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NATIONAL  
FEDERATION  
*of*  
PARALEGAL  
ASSOCIATIONS Inc.  

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# Paralegal Regulation by State

Updated April 2016

NFPA Regulation Review Committee

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## Alabama Region III

### Definition

Alabama Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>1</sup> The 1975 Code of Alabama 6-5-572: Refers to paralegals in the context of employment by an attorney.<sup>2</sup> Additionally, Rule 7.6 Professional Cards of Nonlawyers specifically states information must clearly define the role of nonlawyer as “Legal Assistant.” Comments section includes paralegals specifically, among others.<sup>3</sup>

### Unauthorized Practice of Law

### Type of Regulation

### Regulation History

## Alaska Region I

### Definition

Restyled in April 2009 under Supreme Court Order 1680 (SCO 1680) Alaska Rule of Professional Conduct 5.3 **Responsibilities Regarding Nonlawyer Assistants**: Changed reference in comment from “paraprofessionals” to “paralegals” as one type of nonlawyer supervised by attorneys (See comment [1]). The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct.<sup>4</sup>

### Unauthorized Practice of Law

### Type of Regulation

No regulation.

### Regulation History

2015 Update: The University of Alaska at Anchorage offers ABA-approved programs for Associate, Bachelor, and Post-Baccalaureate degrees in legal studies. It is not uncommon for employers to require their paralegals to have one of these degrees and/or certification with NFPA, NALA, or NALS, but so far there is no state-wide requirement or licensing. Sarah Ovsak, President Alaska Association of Paralegals.

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<sup>1</sup> [http://judicial.alabama.gov/library/rules/cond5\\_3.pdf](http://judicial.alabama.gov/library/rules/cond5_3.pdf)

<sup>2</sup> <http://alisondb.legislature.state.al.us/acas/CodeOfAlabama/1975/6-5-572.htm>

<sup>3</sup> [http://judicial.alabama.gov/library/rules/cond7\\_6.pdf](http://judicial.alabama.gov/library/rules/cond7_6.pdf)

<sup>4</sup> <http://www.state.ak.us/courts/prof.htm#5.3>



March 2011: Alaska Association of Paralegals solicited support from Fairbanks Legal Assistant Association for their voluntary Alaska Registered Paralegal program through the Alaska Bar Rules. Proposal was presented to the Alaska Bar Association in September 2011, but no additional information was provided as to the outcome of the proposal (styled as Paralegal Regulation Rule 44-2). Proposal was for voluntary Alaska Registered Paralegal through Alaska Bar Rules (overseen by AK Supreme Court).

## **Arizona** *Region I*

### Definition

Arizona Rules of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>5</sup> C. "Legal assistant/paralegal" means a person qualified by education and training who performs substantive legal work requiring a sufficient knowledge of and expertise in legal concepts and procedures, who is supervised by an active member of the State Bar of Arizona, and for whom an active member of the state bar is responsible, unless otherwise authorized by supreme court rule.

Rule 31 of Rules of the Supreme Court of Arizona, V. Regulation of the Practice of Law<sup>6</sup>

### Unauthorized Practice of Law

### Type of Regulation

Certification of Legal Document Preparers.<sup>7</sup>

### Regulation History

Arizona Code of Judicial Administration Section 7-208 – Legal Document Preparer<sup>8</sup>

2005: Effective July 1, 2005, Legal Document Preparers must complete 10 hours of CLE annually. Effective July 1, 2006, LDP must take an examination.<sup>9</sup>

2003: Supreme Court of Arizona adopted § 7-208 of the Arizona Code of Judicial Administration regarding "Legal Document Preparers" effective July 1, 2003. This code requires anyone preparing legal paperwork without an attorney's supervision must be certified as a legal document preparer. Legal document preparers can provide general legal information but can't give legal advice.

## **Arkansas** *Region II*

### Definition

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<sup>5</sup> <http://www.azbar.org/Ethics/RulesofProfessionalConduct/ViewRule?id=49>

<sup>6</sup>

[https://govt.westlaw.com/azrules/Document/NAE025A20A48C11DE97CFC30D94C59A9E?viewType=FullText&originatio nContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/azrules/Document/NAE025A20A48C11DE97CFC30D94C59A9E?viewType=FullText&originatio nContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

<sup>7</sup> <https://www.azcourts.gov/cld/Legal-Documents-Preparers>

<sup>8</sup> [https://www.azcourts.gov/Portals/0/admcode/pdfcurrentcode/7-208\\_Amend\\_2013.pdf](https://www.azcourts.gov/Portals/0/admcode/pdfcurrentcode/7-208_Amend_2013.pdf)

<sup>9</sup> <http://www.supreme.state.az.us/orders/admorder/Orders03/2003-14.pdf>

Arkansas Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>10</sup>

### Unauthorized Practice of Law

#### **Rule 5.5 Unauthorized Practice of Law, Multijurisdictional Practice of Law**

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
- (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
  - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:
- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
  - (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
  - (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
  - (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:
- (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or
  - (2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

### Type of Regulation

None.

### Regulation History

2015 Update: In 2011, the Arkansas Bar Association created the Paralegal Committee to “promote the utilization of paralegals in the Arkansas legal community. The Committee will be responsible for the education of the members of the Association and development of guidelines for the utilization of paralegals in legal service.” According to Arkansas paralegal sources, Arkansas paralegal associations work closely with this committee.<sup>11</sup>

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<sup>10</sup> <https://courts.arkansas.gov/rules-and-administrative-orders/court-rules/rule-53-responsibilities-regarding-nonlawyer-assistant-0>

<sup>11</sup> <https://www.arkbar.com/Committee/CommitteeInfo.aspx?id=236>

## California

### Region I

#### Definition

California Business and Professions Code Section 6456-6456: "Paralegal" means a person who holds himself or herself out to be a paralegal, who is qualified by education, training, or work experience, who either contracts with or is employed by an attorney, law firm, corporation, governmental agency, or other entity, and who performs substantial legal work under the direction and supervision of an active member of the State Bar of California, as defined in Section 6060, or an attorney practicing law in the federal courts of this state, that has been specifically delegated by the attorney to him or her. Tasks performed by a paralegal include, but are not limited to, case planning, development, and management; legal research; interviewing clients; fact gathering and retrieving information; drafting and analyzing legal documents; collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the supervising attorney; and representing clients before a state or federal administrative agency if that representation is permitted by statute, court rule, or administrative rule or regulation.

(d) Every two years, commencing January 1, 2007, any person that is working as a paralegal shall be required to certify completion of four hours of mandatory continuing legal education in legal ethics and four hours of mandatory continuing legal education in either general law or in an area of specialized law. All continuing legal education courses shall meet the requirements of Section 6070. Certification of these continuing education requirements shall be made with the paralegal's supervising attorney. The paralegal shall be responsible for keeping a record of the paralegal's certifications.<sup>12</sup>

#### Unauthorized Practice of Law

#### Type of Regulation

**Document Assistants And Unlawful Detainer Assistants** under CA Business & Professions Code 6400 et seq.

#### Regulation History

2014: Work of Civil Justice Strategies Task Force continues with preparation of action plan underway in October / November 2014

November 2013: State Bar Board of Trustees approves creation of the Civil Justice Strategies Task Force, tasked to analyze the reasons for the existing "justice gap," to evaluate the role of the legal profession in addressing the crisis, to seek the input of groups who have been working to expand access to justice to understand what efforts have worked and which have not been successful, to study creative solutions being considered in other states and other countries, and to develop an action plan with recommendations for steps that should be taken to fill the justice gap and achieve true access to justice in California.<sup>13</sup>

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<sup>12</sup> <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=06001-07000&file=6450-6456>

<sup>13</sup> <http://www.calbar.ca.gov/AboutUs/BoardofTrustees/CivilJusticeStrategiesTaskForce.aspx>

March 2013: The Limited License Working Group was created on as a subcommittee of the Board Committee on Regulation, Admissions and Discipline Oversight (RAD), with the charge to explore, research and report back to the RAD Committee regarding the feasibility of developing and implementing standards for creating a limited license to practice law and/or the licensing of legal technicians.<sup>14</sup>

2001: The California Business and Professions Code defines and regulates “Legal document assistant” and “Unlawful detainer assistant”.<sup>15</sup>

Definition of Legal Document Assistant does not apply to paralegals provided that the paralegal does not also perform the duties of a legal document assistant. Legal document assistants must be registered in the county in which they provide services.<sup>16</sup>

Paralegals are regulated by statute under CA Business & Professions Code 6450 et. seq. requiring mandatory compliance with educational standards, and continuing education.

1993: Assembly Bill 1287 proposing to register legal technicians (any nonlawyer who holds himself or herself out to the public as a legal technician, or any nonlawyer who offers to provide or who provides legal information and assistance service directly to consumers for compensation or who offers elf-help legal services.”

## **Colorado** *Region II*

### Definition

Amended and Restated Bylaws of the Rocky Mountain Paralegal Association: A Paralegal is 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 qualified person may be retained or employed in a traditional capacity by a lawyer, law office, government agency, or other entity or is authorized by administrative, statutory or court authority to perform this work; or this qualified person may be retained or employed in a non-traditional capacity, provided that such non-traditional capacity does not violate applicable unauthorized practice of law statutes, administrative laws, court rules, or case law.

Colorado Bar Association: Legal assistants (also known as paralegals) are a distinguishable group of persons who assist attorneys in the delivery of legal services. Through formal education, training and experience, legal assistants have knowledge and expertise regarding the legal system and substantive and procedural law, which will qualify them to do work of a legal nature under the direct supervision of a licensed attorney.<sup>17</sup>

Colorado Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>18</sup>

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<sup>14</sup> <http://www.calbar.ca.gov/AboutUs/BoardofTrustees/LimitedLicenseWorkingGroup.aspx>

<sup>15</sup> <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=06001-07000&file=6400-6401.6>

<sup>16</sup> [www.calda.org](http://www.calda.org)

<sup>17</sup> <https://www.cobar.org/index.cfm/ID/20101/subID/22660/CLAS//>

<sup>18</sup> <http://www.cobar.org/index.cfm/ID/20496/subID/22466/CETH//>

*Guidelines for the Utilization of Paralegals* were originally drafted by the Legal Assistant Committee (now Paralegal Committee) of the Colorado Bar Association and formally approved by the Board of Governors in July 1986. The first revision was approved in 1998. The Colorado Bar Association Paralegal Committee completed its second revision, update, and attorney review, and the proposed Guidelines were reviewed by the Colorado Supreme Court Office of Attorney Regulation Counsel for the unauthorized practice of law. The Guidelines were formally approved by the Colorado Bar Association Board of Governors at their meeting on May 17, 2008 and include descriptions for different types of paralegals (i.e. litigation, environmental, etc.).<sup>19</sup>

Footnote in Guidelines discusses the differences between paralegal and legal assistant titles.<sup>20</sup>

### Unauthorized Practice of Law

C.R.S. §12-55-112 (2015), Practicing law without license deemed contempt  
Paralegals thought to be involved in UPL, ethics concerns/break in fiduciary duties, or public complaints are investigated by the Office of Attorney Regulation Counsel (the same office that investigates complaints about attorneys). The OAR has a website with resources regarding UPL; click here for that information.

C.R.S. §12-55-110.3 places limitations on what a notary can and can't do. Subd. 3 talks about notaries and the Unauthorized Practice of Law. Subd. 4: "Knowing and willful violation of the provisions of this section shall constitute a deceptive trade practice. . . and shall also constitute official misconduct. . ." <sup>21</sup>

### Type of Regulation

No regulation.

### Regulation History

2016: Colorado does not have paralegal regulation or licensure at this time. It was brought to the attention of James Coyle, Regulation Counsel, several years ago during a meeting with members of RMPA. Mr. Coyle indicated that there was no interest in regulation or licensing of paralegals for several reasons including (a) paralegals are supervised by attorneys; (b) no funds to establish an oversight office/committee; and (c) the CO Sup Ct did not believe it necessary/relevant.

