NFPA"); or
 - b. successful completion of the Paralegal Core Competency Exam (PCCE certification as offered by NFPA) and with ___ months/years substantive paralegal experience [**TBD**]; or
 - c. successful completion of the Certified Legal Assistant/Certified Paralegal examination (CLA/CP certification as offered by the National Association of Legal Assistants "NALA").

Individual membership in NFPA and/or NALA shall not be a requirement.

B. Waiver of Requirements/Grandfathering

As of the date of the enactment of this Plan, paralegals with 10 years of substantive experience as a Paralegal prior to application and who have obtained a high school diploma prior to submitting any application, may waive the registration requirements under Section (IV)(A)(3) until _____, 20__ (3 years from enactment).

C. Submissions

The following must be filed with the GB for review by the Registration Board by any individual seeking to be registered as a CTRP:

(a) Educational, Certification, or Experience Requirement.

(1) a certificate showing that the individual has obtained one of the certifications set forth above in Section IV(A)(3) and attestation from the employing or supervising attorney(s) showing that the individual is currently primarily performing paralegal work; or

(2) if applying under the Waiver of Requirements/Grandfathering in Section IV(B), a high school diploma and attestations from the employing or supervising attorney(s) showing that the individual is currently primarily performing paralegal work and any prior employing or supervising attorney(s) showing that the individual has performed 10 years of substantive experience as a paralegal.

(b) Statement of Compliance.

A sworn statement by the individual that the individual has read and will abide by the Code of Ethics and Responsibility set forth elsewhere in this Plan.

(c) References

A minimum of three professional references, including two from an attorney licensed to practice law or registered with the state agency overseeing the registration of in-house counsel who are not otherwise licensed to practice law in, and in good standing with, any court of any state, jurisdiction or territory of the United States who have direct knowledge of the applicant's character and fitness, skills, and work as a paralegal. The other reference may include an attorney, judge, magistrate, hearing officer, mediator, arbitrator, direct supervisor, manager or educator who has direct knowledge of the applicant's character and fitness, skills, and work as a paralegal. Applicants must also report any current or past disciplinary or criminal complaints or charges against them.

(d) Registration Fee.

The appropriate registration fee set forth in Article X of the Plan and as may be amended by the Registration Board.

(e) Review by the Registration Board.

Upon receipt of the items set forth in paragraphs (a) through (d) above, the Registration Board will review the items for compliance with this Plan. Any incomplete submissions will be returned. If the individual meets all of the requirements of this Plan, the individual will be added to the roll of CTRPs and a certificate evidencing such registration will be issued. If there is an open unlicensed practice of law complaint against the individual, the application will be held as pending until the investigation is resolved.

(f) Bi-Annual Renewal; Content and Registration Fee.

Except as provided elsewhere in this rule, the registration pursuant to this subdivision will be bi-annual. The renewal must be accompanied by fees as established by this Plan and as may be amended by the Registration Board.

The renewal must contain a statement that the individual is primarily performing substantive paralegal work as defined elsewhere in this Plan and a statement that the individual is not ineligible for registration set forth elsewhere in this Plan.

Further, a CTRP must show that he or she has met the continuing legal education as set forth in Article VII and has continued to maintain their RP, CRP or CP status through NFPA or NALA.

Membership in either organization is not a requirement for renewal, only maintenance of RP, CRP or CP status. This requirement does not pertain to any CTRP who registered under the Waiver of Requirements/Grandfathering procedure set forth in Section IV(B) above.

Renewal must be filed with the Registration Board, between _____ and _____ (60 day window) every other year that a paralegal is registered under these standards. Any application for renewal received beyond 60 days from the renewal time frame will not be accepted for renewal and a new application must be submitted.

(g) Administrative Waivers

An applicant for paralegal registration or a registered paralegal may be eligible for waiver of the requirement of current employment required by Section I (definition) if the unemployment was the result of a poor economy (i.e. lay-off), disability or other documented leave. A one-year waiver may be granted by the chair of the Registration Board or designee in his or her discretion. An applicant may apply for a waiver for a maximum of two times in any ___ of years. An application for a waiver must be filed by the applicant no later than ___ months after the time prescribed in Section IV, Paragraph C(f).

