

# **VIRGINIA ALLIANCE OF PARALEGAL ASSOCIATIONS**

## **EDUCATIONAL STANDARDS AND PROFESSIONAL RESPONSIBILITY GUIDELINES FOR PARALEGALS IN THE COMMONWEALTH OF VIRGINIA**

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Developed by the Virginia Alliance of Paralegal Associations  
(formerly Virginia Alliance of Legal Assistant Associations)  
And Adopted September 19, 1994

*Recommended by the Virginia State Bar  
Standing Committee On Unauthorized  
Practice of Law by Resolution  
Adopted March 8, 1995*

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Central Virginia Area Liaison  
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Charlottesville Area Liaison  
Vacant

Fredericksburg Paralegal  
Association  
[www.fredparalegal.com](http://www.fredparalegal.com)

Local Government Paralegal  
Association  
[www.lgpa-va.org](http://www.lgpa-va.org)

National Capital Area Paralegal  
Association  
[www.ncapa.com](http://www.ncapa.com)

Paralegal Association of  
Northern Virginia  
[www.panv.org](http://www.panv.org)

Richmond Paralegal Association  
[www.richmondparalegals.org](http://www.richmondparalegals.org)

Roanoke Valley Paralegal  
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## **GUIDELINE XI**

**A PARALEGAL MUST MAINTAIN A HIGH LEVEL OF PROFESSIONAL COMPETENCY BY ACTIVELY PURSUING CONTINUING LEGAL EDUCATION.**

### **COMMENT**

The Virginia Alliance of Paralegal Associations recognizes, endorses, and encourages participation in continuing legal education courses sponsored by various Bar associations, paralegal associations, and educational institutions.

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These Educational Standards and Professional Responsibility Guidelines are intended to serve as a general guide embracing the qualifications and assignments of the paralegal. Specific questions may be addressed to the Virginia Alliance of Paralegal Associations.

All paralegals shall strive to contribute to the delivery of high quality legal services by encouraging and promoting the growth and development of the legal profession in general.

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The Virginia Alliance of Paralegal Associations (formerly the Virginia Alliance of Paralegal Associations), formed in 1989, is comprised of paralegal associations and individual area liaisons located within the Commonwealth of Virginia. It represents over 1,500 paralegals across the state.

### **SCOPE AND PURPOSE**

These Educational Standards and Professional Responsibility Guidelines have been promulgated to assure the public and the legal profession that, in addition to good moral character and professionalism, an individual must meet certain standards to attain the identification of paralegal, and must perform competently under established guidelines. In addition to these Guidelines and the Virginia Rules of Professional Conduct, the paralegal must be cognizant of the American Bar Association Model Code of Professional Responsibility and Model Rules of Professional Conduct.

### **DEFINITION OF A PARALEGAL**

The American Bar Association recognizes and has formulated guidelines for the utilization of paralegals. Although there are several formal definitions of a paralegal<sup>1</sup> in general, a paralegal is a specially trained individual who performs substantive legal work that requires knowledge of legal concepts. Paralegals either work under the supervision of an attorney, who assumes professional responsibility for the final work product, or work in areas where lay individuals are explicitly authorized by statute or regulation to assume certain law related responsibilities.

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1. The term paralegal is used interchangeably with the term legal assistant. Paralegal has been used throughout this document to maintain consistency in terminology.

## **EDUCATIONAL STANDARDS**

The purpose of these Educational Standards is to set forth minimum qualifications for paralegals in varied areas of law, acquired through formal education, training and work experience. These Educational Standards offer the employing attorney direction in determining an individual's qualifications as a paralegal.

An individual meeting any one of these standards of education, training or work experience shall be deemed qualified as a paralegal.

### **STANDARD I**

GRADUATION FROM AN EDUCATIONAL PROGRAM FOR PARALEGALS WHICH HAS BEEN APPROVED BY THE AMERICAN BAR ASSOCIATION, OR FROM A COURSE OF STUDY FOR PARALEGALS WHICH IS INSTITUTIONALLY ACCREDITED<sup>2</sup> AND WHICH IS IN COMPLIANCE WITH AMERICAN BAR ASSOCIATION GUIDELINES.

