



THE AMERICAN ALLIANCE OF PARALEGALS, INC.

Advancing the Paralegal Profession
by Focusing on the Individual Paralegal



THE ALLIANCE ECHO

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PRESIDENT’S MESSAGE

Debbie Repass RP

Exciting things continue for the American Alliance as we end the first quarter of 2006!

The American Alliance Certified Paralegal (“AACP”) criterion now requires the paralegal program be ABA approved or be a voting institutional member of the American Association for Paralegal Education (“AAfPE”). The decision to use AAfPE voting institutional members as a criterion continues the American Alliance’s commitment to educational standards and its support for AAfPE’s educational standards. Through this change, the American Alliance has taken one more step to confirm that the paralegal who holds the AACP credential has a quality paralegal education.

The American Alliance released a position statement on the unauthorized practice of law. The statement is as follows: “The American Alliance recognizes that with the increase in non-lawyer personnel who are entering the legal profession, the issues of the unauthorized practice of law (“UPL”) has also increased. In the delivery of legal services, the American Alliance fosters the ethical standards that a paralegal shall not

engage in the unauthorized practice of law. Accordingly, each American Alliance member shall follow its Code of Ethics, in addition to the rules and laws concerning UPL for the state where he or she is employed.” This UPL Position Statement is on the website under the Position Statement tab.

The board sent a letter to the American Bar Association’s Standing Committee on Paralegals requesting that the American Alliance be afforded the opportunity to serve on the Committee. Our basis for this request was that the American Alliance is the only national paralegal organization that aligns with the ABA Standing Committee on Paralegals’ jurisdiction over matters relating to the education, employment, training, and effective use of paralegals. Since the ABA Standing Committee, through its Approval Commission, continues to serve as the body to set standards for paralegal education, and since the American Alliance has the only certification program that requires the school from which a paralegal degree or certificate is earned be ABA approved or be

If you like to write articles or have articles you have written and would like to submit them to *The Alliance Echo* for publication, contact Karen Ray at secretary@aapipara.org.

a voting institutional member of the American Association for Paralegal Education ("AAfPE"), it made sense to the board that we should have a member on the Committee. The board received a response from the Committee saying that they have taken our request under advisement and will be considering it in the near future. The board will keep you advised of the outcome.

The State of Indiana requested comments regarding the proposed Indiana Admission and Discipline Rule 2.2 providing for the registration of paralegals. The American Alliance responded by respectfully requesting the inclusion of its AACP designation under Section 3 (c) and Section 3 (e) 2 since both the RP and CLA were part of the proposal.

A new web page has just launched. You can now go to the main page and click on "AACPs by State" to see the names of AACPs listed by state. As part of the process, each new AACP will now be asked if they wish to have their name listed. Only those AACPs who give us permission to list their names will appear on the list. While the page may seem sparse now, we are confident that as members and even non-members continue to send in their applications, qualify and become AACPs, the page will fill quickly. If you have been procrastinating and you see that your state is not represented, I hope this will encourage you to send in your application.

Your board also recently approved setting up a secure online payment program. Keep checking the website and looking for an announcement. In the near future you will be able to pay your membership dues and register for the Annual Education Seminars through Paypal.

Speaking of the Annual Education Seminars, the Seminar Committee's been really working hard! They have a great line-up of speakers and seminars. The date for this year's American Alliance Annual Education Seminars and Meeting is September 22-23, 2006. So, make sure

you mark your calendars and join us in Newport, Kentucky.

Your board accomplished a lot the first quarter of 2006! I encourage all of you to become involved. Things happen at such a rapid pace that unless the board knows you are interested in helping, the board has no way of knowing who to contact to help us on these important issues. I again encourage you to participate.

Welcome New Members

- Asterida Carrejo, AACP, Arizona
- Karen Davis, California
- Cindy Geib, CP Specialist, Pennsylvania
- Ruth Harrison, Arizona
- Tonya Helton, Tennessee
- Sharon Roth, New Jersey
- Patricia Sanchez, Texas
- Nancy Thompson, Florida

NEWS ON THE NATIONAL LEVEL

Marie Koster, Director of National Affairs

Regulation of Paralegals in Florida

A Special Committee to Study Paralegal Regulation has voted to forward a recommendation to create a two-tier system for the state's paralegals--which includes a disciplinary component--to the Board of Governor's for consideration. Tier one would include all those who meet the current definition of a paralegal found in Bar Rule 10-2.1. Tier two paralegals would have to meet more stringent experience, educational, and continuing education criteria to be able to hold themselves out as a "Florida Registered Paralegal."

