

SPALSS SIDEBAR

Award Winning E-publication of the St. Petersburg Association of Legal Support Specialists

THE PRESIDENT'S PREPARATION DEN

Hello again my sweet SPALSS Family. I am so glad to see all of you it's a big, wonderful place. As I have appointed Jackie Bonham as Acting Chapter Liaison, I handed her the keys to the "FALSS Family Room." I am sure she will redecorate it and make it her own.

So, welcome to the "Preparation Den," a place for sharing and caring with open seating always. We've a lot to share . . . and change. I know each one of you is here to make *our* SPALSS the best it can be for us and all who'll come after us.

First, THANK YOU for electing me as your Interim President. I will do my best to lead with grace, compassion, and humility. I want all of you to do your best to communicate with me. Tell me what you want from SPALSS . . . or even what you *think* you want from SPALSS. I know that some of you, for whatever reason, can't come to all of our "brainstorming" sessions; however, I still need you to communicate with me so that I can share your ideas with the rest of the family. I know we are all busy. I still need you to communicate with me. Take advantage of today's technology. Do you have an idea, a question, just a passing thought about what you think SPALSS should do and be? Send it to me by email, text it to me, or write it down on a napkin and take

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THE ABC'S OF PARALEGAL DESIGNATIONS

by Linda McGrath-Cruz, ACP FRP

When hiring paralegals for your practice, there are many factors to be considered. You want to have the right mix of education, experience, professionalism and personality. In Florida, there is no mandatory registration or certification of paralegals but there are a wide variety of voluntary measures that a paralegal can take to improve his or her professional standing.

Because of this lack of mandatory guidelines, there can be a lot of confusion. This confusion is not limited to attorneys; some paralegals are not even sure of their correct title and sometimes refer to themselves as being certified when they are not. Before you even get to consider certification, it is easy to get confused when simply trying to decide between a "legal assistant" and a "paralegal." These two terms are synonymous – this is not a matter of preference or opinion, it is a fact. The terms are defined as such throughout the country in Supreme Court rulings, statutes, ethical opinions, bar association guidelines and other documents. There is, however, clearly a preference and pattern of use in having "legal assistant" refer to legal secretary work and, therefore, "paralegal" is the title of choice for many.

Certified Legal Assistant ("CLA") and Certified Paralegal ("CP")

The National Association of Legal Assistants/Paralegals ("NALA") provides one of the most recognized certifications a paralegal can obtain. Its CLA/CP program was established in 1976, to offer a nationwide designation for all paralegals. Because the terms are synonymous, paralegals who successfully complete the NALA CP exam may choose either the CLA or CP title. As of March 22, 2012, there are 16,900 Certified Paralegals, 4,299 of whom are located in Florida.

In the past, the two-day CP exam was given three times a year in a handwritten paper

format. The exam has been described as grueling by many and it is not uncommon for an examinee to need to re-take at least one section. The exam consists of five sections: communications (objective and essay); judgment and legal analysis (essay required); ethics; legal research and substantive law. The substantive law section includes one section on the American legal system plus four sections in practice areas selected from a list by examinees. In September 2010, the exam was computerized and can now be taken in individual sections on different dates selected by the examinee.

To qualify to sit for the CP exam, a paralegal must meet a specific combination of education and/or work experience requirements. The CLA/CP designation is awarded for a period of 5 years and, to maintain their CP status, paralegals must submit 50 hours of CLE (which includes 5 ethics CLE).

Advanced Certified Paralegal ("ACP")

Once a paralegal has achieved the CLA/CP designation, he or she has the option to obtain an advanced NALA certification.

Because ACP courses are designed specifically for paralegals with a current CLA/CP designation, the focus is on education and learning specific subject matter as opposed to testing. Each course is about 20 hours in length and actual completion time depends on the paralegal's understanding of the material. There are currently about a dozen different subjects available, including discovery, trial practice, ADR, social security disability, trademarks and more.

Upon completion, a paralegal may use the ACP designation and is also awarded CLE credits towards his or her reporting requirements. If a paralegal fails to maintain his or her CLA/CP designation, that paralegal will also lose the advanced certification. As of May 2, 2012, there are 2,615 Advanced

Certified Paralegals, 490 of whom are located in Florida.

Florida Certified Paralegal (“FCP”)

In addition to the ACP, a paralegal who has achieved the CLA/CP designation can also obtain the Florida Certified Paralegal designation. The FCP was established in 1980 by the Paralegal Association of Florida, Inc. to compliment NALA’s CLA/CP program.

The FCP exam is a three hour in-depth exam that covers Florida law. It is given once a year in central Florida and consists of multiple choice, true/false and matching questions and an essay. The test has two sections. The first covers ethics, civil procedure and Florida general law that includes Florida’s court system, basic criminal law, basic property law, basic estate and probate law, basic family law and basic business law. The second section covers the test taker’s choice of real estate, probate law, business law, family law or criminal law.

