

paralegal certification. . .

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The use of paralegals in the legal field, no matter if the work venue is a law firm, a corporation or a government entity, has significantly changed in the last thirty years. It has now progressed to the point that paralegals want the respect and recognition they deserve in the legal community. They also want regulation and legislation.

Changes in the paralegal profession are ongoing and affect various entities in the legal field, on both the state and federal levels. The U.S. Department of Labor recently promulgated changes to the rules regarding "white collar" exceptions to the Fair Labor Standards Act, and reaffirmed that paralegals are non-exempt employees. The DOL included a commentary referencing paralegals in its explanatory ruling.

One of the steps that needs to be taken in the quest of paralegal regulation will be to define a paralegal. The first state to adopt the definition of "paralegal" and/or "legal document assistant" is California. See, CA Codes §6450-6456 [Business and Professions Code] (www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=06001-07000&file=6450-6456)

California set forth a comprehensive definition, practice limitations and educational requirements for paralegals working in that state.

In Montana, meanwhile, Senate Bill 111, which is currently tabled, is designed to amend the definition of who is considered to be practicing law. Paralegals are among the list of those *not* considered to be practicing law, whether a fee is charged or not.

The American Bar Association defines a paralegal as persons who "work under the supervision of attorneys and are not 'document preparers' working directly with the public." (www.abanet.org/legalservices/paralegals/lawyers.html) Some states have set forth definitions of legal document preparers in order to stop the public's confusion regarding this relatively new term, and notifying the public that these individuals are not attorneys and cannot give legal advice. The following are examples of such states that have this definition in place:

Illinois' Senate Bill 335 created the Legal Document Preparer Act, which provides that, beginning July 1, 2006, no person shall engage in the preparation of legal documents unless the person is certified; establishes the Board of Legal Document Preparers and outlines its duties and powers; provides eligibility requirements for certification; sets out the services that may be provided by a legal document preparer; provides guidelines for the application process and the renewal of certification; provides for disciplinary actions; provides for a code of conduct for legal document preparers; sets out a fee schedule; and amends the State Finance Act to provide for the Legal Document Preparer Fund.