#### **COMMENT**

Institutions offering educational programs for paralegals may voluntarily seek approval from the American Bar Association. Many programs offered in accredited, but not ABA approved, institutions may meet guidelines established by the American Bar Association.

<sup>2</sup>.In Virginia, institutionally accredited schools are those accredited by the Southern Association of Colleges and Schools Commission on Colleges.

## **GUIDELINE VIII**

A PARALEGAL SHALL NOT FORM A PARTNERSHIP WITH AN ATTORNEY IF ANY OF THE ACTIVITIES OF THE PARTNERSHIP CONSIST OF THE PRACTICE OF LAW.

#### **COMMENT**

This Guideline does not prevent the paralegal from forming a business association with a member of the legal profession for purposes other than that of the practice of law.

## **GUIDELINE IX**

A PARALEGAL SHALL NOT PARTICIPATE IN MATTERS WHERE THERE MAY BE A CONFLICT OF INTEREST.

#### **COMMENT**

A paralegal shall not participate in any matter in which a conflict of interest could have an influence on the exercise of judgment by the attorney. The personal, social, or business relationship or other nature of conflict must be disclosed to the attorney.

## **GUIDELINE X**

A PARALEGAL MAY HAVE A BUSINESS CARD AND MAY BE INCLUDED ON THE LETTERHEAD OF AN ATTORNEY OR LAW FIRM PROVIDED THAT THE PROFESSIONAL STATUS OF THE PARALEGAL IS DESIGNATED.

#### **COMMENT**

A paralegal may sign letters on an attorney's letterhead, provided that such signature is followed by the appropriate designation of the paralegal's professional status.

## **PROFESSIONAL RESPONSIBILITY GUIDELINES**

The following Professional Responsibility Guidelines provide a basis for the supervising attorney and paralegal as standards of performance, professional responsibility, and course of conduct.

### **GUIDELINE I**

A PARALEGAL SHALL NOT ENGAGE IN THE UNAUTHORIZED PRACTICE OF LAW AND SHALL NOT ENCOURAGE OR CONTRIBUTE TO ANY ACT WHICH COULD CONSTITUTE THE UNAUTHORIZED PRACTICE OF LAW.

#### **COMMENT**

The practice of law relates to the rendition of services for others that calls for the professional judgment of an attorney. A paralegal shall not give legal advice or opinions, accept cases, set fees, or represent a client in court (unless authorized by court or agency rules), or perform acts that attorneys themselves may not do.

Except as stated above, a paralegal may perform any task delegated and supervised by an attorney, as long as the attorney is responsible to the client, maintains a direct relationship with the client, and assumes full professional responsibility for the work product.

### **GUIDELINE II**

A PARALEGAL MAY NOT REPRESENT A CLIENT BEFORE ANY COURT OR ADMINISTRATIVE AGENCY UNLESS EXPRESSLY PERMITTED BY STATUTE OR ADMINISTRATIVE REGULATION.

#### **COMMENT**

A paralegal may not appear in court to plead, to try cases to argue on behalf of another person, or to sign pleadings, except as expressly permitted by statute, court, or administrative agency regulation. This does not, however, prohibit a paralegal from signing documents as a witness or notary public, or in some other non-representative capacity, and does not prohibit drafting of documents or pleadings under the supervision of an attorney.

### **GUIDELINE III**

A PARALEGAL MAY PERFORM SERVICES FOR AN ATTORNEY IN REPRESENTATION OF A CLIENT, EXCEPT AS OTHERWISE PROHIBITED BY STATUTE, COURT RULE OR DECISION, ADMINISTRATIVE AGENCY RULES OR REGULATIONS, OR BY RULES OF DISCIPLINE RELATING TO ATTORNEYS.

