

PARALEGALS PAGE

Keystone Alliance Rolls Out Certification Program

BY VALERIE A. DOLAN

Special to this Legal

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On April 12 the Keystone Alliance of Paralegal Associations, which is comprised of eight paralegal associations throughout Pennsylvania: Central Pennsylvania Paralegal Association, Chester County Paralegal Association, Lancaster Area Paralegal Association, Lycoming County Paralegal Association, Montgomery County Paralegal Association, Philadelphia Association of Paralegals, Pittsburgh Paralegal Association and York County Paralegal Association, voted on a voluntary certification program for paralegals working in Pennsylvania. This groundbreaking program would allow paralegals to become "Pennsylvania Certified Paralegals" (Pa.C.P.) and is broken down as follows:

- Qualifications and requirements of applicants: (a) applicant must be a member in good standing of a Keystone Alliance of Paralegal Associations paralegal association; (b) applicant must be a legal resident of the United States; (c) applicant must satisfy education/experience or grandfathering requirements; (d) applicant must submit declarations from one attorney in good standing with the Supreme Court of Pennsylvania who will attest to his/her direct knowledge of the applicant's skill level and his/her work as a paralegal; (e) paralegal making application under work experience only must submit declarations from two attorneys; and (f) certified copy of applicant's official transcript(s) from the educational institution(s) attended or a letter from the education institution(s) attended indicating the dates of the applicant's attendance and the date(s) of the applicant's graduation or a copy of the diploma/certificate received by the applicant from the education's institution(s) attended Certified Legal Assistants (CLA), Certified Paralegals (CP), Registered Paralegals (RP) or paralegals holding another paralegal credential approved and recognized by the Keystone Alliance of Paralegal Associations need only submit a copy of their original credential certification and their current letter of good standing. Applicants who are making application for certification under work experience only do not need to submit transcripts or diplomas/certificates.

- Grandfathering Provision: Prior to June 30, 2012, an applicant must meet one of the following criteria: (a) bachelor's degree in paralegal studies or a bachelor's degree in any discipline from an accredited institution and a certificate from an ABA-approved paralegal program and

- one year of substantive paralegal experience; or (b) bachelor's degree in any discipline from an accredited institution and three years of substantive paralegal experience; or (c) associate's degree in paralegal studies or a certificate from an ABA-approved paralegal program and three years of substantive paralegal experience; or (d) associate's degree in any discipline from an accredited institution or a certificate from a non-ABA-approved paralegal program and five years of substantive paralegal experience; or (e) seven years of substantive paralegal experience; or (f) designation of CLA, CP or RP or other paralegal credential approved and recognized by the Keystone Alliance of Paralegal Associations and two years of substantive paralegal experience.

- Educational requirements: After July 1, 2012, an applicant must meet one of the following criteria: (a) bachelor's degree in paralegal studies or a bachelor's degree in any discipline from an accredited institution and a certificate from an ABA-approved paralegal program and one year of substantive paralegal experience; or (b) bachelor's degree in any discipline from an accredited institution and three years of substantive paralegal experience; or (c) associate's degree in paralegal studies from a paralegal program or a certificate from a paralegal program and five years of substantive paralegal experience; or (d) designation of CLA, CP or RP or other paralegal credential approved and recognized by the Keystone Alliance of Paralegal Associations and two years of substantive paralegal experience.

- Continuing Legal Education (CLE) requirements: 12 hours with two hours being in ethics for every two years' renewal.

- Examination: No exam at this time.

- Fees: \$50 non-refundable processing fee for initial two-year period and a \$25 non-refundable processing fee for each renewal period of two years.

As the debate for paralegal regulation rages on throughout the country the Keystone Alliance has stepped forward and created this certification program for the paralegals of

Pennsylvania in the hopes of uniting paralegals and helping them in gaining professional recognition and setting the qualification standards. The Keystone Alliance has researched the topic of regulation over the years and has produced this certification program based on its findings. The Keystone Alliance has carefully reviewed the various regulation schemes, such as registration, certification and licensure, and has considered all of the options available. Various states such as Delaware, Iowa, Louisiana, North Carolina, Ohio and Texas, have already adopted a similar certification program, while others, such as Indiana, New Jersey, Utah, Vermont and Washington have other forms of regulation pending.

As the role of the paralegal has changed dramatically over the years, so has the need for the paralegal profession to develop standards to enter into this profession. Law firms, in-house counsel, government entities and other work environments have challenged paralegals to perform more challenging and comprehensive tasks. Paralegals now need specialized skills and expertise in the various arrays of job duties and future growth opportunities. It has also become necessary for paralegals to participate in continuing legal education seminars and classes that are offered through the legal community, work place and various associations.

Students entering the paralegal profession are also challenged to obtain a bachelor's degree and join local paralegal associations to stay involved in the profession, use the networking opportunities and keep up with news affecting the profession and its growth both on a local and national level.

Courts are granting paralegal fees to be paid as part of awards of attorney fees in cases, both on a statewide and federal level. The courts recognize the paralegal profession as individuals performing substantive legal cognizable work which is deemed acceptable by the court to award those fees. Clients are now recognizing the need of paralegals performing work on their behalf and in many cases, request that a paralegal work on certain aspects of their case in order to save fees. Clients even recognize that the work being performed and billed by an attorney could have been performed by a paralegal at the paralegal rate and not the rate of the attorney and request deductions in the billed/invoiced amounts.

The utilization of paralegals benefits both the client and the employer as follows: (a) benefits to the clients: reduced costs, lower legal fees and increased client contact; and (b) benefits to

the employer: court-approved paralegal fees pro bono opportunities liaison with court personnel, proficiency in electronic filings, specialized services and ensuring competitiveness in the legal community.

The challenges of regulating the paralegal profession are enormous and, in a lot of states, the paralegals within are not in agreement about the type of regulation that should be passed. As I write this article, I am faced with daily questions about regulation but mostly I am asked, "Why should paralegals be regulated?" I answer that question (with the assistance of the North Carolina Bar Association and the North Carolina Paralegal Association), as follows: (a) as attorneys confront challenges in their daily practices to provide quality legal services to their clients, attorneys need to be assured that the paralegals they employ to assist in their practice are better educated and qualified to provide legal services; (b) members of the public indirectly rely on the work performed by paralegals and many times directly rely upon information given to them by paralegals; (c) paralegals should know and understand their ethical duties, their limitations under the Authorized Practice of Law statutes, and meet minimum standards of paralegal competency; (d) although most states have a voluntary program, it does give the attorney a much-needed benchmark to assist with hiring practices and hopefully reduce ethical violations, unauthorized practice of law violations, and malpractice claims; (e) regulation will not prevent attorneys from hiring any non-lawyer as a paralegal but it will help attorneys to identify qualified candidates and allow the attorney to publicize the employment of a certified or registered paralegal.

Regulating the paralegal profession, whether by licensure, certification or registration, has become a front-burner issue for many states in the legal community. The Pennsylvania Supreme Court has even dealt with the issues of non-lawyer practice in the recent case *Harkness v. Unemployment Compensation Board of Review*, 591 Pa. 543, 920 A.2d 162 (2007).

The certification program offered by the Keystone Alliance offers the paralegals of Pennsylvania the opportunity to separate themselves from individuals that are not formally trained. As educated and qualified individuals who are working and have earned the title of paralegal, paralegals can now go one step further and hold themselves out as a Pennsylvania Certified Paralegal.

The Legal Intelligencer Present

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