The FCP designation is awarded for a period of 5 years and, in order to maintain their FCP status, paralegals must submit 30 hours of CLE (which includes 5 ethics CLE). As of December 29, 2011, there are 170 Florida Certified Paralegals.

Registered Paralegal (“RP”)

In 1996, the National Federation of Paralegal Associations, Inc. (“NFPA”) began offering the RP designation upon successful completion of its Paralegal Advanced Competency Exam (“PACE”). PACE is a four-hour computerized exam, which consists of 200 multiple choice questions. The exam covers tasks that paralegals may frequently perform, and is not restricted to a particular practice area or geographic location. The topics covered include: administration of client legal matters; development of client legal matters; factual and legal research; factual and legal writing and office administration.

To qualify to sit for PACE, a paralegal must meet a specific combination of education and work experience requirements. The RP

designation is awarded for a period of 2 years and, in order to maintain their RP status, paralegals must submit 12 hours of CLE (which includes 1 ethics CLE). As of February 2012, there are 824 Registered Paralegals nationwide.

Core Registered Paralegal (“CRP”)

In 2011, NFPA launched the Paralegal CORE Competency (“PCC”) Exam designed to test the core competencies of early-career and entry-level paralegals. The exam takes into account coursework in a paralegal program and also actual skills considered essential to basic competency in the paralegal profession.

There are numerous options for eligibility to sit for the PCC exam, because it is designed for individuals who may not have the education or work experience necessary to sit for other certification exams. The exam consists of 125 multiple choice questions and examinees are given 2 and ½ hours to finish. Upon successful completion, the CRP designation is awarded. The CRP designation is awarded for a period of 2 years and, in order to maintain their CRP status, paralegals must submit 8 hours of CLE (which includes 1 ethics CLE). As of July 2011, there are 146 Core Registered Paralegals nationwide.

Florida Registered Paralegal (“FRP”)

In March 2008, the Florida Bar began accepting paralegal registrations. The Florida Registered Paralegal (“FRP”) program is a voluntarily registration program, not a certifying program. When it first began, paralegals could qualify to become an FRP through work experience alone under a grandfathering provision. That provision expired in March 2011, and is no longer an option. Paralegals must now possess either a CP or RP designation or a combination of education and work experience.

Like attorneys, registered paralegals must renew their membership on a yearly basis and submit 30 hours of CLE (which includes 5 ethics CLE) every reporting cycle.

As of May 4, 2012, there are 5,409 Florida Registered Paralegals.

Professional Paralegal (“PP”)

In 2004 NALS ... the association for legal professionals created the Professional Paralegal designation. The PP designation is awarded upon completion of a one-day four-part examination. The exam covers written communications; legal knowledge and skills; ethics and judgment skills and substantive law. As of March 2012, there were 522 Professional Paralegals nationwide.

The PP designation is awarded for a period of 5 years and, in order to maintain their PP status, paralegals must submit 75 hours of CLE (which includes 5 ethics CLE).

Graduates of Paralegal Education Programs

Paralegals have a variety of educational options. These include traditional associate degrees, bachelor degrees and even graduate level programs in paralegal studies. Paralegals that are looking for a faster option might choose a paralegal certificate program. For example, the University of Miami offers a paralegal certificate program which takes only four months to complete. Upon completion of the UM program, a paralegal receives a “paralegal certificate,” but this does not make them a “Certified Paralegal”. Graduates of paralegal certificate programs are usually referred to as “certificated paralegals”.

Unfortunately, many paralegals rush into this kind of fast-track education without fully exploring the true investment compared to the real world value. Some paralegals mistakenly refer to themselves as a “Certified Paralegal” when in fact their “paralegal certificate” is simply proof of the completion of a paralegal training course. Also, fast-track “certificate” programs do not qualify under the educational requirements of the Florida Bar for registration as an FRP and may not meet the qualifications of other certifying groups.

Memberships

It is also important to keep in mind that individuals can be members of all of the organizations listed above – with the exception of The Florida Bar – without taking the certification/registration exam. A paralegal might be a member of NALA without ever applying to take the CP exam.

The Bottom Line

As an attorney, you are ultimately responsible for your work product. You may, however, delegate many of your tasks to paralegals. You are constantly confronted with the challenges of providing quality legal services to your clients and you need to be assured that the paralegals you hire are educated and qualified to assist you. Paralegals who have taken the steps to demonstrate their commitment to the paralegal profession and have met the high professional standards of groups such as The Florida Bar and NALA have significant value. They demonstrate that they met the standards of paralegal competency, and that they know and understand their ethical duties and limitations under the unauthorized practice of law statutes.

Although registration and certification are voluntary, they provide you with a benchmark for hiring practices. I hope that this article will give you a better understanding of the variety of options available when adding new paralegals to your staff. I also hope that you will consider encouraging existing staff and supporting them in gaining certification or registration to further enhance your firms’ professional profile.

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Ms. McGrath-Cruz is also a member of the Miami-Dade Legal Support Association