

It is difficult for most lawyers to imagine a legal profession that did not include paralegals and legal assistants. Paralegals are employed in a wide variety of legal settings, play an ever-increasing role in the delivery of affordable and efficient legal services, and are valuable members of many legal teams. Although the paralegal profession is still young—it began only about four decades ago—the rapid growth in the number and responsibilities of these highly skilled non-lawyer professionals shows no signs of slowing.

Origins of the Paralegal Profession

The roots of the paralegal profession can be traced to the late 1960s when Congress, law firms, local bar associations, and the American Bar Association (ABA) began significant efforts to increase access to legal services and reduce poverty in the United States. Growing numbers of Americans from all socioeconomic levels were coming into contact with the legal system at the same time that more complex laws and procedures were increasing the cost of legal services. One proposal intended to offer greater access to justice was the increased use of educated non-lawyers to handle legal work that otherwise would be performed by licensed attorneys. These early non-lawyers were not members of the bar and had little or no formal legal education. Instead, many were experienced legal secretaries who received additional on-the-job training to increase their knowledge of the law and develop skills necessary to perform complex legal tasks. These early paralegals were members of the legal services delivery team, worked under the supervision of lawyers, and were known by many titles, including legal assistant, lawyer's aide, lawyer/

attorney assistant, legal service assistant, legal paraprofessional, lay assistant, legal technician, lay advocate, paralegal assistant, and paralegal. Today, these professionals are most commonly referred to as legal assistants or paralegals—and these two terms are used interchangeably in most jurisdictions.

The Role of the ABA and Mandatory Paralegal Regulation

The ABA has been a leading advocate of the use of trained non-lawyers to provide clients with affordable and efficient legal services. In 1967, in response to the growing number of non-lawyers employed by governmental agencies and private law firms to provide legal services to the public, the ABA issued a formal ethics opinion that clarified the appropriateness of delegating legal work to non-lawyers.¹ One year later, the ABA created the Special Committee on Lay Assistants for Lawyers (Special Committee) to promote and expand the use of trained non-lawyers.²

In 1971, the ABA took a number of actions that have had a lasting impact on the paralegal profession. The ABA's Standing Committee on Ethics and Responsibility adopted the term "legal assistant" as the preferred term for an individual performing paralegal functions.³ In that same year, the Special Committee, renamed the Special Committee on Legal Assistants (SCLA),⁴ released reports that reviewed the use of paraprofessionals in other professions, detailed paralegal use, and suggested guidelines for paralegal training and education.⁵ The SCLA was later made an ABA standing committee (the Standing Committee on Legal Assistants, or SCOLA), and recently was renamed the Standing

By Susan Mae McCabe

A Brief History

OF THE Paralegal Profession



Committee on Paralegals (SCOP).⁶ The ABA SCOP is responsible for matters relating to the education, employment, training, and effective use of paralegals.⁷

Although the ABA had been an early advocate of the use of trained non-lawyers to provide cost-effective legal services, it was not until 1986 that it officially defined the term “legal assistant.” In an attempt to limit the application of the term to persons who possess the necessary legal education and training and who perform work typically done by lawyers, a legal assistant was

a person, qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically-delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that, absent such assistant, the attorney would perform the task.⁸

Today, the ABA’s definition of a paralegal or legal assistant remains remarkably similar to that first adopted more than 20 years ago.⁹

The ABA has played a central role in the debate surrounding mandatory paralegal regulation. In 1985, SCOLA (now SCOP) rejected calls for federal licensing of paralegals or the adoption of some form of mandatory certification scheme to assure that paralegals possessed minimum competencies.¹⁰ Instead, the ABA believed that mandatory regulation should be left to the state legislatures or courts—not Congress—and promoted the importance of quality legal education and effective paralegal use by lawyers. The ABA argued that this approach would create a large pool of competent paralegals who possessed the knowledge and skills needed to perform paralegal functions.

Additionally, in 1991, the ABA adopted Model Guidelines for the Utilization of Legal Assistant Services (Model Guidelines) to help lawyers effectively integrate paralegals into a variety of legal environments while avoiding possible violations of codes of professional conduct and instances of unauthorized practice of law (UPL) by unlicensed non-lawyers.¹¹ Rare cases of UPL could be punished under existing state statutes. The ABA revised its Model Guidelines in 2003.

The State Bar of Michigan Board of Commissioners approved Michigan’s Guidelines for the Utilization of Legal Assistant Services (Michigan Guidelines) as additional commentary to the former Code of Professional Responsibility in 1976.¹² In 1993, the Michigan Guidelines were revised to reflect provisions in the ABA’s Model Guidelines as well as Michigan case law and ethics opinions.¹³ These Michigan Guidelines remain in effect today.

Currently, California is the only state that requires paralegals to be licensed. California’s recently adopted statute defines the title “paralegal” and imposes penalties for those who improperly call themselves paralegals or who fail to work under the supervision of an attorney.¹⁴ At least five states are considering some form of legislative or court-supervised paralegal regulatory scheme, and a number of states encourage paralegals to become voluntarily certified.¹⁵

The Role of Professional Associations and Voluntary Paralegal Certification

The 1970s saw substantial growth in the number of paralegals and the variety of settings in which they were employed. Local and national paralegal professional associations emerged during that decade, and they continue to play an important role in both the development of the paralegal profession and the quality and professionalism of today’s paralegals. These associations actively promote expanded paralegal use, lobby on behalf of their members, offer continuing legal education and conferences, publish professional publications and maintain websites, and require members to adhere to codes of professional ethics. Many of these associations are opposed to mandatory regulation, and instead have promoted the adoption of voluntary certification. By passing rigorous examinations and meeting specified educational, experiential, and ethical requirements, paralegals who are members of these associations have the opportunity to become certified and receive formal recognition from their organization that they have met a predetermined set of standards. Paralegals who successfully complete an association’s requirements for certification earn the privilege of using the designated title awarded by that association.