Under the plan, a paralegal is defined as a person qualified by education, training, or work experience, who works under the direct supervision of a member of The Florida Bar and who performs specifically

delegated substantive legal work for which a member of the Bar is responsible.

A "Florida Registered Paralegal" would be someone who meets the definition of a paralegal and the requirements for registration, which include:

Educational and Work Experience Requirements. You must meet one of the education and paralegal work experience requirements as follows:

- 1) A bachelor's degree in paralegal studies from an approved paralegal program, plus a minimum of one year of paralegal work experience; or
- 2) A bachelor's degree from an accredited institution, plus a minimum of three years of paralegal work experience; or
- 3) An associate's degree in paralegal studies from an approved paralegal program, plus a minimum of two years of paralegal work experience; or
- 4) An associate's degree from an accredited institution, plus a minimum of four years of paralegal work experience; or
- 5) A juris doctorate degree from an ABA accredited institution, plus a minimum of one year of paralegal work experience.

Certification. You must either successfully complete the Paralegal Advanced Competency Exam (PACE) or successfully complete the Certified Legal Assistant/Certified Paralegal Examination (CLA/CP).

Grandfathering. If you do not meet any of the above requirements, you can become a Florida registered paralegal by providing attestation from an employing or supervising attorney(s) that the person has paralegal work experience for five of the eight years preceding the date of such attestation. This provision sunsets after three years.

If you would like to know more about the proposed regulation, please go to our home page at www.aapipara.org .and click on the web address under the News Flash.

Paralegals Want Regulation; The Only Way is Through Legislation

Contributed by Mark Workman

Twenty-two years ago when I was contemplating a career change, I sat down and began studying the pros and cons of various professions much as we all do when deciding our future. I always found the legal field interesting and at one time considered law school. However, the resources required and the many years of study involved to achieve this goal was not available to me. I began taking a long hard look at the paralegal profession and what it could offer. My research revealed the prospects of a challenging career in the legal field, performing substantive legal work in a field identified as one of the fastest growing fields in the United States.

Gone are the days of MS-DOS, many hours in the library searching for legal authorities and many long days at the courthouses manually searching court records and trying to find a payphone to report back to the office. Though the technological advances of the laptop, cell phone and the internet, one constant endures – the paralegal profession remains one of the most rapid growing fields in America and continues to reward me through professional challenges in the never stagnant and ever evolving field of American law. Consequently, as the paralegal profession has grown to the advanced and diverse levels of today, the profession as a whole has not taken the evolutionary next step for any profession, regulation.

Regulation – that terrible word that infers governmental restrictions, bureaucrats that have no idea what we do telling us what we can and cannot do, all of which only impedes upon our professional freedoms. This word has caused many over the last century, from a farmer in the mid-west to Fortune 500 CEO's, to cringe at its very uttering and contemplate "why". The answer is simple – it is because it is the best, and in many instances the only way, to set and enforce standards and to protect those that may be harmed from the actions of another.

Many professions in America began as an offspring from a pre-existing profession. For instance, many years ago the medical profession only consisted of doctors. Through necessity and technological advances in the medical field, nurses were brought in to assist the doctor and a long list of medical related professions evolved through time. Although the doctor ultimately oversees and mandates the course of treatment, many others are involved in the delivery of those services. Likewise, the legal field has similarly evolved, developing a team approach to the services provided, also through necessity and technological advances. Lawyers have created diverse practice areas and have become increasingly more specialized over the decades and still lead a specialized team in creating an effective strategy for success for their clients. Practice areas have been created which has particular needs and set criteria, which define that particular specialty. As part of a quality team approach, lawyers enlist the services of paralegals, court reporters, investigators, process servers and others to achieve the most effective legal treatment available. Surprisingly, all of the above referenced professions are regulated in some form or another in Florida, except for the paralegal profession.

Some may say that the analogical comparisons between a paralegal and certain areas of the medical field is

unfounded and just plain wrong. There are no life and death situations and the work performed by a paralegal does not affect the public nor does it rise to the level of say a nurse, paramedic or a lab technician. I would beg to differ. Tell that to the person who has been accused of a crime they did not commit and faces the loss of his most valuable asset, his freedom, a major company whose very existence may hinge on the outcome of effective legal services or a widow and four children whose spouse dies through the negligence of another.

