

The Certification of North Carolina Paralegals – A Primer

Flanked by the support of the North Carolina Bar Association (“NCBA”) and the North Carolina State Bar (“State Bar”), Legal Assistant Division members and paralegals across the state will soon be welcoming a North Carolina certification program to establish practice standards for the paralegal profession. The North Carolina Certification Plan (“the Plan”) drafted by the State Bar was unanimously approved by the NCBA Board of Governors on April 16, 2004, with minor changes. Following that vote, the State Bar Legislative Study Committee on Paralegal Regulation met, finalized, and approved the North Carolina certification plan for submission to the State Bar Council. The State Bar Council unanimously approved the Plan during its meeting on July 17, 2004, contingent on House Bill 356 being signed by Governor Michael F. Easley. The Governor signed the bill on August 2, 2004. The Plan was then forwarded to the North Carolina Supreme Court and was approved on October 11, 2004. It is no longer a question of whether changes to the profession will occur. Rather, it is a question of when and what type of changes will occur.

Historically, many professions are driven to maintain certain aspirational goals and ethical standards of conduct which are intended to serve as guidelines for the profession. These guidelines establish practice standards and serve as the highest ideals of the profession for each member. Such is the Plan outlined by the State Bar. The Plan is voluntary in nature; paralegals seeking North Carolina Certification have to meet eligibility and ongoing continuing education requirements as set forth below.

The purpose of this plan for certification of paralegals is to assist in the delivery of legal services to the public by identifying individuals who are qualified by education and training and have demonstrated knowledge, skill, and proficiency to perform substantive legal work under the direction and supervision of a licensed lawyer, and including any individual who may be otherwise authorized by applicable state or federal law to provide legal services directly to the public; and to improve the competency of those individuals by establishing mandatory continuing legal education and other requirements of certification.

Under the Plan, North Carolina Certified Paralegals would be recognized and subject to the Rules and Regulations promulgated by the Board of Paralegal Certification (“Paralegal Board”) which would assure proper professional behavior and adherence to general professional standards. The State Bar has a vested interest in the paralegal profession to promote proper utilization and assure that legal services are professionally and ethically offered to the public. North Carolina certification will assist in the continuation of developing standards, raise the profile of the profession, signify a greater level of achievement, and standardize the level of expectation of the public and other legal professionals.

The Board of Paralegal Certification

The Paralegal Board was established by the Council of the State Bar during its Annual Meeting on October 22, 2004. The Paralegal Board will have jurisdiction over North Carolina Certified Paralegals. The nine-member Paralegal Board will be responsible for operating the Plan and is

subject to the statutes governing the practice of law and authority of the State Bar Council. The Paralegal Board consists of five lawyers (one being a paralegal education program director) and four paralegals. The Paralegal Board will establish a North Carolina Certification Committee (“Certification Committee”) composed of seven members: two lawyers, two paralegals, and three members being either lawyers or paralegals. The responsibilities of the Certification Committee include, but are not limited to, making recommendations, evaluating applications, and administering any testing procedures in the future.

The members of the Paralegal Board are as follows:

Lawyers:

J. Michael Booe, Chair
Renny W. Deese
Barry D. Mann
John M. Harris
Marisa S. Campbell, J.D. (Program Director)

Paralegals:

Sharon “Sherri” L. Wall, CLAS
Tammy Moldovan, RP
D. Grace Carter, CLA
Marguerite “Mardy” Watson, CLAS*

Paralegal Certification Standards

The State Bar has worked diligently with attorneys and paralegals across our state to establish a North Carolina certification program with requirements that are properly defined and that will ensure the credential has value. In addition to required fees, an applicant must have the following education credentials:

- *Education* – one of the following:
 - Associates, Bachelors, or Masters Degree or post-Baccalaureate certificate from a qualified paralegal studies program (a program of paralegal studies that is approved by the House of Delegates of the ABA or that offers the equivalent of 18 semester credits of coursework and is an institutional member of the Southern Association of Colleges and Schools); or
 - Associates or Bachelors degree in any discipline from any institution of post-secondary education that is accredited by a body recognized by the U.S. Department of Education and successful completion of 18 or more semester credits at a qualified paralegal studies program.

For paralegals who do not meet one of the education requirements listed above, there is a grandfather clause for paralegals practicing in the profession within a period of two years after the date that the applications for North Carolina certification are first accepted by the Board. To qualify under the grandfather clause, the paralegal must have met one of the following criteria:

- Earned a high school diploma (or its equivalent), employed as a paralegal in North Carolina for not less than 5000 hours during the five years prior to the

* Mardy Watson has been recommended as a board member and will be presented as such to the State Bar Council during their January 2005 meeting.

application, and completed three hours of CLE in professional responsibility as approved by the Paralegal Board;

- Obtained and maintained at all times prior to the application a *Certified Legal Assistant* (“CLA”), *Certified Paralegal* (“CP”), or PACE-Registered Paralegal (“RP”) and employed as a paralegal in North Carolina for not less than 2000 hours during the two years prior to the application; or
- Fulfilled the education requirements referred to under the “Education” section above and worked as a paralegal in North Carolina for not less than 2000 hours during the two years prior to application.

A paralegal may not be North Carolina Certified if the individual’s paralegal certification or law license in any state is under suspension or revocation, if the individual has been convicted of a criminal act that reflects adversely on the individual’s honesty, trustworthiness, or fitness as a paralegal, or if the individual is a non-legal resident of the United States.

Designation

Paralegals certified by the State Bar may use the following designations:

- *North Carolina Certified Paralegal*
- *North Carolina State Bar Certified Paralegal*
- *Paralegal Certified by the North Carolina State Bar Board of Paralegal Certification*

What Does This Mean to Your Law Practice?

With the advancements in technology, a paralegal’s skill set has grown more complex. The evaluation of an individual’s ability to successfully navigate the many responsibilities required in today’s law offices and legal departments has become more and more difficult. Economically, the days of a “break in” period are quickly becoming a thing of the past; it is hoped that new paralegals will be productive contributors to the legal team from day one. These types of conditions require an unbiased and accurate method of determining paralegals’ skills.

Through education and experience, the North Carolina certification plan will assist lawyers and administrators in distinguishing paralegals that meet or exceed the skills required of the certification. As multi-skilled professionals, paralegals have a diverse knowledge base and must practice effective interpersonal communication skills to maintain collaborative relationships with the legal team. Paralegals, like attorneys, will continue to be held accountable to the highest of ethical and professional standards.

The Plan does not prohibit an individual, firm, or company from using the titles “paralegal” or “legal assistant.” What the Plan *does* do is identify those paralegals in North Carolina that have met certain standards as set by the North Carolina State Bar.