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Western Dakota Technical Institute
800 Mickelson Drive
Rapid City, South Dakota 57703-4018

February 5, 2007

South Dakota Supreme Court
500 East Capitol
Pierre, SD 57501-5070

Re: Proposed changes to SDCL 16-18-34 through 16-18-34.7

Dear Justices:

I am writing as the Chair of the Legal Assistants Committee of the State Bar. I will attend the Rules hearing scheduled for February 15th, as a proponent of the proposed changes to SDCL 16-18-34 through 16-18-34.7.

The proposed Rule changes, as voted favorably on by the bar membership in June, 2006, are the collaborative work of the Legal Assistants Committee and the Professional Development Committee of the South Dakota Paralegal Association, which is chaired by Teri Braun. These proposed changes reflect two years of work by both of these committees.

The major change is found in SDCL 16-18-34.1. The changes in the other statutes are limited to changing the term "legal assistant" to "paralegal." A legal assistant and a paralegal are the same thing and the terms are interchangeable under the current statute; however, lawyers, judges and even legal assistants/paralegals themselves, often misuse the terms. The rule change suggests the substitution/or replacement of the term legal assistant throughout SDCL 16-18-34 through SDCL 16-18-34.7 with the term paralegal. It is hoped that this change will eliminate the confusion and misuse of the terms.

The more significant changes are found in SDCL 16-18-34.1. I have attached copies of the original rule adopted by this Court in 1992 (Appendix A) and the subsequent revision of the rule which was adopted in 1997 (Appendix B). I am also attaching an article that was published last summer in the Legal Assistant Today, which outlines the paralegal licensing/regulations for all states. (Appendix C)

South Dakota has been progressive in dealing with the issue of regulating paralegals. Some states have no regulations. Currently, no states require licensing; however, Wisconsin's Supreme Court has a pending petition regarding the Licensure and Regulation of Paralegals. The Task Force Final Report is found in Appendix D. This Petition was filed in October 2004, and is currently number three on the Supreme Court's agenda. There are many in the field who think that once Wisconsin embraces licensure, it will have a "domino effect." (Appendix E, AAPI Annual Seminar, Legal Assistants Today.)

The proposed rule change is not a licensing statute. The changes suggested do tighten the requirements for being minimally qualified as a paralegal in the state of South Dakota. Furthermore, everyone who qualifies under the current statute is "grandfathered" in. The statute would require either certification or graduation from an ABA approved program of study. I have set forth the requirements of the three national certifying examinations. (Appendix F) The proposal does eliminate the sections which allowed "in-house" training. The problem seen in the industry, is that the lawyers are too busy to give real "in-house" training. It is also important to note that twenty years ago, there were no paralegal schools in South Dakota (or really any where else). Now, we have two ABA approved schools in Rapid City and one that has pending approval in Sioux Falls. For someone who is working in a law firm with no formal education, certification is available.

The proposed changes will advance both the profession and professionalism of South Dakota paralegals and will promote the protection of the public. On behalf of the Legal Assistants Committee, we respectfully request that the Court adopt the proposed rule changes.

Sincerely

Marya Vrooman Rogers
Chair, Legal Assistants Committee

Appendix A

SOUTH DAKOTA 1992 SESSION LAWS
1992 REGULAR SESSION OF THE 66TH LEGISLATURE

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Additions and deletions are not identified in this document.

Ch. 370 (Supreme Court Rule No. 92-5)
WEST'S No. 367
LEGAL ASSISTANTS--QUALIFICATIONS--ETHICAL GUIDELINES

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF A NEW)
RULE RELATING TO THE UTILIZATION OF) RULE 92-5
LEGAL ASSISTANTS)

Pursuant to a hearing held on February 13, 1992, at Pierre, South Dakota, relating to the adoption of a new rule regarding the utilization of legal assistants, the Court having considered the proposed new rule, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that the following new rule be and it is hereby adopted to read in its entirety as follows:

Definition of Legal Assistant. Legal assistants (also known as paralegals) are a distinguishable group of persons who assist lawyers 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 will qualify them to do work of a legal nature under the direct supervision of a licensed lawyer.

