

## **NC GENERAL STATUTES**

### **Chapter 00A Paralegal**

#### **Sec 00A-1. Title**

This Chapter may be cited as the Paralegal Profession Act. The purpose of this Act is to protect the public by ensuring that those holding themselves out to the public as paralegals are qualified, properly trained, and regulated as set forth in this Act.

#### **Sec 00A-2. Paralegal Defined**

- (a) As used in this Act, the term “paralegal” means and includes either of the following:
  - (1) An individual who is qualified under this Act, who is employed or retained by a licensed attorney, law office, governmental agency, or other entity, and who performs substantive legal work for which a licensed attorney is responsible that, absent the paralegal, the licensed attorney would perform;
  - (2) An individual who is qualified under this Act and is authorized by local, state or federal statute or by Rules of Court or administrative rules to represent the public.
- (b) This Act regulates only an individual described in Subsection (a) above and who shall be titled “paralegal.”
- (c) No individual shall use the title “paralegal” in this State unless that individual is regulated under this Act.
- (d) Nothing in this Act shall be construed to authorize a “paralegal” to engage in conduct that constitutes practicing law as defined in G.S. section 84-2.1.

#### **Sec 00A-3. Education and Training**

- (a) No individual is regulated under this Act unless that individual has successfully completed post-secondary education and training that includes at least 1 of the following:
  - (1) An associate’s degree, bachelor’s degree, master’s degree, or post-baccalaureate certificate from a qualified paralegal studies program; or
  - (2) An associate’s degree or bachelor’s degree in any discipline from any institution of post-secondary education which is accredited by an accrediting body recognized by the United States Department of Education; and successful completion of not less than 18 semester credits of coursework, including a legal ethics component, offered by a qualified paralegal studies program, any portion of which may be part of or in addition to the credits earned toward the foregoing degree, in areas as prescribed by

the American Bar Association Approval Guidelines for The Approval of Legal Assistant Education Programs.

- (b) In this Act, “qualified paralegal studies program” means a program of paralegal or legal assistant studies offered by a North Carolina Community College, or approved by the House of Delegates of the American Bar Association, or offers at least 18 semester credits of coursework in paralegal studies and is an institutional member of the Southern Association of Colleges and Schools or other regional accrediting agency.
- (c) In this Act, “semester credit” means a minimum of 15 contact hours of classroom instruction in a qualified paralegal studies program (50 minutes = 1 contact hour).
- (d) Coursework that is offered by an institution of post-secondary education as part of a Juris Doctorate program that is approved by the American Bar Association may substitute for the coursework specified in Subsection (a) of this section so long as:
  - (1) Not less than 18 semester credits of coursework is completed with a minimum grade of “C” in each course; and
  - (2) The content of the coursework meets the categorical criteria specified in Subsection (a) of this section; and
  - (3) Any coursework or combination of coursework submitted in satisfaction of the litigation or substantive law criteria of Subsection (a)(2) of this section includes instruction in the proper drafting of legal documents used regularly in that area of the law.

#### **Sec. 00A-4. Continuing Education**

A paralegal regulated under this Act must complete continuing education. The required number of hours shall be established and approved by the Board but shall be no less than 6 hours per year.

#### **Sec. 00A-5. Regulation Based on Experience**

- (a) In addition to those who are qualified to be regulated under Section 00A-3, an individual is qualified to be regulated under this Act if:
  - (1) The individual has a high school diploma or equivalent education at the time of application; and
  - (2) The individual has been engaged in work as a paralegal for not less than 4800 hours at any time during the 5 years immediately preceding the time of application; and
  - (3) The individual has completed at least 3 hours of approved continuing education in the area of legal ethics and professional responsibility during the 12 months preceding the time of application; and

- (4) The individual makes application for regulation under this section within 3 years after the effective date of this Act.
- (b) The work experience required in Subsection (a)(2) above shall be documented by the certification of an attorney, law office, governmental agency, or other entity, or by the records of regularly conducted activity. The Paralegal Regulation Board shall prescribe the form and content of the certification or records.
- (c) An applicant who has the Certified Legal Assistant<sup>SM</sup> (“CLA”), PACE – Registered Paralegal<sup>SM</sup> (“RP”) or other national paralegal credential approved by the Paralegal Regulation Board may present evidence of good standing as compliance with the requirements of Subsection (a)(1) through (a)(3).

#### **Sec. 00A-6. Reciprocity**

Other individuals may qualify under this Act by Rules of Reciprocity as established by the Board.

#### **Sec. 00A-7. Ineligibility**

Sections 00A-3 and 00A-5 notwithstanding, no individual may identify oneself as a paralegal or apply to be regulated under this Act if:

- (a) The individual’s regulation as a paralegal in any state is under suspension or revocation; or
- (b) The individual’s license to practice law in any state is under suspension or revocation; or
- (c) The individual has been convicted of a felony or any crime involving moral turpitude; or
- (d) The individual is not a legal resident of the United States.

