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1977

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### **Recommended Citation**

Raymond B. Marcin, A Model Act for the Certification of Paralegals and the Accreditation of Paralegal Training Programs, 2 SETON HALL LEGIS. J. 122 (1977).

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A MODEL PARALEGAL ACT:  
A SUGGESTION TO STATE LEGISLATORS

by Raymond Marcin\*

Over the past decade or so, lawyers have become accustomed to socio-legal "explosions": the explosion into the law scene of legal services corporations; the explosion in malpractice insurance rates as the result of the explosion in medical malpractice suits and favorable jury verdicts; the explosion in no-fault law, both in negligence and family disputes; and the legal profession's own population explosion.

Therefore, it should come as no great shock that over the past decade there has been one additional socio-legal explosion: the explosion in the use of paralegals by lawyers, law firms, corporations, and government agencies of all descriptions.<sup>1</sup> Although the explosion in the use of paralegals comes as no shock to lawyers, it may be mildly surprising to many that no state has yet passed a statute to regulate paralegal training programs or paralegal activity in general.<sup>2</sup> This article is written on the assumption that some states may take legislative action with regard to paralegal regulation.

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<sup>1</sup> This paralegal explosion is not unique. The medical professions have experienced a similar phenomenon in the emergence of the paramedic, the health associate, the physician's assistant, the physician's associate, and the nurse practitioner. The semantic difficulty which besets the medical profession has not been avoided by the legal profession.

The American Bar Association now refers to legal assistants, an upgrading presumably of the association's original term of reference—lay assistant. See ABA SPECIAL COMM. ON LEGAL ASSISTANTS, STANDARDS FOR THE APPROVAL OF LEGAL ASSISTANT EDUCATION PROGRAM, REP. NO. 126 at 1, SUMMARY OF ACTIONS AND REPORTS TO THE HOUSE OF DELEGATES (1973) [hereinafter cited as ABA REP. NO. 126]. Also used are such terms as paralegal assistant, attorney's assistant, legal technician, and many others. In this article the term paralegal is used throughout for consistency.

<sup>2</sup> Forty-one states have enacted statutes broadly defining categories of nonphysician paramedics, but none have as yet dealt with paralegals by statute. This discrepancy may be explained by the fact that prior to 1971, most states severely limited the legal rights of physicians to delegate medical acts, thus necessitating remedial legislation to allow paramedics to function. Kissam, *Physician's Assistants and Nurse Practitioner Laws: A Study of Health Reform*, 24 KAN. L. REV. 1, 20-25 (1975). However, paralegals do not perform acts which are characterized as the practice of law. Therefore, their activities, though traditionally performed

There are many difficulties inherent in the idea of regulating paralegals and their training programs, not the least of which is the method of regulation. What types of regulation are available? What are the differences in the usual forms of regulations: accreditation, certification, and registration, and which is most appropriate for paralegals?

Licensure is the most severe mode of regulation. It has been defined by the Council of State Governments "as 'the granting by some competent authority of a right or permission to carry on a business or to do an act which would otherwise be illegal.'"<sup>3</sup> Licensure implies a legal right to engage in a particular occupation and is granted by some governmental agency. In the absence of a license, an individual would be legally prohibited from pursuing that occupation. Thus, "'(l)icensing involves the *stipulation of circumstances* under which permission to perform . . . may be granted.'"<sup>4</sup>

Certification and registration, although occasionally used as synonyms for licensure, are less severe in their regulation.<sup>5</sup> Both are "mechanisms for granting recognition" of the qualifications of individuals involved in a profession.<sup>6</sup> Certification or registration is a nongovernmental method of regulation. It is handled usually by a professional association or agency created by professional groups.<sup>7</sup> The qualifications associated with these two forms of regulation usually require: "(a) graduation from an accredited or approved

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by lawyers, are not prohibited by law from being performed by nonlawyers and such legislation is less necessary. As of this writing there was no state legislation on the regulation of paralegals.