When your doctor comes by and gives you results of a test or an x-ray, it is not as if he actually administers the test, calibrates any machinery involved or in some instances renders the initial opinion regarding their findings. These things are administered by entrusted and qualified personnel who have basic knowledge, training and skill to act in a specific areas. You may never see them, you may never know their name, but they do play a substantial role in the ultimate diagnosis or form of treatment rendered or recommended by your physician. The paralegal's role in the effective administration of legal services is no less important. Although most work behind the scene and very seldom are in direct contact with the client, their professionalism, skill, knowledge and training ultimately assist the attorney in the diagnosing and administering effect legal services.

For the past decade, paralegals throughout Florida have solicited The Florida Bar seeking regulation. Although some progress was made, the Florida Bar remains reluctant to endorse any plan to mandatory regulate paralegals. Early in 2005, legislation was filed in Florida regulating paralegals. The Paralegal Profession Act caught the attention of the Florida Bar who indicated that they would like time to study the issue before moving forward with the legislation. The sponsor of the Bill agreed and the Florida Bar created a special committee to study the feasibility of regulating paralegals. The Florida Bar

Special Committee to Study Paralegal Regulation (“The Committee”), consisting of both attorneys and paralegals, met several times of the course of the next several months, culminating at a public hearing on October 28, 2005.

At the public hearing, thirty-one individuals voiced their opinion regarding the need for regulation. Speakers ranged from educators, lawyers, judges, paralegals and concerned citizens. Virtually all those who testified supported paralegal regulation and most all supported mandatory regulation. On December 1, 2005, The Florida Bar News, a publication of the Florida Bar, issued an article entitled “Panel Wants Bar Section for Paralegals”. The article quotes that The Committee “...has voted to recommend that the Board of Governors of The Florida Bar create a new paralegal section, with voluntary membership.” Based on the “voluntary” aspect of the recommended section within The Florida Bar, Representative Juan Zapata, R-Miami, re-filed an amended version of the Paralegal Profession Act in the House. A companion bill was subsequently filed in the Senate. Both Bills remain pending in respective committees in advance of the 2006 Legislative Session.

In a rather odd turn of events on January 1, 2006, The Florida Bar News published an article entitled “Bar Opposes Bill to Regulate Paralegals”. In this newest revelation by the Florida Bar, they withdrew the recommendation to create a paralegal section within the Florida Bar, apparently based on the re-filing of the legislation. Further the article quotes that “The Florida Bar opposes HB 395 and SB 906 as originally filed because the Bar further believes that more meaningful recognition of the paralegal profession can be achieved by continuing the discussion with the legal profession and judicial branch before enactment of this particular legislation.” Recognition? The paralegal profession does not seek recognition, they have had that for decades. What paralegals do seek

it regulation both to protect the public and the integrity of their profession. The Florida Bar never opposed regulating court reporters, investigators or process servers, why paralegals?

Their reasons are unclear and can only be addressed by the Florida Bar. Several members of the Florida Bar have indicated that there is no public need for regulating the profession. One needs only to look at that response for the answer – the public is unaware of the need.

The public has a right to be protected from illegal activities and although there are laws relating to the unauthorized practice of law, there are no laws that prohibit individuals from identifying themselves as paralegals nor does there exist a searchable registry that the public may use to identify and confirm the legitimacy of those professing to be paralegals. This lack of regulation leads to inferences that those persons identifying themselves as paralegals has sufficient education and/or experience in performing substantive legal work, and that those tasks are controlled and monitored by a licensed attorney or as otherwise provided for by law. It is the role of government to protect the public from being preyed upon by those persons who would attempt to make the public a victim. By creating mandatory standards of education, legal ethics and professional responsibility for paralegals, providing penalties for those violating those standards, as well as maintaining an updated searchable registry, is the only way to protect the public from being exploited. Further, those employing an attorney who utilize paralegal services deserve and should demand that those doing substantive work on their legal issue meets minimal standards of education and experience.

Substantive legal tasks are commonly and routinely performed by a paralegal and such work requires a degree of evaluation and deduction that can only be developed through education and learned skills. In essence, the public is simply not aware that

someone without the proper education or skills may play a key role in the outcome of their legal issue. Should an issue come to light that substantive legal work is being performed by someone without these minimal skills, it is likely not to be evident until after the fact, after the initial damage is done. Would the public not be best served by mandating that all who perform substantive work on their legal issue meet certain educational criteria or verifiable work experience prior to doing that work? Would it also serve the public interest to know that paralegals be required to attend ethical and continuing legal education classes to stay abreast of ever changing rules and laws? Would the public be surprised to know that paralegals do not have to meet any of these criteria to work in this profession?