V. INELIGIBILITY FOR REGISTRATION OR RENEWAL OF REGISTRATION

The following individuals are ineligible for registration as a CTRP or for renewal of registration that was previously granted:

- (a) a person who is currently suspended or disbarred or who has resigned in lieu of discipline from the practice of law in any state or jurisdiction;
- (b) a person who has been convicted of a felony in any state or jurisdiction and whose civil rights have not been restored;
- (c) a person who has been found to have engaged in the unlicensed (unauthorized) practice of law in any state or jurisdiction within 7 years of the date of application;
- (d) a person whose registration or license to practice has been terminated or revoked for disciplinary reasons by a professional organization, court, disciplinary board, or agency in any jurisdiction;
- (e) a person who is no longer primarily performing paralegal work and has not applied for a waiver as outlined above;
- (f) a person who fails to comply with prescribed continuing education requirements as set forth in the Plan;
- (g) a person who has been convicted of a felony or of a misdemeanor involving moral turpitude, dishonesty, or false statement;
- (h) a person who has been found to have committed fraud, dishonesty, or corruption that is related to the functions and duties of a CTRP;
- (i) a person who has been found to have committed gross incompetence or unprofessional or unethical conduct;
- (j) a person who has been found to have committed willful, substantial, or repeated violation of any duty imposed by statute, rule, or order of court; and/or
- (k) a person who has violated the Code of Ethics and Responsibility set forth elsewhere in this Plan.

VI. DUTY TO UPDATE

An individual applying for registration as a CTRP, or who is registered as a CTRP, has a duty to inform the Registration Board promptly of any fact or circumstance that would render the individual ineligible for registration or renewal.

VII. CONTINUING LEGAL AND PARALEGAL EDUCATION

A CTRP shall attend a minimum of 12 credit hours of continuing legal or paralegal education biannually in courses approved by the National Association for Legal Assistants, the National Federation of Paralegal Associations, the American Bar Association, or any state bar association in the United States.—At least one credit of the 12 shall include instruction on one or any combination of the following professional conduct topics:

- (a) Legal ethics, including instruction on the Connecticut Rules of Professional Conduct;
- (b) Professionalism, including instruction on the role of attorneys in promoting ethics and professionalism by facilitating compliance with the requirements of the Connecticut Rules of Professional Conduct;
- (c) Alcoholism, substance abuse, or mental health issues, which shall include instruction on any of their causes, prevention, detection, and treatment alternatives, as applicable;
- (d) Access to justice and fairness in the courts and how these issues impact public trust and confidence in the judicial system and the perception of justice in Connecticut, which shall include instruction on one or any combination of the following topics:
 - 1. Interacting with self-represented litigants;
 - 2. Encouraging pro bono representation;
 - 3. Accommodating language interpretation;
 - 4. Assuring fairness in matters of race, ethnicity, foreign origin, religion, gender, sexual orientation or identity, disability, socio-economic status, or other relevant topics.

The instruction related to professional conduct required by this section may be obtained in a single program or activity or in separate programs or activities that include one or more of the subjects set forth above.

Pro bono credit. The Paralegal Registration Board may allow one credit hour for every six hours of pro bono legal service performed, with a maximum of three credit hours. “Pro bono” means legal service provided, under the supervision of an attorney, to either a person of limited means or a charitable organization in which the legal service is assigned, verified, and reported by any of the following:

- (a) An organization receiving funding for pro bono programs or services from Statewide Legal Services;
- (b) A state or county bar association;

- (c) The Connecticut Bar Association;
- (d) Any other organization recognized by the State of Connecticut as providing pro bono programs or services in Connecticut.

