

**NCBA LAD PROFESSIONALISM COMMITTEE
FREQUENTLY ASKED QUESTIONS REGARDING
THE NORTH CAROLINA PARALEGAL CERTIFICATION PLAN**

How does the North Carolina Paralegal Certification Plan (the "Plan") define the term "paralegal"?

The Plan does not define the term "paralegal"; however, the following rule is very similar to a definition:

Rule .0101 Purpose

The purpose of this plan for certification of paralegals (plan) 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.

The membership application for the North Carolina Bar Association Legal Assistants Division can be found at <https://www.ncbar.org/membership/join/ladapp.pdf> and defines a legal assistant/paralegal as:

“...a person qualified through education and work experience who is employed as an employee and not as an independent contractor, on a full-time basis, or substantially on a full-time basis (at least 800 hours), by either one attorney, a single law firm, one governmental agency or one other business entity in a capacity or function that involves the performance of a substantial amount of specifically delegated substantive legal work, which, for the most part, requires a sufficient knowledge of legal concepts that, absent such person doing the work, would be performed by an attorney; the performance of legal work to be under the actual direction and supervision of an attorney who is licensed to practice law anywhere and who has ultimate responsibility and accountability for such person’s work the supervising attorney to be the attorney who employs such person, if such person is employed by one attorney, or if such person is employed by a law firm, a governmental agency or other business entity, the performance of legal work to be under the actual direction and supervision of an attorney who is either a partner, member, shareholder or employee of the law firm, if such person is employed by a law firm, or an attorney who is an employee of the governmental agency or other business entity, if such person is employed by a governmental agency or other business entity.”

A Certified Paralegal is defined by the standards set forth in Rule .0119 of the Plan.

Under the Plan, what is required to hold the title of "paralegal"?

It is important to realize that this is a voluntary certification program. Obtaining certification under the Plan is not a requirement to be employed as a paralegal/legal assistant or to call yourself a paralegal in North Carolina. However, the titles "North Carolina Certified Paralegal", "North Carolina State Bar Certified Paralegal", and "Paralegal Certified by the North Carolina State Bar Board of Paralegal Certification" are reserved for those individuals who are granted certification by the North Carolina State Bar. This voluntary certification is a standard attained through formal education, examination, and continuing legal education.

When you attain the title of North Carolina State Bar Certified Paralegal, the title indicates that extra steps have been taken to excel in your profession and that certain minimum standards have been met.

When is voluntary certification necessary for paralegals to perform their jobs?

The Plan does not limit a paralegal's ability to perform any task under the supervision of an attorney or as allowed under state or federal law. "Voluntary" certification, by its definition, is not required for paralegals to perform their jobs.

Why is the Plan voluntary?

The Plan is voluntary because it only applies to paralegals who wish to use the titles "North Carolina Certified Paralegal", "North Carolina State Bar Certified Paralegal", or "Paralegal Certified by the North Carolina State Bar Board of Paralegal Certification". A paralegal can choose not to participate and still perform substantive legal work under the supervision of an attorney as a "Paralegal", "Legal Assistant", or any title other than those listed above.

How does the certification affect me?

Certification under the Plan is voluntary. If you are working as a paralegal, you are not required to become a certified paralegal under the Plan, but you will not be able to use the title "North Carolina State Bar Certified Paralegal" or other similar titles. The Plan will hopefully contribute toward greater recognition for the paralegal profession, help define it, and set professional standards.

If the profession isn't broken, why does it need to be "fixed"?

This is an opportunity to raise the professional bar for paralegals to a new level.

When and how can I apply?

At its meeting on December 10, 2004, the Board of Paralegal Certification (the "Board") adopted a target date of July 1, 2005, for the acceptance of applications. Once the mechanics are in place, more specific information about the process for applying will be published by the North Carolina State Bar.

What is the cost to apply?

At its meeting on December 10, 2004, the Board set the initial at \$125.00 and the annual renewal fee at \$50.00. The fee for taking the examination will be determined as the time gets closer to when an examination is required.

What are the testing requirements?

No test is required for the first two years after the date that the first application is accepted. A test will be required in addition to the educational requirements after the initial two-year period.

How do I apply for certification after graduating from high school?

During the first two years of the Plan, you may apply for certification immediately after graduation from high school, provided prior to your application you have a high school diploma or equivalent, you have worked as a paralegal in North Carolina for more than 5000 hours during the past five years, and you have completed 3 hours of continuing legal education in professional responsibility.

