

# Exercising Your Rights

By: Heather Moreau, VPO / NFPA Primary Representative

One can hardly open a newspaper, listen to the radio, or turn on the television during the last few months without hearing about the latest developments in the presidential campaigns. What are Barack Obama's thoughts on the war in Iraq? What will John McCain do to stimulate our economy? At times we all may be overwhelmed with the constant feed of information, but obtaining and evaluating the facts, and eventually casting a vote is part of our valued democratic process.

As most of you know, the VPO is a member organization of the National Federation of Paralegal Associations (NFPA). Each fall NFPA holds a convention at various locations around the country. NFPA delegates gather in an assembly to debate proposed resolutions that have the potential to govern NFPA's practices and impact their 50 member associations and 11,000 individual members.

An organization the size of NFPA has a huge influence on the paralegal profession. As a VPO member, you have the right to participate in NFPA's democratic process. By choosing to provide input on the proposed resolutions, you take an active role in shaping your professional future.

On the floor of the 2008 convention, the following proposed resolutions will be discussed, debated, amended, and then finally, presented for voting:

## **Defining Non-Traditional Paralegal Roles**

Currently, NFPA requires that a paralegal be "practicing" in order to be a voting member of NFPA and/or serve as a NFPA coordinator. The drafters of this resolution argue that many paralegals (people "qualified through education, training or work experience to perform substantive legal work... [that] is customarily, but not exclusively, performed by a lawyer") have transitioned into non-traditional roles within law firm management, technology, education, and other areas. In these new positions, titles other than paralegal are often used.

- Should individuals with paralegal education and training have to be practicing paralegals in order to obtain full membership in NFPA?
- Should law firm managers, litigation technology support administrators, and teachers, who were former paralegals, hold leadership positions in NFPA and have a vote?
- Has expansion of the paralegal profession led to these non-traditional roles?

## **Creating a Paralegal Entry Level Exam**

PACE, NFPA's Paralegal Advanced Competency Exam, requires that a paralegal have specific education and experience before a candidate is eligible to take the exam<sup>1</sup>. The drafters of this resolution want NFPA to create an entry level competency exam. Proposed costs for creating the exam would be about \$15,000 plus grants and donations.

- Would an entry level exam interest you?
- What do you see as the advantages and disadvantages of such an exam for the paralegal profession?
- Is this a good use of membership dollars?

## **Modifying the PACE Educational Requirements**

Currently, the following educational requirements exist for PACE:

1. "An associate's degree in paralegal studies obtained from an institutionally accredited school, and/or ABA approved paralegal education program; and six (6) years substantive paralegal experience; OR
2. A bachelor's degree in any course of study obtained from an institutionally accredited school and three (3) years of substantive paralegal experience; OR
3. A bachelor's degree and completion of a paralegal program with an institutionally accredited school, said paralegal program may be embodied in a bachelor's degree; and two (2) years substantive paralegal experience; OR
4. Four (4) years substantive paralegal experience on or before December 31, 2000."

The drafters of this proposed resolution argue that paralegals lacking the required education, who might have large amounts of substantive paralegal experience (received after December 31, 2000), are not eligible to take the exam.

- Should PACE have an educational requirement?
- Should a candidate be able to apply to NFPA for a waiver of the education requirement? If yes, how many years of paralegal experience should be required for a person with a high school education?
- The current cutoff date for allowing experience to be used, instead of education, to sit for PACE was December 31, 2000; should there be a new cutoff date? If so, what date?
- What impact does this have on the exam's reputation?

## **Developing a Model Plan for Voluntary Paralegal Regulation**

In 1992, NFPA delegates voted to have NFPA support paralegal regulation. Over the last several years, NFPA has been developing generic model plans for the various types of regulation (i.e. licensure), which could be modified and adopted by organizations or states that request NFPA's assistance in developing a regulation structure. This proposed resolution focuses on the development of a plan for "voluntary regulation." If a state or

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<sup>1</sup> Currently, a paralegal must have a minimum of an associate's degree in paralegal studies and six years substantive paralegal experience, unless their experience was obtained before December 31, 2000. If an individual has a bachelor's degree, other combinations of experience are required. For specific information on taking PACE, please contact the VPO's PACE Coordinator, Corinne Deering.

organization wanted to implement a system in which paralegals could opt to be part of a regulated group, it is NFPA's hope that their model plan would be used.

- What would be important to you in a model plan related to: 1) an educational requirement, 2) a proficiency exam, 3) continuing legal education, 4) adherence to a Code of Ethics, and 5) other criteria?

### **Defining when NFPA can Assist with Development of Regulatory Schemes**

In 2006, NFPA delegates voted to prevent NFPA from supporting any regulatory proposal, even if asked by a majority of the member associations in that state, if such a proposal did not contain “*all* of the following minimum criteria...”<sup>2</sup> The drafters of this resolution want to modify the 2006 resolution to allow NFPA to support proposed regulation *if the majority* of the criteria recommended by NFPA were part of the proposed regulation plan. The intent of the modification is to allow NFPA more flexibility to support local associations in “promoting, advocating and advancing the paralegal profession” via regulatory schemes.

- If regulation is proposed in Vermont (by any entity), would we want NFPA to step in to support it if most, but not all, of the NFPA criteria for a regulatory scheme were met?
- How important are each of the items listed in the criteria to you? Are there any that you disagree with?

Other items that are less likely to be controversial, but still may be debated at the convention, include:

- The NFPA Board of Directors would like to incorporate *diversity language*, which was already approved by the delegation in 2006 as NFPA's “diversity statement,” into their bylaws.
- The Board would also like all *resolutions submitted 60 days before the convention*, instead of the current 45 days.
- Finally, the Board has requested that they be given authority to adopt a detailed *Conflict of Interest policy* and to make their *Strategic Plan part of the “official record”* by ratifying its goals.
- The NFPA Armed Forces Coordinator would like to create a *military membership category* for paralegals serving in all branches of the military.
- The Marketing Coordinator and others would like NFPA to *create the role of “Vice President, Director of Marketing”* to implement the “many goals included in the Strategic Plan, which drastically affect the marketing and continued growth of NFPA.”
- Currently, NFPA board positions are staggered with some positions coming up for renewal in even years and some being renewed in odd years. This guarantees that there are always experienced members on the board, but causes problems if

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<sup>2</sup> Criteria include formal education requirements consistent with requirements necessary to sit for PACE, passage of a proficiency exam, character and fitness requirements consistent with PACE, mandatory CLE, and a grandfathering provision that would allow experienced paralegals to apply to be included in the regulated body of paralegals.

someone wants to run for an open position when they still have a year left of a term they already occupy. Several Region V Associations would like to *eliminate staggered terms*.

In a few weeks, I will leave for the convention in Arkansas and as your delegate, I will be casting votes on your behalf. The proposed resolutions will evolve at the convention and then be presented for voting. Understanding your professional beliefs and goals, as well as your opinions on these specific issues, will help me to cast votes that adequately reflect your views. Additionally, if you would like clarification of intent from the drafters, or have questions for them, I am able to make such inquiries.

I urge you to exercise your right to influence NFPA policy by attending a VPO meeting, on September 25 at 6:00 p.m., where we will discuss the proposed resolutions in more detail.<sup>3</sup> In the alternative, please feel free to e-mail me your input.

Become involved in two democratic processes this fall!

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<sup>3</sup> The meeting will be held at Paul Frank + Collins PC. You may also participate by telephone conference. Please call me at 658-2311 or email me at [hmorea@pfclaw.com](mailto:hmorea@pfclaw.com) to register and obtain further details about the meeting.