VIII. CODE OF ETHICS AND RESPONSIBILITY

A CTRP shall adhere to the following Code of Ethics and Responsibility:

- (a) **Disclosure.** A CTRP shall disclose his or her status as a Connecticut Registered Paralegal at the outset of any professional relationship with a client, lawyer, a court or administrative agency or personnel thereof, and members of the general public. Use of the initials "CTRP" meets the disclosure requirement only if the title paralegal also appears. For example, J. Doe, CTRP, Paralegal. Use of the word "paralegal" alone also complies.
- (b) **Confidentiality and Privilege.** A CTRP shall preserve the confidences and secrets of all clients. A CTRP must protect the confidences of a client, and it shall be unethical for a CTRP to violate any statute or rule now in effect or hereafter to be enacted controlling privileged communications.
- (c) **Appearance of Impropriety or Unethical Conduct.** A CTRP should understand the attorney's Rules of Professional Conduct and this code in order to avoid any action that would involve the attorney in a violation of the rules or give the appearance of professional impropriety. It is the obligation of the CTRP to avoid conduct that would cause the lawyer to be unethical or even appear to be unethical.
- (d) **Prohibited Conduct.** A CTRP should not:
 - (1) establish attorney-client relationships, accept cases, set legal fees, give legal opinions or advice, or represent a client before a court or other tribunal, unless authorized to do so by the ~~court or tribunal~~; court, tribunal and/or as allowed by the laws of the State of Connecticut;
 - (2) engage in, encourage, or contribute to any act that could constitute the unlicensed practice of law;
 - (3) engage in the practice of law;
 - (4) perform any of the duties that attorneys only may perform nor do things that attorneys themselves may not do; or
 - (5) act in matters involving professional legal judgment since the services of an attorney are essential in the public interest whenever the exercise of such judgment is required.

- (e) Performance of Services. A CTRP must act prudently in determining the extent to which a client may be assisted without the presence of an attorney. A CTRP may perform services for an attorney in the representation of a client, provided:
 - (1) the services performed by the paralegal do not require the exercise of independent professional legal judgment;
 - (2) the attorney is responsible for the client, maintains a direct relationship with the client, and maintains control of all client matters;
 - (3) the attorney supervises the paralegal;
 - (4) the attorney remains professionally responsible for all work on behalf of the client and assumes full professional responsibility for the work product, including any actions taken or not taken by the paralegal in connection therewith; and
 - (5) the services performed supplement, merge with, and become the attorney's work product.
- (f) Competence. A CTRP shall work continually to maintain integrity and a high degree of competency throughout the legal profession.
- (g) Conflict of Interest. A CTRP who was employed by an opposing law firm has a duty not to disclose any information relating to the representation of the former firm's clients and must disclose the fact of the prior employment to the employing attorney.
- (h) Reporting Known Misconduct. A CTRP having knowledge that another Connecticut Registered Paralegal has committed a violation of this Plan or code shall inform GB of the violation.

IX. APPEALS

A. Notice of Action and Request for Reconsideration.

An applicant who is denied certification, a Registered paralegal who is denied renewal of registration, or an applicant or Registered Paralegal who is denied an administrative waiver under Section IV.C(g), will be notified by registered or certified mail sent to the Paralegal's last known address of the Registration Board's ("Board") decision ("Notice"). The reasons for the Board's action shall be set forth in that Notice. The Notice shall advise the Paralegal that he or she may file, within 30 days of the mailing of the Notice, a Request for Reconsideration of the Registration Board's decision. At the discretion of the chairperson, the Board's decision may be reconsidered by the entire Registration Board or a committee of the Registration Board appointed by the chairperson ("Committee").

B. Reconsideration.

The Request for Reconsideration shall include any additional information or supporting material that the Paralegal believes will help the Registration Board or its Committee in its reconsideration of the initial decision.

After reconsideration, the Registration Board shall send the reconsideration decision in writing to the applicant or Registered Paralegal by registered or certified mail within 60-90 days, setting forth the reasons for the decision, and notifying the applicant or Registered Paralegal that he or she may, within 30 days of the mailing of the decision, appeal to an Independent Review Panel.

C. Independent Review Panel.

If a request by an applicant or a Registered Paralegal is made for an appeal to an Independent Review Panel, the Registration Board chair or his or her designee shall appoint a three-person Independent Review Panel. The Independent Review Panel shall include at least one non-lawyer member and one lawyer. No member of the Independent Review Panel shall have had previous involvement in considering the applicant's or Registered Paralegal's applications. The hearing before the Independent Review Panel will be de novo. The Registration Board may send a representative to the Independent Review Panel hearing. The Independent Review Panel shall report its findings and decision to the Board. The decision of the Independent Review Panel shall be final. The Board shall notify the applicant or Registered Paralegal of the Independent Review Panel's decision by registered or certified mail sent to the Paralegal's last known address.