There is a subcommittee of the Colorado Bar Association, comprised mostly of attorneys, representatives of CU and DU Law Schools, Department Chair for Arapahoe Community College, and not more than four paralegals examining the LLLT to determine if that type of program can be undertaken here in CO (see RMPA Inside Reports, March 2016 for more details).

In May 2015 Loren Brown, Esq., then-chair of the Colorado Bar Association, decided to put several CBA Committees, including the Paralegal Committee, on hiatus. Mr. Brown cited the costs and resources required by the CBA to support the Paralegal Committee as well as declining enrollment. The CBA Paralegal Committee was officially shuttered July 1, 2015. <sup>22</sup>

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<sup>19</sup> <http://www.cobar.org/index.cfm/ID/106/subID/23108/CLAS//>

<sup>20</sup> [http://www.cobar.org/repository/Inside\\_Bar/Paralegal/Paralegal%20Guidelines/Preamble.pdf](http://www.cobar.org/repository/Inside_Bar/Paralegal/Paralegal%20Guidelines/Preamble.pdf)

<sup>21</sup> <https://www.sos.state.co.us/pubs/notary/files/article55.pdf>

<sup>22</sup> Received from Mianne Besser of RMPA

## Connecticut Region V

### Definition

Connecticut Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>23</sup>

CBA Guidelines for Lawyers Who Employ or Retain Legal Assistants and Guidelines For Legal Assistants published 1/13/97 (currently only available to Connecticut Bar Association Members). Connecticut Bar Association has a Paralegal Section.<sup>24</sup>

### Unauthorized Practice of Law

### Type of Regulation

No regulation.

### Regulation History

2015: Connecticut Judicial Branch is considering whether to permit limited non-lawyer practice by trained and certified laypersons to provide legal assistance to individuals of limited means (similar to Washington's Limited License Legal Technicians).

2013: Report to the Connecticut Judicial Branch Access to Justice Commission (February 15, 2013).<sup>25</sup>

2011: HB 6477 – An Act Concerning the Unauthorized Practice of Law by Notaries Public and the Outsourcing of Drafting, Review or Analysis of Legal Documents was referred to the Joint Committee on Judiciary on 2/24/11 and a public hearing was held on 4/8/2011. At the request of the Connecticut Alliance of Paralegal Association, NFPA prepared a response to this proposed regulation which can be found at the attached website link under Public Hearing Testimony. While the intent was to prohibit “Notorios” from practicing law and outsourcing of legal work, the legislation, as proposed, had a far greater impact on the paralegal profession in Connecticut. HB 6477 died in committee.<sup>2627</sup>

2009 – HB-6138 – An Act Concerning the Licensing of Paralegals, died in General Law Committee. <sup>28</sup>

1993: Bill (HB 5827 introduced into the state legislature providing for the state to develop licensing procedures for nonattorney operated legal document processing businesses. Defeated.

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<sup>23</sup> <http://www.jud.ct.gov/publications/PracticeBook/PB.pdf>

<sup>24</sup> <https://ctbar.site-ym.com/?Paralegals>

<sup>25</sup> <http://ncforaj.files.wordpress.com/2013/03/report-2-15-13-to-the-access-to-justice-commission-2-15-13.pdf>

<sup>26</sup> [http://cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill\\_num=6477&which\\_year=2011&SUBMIT1.x=6&SUBMIT1.y=12](http://cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=6477&which_year=2011&SUBMIT1.x=6&SUBMIT1.y=12)

<sup>27</sup> [http://www.paralegals.org/associations/2270/files/2011content/NFPA\\_Response\\_to\\_CT\\_HB\\_6477.pdf](http://www.paralegals.org/associations/2270/files/2011content/NFPA_Response_to_CT_HB_6477.pdf)

<sup>28</sup> <http://search.cga.state.ct.us/2009/TOB/H/2009HB-06138-R00-HB.htm>



No Date: HB 5445 – provided for paralegals employed by Public Defendants be given the authority to administer oath.

## **Delaware** *Region IV*

### Definition

Delaware Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>29</sup>

### Unauthorized Practice of Law

Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

### Type of Regulation

Voluntary Certification Through Paralegal Association – Delaware Certified Paralegal (“DCP”)

### Regulation History

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<sup>29</sup> <http://courts.delaware.gov/Rules/DLRPCFebruary2010.pdf> (pg 23)

2005: Delaware Certified Paralegal approved by Delaware Paralegal Association on May 12, 2005. Eligibility requires either paralegal experience, education in paralegal studies, NFPA or NALA certifications, or combination of experience and formal education in another discipline. Applicants must be a member of the Delaware Paralegal Association.<sup>30</sup>

## **District of Columbia** *Region IV*

### Definition

Washington D.C. Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>31</sup>

### Unauthorized Practice of Law

### Type of Regulation

### Regulation History

## **Florida** *Region III*

### Definition

Florida Rules of Professional Conduct Rule 4-5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants, and adds information regarding use of titles.<sup>3233</sup>

Rule 10-2.1(b) Generally (Rules Governing the Investigation and Prosecution of the Unlicensed Practice of Law) defines Paralegal or Legal Assistant.<sup>34</sup>

Rule 20 FLORIDA REGISTERED PARALEGAL PROGRAM Rule 20-2 DEFINITIONS define Paralegals, Florida Registered Paralegals, Paralegal Work and Paralegal Work Experience, Approved Paralegal Program, Employing or Supervising Lawyer, Board, and other relevant terms.

### Unauthorized Practice of Law

### Type of Regulation

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<sup>30</sup> <http://www.deparalegals.org/dcp-program.php>

<sup>31</sup> <http://www.dcbare.org/bar-resources/legal-ethics/amended-rules/rule5-03.cfm>

<sup>32</sup> <http://www.floridabar.org/divexe/rrtfb.nsf/FV/8C9B4524008595E485256BBC0052DD7B>

<sup>33</sup> <http://www.floridabar.org/divexe/rrtfb.nsf/FV/B8F1801F71B62CE9852573E5005497A9>

<sup>34</sup> [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=000-0099/0057/Sections/0057.104.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=000-0099/0057/Sections/0057.104.html)



Registered Paralegal Program (voluntary program through The Florida Bar). The Florida Registered Paralegal Program is not a certifying program, but a voluntary registration program administered by the Florida Bar.<sup>35</sup>

Voluntary Certification through Paralegal Association (Paralegal Association of Florida, Inc.): Florida Certified Paralegal (FCP) designation - is administered by Florida's only statewide paralegal association, the PAF. This is a state-specific examination for Florida Paralegals who seek to further distinguish themselves as specialists in Florida law. A prerequisite to taking this examination is having already achieved the designation of CLA/CP/ACP, RP or PP. Successful completion of this Florida-law specific certification examination entitles the paralegal to include the designation of Florida Certified Paralegal (FCP) after his/her name to distinguish them as obtaining an advanced level of competence of Florida law.<sup>36</sup>

### Regulation History

March 2011: HB 1149 (sponsor: Representative Steinberg) and SB 1612 (sponsored by Senator Richter) propose mandatory licensure of the paralegal profession. Detailed bills proposed by Florida Alliance of Paralegal Association stripped to bare bones from original proposal to allow oversight board to draft rules without return to legislature. Bills also introduced during tea-party governor's "no new regulation" initiative and died in Civil Justice and Judiciary committees.<sup>3738</sup>

On November 15, 2007, the Supreme Court of Florida adopted a voluntary program for the registration of paralegals meeting the established standard of education creating Chapter 20 of the Rules Regulating the Florida Bar. The Florida Registered Paralegal Program became effective March 1, 2008, at 12:01 a.m.<sup>3940</sup>

In September 2006, the South Florida Paralegal Association (SFPA) objected to the Florida Bar's proposal for regulating paralegals as the proposed plan for registration is not mandatory, among other issues. SFPA participated in the oral argument held at the Florida Supreme Court in April 2007.<sup>41</sup> SFPA established a website for the purpose of monitoring the proposal.<sup>42</sup>

On June 2, 2006, the FL Bar Board of Governors approves proposed Rule 20 drafted by its Special Committee to Study Paralegal Regulation to establish the Florida Registered Paralegal program. It expects to be filed with the Supreme Court of Florida in August 2006 for final action.

April 2006 - The Florida Bar derailed the bills that would have placed paralegals under the oversight of the state Department of Business and Professional Regulation by creating the Committee to Study Paralegal Regulation. No forward movement on drafting an acceptable Rule prompts Senator Argenziano and Representative Zapata to re-submit the Paralegal Profession Act in the 2006

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<sup>35</sup> [www.flabar.org/frp](http://www.flabar.org/frp)

<sup>36</sup> <http://pafinc.org/>

<sup>37</sup> <http://www.flsenate.gov/Session/Bill/2011/1612>

<sup>38</sup> <http://www.flsenate.gov/Session/Bill/2011/1149>

<sup>39</sup> [www.flordiasupremecourt.org/decisions/2007/sc06-1622.pdf](http://www.flordiasupremecourt.org/decisions/2007/sc06-1622.pdf)

<sup>40</sup> <http://www/flabar.org/frp>

<sup>41</sup> <http://www.wfsu.org/gavel2gavel/viewcase.php?eid=1738>

<sup>42</sup> [www.floridaregisteredparalegal.com](http://www.floridaregisteredparalegal.com)

Legislative Session. Died in Judiciary Committee.<sup>43</sup> General bill by Zapata, co-sponsored by Robaina died in Committee on Business Regulation.<sup>44</sup>

Committee work on the 2005 Bills are tabled when Representative Zapata agrees to work with the Florida Bar to create a proposal, and joins the committee to draft proposal. Paralegal Profession Act by Argenziano, died in Judiciary Committee 5/6/2005.<sup>45</sup> General Bill by Zapata, co-sponsored by Robaina died in Judiciary Committee.<sup>46</sup>

In 1983 the Paralegal Association of Florida (PAF) established the Voluntary Certified Florida Legal Assistant Program. In 2009, PAF changed the name of the designation to Florida Certified Paralegal (FCP.) Must be a CP to qualify for FCP exam.

## **Georgia**

### *Region III*

#### Definition

2015 Update: Ethics & Discipline / Current Rules / Part IV (After January 1 / 2001) - Georgia Rules of Professional Conduct (also includes Disciplinary Proceedings and Advisory Opinion rules) / CHAPTER 1 GEORGIA RULES OF PROFESSIONAL CONDUCT AND ENFORCEMENT THEREOF<sup>47</sup>

Georgia Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>48</sup>

#### Unauthorized Practice of Law

#### Type of Regulation

Voluntary certification only.

#### Regulation History

In 1994 The Committee to Examine the Role of Legal Assistants of the State Bar of Georgia prepared a preliminary report on the role of legal assistants.

## **Hawaii**

### *Region I*

#### Definition

Hawaii Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>49</sup>

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<sup>43</sup>[http://archive.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2006&billnum=0906](http://archive.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2006&billnum=0906)

<sup>44</sup> <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=32147&SessionId=42>

<sup>45</sup>[http://archive.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2005&billnum=2054](http://archive.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2005&billnum=2054)

<sup>46</sup> <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=17206&SessionId=38>

<sup>47</sup> <http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=469>

<sup>48</sup> <http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=115>

## Unauthorized Practice of Law

### Type of Regulation

### Regulation History

The Hawaii State Bar Association Task Force on Paralegal Certification drafted a proposal to amend the Hawaii Supreme Court Rules and Hawaii Rules of Professional Conduct to require certification of paralegals and only general supervision by attorneys. Hawaii State Bar Association rejected this mandatory paralegal certification program.