#### **Sec. 00A-8. Paralegal Regulation Board Established; Members; Terms; Vacancies; Meetings**

- (a) The Paralegal Regulation Board (the “Board”) is hereby established to administer the provisions of this Act.
- (b) The Board shall consist of not less than 19 members who are residents of this State and who are appointed or elected as follows:

- (1) 12 members shall be individuals who are regulated under this Act and shall be appointed by the Alliance for Paralegal Professional Standards. The initial Board shall include 4 paralegal members, each of whom shall serve a one-year term, 4 paralegal members each of whom shall serve a two-year term, and 4 paralegal members each of whom shall serve a three-year term. Paralegal members of the Board may serve for 1 consecutive term of 3 years. After the end of the fourth year from the effective date of the creation of this Board, paralegal members of the Board shall have been elected by the individuals regulated under this Act for three-year terms, in a manner determined by the Board which will give consideration to geographical representation and will promote diversity of the profession on the Board. No elected paralegal member of the Board may serve more than 2 consecutive terms.
  - (2) 3 members shall be directors of paralegal education programs (“paralegal educators”). The appointments shall be made from a list of paralegal educators in this State by a majority vote of the paralegal members on the Board. The initial Board shall include 1 paralegal educator who shall serve a one-year term, 1 paralegal educator who shall serve a two-year term, and 1 paralegal educator who shall serve a three-year term. After the end of the first year from the effective date of the creation of the Board, a paralegal educator member of the Board shall serve for a three-year term or until his or her successor shall be appointed.
  - (3) 2 members shall be attorneys licensed to practice law in this State. The Chief Justice of the North Carolina Supreme Court shall make such appointments from a list provided by the North Carolina State Bar. The initial Board shall include 1 attorney member who shall serve a two-year term and 1 attorney member who shall serve a three-year term. After the end of the second year from the effective date of the creation of the Board, an attorney member of the Board shall serve for 1 three-year term or until his or her successor shall be appointed.
  - (4) 2 members shall be members of the public. The Governor of North Carolina shall make such appointments. The initial Board shall include 1 public member who shall serve a two-year term and 1 public member who shall serve a three-year term. After the end of the second year from the effective date of the creation of the Board, a public member of the Board shall serve for 1 three-year term or until his or her successor shall be appointed.
- (c) Each member of the Board shall take an oath for the faithful performance of his or her duties and shall serve without bond.
  - (d) Except for attorney Board members and public Board members, vacancies on the Board for any reason occurring during a term shall be filled by appointment of the entire Board.
  - (e) A Board member may be removed by 2/3 vote of the Board for misconduct, incompetence, or neglect.

- (f) The Board shall adopt rules and procedures to govern its proceedings.
- (g) The Board shall elect a chair, vice chair, and such other officers from among its members as it deems necessary in order to perform its duties. Such officers shall serve terms and have duties as may be prescribed in the rules and procedures adopted by the Board.
- (h) Unless otherwise set by statute, the Board shall have the authority to set compensation and reimbursement for expenses incurred by its members in their performance of duties required by this Act.
- (i) The Board shall meet at least annually and at other times as may be provided for in the rules and procedures adopted by the Board.

#### **Sec. 00A-9. Powers of the Board**

The Board is hereby vested with the authority and is charged with the duty of administering the provisions of this Act including, but not limited to, the power to:

- (a) Promulgate rules and procedures necessary to carry out and administer the provisions of this Act, including the authority to require the submission of reports and information by individuals regulated under this Act.
- (b) Develop or approve the form for application for regulation under this Act and establish fees for application for regulation, including initial, provisional, and renewal applications, application for examination, and for any other services provided by the Board.
- (c) Approve individual applicants to be regulated under this Act.
- (d) Develop, administer, and require written and/or oral examination of applicants under this Act.
- (e) Determine minimum requirements for and approve educational curricula for continuing education requirements for individuals regulated under this Act.
- (f) Approve providers of continuing education for individuals regulated under this Act.
- (g) Cooperate with and assist the directors or administrators of any program designed to educate and train paralegals in this State in any manner determined to be appropriate by the Board.
- (h) Establish methods to monitor and enforce compliance with the provisions of this Act, including, but not limited to, conducting investigations and holding hearings regarding alleged infractions.

- (i) Take any action necessary for the collection, disbursement, and maintenance of funds to which it is entitled under the provisions of this Act.
- (j) Unless otherwise provided by statute, the Board shall have the authority to employ or otherwise retain any entity or individual, including consultants, lobbyists, or attorneys, and to do any other act or thing necessary, in the Board's discretion, to seek legislative action to amend the provisions of this Act.
- (k) Create the position of Administrator of the Paralegal Regulation Board. Such position shall be filled by appointment of the Board and may be part-time or full-time. The Administrator's duties shall be to administer the directives contained in this Act and the rules and procedures promulgated by the Board and to otherwise carry out the administrative duties incident to the functioning of the Board. The Administrator shall serve with bond or shall carry appropriate professional liability insurance as determined by the Board.
- (l) Conduct, engage in, and transact any and all lawful business for the administration of the provisions of this Act, including, but not limited to, the purchase or rental of office space, equipment, and supplies, and to sign any and all contracts or other instruments necessary to carry out the powers and authority of the Board granted in this Act.
- (m) Prepare an annual report of the Board's activities and to make the same available to each individual regulated under this Act within 120 days after the end of the fiscal year.

#### **Sec. 00A-10. Ethical Guidelines**

A paralegal regulated under this Act shall comply with the North Carolina Paralegal Code of Ethics and Professional Responsibility and the companion Rules for Enforcement of this Code, which shall be established and approved by the Board.

#### **Sec. 00A- 11. Severability**

If any provision of this Act or the application thereof to any individual or circumstances is for any reason held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.