

## **Peel vs. Attorney Registration and Disciplinary Committee of Illinois**

The Certified Legal Assistant Program and the United States Supreme Court Decision in Peel v. Attorney Registration and Disciplinary Committee of Illinois.

*Note: This was published in 1996*

The United States Supreme Court has addressed the issue concerning the utilization of professional credentials awarded by private organizations. In Peel v. Attorney Registration and Disciplinary Committee of Illinois, 110 S.Ct. 2281 (1990), the Court suggested that a claim of certification is truthful and not misleading if:

the claim itself is true

the bases on which certification was awarded are factual and verifiable

the certification in question is available to all professionals in the field who meet relevant, objective and consistently applied standards

the certification claim does not suggest any greater degree of professional qualification than reasonably may be inferred from an evaluation of the certification program's requirements.

Further, the Court advised that there must be a qualified organization to stand behind the certification process. We will describe the Certified Legal Assistant program based on these guidelines.

### **The CLA program is administered by a bona fide organization.**

Headquartered in Tulsa, Oklahoma, the National Association of Legal Assistants, Inc., was incorporated in April of 1975. It is a non-profit association, tax-exempt under IRS code 501(c)(6). The association is managed by a professional staff of seven employees under the direction of a voluntary board of directors. The annual budget for NALA is in excess of \$800,000.

The National Association of Legal Assistants, Inc., is composed of over 5,000 individual members and 87 state and local affiliated associations, representing over 16,000 legal assistants. Established in 1975, NALA goals and programs were defined to:

- increase the professional standing of legal assistants throughout the nation
- provide uniformity in the identification of legal assistants
- establish national standards of professional competence for legal assistants
- provide uniformity among the states in the utilization of legal assistants

The Certified Legal Assistant Program is one of many programs designed to support the legal assistant profession. NALA is associated most often with this program; however, other services and programs for member and non-member legal assistants are offered by NALA. These programs are:

#### NALA NET:

NALA members have the only on-line information service dedicated to the legal assistant profession. NALA NET files feature summaries of case law, ethical opinions, legislative bills and bar association guidelines and membership requirements. NALA NET files provide cutting-edge information tracking the growth of the legal assistant profession. The 800 NALA NET number allows a legal assistant to be in immediate contact with legal assistants throughout the nation at no cost.

#### Publications:

Since the late 70's NALA has published books and materials for legal assistants. The NALA MANUAL FOR LEGAL ASSISTANTS available through West Publishing Company is now in its second edition. West Publishing Company also publishes NALA's CLA REVIEW MANUAL, the NALA CLA STUDY GUIDE AND MOCK EXAMINATION, and will be publishing review texts for each of the NALA specialty examinations.

#### Periodicals:

FACTS & FINDINGS, NALA's quarterly magazine for legal assistants is the professional journal for legal assistants. The publication offers in-depth educational articles and treatises keeping legal assistants informed of current developments in specialized practice areas.

#### Workshops and Seminars:

NALA's annual convention, held in July, offers specialized workshops for advanced and novice legal assistants. The association also sponsors two four- day courses for preparation for the CLA and CLA specialty examinations.

#### Occupational Research:

Through its bi-annual utilization and compensation survey, now 10 years old, NALA is able to provide detailed information tracking the growth, duties, responsibilities and compensation of legal assistants. This research, along with the tremendous amount of research necessary for the certification programs, is conducted by professionals in the field and offer reliable and valid national data. NALA's 1988 National Utilization and Compensation Survey Report is referenced in the opinion of the United States Supreme Court in Missouri v. Jenkins, 491 U.S. 274, 289 n. 11 (1989).

#### **Claims of certified status of legal assistants are verifiable.**

NALA Headquarters maintains a directory of Certified Legal Assistants which is available to bar associations upon request. Headquarters may be called to verify the certification status of a legal assistant. The CLA designation is a certification mark duly registered with the U.S. Patent and Trademark Office (No.1121999). Any unauthorized use is strictly forbidden.

In order to become a Certified Legal Assistant, one must qualify for the CLA examination, successfully complete a two-day examination, and maintain the certification through participation in at least 50 hours of continuing legal education every five-year period subsequent to the examination. Certification is valid for five years. Lifetime certification is not available. Employers are urged to confirm the certified status of a legal assistant.

Certification is available to all professionals in the field who meet relevant, objective and consistently applied standards.