D. Hearing

The Independent Review Panel may consider any relevant evidence, including hearsay, if it is the type of evidence upon which reasonable persons rely, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are recognized in civil actions. The Independent Review Panel may exclude incompetent, irrelevant, immaterial, and/or unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record, together with the ruling thereon.

If the applicant or Registered Paralegal desires a transcript made of any hearing mentioned herein, the applicant or Registered Paralegal must provide a court reporter at his/her own expense and provide a complimentary copy of any transcript to the Registration Board.

X. FEES

Initial Application:	\$75
Renewal of Registration	\$50

A minimum of 25% of the fees collected shall go equally to the Paralegals Section of the Connecticut Bar Association and the Central Connecticut Paralegals Association. The

Registration Board reserves the right to amend the fees beginning in _____ (3 years from date of enactment of Plan). All fees are non-refundable.

About the Paralegal Advanced Competency Exam® (PACE®)

At the 1994 mid-year meeting the NFPA membership voted overwhelmingly to develop an exam which could become a standard used by state legislative bodies to gauge the competency level of experienced paralegals. The PACE program launched in 1996.

The exam was developed by a professional testing firm in conjunction with an independent task force including paralegals, lawyers, paralegal educators and content specialists from the general public who are legal advocates. It is administered by computer in a proctored testing facility, consists of 200 multiple-choice questions and must be completed in four hours, although many candidates complete it in two.

The questions are not practice-area specific, but are hypothetical issues testing advanced application of general knowledge, paralegal experience, and critical analysis ability to identify the correct answer. The exam covers tasks that experienced paralegals routinely perform, regardless of the practice area or geographic region in which they live. These tasks were organized into 5 domains: Administration of Client Legal Matters (23%); Development of Client Legal Matters (30%); Factual and Legal Research (22%); Factual and Legal Writing (20.5%), and Office Administration (4.5%). Ethics are included in all of the above domains, as are technology and terminology.

As the utilization of paralegals increases and the roles they play become more varied, the legal profession has come to recognize the Registered Paralegal (RP®) credential as a signal of excellence.

Requirements to Sit for PACE

Requirements for a paralegal to take PACE include work experience and education. The paralegal cannot have been convicted of a felony nor be under suspension, termination, or revocation of a certificate, registration, or license by any entity. Additionally, the candidate's experience must meet one of the following four options:

- An associates degree in paralegal studies obtained from an institutionally accredited school, and/or ABA approved paralegal education program; and six (6) years substantive paralegal experience; **OR**
- A bachelor's degree in any course of study obtained from an institutionally accredited school and three (3) years of substantive paralegal experience; **OR**
- A bachelor's degree and completion of a paralegal program with an institutionally accredited school, said paralegal program may be embodied in a bachelor's degree; and two (2) years substantive paralegal experience; **OR**
- Four (4) years substantive paralegal experience on or before December 31, 2000.

THE FLORIDA BAR

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The Florida Bar
www.floridabar.org

Florida Registered Paralegal Pamphlet

The Florida Bar provides information for the public on certain general areas of law as well as specific legal issues in our Consumer Pamphlets.

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What is a Florida Registered Paralegal?

A Florida Registered Paralegal is a paralegal who has met the education, training, certification and work experience required for registration as set forth in Chapter 20 of the Rules Regulating The Florida Bar. A paralegal is a person with education, training or work experience, who works under the direction and supervision of a member of The Florida Bar and who performs specifically delegated substantive legal work for which a member of The Florida Bar is responsible.

Why Hire or Become an FRP?

Benefits of hiring an FRP:

- You are hiring a paralegal with education, training and work experience who has elected to adhere to the Code of Ethics of the Rules Regulating The Florida Bar.
- Just as attorneys bill on scaled rates depending on experience or qualifications, FRPs may be eligible for the same consideration for paralegal work as long as the rate the attorney charges for the FRP is reasonable and in accordance with the ethical guidelines.