## **Idaho** *Region I*

### Definition

Idaho Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistance. (\*Rule 5.3 and Commentary amended 3-17-14 effective 7-1-14)<sup>50</sup> Model Guidelines for the Utilization of Legal Assistant Services: Adopted by Idaho State Bar members during the 1992 resolution process – Advisory only, not part of rules.<sup>51</sup>

## Unauthorized Practice of Law

### Type of Regulation

### Regulation History

2015 Update: Paralegals are not specifically regulated in Idaho, so there has not been any legislation or changes regarding paralegal requirements in Idaho. Generally, paralegals fall under Idaho's "unauthorized practice of law" statute.<sup>5253</sup>

## **Illinois** *Region II*

### Definition

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<sup>49</sup> [http://www.courts.state.hi.us/docs/court\\_rules/rules/hrpcond.pdf](http://www.courts.state.hi.us/docs/court_rules/rules/hrpcond.pdf)

<sup>50</sup> <http://isb.idaho.gov/pdf/rules/irpc.pdf>

<sup>51</sup> <http://isb.idaho.gov/pdf/general/legasst.pdf>

<sup>52</sup> <http://legislature.idaho.gov/idstat/Title3/T3CH4SECT3-420.htm>

<sup>53</sup> Kim Schwisow, President, Idaho Paralegal Association

Illinois Compiled Statutes: 5 ILCS 70/1.35. Paralegal. "Paralegal" means a person who is qualified through education, training, or work experience and is employed by a lawyer, law office, governmental agency, or other entity to work under the direction of an attorney in a capacity that involves the performance of substantive legal work that usually requires a sufficient knowledge of legal concepts and would be performed by the attorney in the absence of the paralegal. A reference in an Act to attorney fees includes paralegal fees, recoverable at market rates. (Source: P.A. 89-123, eff. 1-1-96.)<sup>54</sup>

Illinois Rules of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>55</sup>

### Unauthorized Practice of Law

#### Type of Regulation

#### Regulation History

2015 Update: In 2005 the Legal Document Preparer Act was referred to Rules Committee but died in committee.<sup>565758</sup> Additionally, the Legal Technician Licensing Act was introduced but it was defeated.<sup>59</sup>

The Illinois Paralegal Association has a Code of Paralegal Ethics, but adherence to the Code is voluntary as the association has no powers to discipline or sanction a paralegal who violates the Code.<sup>60</sup>

## **Indiana**

### *Region III*

#### Definition

Definition - I.C. 1-1-4-6: Attorney's fees as including paralegal's fees performed by the attorney in the absence of the paralegal. (b) A reference in the Indiana Code to attorney's fees includes paralegal's fees. As added by P.L.6-1993, SEC.1.<sup>61</sup> Guidelines for utilization of Non-lawyer Assistants - Sections 9.10 of the Indiana Rules of Professional Conduct, which includes Ethical Standards for Legal Assistants.<sup>62</sup> Indiana Rules of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>63</sup>

### Unauthorized Practice of Law

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<sup>54</sup> <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=79&ChapterID=2>

<sup>55</sup> [http://www.state.il.us/court/supremecourt/rules/art\\_viii/ArtVIII\\_NEW.htm#5.3](http://www.state.il.us/court/supremecourt/rules/art_viii/ArtVIII_NEW.htm#5.3)

<sup>56</sup> <http://www.ilga.gov/legislation/94/HB/09400HB4686.htm>

<sup>57</sup> <http://www.ilga.gov/legislation/94/SB/09400SB2253.htm>

<sup>58</sup> <http://www.ilga.gov/legislation/94/SB/09400SB0335.htm>

<sup>59</sup> [www.ilga.gov](http://www.ilga.gov)

<sup>60</sup> <http://www.ipaonline.org/?page=1>

<sup>61</sup> <https://iga.in.gov/legislative/laws/2014/ic/titles/001/> (bottom of page 42)

<sup>62</sup> [http://www.state.in.us/judiciary/rules/prof\\_conduct/index.html#\\_Toc341255507](http://www.state.in.us/judiciary/rules/prof_conduct/index.html#_Toc341255507)

<sup>63</sup> [http://www.state.in.us/judiciary/rules/prof\\_conduct/index.html#\\_Toc313019210](http://www.state.in.us/judiciary/rules/prof_conduct/index.html#_Toc313019210)

### Type of Regulation

Voluntary registration – Indiana Registered Paralegal. Bar Association Ethical Rules for Paralegals.

### Regulation History

2015 Update: The ISBA Board of Governors approved implementation of an ISBA program for paralegal registration. The target date for registration is mid-to late summer, 2015.

September 2008: The Indiana Supreme Court rejected Proposed Rule 2.2, which proposed the creation of the Indiana Registered Paralegal program.

## **Iowa** *Region II*

### Definition

Iowa Court Rules Chapter 32, Iowa Rules of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>64</sup>

### Unauthorized Practice of Law

### Type of Regulation

### Regulation History

An opinion issued by the Iowa Supreme Court Board of Professional Ethics and Conduct in September 2003 (Ethics Opinion 04-01) changed its previous prohibition from using the CLA credential as detailed in Ethics Opinions 88-05 and 88-19 to allowing the use of the title “Certified Legal Assistant” if the CLA certification by NALA had been obtained, but still prohibited the use of the CLA credential, concluding that it may still be confusing to the public.

Ethics Opinions of Iowa State Bar are now restricted to access by registration as a guest or as a member.<sup>65</sup>

## **Kansas** *Region II*

### Definition

Rule 226 of Rules Relating to Discipline of Attorneys - Kansas Rules of Professional Conduct 5.3 - Law Firms and Associations: Responsibilities Regarding Nonlawyer Assistance - incorporates the

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<sup>64</sup> <https://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/06-30-2014.32.pdf> (pg 66)

<sup>65</sup> <https://iowabar.site-ym.com/>

standard ABA model code for Responsibilities Regarding Nonlawyer Assistance. [Revised March 1, 2014]<sup>66</sup>

Official Standards and Guidelines for the Utilization of Legal Assistants/paralegals in Kansas uses the following definition: A legal assistant or paralegal is a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible. The guidelines referenced above are not publicly available, but the Kansas Bar Association publishes a brochure on regarding utilization of paralegals by attorneys.<sup>67</sup>

### Unauthorized Practice of Law

#### Type of Regulation

No regulation. Bar Association utilization standards.

#### Regulation History

2013: Kansas Bar Association's Paralegals Committee providing updated information to Kansas Supreme Court regarding regulation in other states.

In February, 2008, Kansas paralegal associations presented a voluntary certification program proposal to the Kansas Bar Board of Governors. This is still pending.

The Kansas Bar Association adopted Official Standards and Guidelines for the Utilization of Legal Assistants/paralegals in Kansas in 2004. Although referenced, the publication link is no longer available on the website.

## **Kentucky** *Region III*

### Definition

Supreme Court Rule 3.700 defines paralegal as "a person under the supervision and direction of a licensed lawyer, who may apply knowledge of law and legal procedures in rendering direct assistance to lawyers engaged in legal research; design, develop or plan modifications or new procedures, techniques, services, procedures or applications; prepare or interpret legal documents and write detailed procedures for practicing in certain fields of law; select, compile and use technical information from such references as digests, encyclopedias or practice manuals; and analyze and follow procedural problems that involve independent decisions."<sup>68</sup>

### Unauthorized Practice of Law

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<sup>66</sup> <http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Discipline+of+Attorneys&r2=19>

<sup>67</sup> [http://c.ymcdn.com/sites/www.ksbar.org/resource/group/2d26d874-d2a5-4714-b56e-b76844baee8f/paralegal\\_brochure.pdf](http://c.ymcdn.com/sites/www.ksbar.org/resource/group/2d26d874-d2a5-4714-b56e-b76844baee8f/paralegal_brochure.pdf)

<sup>68</sup> [http://kybar.org/documents/scr/scr3/scr\\_3.700.pdf](http://kybar.org/documents/scr/scr3/scr_3.700.pdf)

### Type of Regulation

Voluntary Paralegal Certification through Paralegal Association.

### Regulation History

2015 Update: No Change

2010: Certified Kentucky Paralegal Program –launched in Fall 2010 with “the purpose of . . . implement[ing] Kentucky Supreme Court Rule 3.700. The exam will be administered at least twice a year with testing dates, times and venues posted on the KPA website.<sup>69</sup>

## **Louisiana** *Region II*

### Definition

The Louisiana Rules of Professional Conduct has adopted ABA Model Code for Responsibilities regarding non-lawyer assistants as Rule 5.3.

### Unauthorized Practice of Law

§212. "Practice of law" defined

A. The practice of law means and includes:

- (1) In a representative capacity, the appearance as an advocate, or the drawing of papers, pleadings or documents, or the performance of any act in connection with pending or prospective proceedings before any court of record in this state; or
- (2) For a consideration, reward, or pecuniary benefit, present or anticipated, direct or indirect;
  - (a) The advising or counseling of another as to secular law;
  - (b) In behalf of another, the drawing or procuring, or the assisting in the drawing or procuring of a paper, document, or instrument affecting or relating to secular rights;
  - (c) The doing of any act, in behalf of another, tending to obtain or secure for the other the prevention or the redress of a wrong or the enforcement or establishment of a right; or
  - (d) Certifying or giving opinions, or rendering a title opinion as a basis of any title insurance report or title insurance policy as provided in R.S. 22:512(17), as it relates to title to immovable property or any interest therein or as to the rank or priority or validity of a lien, privilege or mortgage as well as the preparation of acts of sale, mortgages, credit sales or any acts or other documents passing titles to or encumbering immovable property.

### Type of Regulation

Voluntary through LSPA - “Louisiana Certified Paralegal” (LCP).

### Regulation History

1996: The Louisiana State Paralegal Association developed a statewide voluntary paralegal certification exam: the Louisiana Certified Paralegal (LCP.). The two-part certification process includes successful completion of NALA’s CLA / CP exam as well as the LCP exam.

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<sup>69</sup> <http://temp.kypa.org/Certified-Ky-Paralegal>

**Maine**  
*Region V*

Definition

Maine Rules of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>70</sup>

Title 4, Chapter 18: Paralegals and Legal Assistants

§921 - Definitions

"Paralegal" and "legal assistant" mean a person, qualified by education, training or work experience, who is employed or retained by an attorney, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which an attorney is responsible.<sup>71</sup>

§921 - Restriction on use of titles

1. Prohibition. A person may not use the title "paralegal" or "legal assistant" unless the person meets the definition in section 921, subsection 1.

2. Penalty. A person who violates subsection 1 commits a civil violation for which a forfeiture of not more than \$1000 may be adjudged.

[ 1999, c. 379, §1 (NEW) .] <sup>72</sup>

Unauthorized Practice of Law

Type of Regulation

None.

Regulation History

Change to Chapter 18, adding sections 921 and 922 incorporated in Maine statutes in 1999.

**Maryland**  
*Region IV*

Definition

Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>73</sup>

Unauthorized Practice of Law

Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law

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<sup>70</sup> [http://mebaroverseers.org/attorney\\_regulation/bar\\_rules.html?id=88243](http://mebaroverseers.org/attorney_regulation/bar_rules.html?id=88243)

<sup>71</sup> <http://www.mainelegislature.org/legis/statutes/4/title4sec921.html>

<sup>72</sup> <http://www.mainelegislature.org/legis/statutes/4/title4sec922.html>

<sup>73</sup> <http://www.lexisnexis.com/hottopics/mdcode/>



(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

- (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

- (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or
- (2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

### Type of Regulation

### Regulation History

HB 1029 (defeated 1988) providing for the regulation of paralegal/legal assistant; creating a state regulatory board to review the provision of paralegal/legal assistant services.

