



Paralegal Regulation

[By Charisse Dengler]

Ask almost any paralegal what the biggest issue facing the paralegal workforce today is, and he or she will most likely say two words: paralegal regulation. A trend that seems to be catching on in the U.S. and Canada, paralegal regulation has its pluses, as well as its minuses.

When the legal profession was in its infancy, responsibilities that were to be performed by an attorney were clear-cut and separated from responsibilities that could be performed by a non-attorney. However, with respect for the paralegal profession growing by leaps and bounds, the lines designating who should do what have become slightly blurred. It's because of this blurring that a desire to regulate the paralegal profession has arisen, and it's also this blurring that makes paralegals nervous about the idea of regulation.

Regulating any profession can be defined as taking action to ensure that individuals are performing the duties they have been equipped to perform through some sort of training. Regulations are meant to protect the public. While paralegal regulation clearly helps to ease the minds of clients, paralegals and paralegal associations fear that regulation will limit paralegals in terms of the sorts of duties they are allowed to perform, thus forcing the profession to take a step backward at a time when all it wants to do is move forward.

According to the National Federation of Paralegal Associations (NFPA), Inc., there are seven basic forms that paralegal regulation can take: accreditation, certification, registration, licensure, limited licensure, restricted licensure, and specialty licensure.

Accreditation refers to the ways in which paralegal training programs or schools comply with a certain standards. If they comply with set standards, they are granted

accreditation. Certification refers to the act of certifying someone to work as a paralegal after that person has met certain predetermined guidelines. Registration takes place when a person or program signs up (or registers) with an association in order to gain credibility.

Licensure occurs when a branch of government or an agency grants permission to a person or program to operate in a certain way. Limited licensure, restricted licensure, and specialty licensure all describe situations in which the government gives non-attorneys rights to perform (in limited capacities) certain jobs that are traditionally performed by attorneys.

While the NFPA considers paralegal regulation beneficial, it also understands that the growth of the paralegal profession has helped make legal services more affordable for the general public and the justice system accessible to more people. Therefore, the association does not want to see the paralegal profession limited in a way that would make the legal system less accessible.

"NFPA agrees that non-lawyer activity is best addressed at the state level and, in accordance with its grassroots structure and position on regulation, deems states' rights issues to be dominant in the forum of non-lawyer practice issues," the association's website states. "However, the legal profession must recognize its responsibility to provide the public with the opportunity to choose different levels of expertise and cost, depending on the type of services needed.

The continued existence of unmet legal needs is of paramount concern to lawyers, paralegals, and non-lawyers alike. The legal community must strive to provide a greater variety of legal services in order to allow more freedom of choice, easier access to professional services for the public, and reduced costs."

Because of its position on this issue, the NFPA is speaking out in support of paralegal regulation, as long as regulation affords paralegals the right to perform a broader range of duties and does not limit the profession in any way. The association has proposed a list of eight different guidelines that regulation should follow in order to aid in the growth of the paralegal profession rather than hindering it. The list suggests setting ethical, disciplinary, and educational standards, as well as clear definitions of duties that paralegals are allowed to perform with regard to specialty areas of law.

For more information on the NFPA's stance on this issue, you can visit the association's website at www.paralegals.org.

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