At least one state, California, introduced a bill for the regulation of paralegals. See A. 1814, 1973 Cal. Legis. Reg. Sess. Also Oregon's state bar association has created a certification board for paralegals and a committee to approve community college paralegal training.

In order to alleviate some of the problems created by such lack of legislation, the American Bar Association has assumed an active role in the development and control of the paraprofessional field. In 1968, the Special Committee on Availability of Legal Services recommended that the Association's membership recognize that many tasks could be effectively performed by nonlawyers. See ABA SPECIAL COMM. ON AVAILABILITY OF LEGAL SERVICES, REP. No. 3, Summary of Actions and Reports to the House of Delegates (1968). Subsequently, the Special Committee on Legal Assistants (originally named the Special Committee on Lay Assistants for Lawyers) was created to systematically study the subject of legal assistants.

<sup>3</sup> B. SHIMBERG, B. ESSER AND D. KRUGER, OCCUPATIONAL LICENSING: PRACTICES AND POLICIES 8 (1973) [hereinafter cited as SHIMBERG, ESSER & KRUGER] (quoting from COUNCIL OF STATE GOVERNMENTS, OCCUPATIONAL AND PROFESSIONAL LICENSING BY THE STATES, PUERTO RICO, AND THE VIRGIN ISLANDS (1968)).

<sup>4</sup> *Id.* (emphasis in original).

<sup>5</sup> See *id.* at 9.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

Although accreditation is often performed by nongovernmental entities, e.g., the American Bar Association is an approving agency for law schools, it is sometimes performed by government agencies, e.g., the state of New York has created an agency for accreditation of law schools located within the state.

program; (b) acceptable performance on a qualifying examination or series of examinations; and/or (c) completion of a given amount of work experience.”<sup>8</sup> Accreditation, according to the Committee on Legal Assistants of the Association of American Law Schools, “is a process whereby educational programs are evaluated in accordance with standards established by an accrediting agency, and informed whether they meet the standards.”<sup>9</sup>

It is the author’s belief that the work performed by paralegals is affected with the public interest and that some form of control to protect that interest is therefore desirable. What form that control should take depends on a clear identification of the specific public interest which affects paralegal activity and which must be balanced against individual and private rights.<sup>10</sup>

Stripped down to essentials, the public has an unequivocal interest in paralegal competence—competence involves training. In what ways can paralegal training result in harm to the public? Members of the public who are considering a career as a paralegal can be harmed by investing time, energy, and money in a training program which fails to prepare them adequately for that career. Members of the consuming public can be hurt by incompetent service or work product. Therefore, the public clearly has an interest in the quality of both paralegal activity and paralegal training.

Usually the best form of regulation, and the form which comports with our social traditions, is that which accomplishes its public interest objectives with the least interference with personal liberty. It may be that the public interest in paralegal activity is so strong and the potential abuses to that interest are so many and so large that the strictest form of regulation is warranted: licensure of paralegals and paralegal training programs. This article, however, opts for the notion that the public’s interests in paralegalism can be served by a procedure whereby the government attests to the minimal competence of certain paralegals and paralegal training programs, but does not prohibit other paralegals or paralegal training programs from engaging in their work. Therefore, certification and accreditation would be the appropriate mechanism to accommodate the public interest.<sup>11</sup>

The difficulties inherent in drafting any legislation vary from the small to the insurmountable. One of the nearly prohibitive difficulties in drafting any legislation is that there is no composite description or portrait of a paralegal,

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<sup>8</sup> *Id.* (footnote omitted) (quoting from COUNCIL OF STATE GOVERNMENTS, OCCUPATIONAL AND PROFESSIONAL LICENSING BY THE STATES, PUERTO RICO AND THE VIRGIN ISLANDS (1968)).

<sup>9</sup> COMM. ON LEGAL ASSISTANTS, PROCEEDINGS OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS 64 (1974) [hereinafter cited as 1974 PROCEEDINGS AALS].

<sup>10</sup> See SHIMBERG, ESSER & KRUGER, *supra* note 3, at 15.