## **Massachusetts** *Region V*

### Definition

Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>74</sup>

### Unauthorized Practice of Law

### Type of Regulation

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<sup>74</sup> <http://www.mass.gov/obcbbo/rpc5.htm#Rule%205.3>

## Regulation History

# Michigan

## Region II

### Definition

Any person currently employed or retained by a lawyer, law office, governmental agency or other entity engaged in the practice of law, in a capacity or function which involves the performance under the direction and supervision of an attorney of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts such that, absent that legal assistant, the attorney would perform the tasks and which is not primarily clerical or secretarial in nature, and;

- a. who has graduated from an ABA approved program of study for legal assistants and has a baccalaureate degree; or
- b. has received a baccalaureate degree in any field, plus not less than two years of in-house training as a legal assistant; or
- c. who has received an associate degree in the legal assistant field, plus not less than two years of in-house training as a legal assistant; or
- d. who has a minimum of four years of in-house training as a legal assistant; may upon submitting proof thereof at the time of application and annually thereafter become a Legal Assistant Affiliate Member of the State Bar of Michigan.

### Unauthorized Practice of Law

MCLA 600.916 (Amend. 2000): (1) A person shall not practice law or engage in the law business, shall not in any manner whatsoever lead others to believe that he or she is authorized to practice law or to engage in the law business, and shall not in any manner whatsoever represent or designate himself or herself as an attorney and counselor, attorney at law, or lawyer unless the person is regularly licensed and authorized to practice law in this state. A person who violates this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurrence, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter. (2) A domestic violence victim advocate's assistance that is provided in accordance with section 2950c does not violate this section.

### Type of Regulation

None.

### Regulation History

2016: No new information is available.

2015: The Paralegal/Legal Assistant Section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, this site, public service programs, and publication of a newsletter. Membership in the Section is open to qualified legal assistants and to all members of the State Bar of Michigan.

2012: Study and request to codify the definition of the practice of law. Standing Committee of MI Bar Association prepared a draft of the proposed rule, it has not yet been adopted.

1990: Paralegal/Legal Assistant Section of the State Bar of Michigan established.

## Minnesota

### Region II

#### Definition

"Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>75</sup>

"The Minnesota Paralegal Association 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, government agency or other entity or may be authorized by administrative, statutory or court authority to perform this work. It is not the intent of MPA to exclude any member of the legal profession whose job duties fit the definition of paralegal but whose job title is something other than "paralegal". Additionally, the term "substantive" shall mean work requiring recognition, evaluation, organization, analysis, and communications of relevant facts and legal concepts.<sup>76</sup>

#### Unauthorized Practice of Law

#### Type of Regulation

Voluntary through Paralegal Association: Minnesota Certified Paralegal (MnCP) is a voluntary certification based on the paralegal's education and experience.

#### Regulation History

2015: The Minnesota State Bar Association formed a task force to explore alternative legal services models, such as LLLT. Their recommendation is due December 2016.

2014: Minnesota Certified Paralegal Program adopted by the Minnesota Paralegal Association on May 13, 2014. Eligibility requirements include a combination of education and experience or NFPA certifications. Applicants must pay an application fee. MnCPs are required to obtain and report a minimum of 10 CLE credits, including 1 ethics credit every 2 years. Renewals must be made every two years.<sup>77</sup>

1994: Minnesota Supreme Court ordered a study on "specialized legal assistants," but the study recommended against licensing non-attorneys to provide legal services. Minn. Stat. 481.02 reflects the expectation of the study to add the "specialized legal assistant" and exempts the "specialized legal assistant" from the Unauthorized Practice of Law, however no program was ever developed.

## Mississippi

### Region III

#### Definition

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<sup>75</sup> <http://prb.mncourts.gov/rules/Documents/MN%20Rules%20of%20Professional%20Conduct.pdf> (Effective October 1, 2005, with Amendments through July 1, 2011.)

<sup>76</sup> <http://www.mnparalegals.org/about-mpa>

<sup>77</sup> <http://www.mnparalegals.org/mn-certified-paralegal>

Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>78</sup>

### Unauthorized Practice of Law

#### Type of Regulation

None. Voluntary Certification.

#### Regulation History

### **Missouri** *Region II*

#### Definition

A paralegal, qualified through education, training or work experience, is employed or retained by an attorney, law firm, government agency, corporation, or other entity to perform substantive and procedural legal work under the ultimate direction and supervision of an attorney or as authorized by administrative, statutory, or court authority.

### Unauthorized Practice of Law

484.020. 1. No person shall engage in the practice of law or do law business, as defined in section [484.010](#), or both, unless he shall have been duly licensed therefor and while his license therefor is in full force and effect, nor shall any association, partnership, limited liability company or corporation, except a professional corporation organized pursuant to the provisions of chapter 356, a limited liability company organized and registered pursuant to the provisions of chapter 347, or\* a limited liability partnership organized or registered pursuant to the provisions of chapter 358, engage in the practice of the law or do law business as defined in section [484.010](#), or both.

2. Any person, association, partnership, limited liability company or corporation who shall violate the foregoing prohibition of this section shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine not exceeding one hundred dollars and costs of prosecution and shall be subject to be sued for treble the amount which shall have been paid him or it for any service rendered in violation hereof by the person, firm, association, partnership, limited liability company or corporation paying the same within two years from the date the same shall have been paid and if within said time such person, firm, association, partnership, limited liability company or corporation shall neglect and fail to sue for or recover such treble amount, then the state of Missouri shall have the right to and shall sue for such treble amount and recover the same and upon the recovery thereof such treble amount shall be paid into the treasury of the state of Missouri.

3. It is hereby made the duty of the attorney general of the state of Missouri or the prosecuting attorney of any county or city in which service of process may be had upon the person, firm, association, partnership, limited liability company or corporation liable hereunder, to institute all suits necessary for the recovery by the state of Missouri of such amounts in the name and on behalf of the state.

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<sup>78</sup> [http://courts.ms.gov/rules/msrulesofcourt/rules\\_of\\_professional\\_conduct.pdf](http://courts.ms.gov/rules/msrulesofcourt/rules_of_professional_conduct.pdf) (scroll to rule 5.3)

### Type of Regulation

None.

### Regulation History

2016: The Missouri Bar maintains an Access to Justice Committee, but it does not appear that regulation or licensing is current being studied.

2015: In 2003 the Southwest Missouri Paralegal Association formed a committee to draft a proposal to be presented to the Missouri Bar Association's Paralegal Committee. The Paralegal Committee drafted a proposed court rule for the attorney supervision of paralegals that was rejected by SMPA because they wanted a self-governing rule. The committee is drafting a Code of Ethics and Professional Responsibilities for Paralegals based on the Ethics Code followed by the State Bar as well as a proposal outlining education and testing for paralegals. (no citation)

1991: The Kansas City Association of Legal Assistants drafted a bill for the State of Missouri relating to Legal Assistants and independent Legal Technicians and their role in the delivery of legal services. (no citation)

## **Montana** *Region I*

### Definition

Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>79</sup>

Montana Code 25-10-304. Paralegal fees as component of attorney fees. In any case or proceeding in which attorney fees are awarded to the prevailing party, the court may, as a component of the attorney fees, include reasonable fees of a paralegal, as defined in 25-10-305.

History: En. Sec. 1, Ch. 443, L. 2009.<sup>80</sup>

Montana Code 25-10-305. Paralegal defined -- use of title. (1) As used in 25-10-304 and this section, "paralegal" means a person qualified through education, training, or work experience who is employed or retained to perform, under supervision by a licensed attorney, substantive legal work that:

- (a) requires a substantial knowledge of legal concepts; and
- (b) in the absence of the paralegal, would be performed by an attorney.

(2) An individual may use the title "paralegal" if the individual:

- (a) has received an associate's degree in paralegal studies from an accredited institution or a baccalaureate degree in paralegal studies from an accredited college or university;
- (b) has received a baccalaureate degree in any discipline from an accredited college or university and has completed not less than 18 semester credits of course work offered by a qualified paralegal studies program;
- (c) has received certification by the national association of legal assistants or the national federation of paralegal associations;

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<sup>79</sup>[http://c.ymcdn.com/sites/www.montanabar.org/resource/resmgr/attorney\\_rules\\_and\\_regulations/rules\\_of\\_professional\\_conduc.pdf](http://c.ymcdn.com/sites/www.montanabar.org/resource/resmgr/attorney_rules_and_regulations/rules_of_professional_conduc.pdf)

<sup>80</sup> <http://leg.mt.gov/bills/mca/25/10/25-10-304.htm>

(d) has received a high school diploma or its equivalent, has performed not less than 4,800 hours of substantive legal work under the supervision of a licensed attorney documented by the certification of the attorney or attorneys under whom the work was done, and has completed at least 5 hours of approved continuing legal education in the area of legal ethics and professional responsibility; or

(e) has graduated from an accredited law school and has not been disbarred or suspended from the practice of law by any jurisdiction.

(3) A person may not practice as a paralegal except under the supervision of a licensed attorney and is prohibited from engaging in the unauthorized practice of law.

History: En. Sec. 2, Ch. 443, L. 2009.<sup>8182</sup>

### Unauthorized Practice of Law

#### Type of Regulation

Statutory Regulation of Paralegal's Title, Definition, and Inclusion of Paralegal Fees

#### Regulation History

May 5, 2009 enacted HB 301 – An Act Including Reasonable Paralegal Fees As A Component Of Attorney Fees That May Be Awarded To A Prevailing Party In Certain Cases; Defining "Paralegal"; Amending Sections 25-10-302 And 37-61-215<sup>83</sup>

In September of 1994, the Montana State Bar Board of Trustees voted to petition Montana Supreme Court to adopt rules regulating paralegals which included education and testing requirements. Supreme Court No. 94-577 was denied.

## **Nebraska** *Region II*

### Definition

The Nebraska Paralegal Association refers to the definition of a paralegal put forth by NALA and the ABA.

The Nebraska Supreme Court has adopted ABA Model Code for Responsibilities regarding non-lawyer assistants as Rule 3-505.3

### Unauthorized Practice of Law

The "practice of law," or "to practice law," is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person which require the knowledge, judgment, and skill of a person trained as a lawyer. This includes, but is not limited to, the following:

(A) Giving advice or counsel to another entity or person as to the legal rights of that entity or person or the legal rights of others for compensation, direct or indirect, where a relationship of trust or reliance exists between the party giving such advice or counsel and the party to whom it is given.

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<sup>81</sup> <http://leg.mt.gov/bills/mca/25/10/25-10-305.htm>

<sup>82</sup> <https://www.mtcle.org/pdfs/paralegalclerules.pdf>

<sup>83</sup> <http://leg.mt.gov/bills/2009/billhtml/HB0301.htm>

(B) Selection, drafting, or completion, for another entity or person, of legal documents which affect the legal rights of the entity or person.

(C) Representation of another entity or person in a court, in a formal administrative adjudicative proceeding or other formal dispute resolution process, or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.

(D) Negotiation of legal rights or responsibilities on behalf of another entity or person.

(E) Holding oneself out to another as being entitled to practice law as defined herein.

Exceptions fall under Rule 3-1004.

The Nebraska Judicial Branch has an Unauthorized Practice of Law Commission.

#### Type of Regulation

None.

#### Regulation History

2015: According to paralegal sources in Nebraska, no plans exist for regulating the paralegal profession in the near future. However, Nebraska paralegals are beginning to work more closely with the Nebraska Bar Association, and will collaborate in an ethics seminar regarding the ethics and the unauthorized practice of law. This seminar will be presented to attorneys and paralegals alike.

## **Nevada**

### *Region I*

#### Definition

Nevada Rule of Professional Conduct 5.3 (formerly Supreme Court Rule 186) incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>84</sup> State Bar of Nevada Paralegal Division.<sup>85</sup>

#### Unauthorized Practice of Law

#### Type of Regulation

#### Regulation History

2001: a Task Force was established by the State Bar of Nevada Legal Assistant's Division (n/k/a Nevada Paralegal Division) to prepare a proposal on a certification program for the state's legal assistants. No update to proposal or its status available.