Certain Individuals Disqualified. Any person having been convicted of a felony shall not serve as a legal assistant in the State of South Dakota, unless upon application to the Supreme Court of South Dakota, establishing good moral character and restoration of full civil rights, and its approval

thereof.

Minimum Qualifications.

- (1) Successful completion of the Certified Legal Assistant (CLA) examination of the National Association of Legal Assistants, Inc.; or
- (2) Graduation from an ABA approved program of study for legal assistants; or
- (3) Graduation from a course of study for legal assistants which is institutionally accredited but not ABA approved, and which requires not less than the equivalent of sixty semester hours of classroom study; or
- (4) Graduation from a course of study for legal assistants, other than those set forth in (2) and (3) above, plus not less than six months of in-house training as a legal assistant; or
- (5) A baccalaureate degree in any field, plus not less than six months in-house training as a legal assistant; or
- (6) A minimum of three years of law-related experience under the supervision of a lawyer, including at least six months of in-house training as a legal assistant; or
- (7) Two years of in-house training as a legal assistant.

Provided, further, that any legal assistant hereunder shall have a high school diploma or general equivalency diploma (GED).

For purposes of these standards, "in-house training as a legal assistant" means lawyer education of the employee concerning legal assistant duties and these guidelines. In addition to review and analysis of assignments, the legal assistant should receive a reasonable amount of instruction directly related to the duties and obligations of the legal assistant.

Utilization of legal assistants is subject to the following rules:

- (1) A lawyer may permit a legal assistant to assist in all aspects of the lawyer's representation of a client, provided that:
 - (a) The status of the legal assistant is disclosed at the outset of any professional relationship with a client, other lawyers, courts or administrative agencies, or members of the general public;
 - (b) The lawyer establishes the lawyer-client relationship, is available to the client, and maintains control of all client matters;
 - (c) The lawyer reviews the legal assistant's work product and supervises performance of the duties assigned;

(d) The lawyer remains responsible for the services performed by the legal assistant to the same extent as though such services had been furnished entirely by the lawyer and such actions were those of the lawyer;

(e) The services performed by the legal assistant supplement, merge with and become part of the lawyer's work product;

(f) The services performed by the legal assistant do not require the exercise of unsupervised legal judgment; this provision does not prohibit a legal assistant appearing and representing a client at an administrative hearing provided that the agency or board having jurisdiction does not have a rule forbidding persons other than licensed attorneys to do so and providing that the other rules pertaining to the utilization of legal assistants are met; and

(g) The lawyer instructs the legal assistant concerning standards of client confidentiality.

A legal assistant may not establish the lawyer-client relationship, set legal fees, give legal advice or represent a client in court; nor encourage, engage in, or contribute to any act which would constitute the unauthorized practice of law.

(2) A legal assistant may author and sign correspondence on the lawyer's letterhead, provided the legal assistant's status is indicated and the correspondence does not contain legal opinions or give legal advice.

(3) A lawyer may identify a legal assistant by name and title on the lawyer's letterhead and on business cards identifying the lawyer's firm.

Restatement of Ethical Considerations. The proper use of assistants who are not licensed lawyers significantly increases the ability of lawyers to provide quality professional services to the public at reasonable cost. A lawyer cannot, however, delegate his or her ethical proscriptions by claiming that the violation was that of an employee. Thus, in order to secure compliance with the Rules of Professional Conduct more specifically as stated in SDCL 16- 18, the following ethical guidelines are applicable to the lawyer's use of nonlicensed assistants:

(1) A lawyer shall ascertain the assistant's abilities, limitations, and training, and must limit the assistant's duties and responsibilities to those that can be competently performed in view of those abilities, limitations, and training.

(2) A lawyer shall educate and train assistants with respect to the ethical standards which apply to the lawyer.