<sup>11</sup> Some commentators believe that if a paraprofessional group is employed and supervised by licensed practitioners, “the need for licensing (the paraprofessional) is less compelling.” SHIMBERG, ESSER & KRUGER, *supra* note 3, at 223. Furthermore, if “simpler methods of regulations would ‘serve the public needs, licensing should be avoided.’” *Id.* at 222.

and none seems possible. The paralegal may be a person with a graduate degree in business, assisting a lawyer in a complex realty transaction or in the negotiating of an antitrust settlement. Sometimes, with little formal education, paralegals are performing just as effectively in representing welfare recipients at departmental fair hearings or in small claims matters after appropriate training.<sup>12</sup> Another difficulty, and a corollary to the descriptive dilemma, is that paralegals are not lawyers nor are they generalists. Paralegals specialize; by choice and necessity, they are persons who have become fully familiar with one, two, or a few areas of legal activity. Occasionally they may be more familiar with those areas than the generalist lawyer, but they are not expected to be familiar with all other areas of legal activity. The research paralegal is not expected to be familiar with litigation; the tax paralegal is not expected to be familiar with federal welfare eligibility standards. Therefore, some of the problems posed to the regulator include: how to control the competence levels of persons of such varied background and knowledge, and how to regulate persons who, though clearly identifiable as a group, possess no recognizable, interconnecting thread.

To opt for substantial educational requirements and a scheme whereby all applicants for certification must demonstrate a minimal knowledge of all areas of the law unnecessarily penalizes the specialist — a paralegal who may be effectively performing services for the poor.

One solution to this dilemma is the approach suggested by the following model act which involves governmental identification of "categories of paralegal functions"<sup>13</sup> which may vary from state to state: Connecticut might have one or more categories of paralegal functions which concern insurance law; or the District of Columbia might have categories which involve federal administrative and legislative lobbying. Competence could be assessed in one or more of those categories. Also, some states may wish to engage in assessing competence in one or more general law areas for all applicants, *e.g.*, legal ethics.

Following is a suggested text of a Model Act Concerning the Accreditation of Paralegal Training Programs and the Certification of Paralegals. It is suitable for enactment by any state legislature with minimal alteration. Its purpose is evidenced from its descriptive title, and the finer details are explained in a commentary following each proposed section of the Act. Provisions which might be regarded as innovative have been kept to a

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<sup>12</sup> See 1974 PROCEEDINGS AALS, *supra* note 9, at 56. Examples suggested by the AALS include: an Indian, age 45 with education up to the sixth grade level assisting in the tribal court system on a reservation; a senior citizen working on Social Security and housing problems in a Legal Services office; and a legal secretary with some college credits and ten years of secretarial experience who wants to handle basic real estate matters. *Id.* at 56-57.

<sup>13</sup> *Id.* at 57.

minimum. In general, the Act seeks to avoid some of the common faults of regulatory legislation and to take advantage of some of the trends reactive to those faults.<sup>14</sup>

Many states may have particular local problems which affect the public interest in paralegalism. State legislatures may wish to study this draft, as well as the American Bar Association guidelines and other materials before acting. A legislature may want to create a commission and to appropriate funds in order to facilitate its efforts in developing appropriate legislation. Therefore, a condensed draft of a proposed Act Concerning a Study of the Need for Accrediting Paralegal Training and Certifying Paralegals is also included.

## AN ACT CONCERNING THE ACCREDITATION OF PARALEGAL TRAINING PROGRAMS AND THE CERTIFICATION OF PARALEGALS

(Enacting Clause)

Section 1. *Definitions.* As used in this act:

(a) "Board" means the State Paralegal Board created under section 2 of this act;

(b) "Educational institution" means a public, post-secondary school or a college or university accredited by a regional association of colleges and secondary schools;

(c) "Paralegal" means a person who, for compensation, performs tasks which, though traditionally performed by lawyers, are not prohibited by law from being performed by nonlawyers;

(d) "Entities" mean the proprietary schools or specially developed programs aimed solely at paralegal training.