3/10/93 Assembly Bill 341 defining paralegal as "a person who is not an active member of the State Bar of Nevada and who provides, or holds himself out as providing any form of legal assistance to another person for compensation." It also provides for a Paralegal Council composed of 5 licensed

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<sup>84</sup> <https://www.leg.state.nv.us/CourtRules/RPC.html>

<sup>85</sup> <http://www.nvbar.org/content/paralegal-division>

paralegals, 1 attorney and a representative of the public who would be responsible for administering an examination for the licensing of paralegals.

## **New Hampshire** *Region V*

### Definition

Rule 35 of the New Hampshire Supreme Court Administrative Rules (Guidelines for the Utilization by Lawyers of the Services of Legal Assistants under the New Hampshire Rules of Professional Conduct) incorporates a comment referring to nonlawyer assistants as those “lay persons often designated as paralegals, legal assistants, law specialists, law clerks, law students, etc.”<sup>86</sup>

New Hampshire Rules of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>87</sup>

### Unauthorized Practice of Law

### Type of Regulation

### Regulation History

2003: NH Bill SB83 entitled: relative to paralegals and legal assistants. Attempting to define that paralegals and legal assistants are not licensed to practice law. NH Senate passed the bill but the House adopted the committee report of “inexpedient to legislate” which kills the bill.<sup>88</sup> NFPA submitted a response on the bill while under consideration.<sup>89</sup>

## **New Jersey** *Region IV*

### Definition

New Jersey Rules of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>90</sup>

### Unauthorized Practice of Law

RPC 5.5. Lawyers Not Admitted to the Bar of This State and the Lawful Practice of Law

(a) A lawyer shall not:

- (1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

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<sup>86</sup> <http://www.courts.state.nh.us/rules/scr/scr-35.htm>

<sup>87</sup> [http://www.courts.state.nh.us/rules/pcon/pcon-5\\_3.htm](http://www.courts.state.nh.us/rules/pcon/pcon-5_3.htm)

<sup>88</sup> [http://www.gencourt.state.nh.us/bill\\_status/bill\\_status.aspx?lsr=803&sy=2003&sortoption=](http://www.gencourt.state.nh.us/bill_status/bill_status.aspx?lsr=803&sy=2003&sortoption=)

<sup>89</sup> <http://www.paralegals.org/associations/2270/files/NH-response-05212003.pdf>

<sup>90</sup> [http://www.judiciary.state.nj.us/rules/apprpc.htm#P691\\_73915](http://www.judiciary.state.nj.us/rules/apprpc.htm#P691_73915) (temporarily unavailable while undergoing revision)



(b) A lawyer not admitted to the Bar of this State who is admitted to practice law before the highest court of any other state, territory of the United States, Puerto Rico, or the District of Columbia (hereinafter a United States jurisdiction) may engage in the lawful practice of law in New Jersey only if:

- (1) the lawyer is admitted to practice pro hac vice pursuant to R. 1:21-2 or is preparing for a proceeding in which the lawyer reasonably expects to be so admitted and is associated in that preparation with a lawyer admitted to practice in this jurisdiction; or
- (2) the lawyer is an in-house counsel and complies with R. 1:27-2; or
- (3) under any of the following circumstances:
  - (i) the lawyer engages in the negotiation of the terms of a transaction in furtherance of the lawyer's representation on behalf of an existing client in a jurisdiction in which the lawyer is admitted to practice and the transaction originates in or is otherwise related to a jurisdiction in which the lawyer is admitted to practice;
  - (ii) the lawyer engages in representation of a party to a dispute by participating in arbitration, mediation or other alternate or complementary dispute resolution program and the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which pro hac vice admission pursuant to R. 1:21-2 is required;
  - (iii) the lawyer investigates, engages in discovery, interviews witnesses or deposes witnesses in this jurisdiction for a proceeding pending or anticipated to be instituted in a jurisdiction in which the lawyer is admitted to practice;
  - (iv) the out-of-state lawyer's practice in this jurisdiction is occasional and the lawyer associates in the matter with, and designates and discloses to all parties in interest, a lawyer admitted to the Bar of this State who shall be held responsible for the conduct of the out-of-State lawyer in the matter; or
  - (v) the lawyer practices under circumstances other than (i) through (iv) above, with respect to a matter where the practice activity arises directly out of the lawyer's representation on behalf of an existing client in a jurisdiction in which the lawyer is admitted to practice, provided that such practice in this jurisdiction is occasional and is undertaken only when the lawyer's disengagement would result in substantial inefficiency, impracticality or detriment to the client.

(c) A lawyer admitted to practice in another jurisdiction who acts in this jurisdiction pursuant to paragraph (b) above shall:

- (1) be licensed and in good standing in all jurisdictions of admission and not be the subject of any pending disciplinary proceedings, nor a current or pending license suspension or disbarment;
- (2) be subject to the Rules of Professional Conduct and the disciplinary authority of the Supreme Court of this jurisdiction;
- (3) consent in writing on a form approved by the Supreme Court to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against the lawyer or the lawyer's firm that may arise out of the lawyer's participation in legal matters in this jurisdiction, except that a lawyer who acts in this jurisdiction pursuant to subparagraph (b)(3)(ii) or (b)(3)(iii) above shall be deemed to have consented to such appointment without completing the form;
- (4) not hold himself or herself out as being admitted to practice in this jurisdiction;
- (5) comply with R. 1:21-1(a)(1); and
- (6) except for a lawyer who acts in this jurisdiction pursuant to subparagraph (b)(3)(ii) or (b)(3)(iii) above, annually register with the New Jersey Lawyers' Fund for Client Protection and comply with R. 1:20-1(b) and (c), R. 1:28-2, and R. 1:28B-1(e) during the period of practice.

Voluntary through the South Jersey Paralegal Association – New Jersey Certified Paralegal (NJCP).

### Regulation History

July 2014: NFPA issues letter supporting review and expansion of New Jersey Rule of Professional Conduct 5.3 to include more specific information with regard to the paralegal profession as petitioned by the South Jersey Paralegal Association.

November 2010: South Jersey Paralegal Association launched a voluntary paralegal certification program bestowing the New Jersey Certified Paralegal (NJCP) credential on those who meet the standard of formal education and/or paralegal experience as outlined in their plan, and who are also members of their association. Continued compliance requires completion of CLE credits, and a biennial renewal.<sup>91</sup> Complete application documents and a list of NJCP paralegals.<sup>92</sup>

In June 2003, the State Bar's Board of Trustees met to discuss a registration proposal from the Bar's Paralegal Committee and ultimately asked the Supreme Court to review and issue a recommendation on the Bar's ability to oversee paralegals.

1999: The New Jersey Supreme Court denied a proposal from its special committee calling for the mandatory licensing of paralegals; however, it encouraged local associations to consider the development of a credentialing system.<sup>93</sup>

In the early 1990s a state Supreme Court committee called for paralegal licensure but the state bar objected stating that the process was unnecessarily burdensome. In 1998, the New Jersey Supreme Court Committee on Paralegal Education and Regulation issued a report with its recommendations as to goals, standards and ethics for paralegals. The Committee's recommendations were defeated by the Supreme Court in 1999. The Court held that lawyers, not the court, are responsible for supervising paralegals and that any credentialing or standards should be worked out from within the profession.

## **New Mexico**

### *Region II*

#### Definition

Rules of Professional Conduct 16-503 – Responsibilities Regarding Nonlawyer Assistants, Rules of Professional Conduct, Rule 20: Rules Governing Paralegal Services (definition at 20-102 and qualifications at 20-115).<sup>94</sup>

#### 20-102: Definition

A. a "paralegal" is a person who:

- (1) contracts with or is employed by an attorney, law firm, corporation, governmental agency or other entity;
- (2) performs substantive legal work under the supervision of a licensed attorney who assumes professional responsibility for the final work product; and
- (3) meets one or more of the education, training or work experience qualifications set forth in Rule 20-115 NMRA of these rules; and

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<sup>91</sup> [http://www.sjparalegals.org/documents/NJCP\\_Plan.pdf](http://www.sjparalegals.org/documents/NJCP_Plan.pdf)

<sup>92</sup> <http://www.sjparalegals.org/njcertifiedparalegal.php>

<sup>93</sup> <http://www.judiciary.state.nj.us/pressrel/archives/admpara.htm>

<sup>94</sup> <http://www.nmonesource.com/nmnxtadmin/NMPublic.aspx>

B. "substantive legal work" is work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. Examples of substantive legal work performed by a paralegal include: case planning, development and management; legal research and analysis; interviewing clients; fact gathering and retrieving information; drafting legal documents; collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the supervising attorney; and representing clients before a state or federal administrative agency if that representation is authorized by law. Substantive legal work performed by a paralegal for a licensed attorney shall not constitute the unauthorized practice of law.

[Approved, effective September 1981; as amended, effective April 1, 1983; January 30, 2004.]  
Committee commentary. — Paralegals are encouraged to meet the minimum continuing legal education requirements established for attorneys in Rule 18-201 NMRA.<sup>95</sup>

### Unauthorized Practice of Law

#### Type of Regulation

Statutory definition, Utilization guidelines, and educational standards

#### Regulation History

New Mexico Bar Association Paralegal Division Commentary on the Rules Governing Paralegal Services.<sup>96</sup>

In 2004, the state Supreme Court amended its rules to establish minimum standards for calling oneself a "paralegal" and to discourage disbarred or suspended attorneys along with those not qualified from using the title.

1993 SB 804 proposing to authorize prescribed "legal assistant services" to be delivered directly to the public by nonlawyers.

## **New York** *Region V*

### Definition

New York Rules of Professional Conduct 5.3: Lawyer's Responsibility for Conduct of Nonlawyers incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants. Comments specifically note nonlawyers are not subject to the rules. P 141.<sup>97</sup>

### Unauthorized Practice of Law

#### Type of Regulation

Statutory licensure bill pending in NY Assembly

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<sup>95</sup> <http://www.nmonesource.com/nmnxtadmin/NMPublic.aspx>

<sup>96</sup> <http://www.nmbar.org/AboutSBNM/ParalegalDivision/PDrulesgovparalegalservices.html>

<sup>97</sup> <http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=50671>

### Regulation History

2014: Access to Justice Committee chaired by New York Supreme Court Chief Judge Jonathan Lippman announces launch of pilot project, with persons called “Court Navigators” – nonlawyers trained to assist pro se litigants in Housing Court cases in Brooklyn and consumer debt cases in the Bronx and Brooklyn.<sup>98</sup>

June 28, 2013: New York City Bar Association Committee on Professional Responsibility publishes: Narrowing the “Justice Gap”: Roles for Nonlawyer Practitioners Task Force to Expand Access to Civil Legal Services in New York.<sup>99</sup>

May 2013: Chief Judge Lippman forms Committee on Non-Lawyers and the Justice Gap<sup>100</sup>

2012: Assemblywoman Rivera prefiles Bill A0853 in 2011 for consideration in 2012 legislative session. Initial drafting was light on details, but took a unique approach by putting under Education arm of government. Many paralegal associations sought input. Rivera’s office reviewed Empire State Alliance of Paralegal Association’s position papers on educational standards and paralegal regulation and is still keen on pursuing paralegal regulation, but may be in a future session. A senate sponsor had not been sought at this writing.