(3) A lawyer is responsible for monitoring and supervising the work of assistants in order to assure that the services rendered by the assistant are performed competently and in a professional manner.

(4) A lawyer is responsible for assuring that the assistant does not engage in the unauthorized practice of law.

(5) A lawyer is responsible for the improper behavior or activities of assistants and must take appropriate action to prevent recurrence of improper behavior or activities.

(6) Assistants who deal directly with a lawyer's clients must be identified to those clients as nonlawyers, and the lawyer is responsible for obtaining the understanding of the clients with respect to the rule of and the limitations which apply to those assistants.

(7) A legal assistant should understand the Rules of Professional Conduct and these Rules in order to avoid any action which would involve the lawyer in a violation of SDCL 16-18, or give the appearance of professional impropriety.

(8) A lawyer takes reasonable measures to insure that all client confidences are preserved by a legal assistant.

(9) A lawyer takes reasonable measures to prevent conflicts of interest resulting from a legal assistant's other employment or interest insofar as such other employment or interest would present a conflict of interest if it were that of the lawyer.

(10) A lawyer may include a charge for the work performed by a legal assistant in setting a charge for legal services.

(11) A lawyer may not split legal fees with a legal assistant nor pay a legal assistant for the referral of legal business. A lawyer may compensate a legal assistant based on the quantity and quality of the legal assistant's work and the value of that work to a law practice, but the legal assistant's compensation may not be, by advance agreement, contingent upon the profitability of the lawyer's practice.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1992.

DATED at Pierre, South Dakota, this 6th day of March, 1992.

SD LEGIS 370 (1992)

Appendix B

[PLEASE NOTE THAT DELETIONS ARE NOTED BY <<->> AND
ADDITIONS ARE NOTED BY <<+ >>]

SOUTH DAKOTA 1997 SESSION LAWS
1997 REGULAR SESSION OF THE 72nd LEGISLATURE

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Ch. 328 (Supreme Court Rule No. 97-25)
West's No. 332
ATTORNEYS--LEGAL ASSISTANTS--QUALIFICATIONS, UTILIZATION, APPLICATION,
CONSIDERATIONS

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

IN THE MATTER OF THE AMENDMENT OF SDCL 16-18-34

RULE 97-25

A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the amendment of SDCL 16-18-34, and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 16-18-34 be and it is hereby amended to read in its entirety as follows:

<< SD ST § 16-18-34 >>

16-18-34. Definition of Legal Assistant. <<-Definition of Legal Assistant.->> Legal assistants (also known as paralegals) are a distinguishable group of persons who assist <<-lawyers->> <<+licensed 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<<+, the ethical considerations of the legal profession, and the Rules of Professional Conduct as stated in chapter 16-18,+>> which <<-will->> qualify them to do work of a legal nature under the <<+employment and+>> direct supervision of a licensed <<-lawyer->>

<<+attorney. This rule shall apply to all unlicensed persons employed by a licensed attorney who are represented to the public or clients as possessing training or education which qualifies them to assist in the handling of legal matters or document preparation for the client+>>.

<<-Certain Individuals Disqualified. Any person having been convicted of a felony shall not serve as a legal assistant in the State of South Dakota, unless upon application to the Supreme Court of South Dakota, establishing good moral character and restoration of full civil rights, and its approval thereof.->>

<< SD ST § 16-18-34.1 >>

<<+16-18-34.1+>> Minimum Qualifications. <<+Any person employed by a licensed attorney as a legal assistant must meet the minimum qualifications of:+>>

<<-(1)->><<+(a)+>> Successful completion of the Certified Legal Assistant (CLA) examination of the National Association of Legal Assistants, Inc.; or

<<-(2)->><<+(b)+>> Graduation from an ABA approved program of study for legal assistants; or

<<-(3)->><<+(c)+>> Graduation from a course of study for legal assistants which is institutionally accredited but not ABA approved, and which requires not less than the equivalent of sixty semester hours of classroom study; or

