

# MINUTES

## Paraprofessional Licensing Implementation Committee Admissions Workgroup Breakout Session

---

**Meeting Date:** February 15, 2021  
**Location:** Zoom Call  
**Committee Chair:** Sr. Judge Kirsten Thompson  
**Committee Vice Chair:** Sr. Judge Dan Harris  
**Committee Attendance:** Linda Odermott (Workgroup Chair), Brian Cox, Robin Wright  
**Advisory Group:** Danny Lang, Crystal Sullivan, Dr. Johnny Lake

### INFORMATION ITEMS

#### Agenda

- Continue talking through competency and equity using the eligibility chart included in the draft as a catalyst
- Proceed to work on wordsmithing, using the V4 as a starting point
- Finally, allowing for advisory comments and concerns during the last 20 minutes of the meeting, as we did previously

#### Discussions

- Many people impacted by power outages and unable to attend.
- Discussion on equity and competency; coming up with the right formula to address both issues.
  - Reviewed Access to Justice language for education and CLE requirements
  - Discussed costs as a deterrence to participation
    - Costs of education program – see columns in the eligibility chart
    - Costs of obtaining CLEs
    - This body will not set fees
    - Other costs to be considered
  - Balance who are the recipients of these services with who the applicants for the LPs are
  - Take to the larger group for consideration:
    - Multiple options for obtaining free or reduced costs CLEs (to include attorney and paralegal CLEs)
    - Make the CLEs available free to the attorneys or student learners available to the LPs
    - Bar materials
    - Preferred rates such as those offered to attorneys with less practice experience
    - In the practice area specific topics
    - Good faith efforts of those applicants who need to complete CLEs within 12 month window in advance of their application

- Dr. Lake recommended amendments to address the practical application of the action words included in the current draft. Two areas at play: intellectual knowledge that operates in the courtroom and the practical application of that knowledge. Amend the draft to “recognize, identify and address within the legal profession barriers to access to justice arising from both the provision of legal services and from the practice of law.”

- Review of draft Admissions and Education Framework and Chart
  - Discussion Proposal by Judge Harris to remove language regarding “within the practice area seeking licensure from the draft as being too restrictive. A discussion ensued about the fact that only a few people with paralegal experience could meet this standard because the experience of the vast majority of paralegals does not involve work on LL/T or family law cases.
  - Discussion regarding opposition to this removal on the basis of verifying competence of candidates.
  - A discussion ensued around the need to require substantive education and training in the areas of LL/T and family law to ensure competency.
  - Proposal by Judge Harris to offer “self-certification” of observing court procedures such as a first appearance. Discussion regarding potential opposition to any self-certification proposal as it relates to verifying competency. Confirmation from the Educational Advisory members.
  - Proposal from Judge Harris to amend language regarding minimum of “80% of the time” in the subject area seeking licensure within the definition of substantive paralegal experience definition and attorney certification template. Discussion regarding finding the correct formula that ensures competency and provides sufficient instruction to attorneys who certify the experience. Needs to be substantive in nature and not administrative. Possible amendment to “majority of the time”? Confirmation from Educational Advisory Members of concerns with taking out the subject specific experience requirements. Does making this a majority of time give the attorneys enough information to evaluate and support competency? [See case law regarding paralegal time. Also see ABA Model Guidelines for Utilization of Paralegal Services]
  - Discussion and proposal by Judge Harris, Judge Thompson and Brian to include law clerkships, legal aid, and self-certification of observation of court proceedings for JD applicants.

- Wordsmithing of Draft Framework
  - Proposal by Judge Thompson Proposal to separate the JD requirement and possibly reduce number of experience hours.
  - Proposal by Judge Thompson to amend coursework to include diminished capacity.
  - Proposal to amend coursework regarding mental health and substance abuse within the legal profession

<b>Pathway</b>	<b>Education, Certification, Licensure, or Military Experience</b>	<b>Substantive Paralegal Experience verified through Attorney Certification</b>	<b>CLE Requirement</b>	<b>Expected Costs to applicant, if known</b>
Standard	Associates Degree or higher in Paralegal Studies	1,500 hours within last two years	Predetermined Course Requirements	Roughly \$11,000-\$12,000
Highly Experienced Paralegal I – Education Waiver	N/A	5 years or 7,500 hours, with minimum of 1,500 hours completed within last two years	18 hours predetermined CLES	Cost of CLEs
Highly Experienced Paralegal II – Education Waiver	Have current paralegal credentials from a national paralegal association including one of the following: CP, RP, CRP, or PP	1,500 hours within last two years	18 hours predetermined CLEs	Cost of CLEs + costs of obtaining certifications (around \$350 in fees)
Highly Experienced Paralegal III – Education Waiver	Active duty, retired, former military, or the reserve component of any branch of the US Armed Forces, rank of E6 or above in a paralegal specialty rate or higher as a supervisory paralegal	1,500 hours within last two years	18 hours predetermined CLEs	Cost of CLEs
Admission by Motion – Education Waiver	Licensed to practice in another jurisdiction	1,500 hours within last two years	18 hours predetermined CLEs	Cost of CLEs + undetermined education costs

Other Education – Education Waiver	<p>Applicants with one of the following:</p> <p>a Masters or PhD in any course of study; or</p> <p>a Bachelor degree or higher in any course of study; or</p> <p>Applicants with an Associate degree or higher in any course of study + a paralegal certificate</p>	1,500 hours within last two years	18 hours predetermined CLEs	Cost of CLEs + undetermined education costs
JD – Education Waiver	a J.D. Degree from an ABA-Approved law school; or		18 hours predetermined CLEs	Cost of CLEs + undetermined education costs