2010: The Task Force to Expand Access to Civil Legal Services in New York was created by Chief Judge Jonathan Lippman to establish a comprehensive approach to providing counsel to low-income New Yorkers in civil cases.<sup>101</sup>

2010: Empire State Alliance of Paralegal Associations prepares a position paper and proposal for regulation of New York paralegals under NYS Certified Paralegal program.<sup>102</sup>

2006: Empire State Alliance of Paralegal Associations prepared a position paper on paralegal education standards in New York state.<sup>103</sup>

In 1997, the New York State Bar Association had adopted Guidelines for the Utilization of Paralegals/Legal Assistants which included the following definition: A legal assistant/paralegal is a person who is qualified through education, training or work experience to be employed or retained by a lawyer, law office, governmental agency, or other entity in a capacity or function that involves the performance, under the ultimate direction and supervision of, and/or accountability to, an attorney, of substantive legal work, that requires a sufficient knowledge of legal concepts such that, absent such legal assistant/paralegal, the attorney would perform the task. The guidelines can no longer be found on the NY State Bar Association’s website.

## **North Carolina** *Region III*

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<sup>98</sup> <http://www.nycourts.gov/admin/stateofjudiciary/SOJ-2014.pdf> See: pg. 7 of report

<sup>99</sup> <http://www2.nycbar.org/pdf/report/uploads/20072450-RolesforNonlawyerPractitioners.pdf>

<sup>100</sup> [http://www.nycourts.gov/press/PDFs/PR13\\_07.pdf](http://www.nycourts.gov/press/PDFs/PR13_07.pdf)

<sup>101</sup> <http://www.nycourts.gov/ip/access-civil-legal-services/>

<sup>102</sup> [http://empirestateparalegals.org/yahoo\\_site\\_admin/assets/docs/Paralegal\\_Regulation\\_in\\_NYS\\_-\\_092510.61114653.pdf](http://empirestateparalegals.org/yahoo_site_admin/assets/docs/Paralegal_Regulation_in_NYS_-_092510.61114653.pdf)

<sup>103</sup> [http://empirestateparalegals.org/yahoo\\_site\\_admin/assets/docs/ESAPA\\_Paralegal\\_Education\\_Position\\_Paper1.114183058.pdf](http://empirestateparalegals.org/yahoo_site_admin/assets/docs/ESAPA_Paralegal_Education_Position_Paper1.114183058.pdf)

### Definition

Under Subchapter G .0100.0101 – Purpose, the following definition of paralegal is found: “...by identifying individuals who are qualified by education and training and have demonstrated knowledge, skill, and proficiency to perform substantive legal work under the direction and supervision of a licensed lawyer, and including any individual who may be otherwise authorized by applicable state or federal law to provide legal services directly to the public; and to improve the competency of those individuals by establishing mandatory continuing legal education and other requirements of certification.”<sup>104</sup>

North Carolina Rules of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>105</sup> Established Guidelines for the use of paralegals July 23, 2010.<sup>106</sup>

### Unauthorized Practice of Law

#### Type of Regulation

Voluntary certification through NC State Bar.

#### Regulation History

2015 Update: No Change

Plan for Certification was adopted by the North Carolina Bar Association on July 16, 2004 and became effective on October 1, 2004.<sup>107</sup>

## **North Dakota** *Region II*

### Definition

North Dakota Rules of Professional Conduct 5.3 - incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants, but specifically defines Legal assistant as someone who works under the direct supervision of a licensed lawyer and whose work product is the complete responsibility of the attorney. The comments also include guidelines for evaluating education, training and experience of a qualified legal assistant.<sup>108</sup>

### Unauthorized Practice of Law

#### Type of Regulation

None.

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<sup>104</sup> <http://www.ncbar.com/rules/regulations.asp>

<sup>105</sup> <http://www.ncbar.com/rules/rules.asp> (search for Rule 5.3 from drop-down selection)

<sup>106</sup> <http://www.nccertifiedparalegal.org/guidelines.asp>

<sup>107</sup> <http://www.nccertifiedparalegal.org/>

<sup>108</sup> <http://www.ndcourts.gov/court/rules/Conduct/rule5.3.htm>

## Regulation History

2015 Update: No change.

Date unknown: [4] The following guidelines have been recognized as helpful in evaluating the education, training or experience of a qualified legal assistant.

- 1) Graduation from one of the following ABA approved legal assistant/paralegal programs: bachelor's degree, associate's degree, or a post-baccalaureate program. If not ABA approved, graduation from a legal assistant/paralegal program that consists of a minimum of 60 semester credit hours or the equivalent, of which eighteen semester credit hours are substantive legal assistant/paralegal courses.
- 2) A bachelor's degree in any field, and either one-year employer training as a legal assistant/paralegal or eighteen semester credit hours of legal assistant/paralegal substantive courses.
- 3) Successful completion of a national certifying examination that is specifically designed for legal assistants/paralegals and which includes continuing legal education for maintenance of that certification status.
- 4) Seven years or more of experience working as a legal assistant/paralegal who has been employer trained by and under the supervision of a lawyer.

## **Ohio** *Region III*

### Definition

Ohio State Bar Association – Standards for Paralegal Certification defines a paralegal as: A paralegal eligible for certification is a person, qualified by education, training or work experience 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.<sup>109</sup>

Ohio Rules of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>110</sup>

### Unauthorized Practice of Law

### Type of Regulation

Voluntary through State Bar – OSBA Certified Paralegal.

### Regulation History

The Ohio State Bar Association (OSBA) has established a credentialing program for paralegals. Paralegals interested in earning a certification good for four years must meet educational standards stipulated by the bar association, have sufficient experience and pass an examination. The first exam was offered in March 2007.<sup>111</sup>

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<sup>109</sup> [http://downloads.ohiobar.org/pub/PCS\\_08.pdf](http://downloads.ohiobar.org/pub/PCS_08.pdf)

<sup>110</sup> <http://www.supremecourt.ohio.gov/LegalResources/Rules/ProfConduct/profConductRules.pdf>

<sup>111</sup> <https://www.ohiobar.org/ForLawyers/Certification/Paralegal/Pages/StaticPage-785.aspx>

## Oklahoma

### Region II

#### Definition

Oklahoma Rules Of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>112</sup>

#### Unauthorized Practice of Law

#### Type of Regulation

Paralegal standards.

#### Regulation History

2015 Update: The Oklahoma Bar Association Legal Assistant Services Committee drafted a legal assistant definition and minimum education and skill standards for legal assistants.<sup>113</sup>

2013 Annual Report from Paralegal Committee includes recommendation for paralegal standards. See page Paralegal Committee Report pages 45-49.<sup>114</sup>

## Oregon

### Region I

#### Definition

Oregon Rules of Professional Conduct 5.3 incorporates the standard ABA model code regarding nonlawyer assistance. Amended 01/01/14.<sup>115</sup>

#### Unauthorized Practice of Law

#### Type of Regulation

None

#### Regulation History

2015 Update: Legal Technician Task Force submits final recommendation and report to the OSB Board of Governors at the February, 2015 meeting. BOG refers the report to the Governance & Strategic Planning Committee for further consideration and a recommendation on whether and how to move forward with the Task Force ideas.<sup>116</sup>

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<sup>112</sup> <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=448963>

<sup>113</sup> <http://www.okparalegal.org/standards/>

<sup>114</sup> [http://www.okbar.org/Portals/13/PDF/ExecPDFs/Committees/2013-Committees-AnnualReports\[1\].pdf](http://www.okbar.org/Portals/13/PDF/ExecPDFs/Committees/2013-Committees-AnnualReports[1].pdf)

<sup>115</sup> [https://www.osbar.org/\\_docs/rulesregs/orpc.pdf](https://www.osbar.org/_docs/rulesregs/orpc.pdf)

<sup>116</sup> [http://bog11.homestead.com/LegalTechTF/Jan2015/Report\\_22Jan2015.pdf](http://bog11.homestead.com/LegalTechTF/Jan2015/Report_22Jan2015.pdf)

2014: OSB BOG Task Force forms subcommittees (Enabling Legislation, Client Protection, Education & Licensing, Family Law Scope, Other Practice Areas – landlord/tenant, estate planning) and reports were prepared for presentation to Oregon State Bar Board of Governors in February 2015.<sup>117</sup>

2013: Oregon State Bar Board of Governors appoints new Limited License Legal Technician (LLLT) Task Force to:

- Study the limited licensing developments throughout the country,
- Make recommendations to the Oregon State Bar Board of Governors (BOG) and the Oregon Supreme Court as to what a limited licensing scheme should look like in Oregon, and
- Draft amendments to the Bar Act (Oregon Revised Statutes Chapter 9) to implement the task force proposals if approved by the BOG and Oregon Supreme Court.<sup>118</sup>

1997: HB 3082 was introduced addressing the licensure of paralegals. It was found that the bill was not complete with regard to educational requirements. The bill was amended and resubmitted where it died in committee.

1993: SB 379 nonlawyer with at least four years of experience in Immigration matters to act as an immigration consultant. The bill died in committee.

1991: Oregon State Bar Task Force on Legal Technicians was formed to recommend the draft plan for the regulatory program for the licensing of paralegals or legal technicians. SB 941 providing for the establishment of a State Board of Legal Technician Examiners. The bill died in committee. SB 1068 in the 1991 Regular Session related to legal technicians.

## **Pennsylvania**

### *Region IV*

#### Definition

The Pennsylvania Rules of Professional Conduct have largely adopted ABA Model Code for Responsibilities regarding non-lawyer assistants as Rule 5.3.

Pennsylvania Code Title 204, Chapter 81, Section 4: Rule 5.3. Responsibilities Regarding Nonlawyer Assistance incorporates the standard ABA model code. Amended October 22, 2013.<sup>119</sup>

#### Unauthorized Practice of Law

##### **Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law.**

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

- (1) except as authorized by these Rules, Pa.B.A.R. 302 or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

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<sup>117</sup> <http://bog11.homestead.com/LegalTechTF/Jan24/agenda24Jan.pdf>

<sup>118</sup> <http://bog11.homestead.com/LegalTechTF/meetings.pdf>

<sup>119</sup> <http://www.pacode.com/secure/data/204/chapter81/s5.3.html>



(c) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may, subject to the requirements of Pa.B.A.R. 302, provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission, except that this paragraph (d) does not authorize a lawyer who is not admitted in this jurisdiction and who is employed by the Commonwealth, any of its political subdivisions or any of their organizational affiliates to provide legal services in this jurisdiction; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

### Type of Regulation

Voluntary through the Keystone Alliance of Paralegal Associations - Pennsylvania Certified Paralegal ("Pa.C.P.").

### Regulation History

In April 2008, the Keystone Alliance started offering a voluntary certification program to those individuals who choose to become a Pennsylvania Certified Paralegal and use the designation of Pa.C.P. to provide paralegal employees and employers a benchmark of qualified individuals that are competent to provide legal services under the supervision of an attorney.<sup>120</sup>

## **Rhode Island**

### *Region V*

### Definition

Rhode Island Rules of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>121</sup>

### Unauthorized Practice of Law

### Type of Regulation

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<sup>120</sup> <http://www.keystoneparalegals.org/certification.html>

<sup>121</sup> <http://www.courts.ri.gov/PublicResources/disciplinaryboard/PDF/Article5.pdf>

None.

### Regulation History

Supreme Court Provisional Order No. 18 was made effective on 2/1/1983, revised 10/31/1990, and again on 4/15/2007. It provides guidelines for the use of legal assistants by attorneys.<sup>122</sup>

## **South Carolina**

### *Region III*

### Definition

South Carolina Rules of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>123</sup>

South Carolina Judicial Department

With respect to a nonlawyer employed or retained by or associated with a lawyer:

- (a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;
- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and
- (c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:
  - (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or
  - (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

### Comment

[1] Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

[2] Paragraph (a) requires lawyers with managerial authority within a law firm to make reasonable efforts to establish internal policies and procedures designed to provide reasonable assurance that nonlawyers in the firm will act in a way compatible with the Rules of Professional Conduct. See Comment [1] to Rule 5.1. Paragraph (b) applies to lawyers who have supervisory authority over the work of a nonlawyer. Paragraph (c) specifies the circumstances in which a lawyer is responsible for

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<sup>122</sup> <http://www.courts.ri.gov/PublicResources/disciplinaryboard/PDF/Article5.pdf> - Pages 83 – 86 of the pdf.