Section 2. *State Paralegal Board.* On or before (here enter the appropriate date), the governor shall appoint nine persons to comprise a paralegal board. The governor shall designate three of the persons first appointed to serve for

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<sup>14</sup> See SHIMBERG, ESSER & KRUGER, *supra* note 3, at 1, 14. The formulation of regulatory legislation may include the following faults: licensing which has developed in a "haphazard, uncoordinated, and chaotic process," *id.* at 1, legislation which is often drafted by the professional organization being regulated, *id.* at 220, legislation, which usually creates a regulatory board only comprised of the practitioners being regulated, *i.e.*, "they are left to 'regulate' themselves." *Id.* at 1.

The legislation usually gives the regulatory board "wide latitude" in regulating the profession. In addition, the board's actions toward fulfilling its functions are made in a "provincial" environment. *Id.*

There is usually only nominal input by the public in formulating regulatory legislation, and therefore, the legislators may consider "only one side of the issue." *Id.* at 14.

terms of one year each, three for terms of two years each, and three for terms of three years each. The governor shall fill vacancies by appointment for the unexpired portions of the terms. The governor shall so discharge the appointing responsibility so that the board shall continually number among its members three practicing attorneys, three practicing paralegals, two professors of law experienced in the training of paralegals, and one citizen who is fairly representative of the interests of the ultimate consumers of paralegal services. The members shall annually elect one of their number to serve as chairperson. The members and chairperson shall receive no compensation for their services, but shall be reimbursed for necessary expenses.

Comment: The inclusion of an ultimate consumer of paralegal services is consistent both with the recommendations of the AALS Committee on Legal Assistants and with the 1972 position of the National Commission on Accrediting.<sup>15</sup> If desirable, the governor may appoint members to succeed themselves. Some legislatures may wish to insert a maximum terms provision.

Section 3. *Staff and Consultants.* The board may employ an executive secretary, clerical, and secretarial assistants, and may enter into contracts for professional and expert assistance to enable it to discharge its responsibilities and powers under this Act. The board may consult with officers and employees of (here enter name of the state department of education or other state departments or agencies which are experts in occupational testing systems) regarding procedures and educational accrediting. The heads of all state departments and agencies shall cooperate with the board by making the services of those officers and employees available to it on a reasonable basis.

Comment: Commentators have observed that despite their professional expertise, few regulatory boards appear to have the knowledge or experience to utilize the rapidly expanding field of testing within their profession.<sup>16</sup> Furthermore, these boards do not utilize outside consultants since they do "not recogniz[e] the complexity of their evaluation task."<sup>17</sup>

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<sup>15</sup> See 1974 AALS PROCEEDINGS, *supra* note 9, at 68; NATIONAL COMMISSION ON ACCREDITING, STUDY OF ACCREDITATION OF SELECTED HEALTH EDUCATIONAL PROGRAMS 3-4 (1973); SHIMBERG, ESSER & KRUGER, *supra* note 3, at 230. See also U.S. DEPT. OF HEALTH, EDUCATION AND WELFARE, SECOND NEWMAN REPORT, NATIONAL POLICY ON HIGHER EDUCATION 61-62, 107 (1973). However, the presence of laypersons on the board may have disadvantages: they may "lac[k] the technical competence" and their presence might not materially influence the board, since the absence of "an organized constituency" may prevent them from "exert[ing] leverage on the other board members . . . if they are not acting in the public interest." SHIMBERG, ESSER & KRUGER, *supra* note 3, at 231.

<sup>16</sup> SHIMBERG, ESSER & KRUGER, *supra* note 3, at 194, 212.

