

The role of a Paralegal can be defined various ways, some of which are as follows:

The National Federation of Paralegal Associations: 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 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 ([www.paralegals.org](http://www.paralegals.org)).

American Bar Association: 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 ([www.abanet.org/legalservices/paralegals/def98.html](http://www.abanet.org/legalservices/paralegals/def98.html)).

Pennsylvania Bar Association: According to the PA Bar, the following definition promulgates the concept of a "paralegal/legal assistant:" A person qualified through education, training or work experience, who is employed or retained by a lawyer, law office, governmental agency or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of an attorney of specially-delegated substantive legal work, which for the most part, requires sufficient knowledge of legal concepts that, absent such assistant, the attorney would perform ([www.pabar.org/uplmparalegals.shtml](http://www.pabar.org/uplmparalegals.shtml)).

In my opinion, the above begs the question of which definition is correct and which one fully defines a paralegal. Which definition fully states what we believe to be a paralegal? What definition should associations adopt across the United States? Which definition will the Courts accept? Each definition stated above stresses the importance of education, supervision by an attorney and substantive legal work (that is non-clerical in nature) that would otherwise be completed by an attorney. So, what can a paralegal really do? What are our limitations? Here is the short list:

- A. Paralegals must communicate to the client that they are not an attorney;
- B. Paralegals cannot be partners in a law firm;
- C. Lawyers cannot share legal fees;
- D. Paralegals are permitted to have business cards, their name on firm letterheads and sign correspondence as long as it has the appropriate designation;
- E. Paralegals cannot give legal advice; and/or
- F. Paralegals cannot sign pleadings, appear in court, set fees or receive bonuses that are tied to a particular case.

What is the difference between a paralegal and a legal assistant? Should a legal assistant be the same as a paralegal or should the two (2) terms be clearly defined? What is the difference between a paralegal and a legal document preparer? According to the ABA, "paralegals work under the supervision of attorneys and are not "document preparers" working directly with the public."  
([www.abanet.org/legalservices/paralegals/lawyers.html](http://www.abanet.org/legalservices/paralegals/lawyers.html))

Using the ABA definition, does that mean that Legal Document Preparers are not synonymous with paralegals and cannot hold themselves out to be paralegals? Some states have already adopted definitions for legal document preparers, but have not clearly defined paralegals. Who should make these types of decisions? The Courts, the States - should there be statutes and legislation or reliance upon case law? Who will ultimately respond to these questions?

What are the educational differences and requirements to sit for the various tests offered by the following organizations: National Association of Paralegals (NALA) - the Certified Legal Assistant Exam (CLE); NFPA - the Paralegal Advanced Competency Exam (PACE); National Association of Legal Secretaries (NALS) - offers two (2) paralegal certifications? Which test is the right test? Will any of the tests be approved by the Courts to certify a paralegal? Who will monitor the UPL requirements of paralegals?

There seem to be more questions than answers; more gray areas than clear black and white ones. How can individuals hold themselves out as professional paralegals when no one knows or even understands what that role means and entails? What should the requirements be? Should some right out of school hold the same position and salary recommendation as someone who has been in the legal field for over ten (10) years and is just now getting the recognition they deserve? What are the educational requirements, degrees or certificates, that should determine becoming a paralegal?

The Philadelphia Association of Paralegals (PAP) supports NFPA, its definition, code of ethics, rules and responsibilities and taking PACE. PAP believes that the future of our career as a paralegal lies with NFPA, becoming more proactive in the legal community, making education a priority for all paralegals and pushing for regulation. In the upcoming months you will see more information being distributed regarding CLE opportunities and various steps being taken toward regulation. Stay tuned!

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