<<-(4)->><<+(d)+>> Graduation from a course of study for legal assistants, other than those set forth in <<-(2)->> <<+(b)+>> and <<-(3)->> <<+(c)+>> above, plus not less than six months of in-house training as a legal assistant; or

<<-(5)->><<+(e)+>> A baccalaureate degree in any field, plus not less than six months in-house training as a legal assistant; or

<<-(6)->><<+(f)+>> A minimum of three years of law-related experience under the supervision of a <<-lawyer->> <<+licensed attorney+>>, including at least six months of in-house training as a legal assistant; or

<<-(7)->><<+(g)+>> Two years of in-house training as a legal assistant.

Provided, further, that any legal assistant hereunder shall have a high school diploma or general equivalency diploma (GED).

For purposes of these standards, "in-house training as a legal assistant" means <<-lawyer->> <<+legal+>> education of the employee <<+by a licensed attorney+>> concerning legal assistant duties and these guidelines. In addition to review and analysis of assignments, the legal assistant should receive a reasonable amount of instruction directly related to the duties and obligations of the legal assistant <<+and the Rules of Professional Responsibility as stated in chapter 16-18+>>.

<< SD ST § 16-18-34.2 >>

<<+16-18-34.2. Utilization of legal assistants.>> Utilization of legal assistants <<+by licensed attorneys>> is subject to the following rules:

<<-(1)->><<+(a)+>> <<-A lawyer->> <<+An attorney+>> may permit a legal assistant to assist in all aspects of the <<-lawyer's->> <<+ attorney's+>> representation of a client, provided that:

<<-(a)->><<+(1)+>> The status of the legal assistant is disclosed at the outset of any professional relationship with a client, other <<- lawyers->> <<+attorneys+>>, courts or administrative agencies, or members of the general public;

<<-(b)->><<+(2)+>> The <<-lawyer->> <<+attorney+>> establishes the <<-lawyer-client->> <<+attorney-client+>> relationship, is available to the client, and maintains control of all client matters;

<<-(c)->><<+(3)+>> The <<-lawyer->> <<+attorney+>> reviews the legal assistant's work product and supervises performance of the duties assigned;

<<-(d)->><<+(4)+>> The <<-lawyer->> <<+attorney+>> remains responsible for the services performed by the legal assistant to the same extent as though such services had been furnished entirely by the <<- lawyer->> <<+attorney+>> and such actions were those of the <<- lawyer->> <<+attorney+>>;

<<-(e)->><<+(5)+>> The services performed by the legal assistant supplement, merge with and become part of the <<-lawyer's->> <<+ attorney's+>> work product;

<<-(f)->><<+(6)+>> The services performed by the legal assistant do not require the exercise of unsupervised legal judgment; this provision does not prohibit a legal assistant appearing and representing a client at an administrative hearing provided that the agency or board having jurisdiction does not have a rule forbidding persons other than licensed attorneys to do so and providing that the other rules pertaining to the utilization of legal assistants are met; and

<<-(g)->><<+(7)+>> The <<-lawyer->> <<+attorney+>> instructs the legal assistant concerning standards of client confidentiality.

A legal assistant may not establish the <<-lawyer-client->> <<+attorney-client+>> relationship, set legal fees, give legal advice or represent a client in court; nor encourage, engage in, or contribute to any act which would constitute the unauthorized practice of law.

<<-(2)->><<+(b)+>> A legal assistant may author and sign correspondence on the <<-lawyer's->> <<+attorney's+>> letterhead, provided the legal assistant's status is indicated and the correspondence does not contain legal opinions or give legal advice.

<<-(3)->><<+(c)+>> <<-A lawyer->> <<+An attorney+>> may identify a legal assistant by name and title on the <<-lawyer's->> <<+ attorney's+>> letterhead and on business cards identifying the <<- lawyer's->> <<+attorney's+>> firm.