<sup>17</sup> *Id.* at 199. The quality of testing procedures could be greatly improved by utilizing testing experts. Specifically, they may be useful in determining what "critical elements" should be tested, in developing organized test specifications, in training in question and

Section 4. *Accreditation.* The board shall develop and promulgate standards for the accreditation of educational institutions and other entities which it has found qualified to offer paralegal training programs. Those standards shall be designed to assure that paralegal training programs serve the public interest and shall include, but not necessarily be limited to, requirements for adequate staffing, design, library, and funding. Standards for the accreditation of entities other than educational institutions shall include requirements that the entity demonstrate to the board that it: has surveyed the paralegal job market in the labor area served by it; has correctly determined that sufficient numbers of unfilled paralegal positions exist for all its projected graduates; and, has a working system to ensure that its graduates are seriously considered for those positions. The board may adopt as its own any accreditation standards for paralegal training programs which may be established under federal law or by any private, national accrediting body, provided those standards assure that the states' public interest in paralegal training programs is served.

Comment: This section recognizes the desirability of national accreditation and provides a set of basic accrediting standards until such satisfactory, national accrediting occurs.<sup>18</sup> It gives accrediting responsibility to the board; however, legislators should be apprised that there is no unanimity on the issue of delegation of responsibility.<sup>19</sup> Although a national accrediting agency for paralegal training programs does not presently exist in the governmental sector, the American Bar Association has published an advisory

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direction writing skills, in facilitating the quality control of scoring and grading procedures, and in analyzing specific items, overall test performance and test validity. *Id.* at 213-14.

These authors also recommend the formation of a state-level consulting unit as a solution to improve the quality of testing. *Id.* at 201. While their recommendation is sound, it may create the possibility of agency proliferation. Therefore, requiring cooperative interaction among the state's internal agencies may be sufficient.

<sup>18</sup> Commentators recommend that boards develop national examination programs. SHIMBERG, ESSER & KRUGER, *supra* note 3, at 199, 232. These authors indicate that the development of national examinations would facilitate interstate mobility. *Id.* at 232. However, any national program which does not recognize the existence of paralegal specialization would clearly not be consistent with this Act. See also 1974 PROCEEDINGS AALS, *supra* note 9, at 68, wherein the committee indicated that diversity in education, training, and job functions prevents the "imposition of a single examination or standard unless study . . . establishes that the single criterion is reasonably related to functions common to all types of paralegals."

<sup>19</sup> See SHIMBERG, ESSER & KRUGER, *supra* note 3, at 235-36, wherein the authors indicate that schools should be regulated by the state department of education rather than licensing boards. Their concern is that the members of a licensing board usually lack the qualifications as educators and that there is frequently present on such boards "the owners of proprietary schools who have an economic interest in such matters as the duration of training," and additional training for unsuccessful applicants. *Id.* This Act does not provide for the proprietary school owner as a member of the board, unless the owner is also a lawyer, paralegal, or professor of law.

set of standards for approving such educational programs.<sup>20</sup> The state boards should evaluate these guidelines and adopt those guidelines which are suited to their particular needs as legislative regulation. The job placement requirements applicable to entities other than educational institutions are aimed at those proprietary schools which have arisen in recent years in the wake of VA benefits legislation and publicized complaints of placement inadequacies in many of those schools. The AALS Committee on Legal Assistants has recognized that even more stringent placement requirements than those contained in this section are not impossible of fulfillment.<sup>21</sup>

Section 5. *Certification.* The board shall develop and promulgate standards for the certification of those persons whom it has found qualified to act as paralegals. Those standards shall be designed to ensure that the public interest in paralegal activity is served.

On or before (here insert the appropriate date), the board shall compile and publish regulations, detailing a list of categories of paralegal functions commonly performed in this state. The standards for certification shall include, but shall not be limited to, requirements that each applicant demonstrate, through such evidence of work experience or academic accomplishment as the board may require, adequate proficiency in one or more of the categories of paralegal functions contained in the list published by the board.

Certification may be granted upon satisfactory completion of a paralegal training program in an educational institution or other entity accredited by the board. The board may adopt, as its own, any certification standards for paralegals which may be established on a national basis under federal law, provided those standards are consistent with this Act.

