
CHAPTER 4

CERTIFICATION AND LICENSING

Introduction

You learned in Chapter 1 of this lesson that while professionals may be both licensed and certified, these two terms don't have the same meaning. A *license* is a privilege granted to a person by the government to perform a certain job. *Certification*, on the other hand, is a voluntary recognition that a person has met some specifications. Let's discuss each of these terms in more detail.

Licensing

Attorneys need a license, but paralegals don't. At present, no state in the country requires a paralegal to obtain a license. However, this may change in the future. Two types of licenses have been proposed for paralegals. For the first type, all paralegals would have to meet specific requirements for the state in which they work in order to obtain a license. The second type involves licensing freelance or independent paralegals. *Freelance paralegals* usually don't work for one law firm; they're self-employed legal professionals who work for various legal firms on an as-needed basis. If they were required to be licensed, freelance paralegals would have to meet specific requirements in order to be able to work independently.

If paralegals were forced to obtain licenses, they would have to obtain a predetermined amount of education and/or experience before being granted a license to work as a paralegal. While this might ensure a consistent level of expertise among paralegals, it might also inadvertently discriminate against some paralegals. For instance, if a licensing requirement states that a paralegal must complete a training program before being granted a license, it might deny persons with years of experience in legal offices the chance to work as paralegals. There's also the chance that these licenses may be distributed unfairly in some instances. The ABA believes that individual states should decide whether paralegals should be licensed. The National Association of Legal Assistants (NALA) is against the licensing of paralegals. NALA prefers certification as an alternative to licensing.

Certification

Certification is a voluntary recognition of a person who has met certain criteria in regards to education and experience. Paralegals can obtain certain certifications, but they don't have to do this

to work in the field. For this reason, most professional paralegal associations prefer certification to licensing. The following are some certifications for paralegals.

Certified Legal Assistant/Certified Paralegal (CLA/CP)

NALA offers a certified legal assistant/certified paralegal (CLA/CP) program. Paralegals who apply for and are granted this designation have displayed superior levels in terms of education and experience. The CLA and CP designations are synonymous.

The CLA/CP program was established in 1976. NALA describes it as a self-regulating program offering a nationwide credential for paralegals. It says the CLA program serves as a “national professional standard for legal assistants.” It’s a means of identifying those who have reached this standard. The program shows that legal assistants are capable of providing superior service. Some attorneys view the CLA/CP designation as a sign of credibility. The ABA also recognizes the designation. The CLA/CP certification board is comprised of paralegals, attorneys, and paralegal educators. At the beginning of 2009, there were over 15,000 CLAs in the United States.

To obtain the CLA/CP designation, a paralegal must pass a rigorous two-day examination in which the paralegal takes a series of tests lasting several hours each day. To be eligible to take the examination, a paralegal must meet *one* of the following requirements:

1. Graduation from a legal assistant program that is
 - Approved by the ABA; or
 - An associate degree program; or
 - A post-baccalaureate certificate program in legal assistant studies; or
 - A bachelor’s degree program in legal assistant studies; or
 - A legal assistant program consisting of a minimum of 60 semester hours of which at least 15 semester hours are substantive legal courses.
2. A bachelor’s degree in any field plus one year’s experience as a legal assistant. Successful completion of at least 15 semester hours of substantive legal assistant courses will be considered equivalent to one year’s experience as a legal assistant.
3. A high school diploma or equivalent plus seven years’ experience as a legal assistant under the supervision of a member of the Bar, plus evidence of a minimum of twenty hours of continuing legal education credit to have been completed within a two-year period prior to the examination date.

The two-day comprehensive CLA/CP exam covers the following major subject areas:

- Communications
- Ethics
- Legal research
- Human relations and interviewing techniques
- Judgment and analytical ability
- Legal terminology

Students must also take five mini-examinations on substantive law. One of these covers the American legal system. The other four can be selected by applicants from the following areas:

- Administrative law
- Bankruptcy
- Business organizations/corporations
- Contracts
- Family law
- Criminal law
- Criminal law and procedure
- Litigation
- Probate and estate planning
- Real estate

NALA feels that the CLA/CP designation is necessary to “strengthen, expand, and develop the legal assistant career field.” The program is ongoing, meaning it’s designed to foster the continued education and growth of paralegals. It stresses the importance in maintaining high standards of conduct, ethics, and character among paralegals.

A paralegal doesn’t receive the CLA/CP designation for life; it’s awarded only for a period of five years. To maintain the CLA/CP status, a paralegal must submit proof of participation in fifty additional hours of continuing education programs or individual study programs.

NALA also reports that the CLA/CP designation can be revoked under the following circumstances:

- Falsification of information on the application form
- Subsequent conviction of the unauthorized practice of law
- Failure to meet educational and other recertification requirements
- Divulging the contents of any examination question or questions
- Subsequent conviction of a felony
- Violation of the NALA *Code of Ethics and Professional Responsibility*

Advanced Paralegal Certification (APC)

In addition to the CLA/CP program, NALA offers an Advanced Paralegal Certification (APC) program, a curriculum-based assessment program. Certified paralegals who complete NALA coursework in specialty areas can obtain advanced certification.

The Paralegal Advanced Competency Examination (PACE)

In 1994, the National Federation of Paralegal Associations, Inc. (NFPA) developed the Paralegal Advanced Competency Examination (PACE) to recognize paralegals who have achieved a high level of education and experience. Those who pass PACE receive the designation “PACE Registered Paralegal” or “RP.”

According to the NFPA, paralegals receive two major benefits by taking PACE. The exam

- Provides a fair evaluation of the competencies of paralegals across practice areas
- Creates a professional level of expertise by which all paralegals can be evaluated

The PACE exam consists of two tiers: Tier I comprises the general rules and ethic questions, and Tier II comprises specialty areas.

According to NFPA, the requirements to sit for the exam are:

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

Like those paralegals with the CLA/CP designation, RPs must maintain certain standards to maintain the PACE RP designation. They must complete twelve hours of continuing education every two years with at least one hour in legal ethics.