How do I know if the paralegal studies program I am about to enroll in will qualify me for the certification requirements?

Present Rule .0119 of the Plan to the school's admissions/administrator and request an official confirmation that the program meets the criteria.

How do I apply for certification after graduating from a qualified paralegal school?

During the first two years of the Plan, you may apply for certification immediately after graduation from a qualified paralegal school, provided you have worked as a paralegal in North Carolina for more than 2000 hours during the 2 years prior to your application.

I don't have the educational requirements but want to become certified. What can I do?

The Plan includes a generous "grandfather clause" during the first two years after the date that the first application is accepted. This clause takes on-the-job training into consideration. In lieu of the educational requirements, a paralegal can offer proof of work experience as a paralegal in North Carolina.

Where can I take the three-hour ethics course required for some applicants?

The North Carolina Bar Association Foundation, Inc. offers many seminars that include ethics topics. These seminars are offered live, through web-casts, on video, and/or online. You can find these programs at <http://www.ncbar.org/cle/index.aspx>.

Why would I need to pursue certification in my profession?

This is a personal decision. Only you can set personal goals for yourself in your profession. If you are satisfied with where you are, you need do nothing. On the other hand, if you are continually striving to improve yourself and your profession, certification should be considered.

Why would I want to commit to the certification track by taking the exam and attending continuing legal education seminars?

Many paralegals have already taken an exam to obtain the Certified Legal Assistant (CLA), Certified Paralegal (CP), or Certified Legal Assistant Specialist (CLAS) designations conferred by the National Association of Legal Assistants, Inc. (NALA) or the Registered Paralegal (RP) designation conferred by the National Federation of Paralegal Associations (NFPA). Many paralegals who are not certified through NALA or NFPA still attend continuing legal education seminars to keep current with changes in the law and in the profession. Whether you believe North Carolina certification is right for you is a personal decision.

How do the NALA and NFPA certifications work with the Plan?

The certifications conferred by NALA and NFPA are nationally recognized credentials for the paralegal profession. During the first two years the Plan goes into effect, a paralegal holding one of these certifications will be able to qualify for North Carolina paralegal certification by showing evidence of good standing and the required work experience.

How will obtaining certification help me find employment?

The Plan may not have any immediate impact on employment possibilities. Within the next two years, however, as the certification process becomes more familiar to attorneys and legal employers, they may require and hire only North Carolina Certified Paralegals.

Why should my efforts be encouraged and financed by my employer?

While there is no assurance that attorneys will pay the fees to obtain certification, continuing legal education costs, or higher salaries for certified paralegals, certification will clearly identify those who have met the professional standards established by the Plan.

What is required of me once I apply and receive the certification?

The certification is awarded for one year. Six hours of continuing legal education are required annually of all paralegals using the North Carolina State Bar certification titles, including those who meet the grandfathering provisions. The North Carolina Bar Association Foundation, Inc. offers many seminars through web-casts, on video, and/or online. You can find these programs at <http://www.ncbar.org/cle/index.aspx>.

Where do I find complete information about the Plan?

There are two parts to the Plan. North Carolina General Statutes 84-23 and 84-37 have been revised to give the North Carolina State Bar authority to regulate North Carolina Certified Paralegals and to seek injunctive relief for the improper use of the certification titles. A copy of the final bill, as it will be chaptered, can be viewed at <http://www.ncga.state.nc.us/gascripts/BillLookUp/BillLookUp.pl?Session=2003&BillID=H356>.

The second part, and heart of the Plan, is located in the North Carolina Administrative Code under 27 NCAC 1G, Section .0100 et. seq. and can be viewed at http://legalassistantsdivision.ncbar.org/Legal+Resources/Publications/Downloads/Downloads_GetFile.aspx?id=4593.

If I am an attorney, how will this affect my law practice?

The Plan will enable attorneys to hire North Carolina Certified Paralegals knowing that these paralegals have a minimum standard of education and regularly attend continuing legal education. The Plan will not prevent attorneys from hiring whomever they wish to work in their law office, corporation, non-profit organization, or government agency, but they will not be able to identify or refer to the employee as one of the titles in the Plan unless the employee is registered under the Plan.

Will the Plan create competition between attorneys and paralegals?

This regulation does not change the Authorized Practice of Law statute at all. The Plan is not meant to expand the duties of paralegals; in fact, it is hoped that this Plan will create ethical duties to further support the Authorized Practice of Law statute.

How will malpractice insurance be affected by the Plan?

It is unknown at this time how or even if the Plan will affect malpractice insurance.