The board may certify paralegals who have been certified or licensed in other states upon the board's finding that the other state's certification or licensing standards are sufficiently equal to its own. The board may add additional categories of paralegal functions which are demonstrated as necessary to serve the public interest.

Comment: This section recognizes that paralegals seek competency in limited areas of a diverse field, and that such activity should be

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<sup>20</sup> See ABA Rep. No. 126, *supra* note 1. These standards have been criticized by the AALS Committee on Legal Assistants. See 1974 PROCEEDINGS AALS, *supra* note 9, at 68, wherein the committee opined that any guidelines of the ABA might "be interpreted as more than advisory, or as setting a preferred training design." *Id.* Its own position is that implementation by the ABA should await further investigation by all interested groups, including the ABA and AALS. *Id.*

<sup>21</sup> One proprietary paralegal training school guarantees placement or refund of tuition and has been highly successful. See 1974 PROCEEDINGS AALS, *supra* note 9, at 60.

encouraged. Paralegals and any certification system must accept and adapt to that phenomenon. The Act also provides for the endorsement of a state's paralegal program by other states, rather than reciprocity.<sup>22</sup>

Section 6. *Limitations.* The board shall include no requirements in its certification standards unless "empirical data demonstrat[e]" that compliance with it "is predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to" the category of paralegal functions for which the applicant is being evaluated.

Comment: In effect, this section prohibits the board from imposing certification requirements which are not predictive of adequate paralegal performance.<sup>23</sup> Thus, requirements such as a college degree or a high school diploma, as well as age, citizenship, or moral character criteria may not be used by the board unless the board is able to produce empirical data showing relevance to job performance. Although this section seems to impose a severe limitation on the board, on closer analysis it merely confines the board to those certification criteria which are relevant to its purposes.

Section 7. *Hearing Officers.* On or before (here enter the appropriate date), the attorney general shall appoint seven paralegals or lawyers to serve as hearing officers. The hearing officers shall receive no compensation for their services but shall be reimbursed for necessary expenses. Any person aggrieved by any action of the board may petition the attorney general in writing for review. The attorney general shall assign the petition to a hearing officer who shall hear and decide it. The attorney general may establish by regulations the form of petition and rules of procedure for the conduct of hearings.

Comment: It has been observed that "as presently constituted, most licensing boards perform the functions of prosecutor, judge, and jury in disciplinary cases."<sup>24</sup> In 1971, the New Jersey Commission

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<sup>22</sup> Some commentators recommend interstate "endorsement" rather than reciprocity, and this section adopts such recommendation. See SHIMBERG, ESSER & KRUGER, *supra* note 3, at 232. Reciprocity is dependent upon the agreement between the states. The endorsement method would only involve the regulatory board, which would determine whether applicants from other states possess the equivalent training and experience required, and whether they have passed an equivalent examination. *Id.*

<sup>23</sup> This approach is in accord with the recommendations of the AALS Committee on Legal Assistants, see 1974 PROCEEDINGS AALS, *supra* note 9, at 68 and other commentators, see SHIMBERG, ESSER & KRUGER, *supra* note 3, at 203, 206 and 225. Requirements should be related to "training, experience and demonstrated competence." *Id.* at 225. Also, accommodations should be made for individual learning differences, and programs should be flexible in order to be equitably responsible to all. *Id.* at 225-26.

<sup>24</sup> SHIMBERG, ESSER & KRUGER, *supra* note 3, at 227.

on Professional and Occupational Licensing suggested the approach of hearing officers, independent of the board and appointed by the attorney general, as the fairest and least expensive way of resolving grievances.<sup>25</sup>

Section 8. *Suspensions and Revocation of Accreditation and Certification.* The board may petition the attorney general for review of the accreditation of any educational institution or other entity or the certification of any paralegal. The attorney general shall assign the petition to a hearing officer who shall hear it and decide whether the accreditation or certification should be upheld, suspended, or revoked. Accreditation or certification may be suspended or revoked upon the adequate finding of violation of any provision of this act or of the regulations of the board.

Comment: This section is consistent with Section 7. The board should not perform the roles of judge and jury.

