

THE MORE THINGS CHANGE – THE MORE THEY STAY THE SAME

By: Valerie A. Dolan

A BRIEF HISTORY OF THE PARALEGAL PROFESSION

- 1971 AMPAR (American Paralegal Association) established+
- June 12, 1973 The Philadelphia Association of Paralegals (PAP) incorporated as
“The Association of Paralegal Professionals” (APP)*
- 1974 NFPA (National Federation of Paralegal Association) established*
- April 1975 NALA (National Association of Legal Assistants) established°
- 1976 Certified Legal Assistant Program established°
ABA Standing Committee devotes Chapter to AMPAR+
APP became known as The Philadelphia Association of Paralegals
- March 1976 Pennsylvania Paralegal Association was established.
- 1977 *Paralegal Practice and Procedures*, written by Deborah E. Larba-
lestrier (this is the very first book written for the Paralegal Profes-
sion). Ms. Larbalestrier was a AMPAR member.+
- 1994 Paralegal Advanced Competency Exam established*
- 1996 PACE Examination offered to Paralegals*
- January 2003 11,678 Certified Legal Assistants°
1,010 Certified Legal Assistant Specialists°
- January 31, 2003 24,000 have taken CLA Examination°
74 in Pennsylvania°
- March 13, 2003 513 have taken the PACE Examination (1996-2002)*
32 in Pennsylvania*
1 in Philadelphia*

+ *Geocities.com/American Paralegal Assn*

* *Paralegals.org*

° *NALA.org*

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DEFINING TODAY'S PARAPROFESSIONAL

One of the very first definitions of a "Paralegal" was "individuals trained to assist attorneys in making legal services available to clients below the poverty line."* Merriam-Webster defines a "Paralegal" as "of, relating to, or being a paraprofessional who assists a lawyer." *M-W Com* (1969). NFPA defines a "Paralegal" as: "A person, qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work."*

COMING OF AGE

As early as the 1970's, legislators have been attempting to pass Bills in order to regulate legal assistants/paralegals. Such Bills, if passed, would have had long range ramifications for the legal assistants/paralegals in that they would have been limited in their duties, licensing would be required and the State in which the Bill was passed would be the enforcer. Limiting the profession and standardizing the licensing procedures would have alienated many of today's workers, such as minorities and woman, in general. Leading the pack was the State of California.

The paralegal profession has continued to grow through the 1980s into a viable profession for individuals entering the legal community. Schools and educational programs include courses offered through colleges in order to obtain a degree and technical schools offering a Certificate program. The profession of the paralegal was quoted as one of the fastest growing professions in the legal community. Courts, lawyers and the like have been forced to recognize the continuing growth, worth and abilities of the paralegal in the law office. Salaries for paralegals have also increased as recognition, training and

efficiency took on a new shape and lawyers have taken a new look at their old views and old way of thinking.

In the new millennium, paralegals are fighting for their right to be recognized by the Courts, licensed in their field, even specialized in particular states, and stay on the cutting edge of their field through organizations and associations as technology, the law office and the practice of law in general enters the 21st century. The role of the paralegal will continue to be changing and evolving with time and hard work. The issues we dealt with in the early years have become the building blocks for the issues we are dealing with today.

COURT ACTIONS

The United States Supreme Court addressed the issues concerning professional credentials by private organizations in *Peel v. Attorney Registration and Disciplinary Committee of Illinois*, 110 S.Ct. 2281 (1990). *Peel* details the standards used by the NALA CLA program since NALA is considered a qualified organization to administer the CLA program.^o

In August 2002, Alfred P. Carlton, Jr., President of the American Bar Association, appointed a task force to develop a model definition of the practice of law. The responsibility of the task force will be to better define the "gray area" of legal services being provided by nonlawyers. A final model is due on or about August 2003. See, www.abanet.org. NFPA addressed the task force by letter on December 18, 2002, which addresses the issues of regulating and defining the paralegal profession and NFPA's history, concerns and recommendations (which can be read in its entirety at www.paralegals.org/development/regulations/aba2.pdf).

On January 15, 2003, the Arizona Supreme Court issued an Opinion adding the definition of "Paralegal" and "Legal Assistant" to Rule 31 as follows: →

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A Brief History

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"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. *NALA.org/news.htm*

On January 24, 2003, the North Carolina State Bar Association adopted opinions that provide certain limited tasks for a non-lawyer to be performed at a real estate closing. Such tasks are limited to execution of documents and the handling of the disbursement of funds. *see www.ncbar.com/home/realestate_ethics.asp*

PARALEGALS AND FEES

Since the early 1970s, the United States Committee on the Judiciary has been conducting investigations into providing the public with legal representation at reasonable prices. Using paralegals in the legal field to help reduce the costs of legal services to the public was a part of the investigation. The distinction of the courts to allow paralegal fees to be rewarded is a hot issue in today's court systems. The North Carolina District Court recently allowed paralegal fees to be awarded because the paralegal completed "certain administrative tasks that were essential and necessary." *Hyatt v. Barnhart*, No. 01-2021, 2002 WL 1931995 (4th Cir. NC, August 22, 2002). *NFPA, February/March 2003, Volume 27, Number 4.*

PARALEGAL ASSOCIATIONS TODAY

According to the Letric Law Library (www.lectlaw.com), as of March 2003, there are 145 Paralegal Associations in the United States and each state has at least one association. 86 are associated with NALA and 58 are associated with NFPA, one is not associated with either at the time of this writing. It is the job of each of the existing paralegal associations across the country to work with their existing state bar association and assist them in any legisla-

tion, regulations and adaptations regarding defining the role of the paralegal in their state, billing time, getting paralegal fees awarded, and any other issues that may occur as we enter the next stage of awareness of the paralegal profession.

TRAINING TODAY'S PARAPROFESSIONAL

The PACE examination, which is a 4-hour test, is offered to experienced paralegals. In order to maintain the Registered Paralegal (RP) credential, continuing legal education, including an ethics course, must be maintained every two-year period. The CLA is a two-day exam, and the CLA credential is awarded for a period of five years, and proof of participation in continuing legal education programs or individual study programs must be submitted.

PARALEGALS TODAY

Gone by are the sounds of the manual typewriters, the black ink of carbon paper, the smell of whiteout, the overflowing trashcans of discarded paper and the adventures of the Wang computer. Here today are the wonders of today's technology and the Internet. Most paralegals today have a college degree or a certification from an ABA-approved paralegal program, some even have their own offices and staff. Attorneys and the legal community in general have finally come to understand the abilities and the worthiness of paralegals in the legal world. Some paralegals still do secretarial work, as well as other office duties, but the overall attitude in the legal community has accepted paralegals in the ordinary course of everyday workings of the workplace. We schedule depositions, produce medical records, have direct client contact, attend trials and other court hearings. Our job is cost effective to each and every law firm, big or small. It is the job of every paralegal to take charge of their careers and become involved in the future of the profession. ☼

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