<sup>123</sup>

<http://www.judicial.state.sc.us/courtReg/displayRule.cfm?ruleID=407.0&subRuleID=RULE%205%2E3&ruleType=APP>

conduct of a nonlawyer that would be a violation of the Rules of Professional conduct if engaged in by a lawyer.

### Unauthorized Practice of Law

#### Type of Regulation

Voluntary through Supreme Court

#### Regulation History

In 2009, the South Carolina Bar was trying to put forth a proposal for a voluntary paralegal registration process aimed at raising the status of Paralegals, years after a similar proposal was rejected. Palmetto Paralegal Association submitted an Initial Position Statement to the Task Force on December 11, 2008. After much consideration, the decision was made to table the proposal for this year, to be examined again at a later date.

In 2008, the Paralegal Task Force, formed by the South Carolina Bar to study the possibility of paralegal certification in South Carolina and the parameters thereof, as well as to consider the development of a law office personnel registry to aid law firms in their hiring decisions.

In 2003 the South Carolina Alliance of Legal Assistant Associations submitted a proposal for regulation of paralegals to the South Carolina Bar Association's Board of Governors which included a definition, educational standards, code of ethics and guidelines for paralegal utilization. The Bar Association's House of Delegates tabled the proposal. In response to this move, the Bar set up a Task Force to look at the issue of regulation.

## **South Dakota**

### *Region II*

#### Definition

South Dakota Rules of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>124</sup>

South Dakota Supreme Court Rule 97-25, South Dakota Codified Law

CHAPTER 16-18 - POWERS AND DUTIES OF ATTORNEYS

Section 34:

16-18-34 Definition of legal assistant.

16-18-34.1 Minimum qualifications.

16-18-34.2 Utilization of legal assistants.

16-18-34.3 Ethical considerations.

16-18-34.4 Certain individuals disqualified.

16-18-34.5 Application by disqualified persons--Requirements--Hearing--Burden of proof.

16-18-34.6 Revocation of order for disqualified persons--Hearing--Burden of proof.

16-18-34.7 Recommendations in attorney disciplinary proceedings.<sup>125</sup>

### Unauthorized Practice of Law

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<sup>124</sup> <http://www.sdbar.org/Rules/rules.shtm>

<sup>125</sup> <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=16-18-34>

### Type of Regulation

Paralegal Standards Defined in State Statutes including Utilization, Ethical Consideration, Disqualification, and Disciplinary Actions.

### Regulation History

2015 Update: No change.

In December 2006, the State Bar submitted proposed changes to SDCL 16-18-34 to the Supreme Court to revise the definition of paralegal and set minimum qualifications for paralegals. The Supreme Court held hearings in 2007 on the proposal, however, the proposal was rejected.

In June 2004 the Legal Assistants Committee of the South Dakota State Bar submitted a proposal to the Bar for the consideration of the establishment of educational requirements for the state's paralegals.

## **Tennessee** *Region III*

### Definition

Tennessee Rules of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>126</sup>

### Unauthorized Practice of Law

### Type of Regulation

### Regulation History

2015 Update: Tennessee Paralegal Association encourages Certification through NALA - Certified Legal Assistant (CLA) ; Certified Paralegal (CP); Certified Legal Assistant Specialist (CLAS)

1995: HB 1302 and SB 854 established certified paralegal positions in the district attorney's office. Both bills died in committee.

## **Texas** *Region II*

### Definition

In 2005, the State Bar of Texas Board of Directors, and the Paralegal Division of the State Bar of Texas, adopted a new paralegal definition. On April 21, 2006, the State Bar of Texas Board of Directors amended the definition by incorporating standards.<sup>127</sup>

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<sup>126</sup> <http://www.tsc.state.tn.us/rules/supreme-court/8> (scroll down to 5.3)

<sup>127</sup> <http://txpd.org/page.asp?p=Paralegal%20Definition%20and%20Standards>

Texas Disciplinary Rules of Professional Conduct Rule 5.03 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>128</sup>

### Unauthorized Practice of Law

#### Type of Regulation

Voluntary Certification through the State Bar of Texas

#### Regulation History

In 1994 the State Bar of Texas adopted voluntary specialty certification program for paralegals in Texas, structured after the voluntary specialty certification program for attorneys in Texas, which is governed by the Texas Board of Legal Specialization. After passing exam, one becomes a Board Certified Legal Assistant – [Area of Law], Texas Board of Legal Specialization.<sup>129</sup>

1993: General Guidelines for the Utilization of the Services of Legal Assistants by Attorneys was approved by the Board of Directors of the State Bar of Texas, May, 1993. These standards may be found at [www.txpd.org](http://www.txpd.org) and on the Texas Bar's website.<sup>130</sup>

October 23, 1981: The State Bar Board of Directors of the State Bar of Texas created the Legal Assistants Division.

## **Utah** *Region II*

#### Definition

Chapter 13 of the Judicial Council Rules of Judicial Administration (Supreme Court Rules of Professional Practice) contains Utah Rules of Professional Conduct Rule 5.3 which incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>131</sup><sup>132</sup> However, Chapter 14, Section 113 of the Rules Regulating the Utah State Bar, created the Paralegal Division and defines a paralegal as: "A paralegal is a person qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency, or the entity in the capacity of function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that absent such assistance, the attorney would perform. A paralegal includes a paralegal on a contract or free-lance basis who works under the supervision of a lawyer or who produces work directly for a lawyer for which a lawyer is accountable."<sup>133</sup><sup>134</sup>

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<sup>128</sup>[http://www.texasbar.com/AM/Template.cfm?Section=Grievance\\_Info\\_and\\_Ethics\\_Helpline&Template=/CM/ContentDisplay.cfm&ContentFileID=96](http://www.texasbar.com/AM/Template.cfm?Section=Grievance_Info_and_Ethics_Helpline&Template=/CM/ContentDisplay.cfm&ContentFileID=96)

<sup>129</sup> <http://www.tbls-bcp.org/>

<sup>130</sup>[http://www.texasbar.com/Content/NavigationMenu/ForLawyers/Committees/Paralegal\\_Committee.htm](http://www.texasbar.com/Content/NavigationMenu/ForLawyers/Committees/Paralegal_Committee.htm)

<sup>131</sup> [http://www.utcourts.gov/resources/rules/ucja/ch13/5\\_3.htm](http://www.utcourts.gov/resources/rules/ucja/ch13/5_3.htm)

<sup>132</sup> <http://www.utcourts.gov/resources/rules/ucja/>

<sup>133</sup><http://www.utcourts.gov/resources/rules/ucja/ch14/01%20Integration%20and%20Management/USB14-113.html>

<sup>134</sup> <http://paralegals.utahbar.org/>

## Unauthorized Practice of Law

### Type of Regulation

### Regulation History

2015 Update: In April of 1998 the Licensing of Legal Assistants Committee of the Legal Assistants Division of the Utah State Bar issued a report recommending mandatory licensing of paralegals to include education, attorney supervision and the NALA exam as the most reliable standard for competency. Licensure of the paralegal profession was never passed into law, however.

## **Vermont** *Region V*

### Definition

Vermont Rule of Professional Conduct 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>135</sup>

### Unauthorized Practice of Law

### Type of Regulation

### Regulation History

In January of 1994 a house bill (H-727) was introduced establishing licensed legal technicians and a governing board, which included an exam and educational requirements. Died following referral to Judiciary committee.<sup>136</sup> In January 1994 a senate bill was introduced establishing licensed legal technicians but with a different governing body.<sup>137</sup>

## **Virginia** *Region IV*

### Definition

Virginia Supreme Court Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>138</sup>

### Unauthorized Practice of Law

## **Rule 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law**

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<sup>135</sup>[https://www.vermontjudiciary.org/LC/Shared%20Documents/VermontRulesofProfessionalConduct\\_withamendmentssthroughJune2011.pdf](https://www.vermontjudiciary.org/LC/Shared%20Documents/VermontRulesofProfessionalConduct_withamendmentssthroughJune2011.pdf)

<sup>136</sup> <http://www.leg.state.vt.us/docs/1994/BILLS/INTRO/H-727.HTM>

<sup>137</sup> <http://www.leg.state.vt.us/docs/1994/BILLS/INTRO/S-333.HTM>

<sup>138</sup> <http://www.vsb.org/pro-guidelines/index.php/rules/law-firms-and-associations/rule5-3/>

(a) A lawyer, law firm or professional corporation shall not employ in any capacity a lawyer whose license has been suspended or revoked for professional misconduct, during such period of suspension or revocation, if the disciplined lawyer was associated with such lawyer, law firm, or professional corporation at any time on or after the date of the acts which resulted in suspension or revocation.

(b) A lawyer, law firm or professional corporation employing a lawyer as a consultant, law clerk, or legal assistant when that lawyer's license is suspended or revoked for professional misconduct shall not represent any client represented by the disciplined lawyer or by any lawyer with whom the disciplined lawyer practiced on or after the date of the acts which resulted in suspension or revocation.

(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(d) Foreign Lawyers:

(1) "Foreign Lawyer" is a person authorized to practice law by the duly constituted and authorized governmental body of any State or Territory of the United States or the District of Columbia, or a foreign nation, but is neither licensed by the Supreme Court of Virginia or authorized under its rules to practice law generally in the Commonwealth of Virginia, nor disbarred or suspended from practice in any jurisdiction.

(2) A Foreign Lawyer shall not, except as authorized by these Rules or other law:

(i) establish an office or other systematic and continuous presence in Virginia for the practice of law, which may occur even if the Foreign Lawyer is not physically present in Virginia; or

(ii) hold out to the public or otherwise represent that the Foreign Lawyer is admitted to practice law in Virginia.

(3) A Foreign Lawyer shall inform the client and interested third parties in writing:

(i) that the lawyer is not admitted to practice law in Virginia;

(ii) the jurisdiction(s) in which the lawyer is licensed to practice; and

(iii) the lawyer's office address in the foreign jurisdiction.

(4) A Foreign Lawyer may, after informing the client as required in 3(i)-(iii) above, provide legal services on a temporary and occasional basis in Virginia that:

(i) are undertaken in association with a lawyer who is admitted to practice without limitation in Virginia or admitted under Part I of Rule 1A:5 of this Court and who actively participates in the matter;

(ii) are in or reasonably related to a pending or potential proceeding before a tribunal in Virginia or another jurisdiction, if the Foreign Lawyer, or a person the Foreign Lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(iii) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in Virginia or another jurisdiction, if the services arise out of or are reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(iv) are not within paragraphs (4)(ii) or (4)(iii) and arise out of or are reasonably related to the representation of a client by the Foreign Lawyer in a jurisdiction in which the Foreign Lawyer is admitted to practice or, subject to the foregoing limitations, are governed primarily by international law.

(5) A foreign legal consultant practicing under Rule 1A:7 of this Court and a corporate counsel registrant practicing under Part II of Rule 1A:5 of this Court are not authorized to practice under this rule.

Paralegal standards are set through the Virginia State Bar.

### Regulation History

Meeting tentatively set for March 21, 2015 - Meeting set to discuss the possible vote on certification program.

In 1994 the Virginia Alliance of Legal Assistant Associations developed and proposed to the Virginia State Bar educational standards and professional responsibility guidelines for legal assistants. These were adopted by the Virginia State Bar in March of 1995.<sup>139</sup>

## **Washington** *Region I*

### Definition

Washington Rule of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>140</sup>

### Unauthorized Practice of Law

### Type of Regulation

Legal Technician /Limited License Practitioner Rule APR 28<sup>141</sup>

### Regulation History

2015 Update:

#### *LLLT Rules of Professional Conduct*

On Jan. 8, 2015, the Supreme Court adopted the LLLT Rules of Professional Conduct (LLLT RPC). The primary purpose of the LLLT RPC is to establish the ethical conduct rules for practicing LLLTs. The LLLT RPC are effective Feb. 3, 2015. Read the LLLT RPC.