Section 9. *Appeals.* Any person aggrieved by any decision of a hearing officer under this Act may appeal in accordance with (the relevant provisions of the state administrative procedure act.)

Section 10. *Regulations and Fees.* The board may prescribe regulations to implement the provisions of this Act in the public interest and may exact fees from applicants for accreditation or certification to cover the clerical costs of processing the applications.

Section 11. *Criminal Penalty.* Any person not certified under the provisions of this Act who represents that he or she is a certified paralegal, or any person who represents that an institution, entity, or program not accredited under the provisions of this Act is so accredited, or any person who violates any provision of this Act or any regulation of the board, may be fined not more than one hundred dollars, imprisoned not more than thirty days, or both.

Comment: This section contains the operative mechanism for the certification and accreditation section. Since this is a certification law for paralegals rather than a licensing law, uncertified paralegals are not prohibited from pursuing their profession and representing themselves as paralegals. Uncertified paralegals are merely prohibited from representing themselves as *certified* paralegals. Therefore, there is less need for a grandfather clause.<sup>26</sup> A corollary to

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<sup>25</sup> *Id.* at 228 (citing to the N.J. COMM. ON PROFESSIONAL AND OCCUPATIONAL LICENSING, REPORT SUBMITTED TO THE GOVERNOR AND LEGISLATURE OF THE STATE OF NEW JERSEY (1971)).

<sup>26</sup> See SHIMBERG, ESSER & KRUGER, *supra* note 3, at 224. Such clause usually exempts practicing professionals from licensing requirements. *Id.* at 13. However, these authors indicate that permanent grandfather provisions should not be included in licensing legislation: practicing professionals should receive a license conditional upon their eventual fulfillment of the licensing requirements within a specified time frame. *Id.* at 224. Therefore, such a philosophy should also apply to a certification system which does not prohibit the continuance and pursuit of the regulated profession.

this section is that employers may wish to use this law to insist that prospective paralegal employees be certified.

Section 12. *Appropriation.* The sum of (here enter the amount) is appropriated to the State Paralegal Board to effectuate the provisions of this Act for the ensuing year.

Comment: Many jurisdictions may want to add routine provisions such as a severability clause and an effective date section.

## AN ACT CONCERNING A STUDY OF THE NEED FOR ACCREDITING PARALEGAL TRAINING PROGRAMS AND CERTIFYING PARALEGALS

(Enacting Clause)

Section 1. *A Study Commission.* On or before (here enter the appropriate date), the speaker of the house of representatives shall appoint three representatives, the president pro tempore of the senate shall appoint three senators, and the governor shall appoint nine citizens to comprise a commission to study the need for accrediting paralegal training programs and certifying paralegals. Of the governor's appointees, three shall be practicing attorneys, three shall be practicing paralegals, and one citizen who shall be fairly representative of the interests of the ultimate consumers of paralegal services. The members shall elect one of their number to serve as chairperson. The members and the chairperson shall receive no compensation for their services, but shall be reimbursed for necessary expenses.

Section 2. *Staff and Consultants.* The commission may employ a secretary and clerical assistants and may enter into contracts with consultants to enable it to discharge its responsibilities under this Act. The commission may consult with officers and employees of (here enter the official name of the state department of education) or other state departments and agencies which shall cooperate with the commission by making the services of those officers and employees available to it on a reasonable basis.

Section 3. *Duties.* The commission shall make a thorough and comprehensive study of the need for the state to engage in the accrediting of paralegal training programs and the certifying of paralegals. The commission shall conduct public hearings at various locations throughout the state to solicit the views of interested persons and organizations. On or before (here enter the appropriate date), the commission shall report its findings and its recommendations, if any, for legislative action to the governor

and the legislature. Upon submission of its report the commission shall cease to exist.

Section 4. *Appropriation.* The sum of (here enter the amount) is appropriated to the commission to study the need for accrediting paralegal training programs and certifying paralegals to effectuate the provisions of this act for the ensuing year.