#### **COMMENT**

Except as specifically prohibited, a paralegal may perform assignments to assist any attorney in the representation of a client, provided that,

- (1) the services do not require legal advice or opinion or constitute the unauthorized practice of law;
- (2) the attorney maintains a direct relationship with the client and supervises all matters;
- (3) the attorney remains fully responsible for all work done on behalf of the client and for any actions taken or not taken by the paralegal;
- (4) the work product of the paralegal is considered to be part of the attorney's work product.

### **GUIDELINE IV**

A PARALEGAL MUST DISCLOSE PROFESSIONAL STATUS AT THE BEGINNING OF ANY PROFESSIONAL CONTACT.

#### **COMMENT**

In order to prevent any misunderstanding concerning the role of the paralegal, it is imperative that clients and others outside the law firm are advised that the paralegal is not an attorney.

## **GUIDELINE V**

A PARALEGAL MUST PRESERVE AND PROTECT THE CONFIDENCES AND SECRETS OF A CLIENT AS WELL AS THOSE INVOLVING ATTORNEY/CLIENT PRIVILEGE.

### **COMMENT**

A paralegal must preserve and protect the confidences and secrets of a client made either to the paralegal or the attorney and must not violate controlling privileged communication.

## **GUIDELINE VI**

A PARALEGAL MAY NOT ENGAGE IN CONDUCT WHICH WOULD CAUSE THE ATTORNEY TO BE CONSIDERED UNETHICAL OR EVEN APPEAR TO BE UNETHICAL.

### **COMMENT**

A paralegal shall strive to maintain the high level of integrity and competence expected of the legal profession. A paralegal shall report any unethical practice of an attorney or a paralegal to the appropriate professional authority. A paralegal shall strive to uphold the high standards of ethics and shall comply with the responsibilities imposed by statute or rules of court.

## **GUIDELINE VII**

A PARALEGAL SHALL NOT SHARE LEGAL FEES.

### **COMMENT**

An attorney or law firm shall not share legal fees with a paralegal. This does not, however, deny the paralegal a salary or bonus, or benefits related to overall performance, but relates to compensation directly involving a particular legal fee or a percentage of profits of the attorney or law firm.

## **STANDARD II**

ACHIEVEMENT OF ANY OF THE FOLLOWING:

(A) A BACCALAUREATE DEGREE PLUS EITHER OF THE FOLLOWING: (1) AT LEAST ONE YEAR EXPERIENCE AS A PARALEGAL; OR (2) A MINIMUM OF 24 SEMESTER CREDIT HOURS OR THE EQUIVALENT OF PARALEGAL SPECIALTY COURSES; OR

(B) (1) ASSOCIATE'S DEGREE IN PARALEGAL STUDIES WITH 60 SEMESTER CREDIT HOURS OR THE EQUIVALENT, INCLUDING A MINIMUM OF 24 SEMESTER CREDIT HOURS OR THE EQUIVALENT OF PARALEGAL SPECIALTY COURSES; OR (2) ASSOCIATE'S DEGREE IN ANY SUBJECT (60 SEMESTER CREDIT HOURS OR THE EQUIVALENT) PLUS A MINIMUM OF 24 SEMESTER CREDIT HOURS OR THE EQUIVALENT OF PARALEGAL SPECIALTY COURSES; OR

(C) EXPERIENCE AS A PARALEGAL UNDER THE SUPERVISION OF AN ATTORNEY FOR FIVE YEARS OR MORE;

(D) SUCCESSFUL COMPLETION OF A CERTIFYING EXAMINATION RECOGNIZED BY THE VIRGINIA ALLIANCE OF PARALEGAL ASSOCIATIONS WHICH IS SPECIFICALLY DESIGNED FOR PARALEGALS AND THE CONTINUED MAINTENANCE OF THAT CERTIFICATION STATUS.

### **COMMENT**

A combination of formal education, training, or work experience should provide the paralegal with the requisite competence, professionalism, and broad exposure to the law necessary to the legal profession. Paralegals should participate in continuing legal education and remain current on legal developments in their specialty areas.