#### *Amendments to APR 28*

On Jan. 8, 2015, the Supreme Court adopted amendments to APR 28. The purpose of the suggested amendments is to provide for the efficient administration of the program and to clarify one issue related to the LLLT's scope of practice. The amendments to APR 28 are effective Feb. 3, 2015. Read APR 28.

The LLLT Board submitted to the WSBA Board of Governors (BOG) suggested amendments to Rules 15.4 and 15.7 of the Rules for Enforcement of Lawyer Conduct (ELC) asking that the BOG act as proponent for these suggested amendments, which the BOG approved on November 14, 2014. On

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<sup>139</sup> <http://www.vaparalegalalliance.org/educational-standards/>

<sup>140</sup> [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=RPC&ruleid=garpc5.3](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=RPC&ruleid=garpc5.3)

<sup>141</sup> <http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Limited-License-Legal-Technician-Board>



December 4, 2014, the BOG submitted to the Supreme Court the suggested amendments to ELC 15.4 and 15.7.<sup>142</sup>

Proposed changes to Appendix APR 28 were submitted to Washington Supreme Court for approval on September 25, 2014, and are open to comment until December 1, 2014.<sup>143</sup>

LLLT Board is now expecting to begin accepting applications in early 2015 for the licensing exam in March 2015, and initial LLLTs will be licensed in Spring 2015.

January 2013: LLLT Board recommends family law as the first practice area in which to license LLLTs, and the Washington Supreme Court unanimously approves in March 2013.

9/1/2012: Supreme Court Rule 28 APR adopted to allow for the creation of and licensing of Limited License Legal Technicians in Washington.<sup>144</sup>

2012: Washington State Bar Association proffers a revised version of the Legal Technician Rule (APR 28) submitted by the POLB to the Washington Supreme Court and entitles Limited License Practitioner Rule. Washington Supreme Court due to review in June 2012.<sup>145</sup>

2011: Washington Supreme Court indicates to the legal community that in June 2012 they will again review the Legal Technician Rule proposed by the Practice of Law Board (POLB) in 2008.<sup>146</sup>

In 2008, the Practice of Law Board (POLB) proposed a Legal Technician Rule. Legal technicians are envisioned to be educated, tested and certified nonlawyers authorized to provide limited legal services in specific areas. The Supreme Court is looking at it and the rule is still pending.<sup>147</sup>

In December 2005, the Washington State Practice of Law Board (POLB) drafted a regulation proposal, which the bar's Board of Governors considered in early 2006. The Bar's Board did not endorse the proposal, and it was submitted to the state Supreme Court for consideration. The proposal includes a definition, certification and educational requirements.<sup>148</sup><sup>149</sup> Supreme Court - Limited Practice Rule for Legal Technicians (APR 28) Published for Comments & Comments Received.<sup>150</sup>

1997: HB1451 A bill to license legal assistants was introduced in the legislature but died in subcommittee.

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<sup>142</sup>[http://www.wsba.org/~media/Files/Legal%20Community/Committees\\_Boards\\_Panels/LLLT%20Board/Rules%20and%20Policies/LLLT%20Board%20Policies.aspx](http://www.wsba.org/~media/Files/Legal%20Community/Committees_Boards_Panels/LLLT%20Board/Rules%20and%20Policies/LLLT%20Board%20Policies.aspx)

<sup>143</sup>[http://www.wsba.org/~media/Files/Legal%20Community/Committees\\_Boards\\_Panels/LLLT%20Board/Supreme%20Court/2014-09-25%20FINAL%20Draft%20GR%209%20for%20Amendments%20to%20Appendix%20APR%2028.aspx](http://www.wsba.org/~media/Files/Legal%20Community/Committees_Boards_Panels/LLLT%20Board/Supreme%20Court/2014-09-25%20FINAL%20Draft%20GR%209%20for%20Amendments%20to%20Appendix%20APR%2028.aspx)

<sup>144</sup> <http://www.courts.wa.gov/content/publicupload/eclips/6.15.12%20APR%2028.pdf>

<sup>145</sup> [http://www.wsba.org/Events-Calendar/2012/February/~media/Files/News\\_Events/News/LLP.aspx](http://www.wsba.org/Events-Calendar/2012/February/~media/Files/News_Events/News/LLP.aspx)

<sup>146</sup> [http://www.wsba.org/Events-Calendar/2012/February/~media/Files/News\\_Events/News/LegalTechnicianRule.aspx](http://www.wsba.org/Events-Calendar/2012/February/~media/Files/News_Events/News/LegalTechnicianRule.aspx)

<sup>147</sup> <http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Practice-of-Law-Board/Expanding-Access-to-Law-Related-Services>

<sup>148</sup> [http://www.wsba.org/Events-Calendar/2012/February/~media/Files/News\\_Events/News/LegalTechnicianRule.aspx](http://www.wsba.org/Events-Calendar/2012/February/~media/Files/News_Events/News/LegalTechnicianRule.aspx)

<sup>149</sup> <http://www.courts.wa.gov/newsinfo/content/taskforce/CivilLegalNeeds.pdf>

<sup>150</sup> [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.commentDisplay&ruleId=154](http://www.courts.wa.gov/court_rules/?fa=court_rules.commentDisplay&ruleId=154)

## West Virginia

### Region IV

#### Definition

West Virginia Rules of Professional Conduct Rule 5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>151</sup>

#### Unauthorized Practice of Law

#### Type of Regulation

#### Regulation History

January 9, 2014: HB2438 Certified Legal Assistant Act remained active as introduced in 2013.<sup>152</sup>

February 14, 2013, House Representative Mark Hunt re-introduced HB2438 incorporating the same language in HB3302. NFPA again contacted Representative Hunt petitioning for the inclusion of NFPA credentials in the proposal, but no response was received.<sup>153</sup>

January 13, 2010: House Representative Mark Hunt introduced HB 3302 entitled: Certified Legal Assistant Act establishing minimum qualifications for certified legal assistants, and responsibilities of lawyers and certified legal assistants. Referred to Judiciary Committee.<sup>154</sup> Bill died in committee.

## Wisconsin

### Region II

#### Definition

Wisconsin Supreme Court Rules (SCR) 20:5.3 incorporates the standard ABA model code for Responsibilities Regarding Nonlawyer Assistants.<sup>155</sup>

#### Unauthorized Practice of Law

#### Type of Regulation

#### Regulation History

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<sup>151</sup> <http://www.wvdc.org/lawfirms.htm#r53>

<sup>152</sup> [http://www.legis.state.wv.us/bill\\_status/bills\\_text.cfm?billdoc=HB2438%20intr.htm&yr=2014&sesstype=RS&i=2438](http://www.legis.state.wv.us/bill_status/bills_text.cfm?billdoc=HB2438%20intr.htm&yr=2014&sesstype=RS&i=2438)

<sup>153</sup> [http://www.paralegals.org/includes/get\\_asset.asp?asset=1261](http://www.paralegals.org/includes/get_asset.asp?asset=1261)

<sup>154</sup> [http://www.legis.state.wv.us/Bill\\_Status/bills\\_text.cfm?billdoc=hb3302%20intr.htm&yr=2010&sesstype=RS&i=3302](http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=hb3302%20intr.htm&yr=2010&sesstype=RS&i=3302)

<sup>155</sup> <http://www.legis.state.wi.us/rsb/scr/5200.pdf>

The Supreme Court of Wisconsin took up a petition for a court rule (Rule 23) defining the practice of law at a public hearing on December 10, 2007. SCR Chapter 23, Regulation of Unauthorized Practice of Law was adopted July 27, 2010, and most recently amended July 5, 2012.<sup>156</sup>

April 7, 2008: Wisconsin Supreme Court denied the State Bar paralegal petition which would have established licensure and regulation for paralegals. The court will encourage the Bar to work with other interested groups to consider creating a voluntary certification program using programs currently used in other states as models. Even though the court denied the petition, the justices emphasized that they recognize the valuable service provided by paralegals.<sup>157158</sup>

2007: Wisconsin Supreme Court slated to consider the mandatory licensing of paralegals at a hearing on April 7, 2008. The State Bar of Wisconsin is bringing this issue to the Supreme Court based on their Paralegal Practice Task Force Final Report, which was completed in January 2004.

2004: Report finalized in January; submitted to State Bar in February; Board of Governors of State Bar petitioned the Supreme Court of Wisconsin to establish a system for the licensure and regulation of paralegals in Wisconsin; Wisconsin Supreme Court held a public hearing on October 27, 2004 regarding the Board of Governors' Petition 04-03; Supreme Court met in open administrative conference on December 16, 2004 to discuss Petition 04-03. The petition for licensure remains on the Court's list of Pending Rules and Petitions. See: Petition of State Bar of Wisconsin 04-03 Licensure and Regulation of Paralegals, Exhibit "A" Final Report of the State Bar of Wisconsin Paralegal Task Force dated December 2003.<sup>159</sup>

1994 The State Bar of Wisconsin created the Paralegal Practice Task Force to both address concerns expressed over unmet legal needs, and to pursue the State Bar of Wisconsin's Commission on the Delivery of Legal Services recommendations. The Task Force's intent is to "establish criteria for the licensure of paralegals in Wisconsin so as to establish recognized standards of training, education and qualifications that will assure attorneys, consumers and the court that the persons providing paralegal services in the State of Wisconsin have achieved a level of ability that can be measured and recognized."

## Wyoming

### Region II

#### Definition

Legal Assistants of Wyoming have adopted the ABA definition of a paralegal/legal assistant.

The Wyoming Rules of Professional Conduct has adopted ABA Model Code for Responsibilities regarding non-lawyer assistants as Rule 3-505.3

#### Unauthorized Practice of Law

"Practice law" means providing any legal service for any other person, firm or corporation, with or without compensation, or providing professional legal advice or services where there is a client relationship of trust or reliance, including appearing as an advocate in a representative capacity; drafting pleadings or other documents; or performing any act in a representative capacity in connection with a prospective or pending proceeding before any tribunal.

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<sup>156</sup> <https://www.wicourts.gov/sc/scrules/DisplayDocument.html?content=html&seqNo=85224>

<sup>157</sup> <https://www.wicourts.gov/scrules/0403.htm>

<sup>158</sup> <http://www.wisbar.org/newspublications/pages/general-article.aspx?articleid=6152>

<sup>159</sup> <https://www.wicourts.gov/supreme/docs/0403petition.pdf>

A significant number of exceptions to the unauthorized practice of law are defined, including nonlawyers serving as ADR neutrals, participation in employment administrative proceedings, and nonlawyers selling legal forms.

*Type of Regulation*

None.

*Regulation History*

2016: WY Rule of Professional Conduct 5.3 doesn't define paralegals but considers "paraprofessionals" as nonlawyer assistants. The rule state lawyers must directly supervise their assistants and are responsible for their assistants' conduct.

## Revision History

Revised April 2016 by Regulation Review Committee/Maren Joyce Schroeder, RP<sup>®</sup>, MnCP, Chair  
Revised April 2015 by Regulation Review Committee/Linda Odermott, RP<sup>®</sup>, Chair  
Revised September 2014 by Regulation Review Committee/Marie Koster, Chair  
Revised May 2012, March 2010 by Lisa Vessels, RP<sup>®</sup>, CP, FRP  
Revised March 2008 by Wayne Akin  
Revised March 2007, July 2006 by Tracey L. Young, RP<sup>®</sup>  
Revised April 2006 by Jane F. Sakiewicz, RP<sup>®</sup>