

National Policy Created at the NFPA Annual Convention

By Heather Moreau, VPO Primary Representative

Sharon Lucia and I traveled to Tampa, Florida in October where we listened to and participated in formal discussions regarding proposed national policy. The agenda topics presented, some of which became policy, were brought to the floor for debate by NFPA member associations from around the country. Representatives who were in attendance at the convention were able to vote on the resolutions, *giving local paralegals a national voice*.

Our votes, which we hope are reflective of the views of the VPO membership, will help direct the future of the paralegal profession.

Policies

Regulation & Licensure: Prior to this year's convention the NFPA board, under the direction of delegates from previous years, formed a regulation committee for the purpose of developing model plans that could be used by organizations, states, and other entities who desire direction from NFPA in creating a regulatory structure. The delegates intently debated the committee's work product and many aspects of paralegal regulation. Three types of regulation were discussed: mandatory regulation, voluntary licensure, and registration.

It is important that the VPO is satisfied with NFPA's model plans as the models have the potential to set precedent in other areas of the country and may eventually have an impact on us.

Sharon and I worked to ensure that any proposed model plan included a provision for paralegals who have a two-year degree (including some paralegal courses). NFPA advocates for a four-year degree, believing that such educational standards will expand the roles of paralegals and advance the profession. The current delegates recognize that many practicing paralegals – especially those in rural states like Vermont – do not have a bachelor's degree. We were supported by many other paralegal organizations in our quest to seek an associate's degree as a minimum standard for any regulation model that is developed.

Significant discussion also took place, within the context of a regulatory scheme, related to the strength of non-ABA approved educational programs, the quality of distance learning, criteria that might be considered in evaluating candidates for future entry into the paralegal field, and the potential for expanded paralegal roles.

The overall debate resulted in a couple of workable plans as well as many new threads of information. NFPA's committees will continue to develop and revise the various model

plans, encompassing the delegates' concerns. The model plans will then be presented again next year at the annual meeting in Arkansas.

PACE Emeritus Status: The delegates voted to create an “emeritus” status for R.P.s who are no longer practicing in the paralegal field. The presenters of this proposed policy wished to honor paralegals who have passed the advanced competency exam and maintained their R.P. status during their paralegal career via CLE and ethics requirements.

While the VPO understood the desire to recognize this designation as a lifetime achievement, we spoke out and voted against the passage of this resolution. Our position was based on information from the Vermont Board of Bar Examiners who confirmed that Vermont attorneys cannot continue to use “esquire” as their title after they retire. VPO members attending the pre-convention meeting felt that paralegals should hold themselves to the same professional standards as attorneys and that the use of the title “registered paralegal,” after retirement, without the continued requirement for updated legal education, could be misleading to the general public.

It should be noted that although the resolution passed, we received a guarantee (via wording within the resolution) that the word “emeritus” would appear after “R.P.” for any paralegal using this title during their retirement. An application process also sets out various parameters before one can use the title of “R.P. Emeritus.”

Access to Legal Services and Defining “Practicing Paralegal:” The delegates voted to form two ad hoc committees:

- one committee will study how paralegals can assist low-income individuals in accessing legal services;
- the other committee will seek to define “practicing paralegal;” NFPA is seeking to clarify this definition as paralegal roles are evolving and encompassing many non-traditional areas. (This definition is important as it not only describes our profession but also has the potential of excluding or including various groups of individuals into our professional organizations and work environments.)

If you are interested in helping NFPA study either of these issues, please contact me or Sharon.

International Membership: The delegates voted to create a membership category for international members despite some concerns that international organizations could use NFPA membership as an edge to penetrate foreign outsourcing of U.S. paralegal work. (Outsourcing is already a problem in Florida and other areas.) Various delegates also raised concerns that it would be difficult to monitor the ethics of international members.

Concerns were balanced with the need for NFPA members – especially those in larger firms - to network with international members in an expanding global market. Delegates were reminded that NFPA has a position statement against paralegal outsourcing (see

NFPA website at www.paralegals.org under the Positions & Issues Heading: Position Statements).

The resolution, as approved, allows international organizations to join NFPA as associate (non-voting) members.

Please email the VPO Board at Vermont@paralegals.org with any feedback or concerns that you may have about any action taken at the national convention.