<< SD ST § 16-18-34.3 >>

<<+16-18-34.3. Ethical Considerations.+>> <<-Restatement of Ethical Considerations.->> The proper use of assistants who are not licensed <<- lawyers->> <<+attorneys+>> significantly increases the ability of <<- lawyers->> <<+attorneys+>> to provide quality professional services to the public at reasonable cost. <<-A lawyer->> <<+An attorney+>> cannot, however, delegate his or her ethical proscriptions by claiming that the violation was that of an employee. Thus, in order to secure compliance with the Rules of Professional Conduct more specifically as stated in <<- SDCL->> <<+chapter+>> 16-18, the following ethical guidelines are applicable to the <<-lawyer's->> <<+attorney's+>> use of nonlicensed assistants:

<<-(1)->><<+(a)+>> <<-A lawyer->> <<+An attorney+>> shall ascertain the assistant's abilities, limitations, and training, and must limit the assistant's duties and responsibilities to those that can be competently performed in view of those abilities, limitations, and training.

<<-(2)->><<+(b)+>> <<-A lawyer->> <<+An attorney+>> shall educate and train assistants with respect to the ethical standards which apply to the <<-lawyer->> <<+attorney+>>.

<<-(3)->><<+(c)+>> <<-A lawyer->> <<+An attorney+>> is responsible for monitoring and supervising the work of assistants in order to assure that the services rendered by the assistant are performed competently and in a professional manner.

<<-(4)->><<+(d)+>> <<-A lawyer->> <<+An attorney+>> is responsible for assuring that the assistant does not engage in the unauthorized practice of law.

<<-(5)->><<+(e)+>> <<-A lawyer->> <<+An attorney+>> is responsible for the improper behavior or activities of assistants and must take appropriate action to prevent recurrence of improper behavior or activities.

<<-(6)->><<+(f)+>> Assistants who deal directly with <<-a lawyer's->> <<+an attorney's+>> clients must be identified to those clients as nonlawyers, and the <<-lawyer->> <<+attorney+>> is responsible for obtaining the understanding of the clients with respect to the rule of and the limitations which apply to those assistants.

<<-(7)->><<+(g)+>> A legal assistant should understand the Rules of Professional Conduct and these rules in order to avoid any action which would involve the <<-lawyer->> <<+attorney+>> in a violation of <<- SDCL->> <<+chapter+>> 16-18, or give the appearance of professional impropriety.

<<-(8)->><<+(h)+>> <<-A lawyer->> <<+An attorney+>> takes reasonable measures to insure that all client confidences are preserved by a legal assistant.

<<-(9)->><<+(i)+>> <<-A lawyer->> <<+An attorney+>> takes reasonable measures to prevent conflicts of interest resulting from a legal assistant's other employment or interest insofar as such other employment or interest would present a conflict of interest if it were that of the <<- lawyer->> <<+attorney+>>.

((-10-))((-j-)) (-A lawyer-) (+An attorney+) may include a charge for the work performed by a legal assistant in setting a charge for legal services.

((-11-))((-k-)) (-A lawyer-) (+An attorney+) may not split legal fees with a legal assistant nor pay a legal assistant for the referral of legal business. (-A lawyer-) (+An attorney+) may compensate a legal assistant based on the quantity and quality of the legal assistant's work and the value of that work to a law practice, but the legal assistant's compensation may not be, by advance agreement, contingent upon the profitability of the (-lawyer's-) (+attorney's+) practice.

