

# **The Empowered Paralegal Professionalism Anthology**

CAROLINA ACADEMIC PRESS

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THE EMPOWERED PARALEGAL SERIES

Robert E. Mongue

*The Empowered Paralegal:  
Effective, Efficient and Professional*

*The Empowered Paralegal: Working with the Elder Client*

*The Empowered Paralegal Professionalism Anthology*

*The Empowered Paralegal Cause of Action Handbook*  
Forthcoming

# The Empowered Paralegal Professionalism Anthology

Edited by  
Robert E. Mongue

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*To the paralegal profession and paralegal professionals.*



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National Association of Legal Professionals (NALS)

American Association for Paralegal Education (AAFPE)

American Bar Association (ABA)

# Introduction

Professionalism is more than dressing well and a profession is more than a group of people engaged in the same career. When I began preparing to teach a new course entitled “Paralegal Professionalism and Empowerment,” there was no one source taking a comprehensive approach to paralegal professionalism and the paralegal profession, discussing topics such as establishing a professional identity, regulation, paralegal associations, paralegal professionalism, paralegals from the perspective of the courts, paralegal utilization, and paralegal education. While *Introduction to Paralegalism* textbooks universally touched upon many of these topics, the coverage was, by the nature of the text itself, cursory.

The professionalization of paralegals (or legal assistants in some of the earlier literature) has been the subject of discussion among paralegal scholars for decades. More in-depth articles on the topic could be found by scouring past issues the *AAfPE Journal of Paralegal Practice and Education* and other journals. However, these articles were often written two or three decades ago. They provided a historical perspective important to the understanding of the current status of the paralegal profession and the issues facing paralegal professionals, but not the current status itself.

These circumstances led to a call to currently practicing paralegal educators to provide current, in-depth writings on issues relating to paralegal professionalism. Members of the paralegal education community answered that call. An editorial board was formed to provide peer review and editing of proposed articles. The results of that process are included in this volume.

Yet, even in aggregate these articles did not provide the desired comprehensive picture of the paralegal profession and the issues pertinent to the profession and its practitioners. Thus, this volume includes

- a selection of the articles from the 1980s and 1990s to provide the necessary historical context

- current commentary from practicing paralegals on that history, regulation, and professionalism
- materials from and relating to the major paralegal professional associations
- sample court cases relevant to paralegal practice
- articles considering the education of paralegals as professionals.

Paralegal professionalism topics are not easily divisible. Discussion of the current status of the maturation of professional identity must include a discussion of regulation, education, court recognition, and professional associations. Similarly, discussion of regulation will include reference to the current status of the profession's identity, educational requirements and so forth. Nevertheless, the works in this volume are divided into general topics that seem to have boundaries, although the fluidity of those boundaries is recognized throughout the volume.

We begin with "The Professionalization of the Legal Assistant: Identity, Maturation States, and Goal Attainment" published in 1990, an article in which the authors delineate the development of a profession through stages necessary to establish a professional identity. This, and the other articles in Chapter One—"Professional Identity," set the context and framework for the Chapters that follow. Each of the articles in Chapter One necessarily touches up on not only the professional identity of paralegal practitioners, but issues pertinent to establishing that identity: regulation, professional associations, professional conduct (especially in the paralegal/attorney relationship), professional ethics, paralegals and the courts, paralegal utilization to address provision of legal services economically and efficiently, and paralegal education.

Once the framework is established, each of these topics becomes the focus of a separate chapter:

Chapter Two—"Professional Associations" introduces the three major national paralegal professional associations: NFPA, NALA, and NALS, as well as AAFPE, the American Association for Paralegal Education. After the introduction, each association is reviewed in more detail with information culled from material posted by the association on its website.

Chapter Three—"Regulation" begins with a comprehensive survey of the current status of paralegal regulation in each of the states. This is followed by statements of the official positions of NFPA and NALA on paralegal licensure. The chapter then includes an article favoring and an article opposing state regulation of paralegals, each written by a currently practicing paralegal. The chapter ends with AAFPE policy statement setting forth education standards which should be included in any proposal for paralegal regulation.

Chapter Four—“Professionalism and Ethics” deals with professionalism as a form of behavior or an attitude with particular application to the paralegal/attorney relationship, and with professionalism as an aspect of professional ethics and responsibility. The challenge of cultivating an ethical compass in the legal profession is examined, followed by the NALA, NALS and NFPA Codes of Ethics. The NFPA materials include its guidelines for enforcement of its code.

The Introduction to Chapter Five—“Paralegal Utilization” considers the roles of independent paralegals, the example set by the Province of Ontario, access to justice projects, and *pro bono* paralegal opportunities. The body of the chapter includes the *ABA Model Guidelines for the Utilization of Paralegal Services* and articles examining non-lawyer representation of clients before tribunals and utilization of the medical profession’s stratification model to bridge the access to justice gap.

Chapter Six—“Court Recognition of the Paralegal Profession” considers court opinions dealing with issues intrinsic to the paralegal profession including attempts to delineate the line separating paralegal tasks from clerical work.

We end in Chapter Seven—“Educational Issues” by reviewing some of the many educational issues facing those who provide paralegal education to a profession still struggling to establish its professional identity.