Regulation, the word that no one likes can best serve our profession and the public by assuring that all who are a part of the profession meet some minimal standards, have some mandatory educational background and continue to improve their skills through continuing education. Regulation would not exclude anyone who is already practicing in the field nor would it limit those who wish to enter. It would only assure that a minimum standard be met for those to call themselves paralegals. In essence, it preserves the integrity of our profession and assures the public that when they retain an attorney that the team operating behind the scenes are skilled, qualified and deserving of their trust.

Individual states are delegated with the responsibility of regulating most professions. Since the Florida Bar has declined to pursue or provide mandatory regulation of the paralegal profession that they rely so heavily upon, there is only one mechanism in place to achieve this goal. Legislation is the only way to protect the public and preserve the integrity of the paralegal profession. Florida House Bill 395 and Senate Bill 906, commonly referred as the Paralegal Profession Act, are supported by the paralegal community, many others in

the public sector and have substantial support in both the Senate and House. It would create a regulatory board, consisting of peers of our profession, not of bureaucrats and would standardize educational requirements and set forth other parameters before one could legally use the term paralegal.

Again, paralegals want regulation; the only way is through legislation. Support these bills and write your legislator.

Mark Workman is a senior litigation paralegal at the law firm of Gunster Yoakley and Stewart, P.A. He also serves as current president of the South Florida Paralegal Association and is a member of the Florida Bar Committee for the Un-Authorized Practice of Law. Mark can be reached by phone at 305-376-6060 or email at mworkman@sfpa.info. Learn more about this and other paralegal related issues by visiting the South Florida Paralegal Association website at www.sfpa.info.

**Dates for 2006 Annual Meeting
and CLE Seminar**

The American Alliance of Paralegals will hold its all-day annual seminar and meeting on Friday and Saturday, September 22-23, 2006 at the Comfort Suites in Newport, Kentucky (right across the river from Cincinnati). A number of educational sessions covering medicaid, UPL, identity theft, legal writing, and ethics will be offered. With distinguished presenters who practice law in Ohio and Kentucky to a supervisor from the FBI, you don't want to miss out on this opportunity. The seminars are open to all legal professionals. Registration is \$150 for American Alliance members and \$175 for nonmembers.

Rooms at the Comfort Suites are available at the group rate of \$89.00 per night. Reservations must be made by August 21, 2006 in order for attendees to receive the group rate. You may call the hotel directly at 859-291-6700 or visit its web site at www.comfortsuites.com/hotel/ky008.

For more information call Karen Ray at 901-507-6952 or e-mail at secretary@aapipara.org

Don't forget to mark your calendars!

Congratulations To Our Newest AACP's!

- Asterida Carrejo, AACP
- Lee Davis, AACP
- Thomas Charles Donoho, AACP
- Tara Kim Eberhart, AACP
- M. Michelle Hill, AACP
- Kirsten M. Max, AACP
- Sharon K. Roth, AACP
- Susan J. Valentini, AACP

Double congratulations go to Tara Eberhart for passing PACE as well! Way to go!

Keystone Alliance Adjusts Definition of Paralegals

Keystone Alliance adjusted its definition of paralegals. They removed the term "legal assistant" from their definition. Keystone Alliance of Paralegals, a consortium of eight paralegal groups across the Commonwealth of Pennsylvania.

Important Dates To Remember:

- April 29, 2006 – The Paralegal SuperConference, Newport Beach, CA*
- May 4-7, 2006 – NFPA Annual Meeting, Chicago, IL
- May 11-12, 2006 – The Paralegal SuperConference, Minneapolis, MN*
- June 15-16, 2006 – The Paralegal SuperConference, Houston, TX*
- June 22-23, 2006 – The Paralegal SuperConference, Phoenix, AZ*
- July 26-29, 2006 – NALA Annual Convention, Tampa, FL
- July 27-28, 2006 – The Paralegal SuperConference, Washington, D.C.*
- **September 22-23, 2006 – The American Alliance of Paralegals, Inc., Annual CLE Seminar and Meeting, Cincinnati, OH**
- October 4-5, 2006 – The Paralegal SuperConference, Philadelphia, PA*
- October 11-14, 2006 – AAFPE Annual Convention, New Orleans, LA
- October 19-20, 2006 – The Paralegal SuperConference, San Francisco, CA*

*Paralegal SuperConferences are sponsored by Estrin Careers.

◆ If you have any important dates you want to add to our newsletter, please forward them to kray@gtxinc.com or secretary@aapipara.org.

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