

### Support for Allied Legal Professional Programs

NALA - The Paralegal Association is the largest professional paralegal association in the United States. Organized in 1975, NALA provides a nationally accredited professional certification program, continuing education, networking opportunities, occupational survey reports, and publications to help paralegals excel in the workplace. NALA's mission is to equip paralegals for the challenges of the future through certification, professional development, and advocacy. NALA supports the expansion of the role of paralegals within the legal ecosystem. Voluntary legal practitioner programs offer a timely opportunity to expand and innovate within the profession that warrants NALA's consideration and involvement. NALA supports the expansion of the role of paralegals within the legal ecosystem.

The American Bar Association first recognized paralegals as a profession in 1968. The need for appropriate advanced educational programs, voluntary certification, and continuing legal education expanded as the profession developed. Today, paralegals are highly trained professionals whose core competencies<sup>1</sup> encompass a combination of skills, knowledge, and abilities that enable paralegals to excel in their roles and contribute effectively to the legal process. These competencies are essential for performing tasks efficiently, maintaining ethical standards, and adapting to the ever-evolving legal landscape.

NALA recognizes the legal needs of many consumers remain unaddressed and cost prohibitive. According to two studies published in 2022, the low- to moderate-income population was unable to afford adequate legal representation.<sup>2,3</sup> The number of self-represented litigants in domestic relations, landlord/tenant, and debt collection actions is increasing. Conversely, the number of attorneys providing affordable legal services in these areas is decreasing. This situation harms individuals denied access to legal representation and undermines the public's trust in the justice system.

NALA believes paralegals can bridge the gap between the need for legal services and affordability by offering certain legal services directly to the public under a limited license (i.e., legal practitioners). The Institute for the Advancement of the American Legal System (IAALS) has proposed a framework for creating and regulating allied legal professionals (legal practitioners), which includes paralegals. According to IAALS, allied legal professionals should be authorized to provide specific services to the public that are within their competence and do not require independent legal judgment. Legal practitioners should also be subject to ethical rules, educational requirements, and oversight by a regulatory body.<sup>4</sup>

Five states<sup>5</sup> are currently considering proposals to allow legal practitioners to assist clients and provide legal advice in limited practice areas. Six states<sup>6</sup> have implemented some form of licensed legal professional to provide services to the public. Common practice areas include family law/domestic relations, landlord/tenant, and consumer debt. Additional services paralegals and other legal practitioners could provide include:

- preparing and filing court forms and documents for uncontested matters, such as divorce, adoption, guardianship, or probate;
- assisting clients with filling out forms and applications for public benefits, immigration, or expungement;
- providing information and referrals to legal resources and organizations; and
- educating clients about their legal rights and obligations.

By allowing paralegals and other legal practitioners to provide these services, the public benefits through:

- lower costs: legal practitioners charge less than attorneys for their services, making them more affordable for low- and moderate-income consumers.
- greater access: legal practitioners can reach underserved populations and communities that lack adequate legal services, such as rural areas, minorities, immigrants, and veterans.
- higher quality: legal practitioners are trained and may be supervised by attorneys, ensuring that they provide competent and professional services.

Attorneys and law firms benefit from:

- lower risk of malpractice or negligence by legal practitioners<sup>7</sup>;
- increased revenue generation; and
- Increased availability of time for complex legal matters.

NALA recognizes that services offered by paralegals and other legal practitioners are not a substitute for full legal representation. Instead, NALA supports legal practitioner services as a complementary measure to bridge the gap between consumer demand and affordable legal services. Legal practitioners may work under the guidance and supervision of attorneys, who retain ultimate responsibility for the quality and outcome of the legal services; or legal practitioners may offer limited services directly to the public without attorney supervision. In all cases, NALA supports educating legal practitioners to recognize when clients should be referred to an attorney.

NALA supports the voluntary licensing of legal practitioners to provide limited legal services to the public through legal practitioner programs. Legal practitioner roles are innovative, practical ways to address the access to justice crisis, while also expanding the roles of paralegals. Paralegals and other legal practitioners would be empowered to use their skills and knowledge to serve the public, while also ensuring high ethical and professional standards. The legal profession benefits by expanding its reach and impact, by enhancing its diversity and inclusivity, and by strengthening its reputation and credibility.

<sup>1</sup> <https://nala.org/nalas-essential-core-competencies/>

<sup>2</sup> LSC Justice Gap Study, <https://justicegap.lsc.gov/the-report/>.

<sup>3</sup> The Institute for the Advancement of the American Legal System (IAALS), *Landscape of Allied Legal Professional Programs in the United States*, [https://iaals.du.edu/sites/default/files/documents/publications/landscape\\_allied\\_legal\\_professionals.pdf](https://iaals.du.edu/sites/default/files/documents/publications/landscape_allied_legal_professionals.pdf).

<sup>4</sup> *Allied Legal Professionals: A National Framework for Program Growth*, <https://iaals.du.edu/publications/allied-legal-professionals-national-framework-program-growth>

<sup>5</sup> New Mexico, New Hampshire, Connecticut, North Carolina, and South Carolina.

<sup>6</sup> Washington, Oregon, Utah, Arizona, Colorado and Minnesota.

<sup>7</sup> *Allied Legal Professionals: A National Framework for Program Growth*, page 17.