FRPs have access to all benefits available to attorney members of The Florida Bar, which include:

- Free access to online research.
- Receive *The Florida Bar News* semi-monthly.
- Discounted or reduced CLE programs.

What are the Eligibility Requirements?

RULE 20-3.1 REQUIREMENTS FOR REGISTRATION

In order to be a Florida Registered Paralegal under this chapter, an individual must meet 1 of the following requirements.

(a) Educational and Work Experience Requirements. A person may become a Florida Registered Paralegal by meeting 1 of the following education and paralegal work experience requirements:

- (1) a bachelor's degree in paralegal studies from an approved paralegal program, plus a minimum of 1 year of paralegal work experience;
- (2) a bachelor's degree or higher degree other than a juris doctorate from an institution accredited by a nationally recognized accrediting agency approved by the United States Department of Education or the Florida Department of Education, plus a minimum of 3 years of paralegal work experience;
- (3) an associate's degree in paralegal studies from an approved paralegal program, plus a minimum of 2 years of paralegal work experience;
- (4) an associate's degree from an institution accredited by a nationally recognized accrediting agency approved by the United States

Department of Education or the Florida Department of Education, plus a minimum of 4 years of paralegal work experience; or

(5) a juris doctorate degree from an American Bar Association accredited institution, plus a minimum of 1 year of paralegal work experience.

(b) Certification. A person may become a Florida Registered Paralegal by obtaining 1 of the following certifications:

(1) successful completion of the Paralegal Advanced Competency Exam (PACE certification as offered by the National Federation of Paralegal Associations "NFPA") and good standing with NFPA; or

(2) 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.

What Should an Attorney and an FRP Consider When an FRP is Performing Services?

When performing services for an attorney on behalf of a client, an FRP needs to make sure of the following:

- All legal judgment or advice comes from the attorney.
- The attorney is responsible for the client, maintains a direct relationship with the client and maintains control of all client matters.
- The attorney supervises the FRP.

4) All services performed are on behalf of the attorney.

What Tasks May an FRP Perform?

All tasks must be performed under the direct supervision of a Florida licensed attorney for which an attorney maintains full responsibility.

- Preparation of drafts of legal documents.
- Client and witness interviews.
- Factual research.
- Case management.
- Trial preparation.
- Assistance at court proceedings and depositions with an attorney.
- Preparation of transactional documents.
- Conducting real estate closings, in accordance with Florida Bar ethics rules.
- Preparation and maintenance of the documents required for the formation of business entities.

What Conduct is Prohibited?

- Providing services directly to the public.
- Establishing attorney-client relationships, accepting cases, setting legal fees, giving legal opinions or advice, or representing a client before a court or other tribunal unless authorized to do so by the court or tribunal.
- Engaging in, encouraging or contributing to any act that could constitute the unlicensed practice of law.
- Performing any duty that only an attorney may perform; or engaging in or carrying out any action that an attorney may not do.
- Acting in matters involving professional legal judgment, since the services of an attorney are essential in the public interest whenever the exercise of such judgment is required.

How Does One Apply to be an FRP?

- Complete application form and pay application fee.
- Provide supporting documentation to show eligibility for one of the qualifying criteria.

- Sign the acknowledgement included in the application that you have read Chapter 20 of the Rules Regulating The Florida Bar and will adhere to the Code of Ethics and Responsibility contained in the Rules.
- Be currently working, as required by the Rule.
- Provide attestations from current and/or previous supervising attorneys, as required by the Rule.

What are the Requirements to Maintain FRP Status?

- Adhere to the Code of Ethics and Responsibility set forth in Chapter 20 of the Rules Regulating The Florida Bar.
- Maintain continuous employment as a paralegal.
- Pay an annual renewal fee.
- Fulfill 30 hours of CE every 3 years in accordance with Chapter 20 of The Rules Regulating The Florida Bar.
- Be otherwise eligible in accordance with Chapter 20 of The Rules Regulating The Florida Bar.

For further information, please visit our website at www.floridabar.org/frp

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