(+The violation of the ethical guidelines of this section by a paralegal or the supervising attorney shall be grounds for discipline of the supervising attorney under chapter 16-19.)+

<< SD ST § 16-18-34.4 >>

(+16-18-34.4. Certain Individuals Disqualified. The following persons shall not serve as a legal assistant in the State of South Dakota except upon application to and approval of the Supreme Court.)+

(+(a) Any person convicted of a felony.)+

(+(b) Any person disbarred or suspended from the practice of law in any jurisdiction.)+

(+(c) Any person placed on disability inactive status under § 16-19-48 or 16-19-92.)+

(+(d) Any person placed on temporary suspension from the practice of law under § 16-19-35.1.)+

<< SD ST § 16-18-34.5 >>

(+16-18-34.5. Application by disqualified persons--Requirements--Hearing-- Burden of proof. The application by a person disqualified under § 16-18-34.4 must establish the applicant's good moral character, competency, education, training, or experience in the legal system, substantive and procedural law, and the Rules of Professional Conduct, and the ability to comply with the ethical considerations of § 16-18-34.3.)+

(+The applicant shall have the burden of demonstrating by clear and convincing evidence that the applicant has the moral and ethical qualifications, competency and learning in law required to act as a legal assistant in this state and that acting as a legal assistant within the state will not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive of the public interest.)+

(+The Supreme Court may act upon the application or, where no recommendations have been made under § 16-18-34.7, refer the application to the Disciplinary Board if the applicant was an attorney or to a circuit judge for testimony, findings, and recommendations. The cost of such hearing will be paid as provided by § 16-19-70.1.)+

<<+The Supreme Court may deny the application if it finds approval would be detrimental to the integrity and standing of the bar or the administration of justice or subversive of the public interest. If the applicant has met the burden of proof, the Supreme Court may grant the application and impose such restrictions or conditions upon the employment and supervision of legal assistants as the court deems appropriate for the protection of the public.+>>

<< SD ST § 16-18-34.6 >>

<<+16-18-34.6. Revocation of order for disqualified persons--Hearing--Burden of proof. The order granting approval for a disqualified person to act as a legal assistant may be revoked by the Supreme Court upon violation of the conditions set by the court, violation of the requirements of § 16-18-34 to 16-18-34.5, or the termination of employment with the supervising attorney without an approved replacement supervising attorney. The Supreme Court may act to revoke the order upon its own motion, or upon a complaint, may refer the complaint to the Disciplinary Board or a circuit judge for testimony, findings, and recommendations. The cost of such hearing will be paid as provided by § 16-19-70.1.+>>

<< SD ST § 16-18-34.7 >>

<<+16-18-34.7. Recommendations in attorney disciplinary proceedings. Any recommendation for disbarment or suspension made by the Disciplinary Board under § 16-19-67 or the referee under § 16-19-68 shall contain a recommendation as to the restrictions or conditions of employment and supervision of the accused attorney as a legal assistant.+>>

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1997.

DATED at Pierre, South Dakota, this 17th day of March, 1997.

SD LEGIS 328 (1997)

Appendix C

Regulation Roll Call

A look at paralegal legislation and certification activities across the nation.

Compiled by Patrick Vuong

March/April 2006 Issue

Like dropping a match in a field of dry grass, adding regulation to the paralegal field often sparks a wildfire of controversy. Both proponents and opponents have valid arguments for or against the standardization of the profession.

Some paralegals and legislators want mandatory licensure of the profession, saying it would assure that clients receive services from only qualified, trained professionals, and it would help distinguish paralegals from legal secretaries and other administrators. But opponents argue regulation is unnecessary because unauthorized practice of law statutes provide sufficient safeguards and already define what a paralegal can and can't do.

The American Bar Association adopted this definition of paralegals in 1997: "A legal assistant or paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible."

Information in this article was supplied by paralegal organizations, bar associations and lawmakers from national, state and local levels. The information was current as of press time. For the latest information, contact your local paralegal organization, bar association or legislator.

(Note: Paralegal definitions and rulings by bar associations and paralegal divisions are not included in this story, but will be featured in a future article.)