### **Eligibility Requirements:**

To qualify for the CLA program, a legal assistant must meet one of the following requirements:

1. Graduation from a legal assistant program that is:

- a) Approved by the American Bar Association; or
- b) An associate degree program; or
- c) A post-baccalaureate certificate program in legal assistant studies; or
- d) A bachelor's degree program in legal assistant studies; or
- e) A legal assistant program which consists of a minimum of 60 semester hours (or equivalent quarter or clock hours) of which at least 15 semester hours (or equivalent quarter or clock hours) are substantive legal courses.

All applicants meeting this qualification must submit a copy of the school's official transcript showing all courses taken and date of graduation with the application form. For those applying under 1.c., a letter or copy of a certificate of completion must be submitted. The letter/certificate must include a statement that the certificate program is a post- baccalaureate program.

2. A bachelor's degree in any field plus one (1) year's experience as a legal assistant. Copy of official transcript showing date of graduation must be attached to application. Successful completion of at least 15 semester hours (or 22 1/2 quarter hours or 225 clock hours) of substantive legal assistant courses is equivalent to the one year experience.

3. A high school diploma or equivalent plus seven (7) years' experience as a legal assistant under the supervision of a member of the Bar plus evidence of a minimum of twenty (20) hours of continuing legal education credit to have been completed within a two (2) year period prior to the examination date.

These requirements are considered minimum standards for entry into the legal assistant profession and are based on occupational research of the field. Applicants must submit complete transcripts of their academic work which is considered proof of completion of an educational program and verification of their work experience under the supervision of a member of the bar.

All legal assistants meeting these requirements are eligible to take the CLA examination.

This two-day examination has been developed and is under constant watch and revision by a board consisting of Certified Legal Assistants who have also achieved advanced specialty certification, attorneys and paralegal educators. The composition of the board is such that there is equal voice in the examination development process by members of the most important elements of a career field- practitioners, employers and instructors.

Technical review of the examination is under the guidance of a professional testing consultant, Hanson Research Systems of Garden Grove, California. Services provided by this company include a technical study of the performance of each individual item, how each item relates to the subject of the examination section, and how each examination section relates to overall performance.

This combination of information by those on the cutting-edge of the legal assistant career field with the technical expertise of those skilled in the area of professional testing has produced a

valid and reliable certification examination for legal assistants nationwide. As of this writing, 8,094 legal assistants have achieved the Certified Legal Assistant designation.

Finally, the CLA examination is administered under rules and regulations designed with advice of counsel and in accordance with such governmental acts as the Americans with Disabilities Act and in consideration of such issues as anti-trust and fairness. Further, all examinee applications and records are confidential.

**Recertification Requirements:**

To maintain the certification credential, all CLA's are required to meet certain continuing education requirements. The CLA credential will be revoked from all Certified Legal Assistants failing to meet the recertification requirements. The legal assistant must then retake the CLA examination to use the credential again.

The certification claim does not suggest any greater degree of professional qualification than reasonably may be inferred from an evaluation of the certification program's requirements.

The association presents the CLA program as a valid testing program for professional legal assistants. It is a voluntary program and not required as a condition precedent to employment by any state. Completion of the CLA examination attests that a legal assistants has demonstrated knowledge and skills necessary to meet a national standard in a measurable, objective way.

While the association encourages Certified Legal Assistants to advise others of their achievement and success in this program, it does not encourage legal assistants to use the CLA as proof of a knowledge or skill that is not measured by the examination.

**Summary:**

In summary, the National Association of Legal Assistants defines a legal assistant as follows:

Legal assistants/paralegals are persons who assist attorneys in the delivery of legal services. Through formal education, training and experience, legal assistants have knowledge and expertise regarding the legal system and substantive and procedural law which qualify them to do work of a legal nature under the supervision of an attorney.

The National Association of Legal Assistants does not support a concept of delivery of legal services to the public by those not licensed to practice law. Further, the National Association of Legal Assistants specifically advises all members and Certified Legal Assistants to carefully specify and emphasize their non-lawyer status in all communications. Any representation that maybe misleading or unclear as to the non-lawyer status of a legal assistant could be in violation of the NALA Code of Ethics and Professional Responsibility and in violation of attorney's codes in many states. All NALA members and Certified Legal Assistants are bound by the NALA Code of Ethics and Professional Responsibility.

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