Alabama	Alabama Code Section 6-5-572 includes legal assistants and paralegals in its definition of a legal service provider, which is anyone "engaged in the practice of law." (www.legislature.state.al.us/codeofalabama/1975/coatoc.htm)
Alaska	Alaska Rule of Professional Conduct 5.3 doesn't define paralegals but considers "paraprofessionals" as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (www.state.ak.us/courts/prof.htm#5.3)
Arizona	Effective July 1, 2003, anyone preparing legal paperwork without an attorney's supervision must be certified as a legal document preparer pursuant to the Arizona Code of Judicial Administration Section 7-208. Legal document preparers can provide general legal information but can't give legal advice. Paralegals can receive a legal document preparer's certification if they already have earned a paralegal certificate from an ABA-approved program or a non-ABA-approved, accredited institution with a minimum of 24 completed semester units in legal specialization courses. (www.supreme.state.az.us/orders/admcode/pdfcurrentcode/7-208%20section2.pdf)
Arkansas	Arkansas Rule of Professional Conduct 5.3 doesn't define paralegals but considers "paraprofessionals" as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (http://courts.state.ar.us/rules/profcond5.html)

California	Signed into law in 2000 and effective in 2001, the California Business and Professions Code Section 6450-6456 defines a paralegal as someone who is qualified by education, training or work experience and performs substantial legal work under the supervision of an active member of the state bar. The code also defines a paralegal's duties, states minimum educational standards and continuing legal education requirements, and sets fines and jail time for anyone who violates the law. For more information, go to www.leginfo.ca.gov . Also, the voluntary California Advanced Specialty certification program was created in 1994 through an agreement between the National Association of Legal Assistants and the California Alliance of Paralegal Associations. It's suspended until late 2006, when it will return as a Web-based program.
Colorado	Colorado Rule of Professional Conduct 5.3 doesn't define paralegals but considers "paraprofessionals" as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (www.coloradosupremecourt.com/regulation/Rules/appendix20/statdspp0b99.html)
Connecticut	Connecticut Rule of Professional Conduct 5.3 doesn't define paralegals but considers "paraprofessionals" as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (www.jud.ct.gov/Publications/PracticeBook/PB1.pdf)
Delaware	Although the state doesn't regulate paralegals, the Delaware Paralegal Association in 2005 approved voluntary certification, which establishes minimum educational standards. Certified members must follow the DPA's ethics code and renew certification status every two years. (www.deparalegals.org/dcpp.php)
Florida	At press time, the Florida Bar Board of Governors opposed two bills to license paralegals, saying more studying is needed. (See "Florida Regulation" on Page 34 of this issue.) Rep. Juan Zapata, R-Miami, filed House Bill 395 after his previous legislation died in committee in 2005. The bill aims to establish the Paralegal Professional Act, which would set educational requirements, an ethics code and other rules. It and a companion senate bill will be discussed during legislative sessions in March. A state bar special committee also will meet in March to discuss regulation options. In 1980, the Paralegal Association of Florida Inc. established the voluntary Certified Florida Legal Assistant program and began administering the CFLA exam in 1983.
Georgia	There are no regulation activities reported.
Hawaii	In 2001, the Hawaii State Bar Association rejected a mandatory paralegal certification proposal by its Task Force on Paralegal Certification. The proposal attempted to impose a degree of regulation on paralegal use and would have required certification of legal assistants in the state. The next year, the state Supreme Court also declined to approve paralegal certification. There are no new regulation activities reported.
Idaho	Idaho Rule of Professional Conduct 5.3 doesn't define paralegals but considers "paraprofessionals" as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (http://www2.state.id.us/isb/pdf/irpc.pdf)
Illinois	In 2005, two state initiatives to monitor nonattorney legal service providers failed. Illinois statutes define a paralegal as "a person who is qualified through education, training or work experience, and is employed by a lawyer, law office, governmental agency or other entity to work under the direction of an attorney in a capacity that involves the performance of substantive legal work that usually requires a sufficient knowledge of legal concepts and would be performed by the attorney in the absence of the paralegal." (www.ilga.gov/legislation/ilcs/ilcs2.asp?chapterid=2 under "Statute on Statutes")
Indiana	After more than two years, an Indiana Supreme Court committee will accept comments through April 3 on its planned voluntary paralegal registration before submitting the proposal to the