National Association of Legal Assistants (NALA)


Founded in 1975, NALA is a nonprofit professional association that represents over 18,000 paralegals and legal assistants through its individual members and affiliated associations. Many of these paralegals have passed NALA’s voluntary certification exam for entry-level paralegals, called the CLA (certified legal assistant) exam or the CP (certified paralegal) exam, depending on the title the member prefers. NALA also offers a second certification exam for experienced paralegals, known as the CLAS (certified legal assistant specialist) exam. To be certified, paralegals must meet specific educational and experiential requirements, pass the certification exam, abide by the association’s code of ethics, and participate in continuing legal education programs. Certified paralegals may include the CLA/CP or CLAS designation after their names, depending on the certification they have attained.¹⁶

Fast Facts

The paralegal profession is still young, existing for only about 40 years.

More than two-thirds of all lawyers use the services of paralegals, and that number continues to rise.

The U.S. Department of Labor projects that paralegal employment opportunities will increase at a much faster rate than average until at least 2014.



Courts, government agencies, corporations, nonprofit public service agencies, consulting firms, legal employment agencies, educational institutions, and law firms all employ paralegals.

National Federation of Paralegal Associations (NFPA)

Founded in 1974, NFPA is an association of more than 60 local and state paralegal associations representing more than 15,000 paralegals. NFPA offers an advanced voluntary certification exam, known as PACE (paralegal advanced competency examination), for paralegals who meet its experiential and educational requirements. Individuals who pass this exam, abide by the association's code of ethics, and participate in continuing legal education programs may include the Registered Paralegal designation after their names.¹⁷

NALS, the Association for Legal Professionals

Founded in 1929 and formerly known as the National Association of Legal Secretaries, NALS is the leading association for all professional legal support staff, including paralegals and legal assistants. NALS offers voluntary certification examinations; the ALS examination certifies entry-level legal professionals, and both the PLS and PP (professional paralegal) examinations certify legal professionals who possess advanced skills, knowledge, and experience.¹⁸

American Alliance of Paralegals, Inc (AAPI)

AAPI offers the AACP (American Alliance certified paralegal) voluntary certification examination and opportunities for professional development for its members.¹⁹

Specialty Associations and Local Professional Associations

The Association of Legal Administrators and the International Paralegal Management Association, formerly known as the Legal Assistant Management Association, promote the interests and professional development of their members who are typically legal administrators and paralegal managers.²⁰ Additionally, the national paralegal associations have organized local professional associations and chapters to enhance opportunities for member professional development and networking.

State Bar of Michigan Legal Assistants Section

The Legal Assistants Section of the State Bar of Michigan provides Michigan lawyers, paralegals, and legal assistants with resources and educational opportunities. Membership in the section is open to all State Bar members and qualified paralegals/legal assistants.

Paralegal Education and Training

There has been a remarkable growth in the number of formal paralegal education and training programs over the past four decades. Before 1970, very few programs were designed to provide comprehensive legal training for paralegals. Most early paralegals were experienced legal secretaries who received on-the-job training from their supervising lawyers. In the late 1960s, the University of Denver College of Law and Columbia University's Law School and College of Human Services began the first experimental programs to train paralegals for newly created positions at legal services offices. The first proprietary schools to provide paralegal training opened in 1970.²¹ Since that time, paralegal education has continued to evolve, spurred on by the demand for quality paralegals who possess sophisticated legal knowledge and skills.

In response to the emergence of the first educational programs, the ABA's House of Delegates directed the SCLA (now SCOP) to develop standards for accreditation for formal paralegal educational programs. In 1973, the ABA adopted a set of rigorous and comprehensive standards for granting ABA approval to educational programs and delegated the responsibility for administering these standards to that committee.²² ABA accreditation for formal paralegal educational programs is not mandatory. Instead, the ABA provides interested educational institutions with the opportunity to receive program approval if the institution chooses to initiate the process and comply with the ABA's demanding yet flexible standards designed to ensure that the program is providing quality paralegal education. The first group of programs received ABA approval in 1975. Later, responsibility for program approval was transferred to the ABA's Legal Assistant (now Paralegal) Program Approval Commission.²³ Today, the Commission helps SCOP administer the ABA's educational program approval guidelines and continues to promote high standards of quality paralegal education.

The Association for Paralegal Education (AAfPE), established in 1981, is a national association for paralegal educators and has more than 400 members.²⁴ Along with the ABA, AAfPE promotes

high standards for paralegal education and provides educators and academic institutions with resources to improve the quality of paralegal education and training.

The rapid growth of formal paralegal educational programs in the U.S. has been stunning. In 1973, there were 31 paralegal programs. That number had risen to over 250 by 1980. A decade later, more than 600 programs offered some type of degree in paralegal studies. Today, there are more than 1,000 paralegal educational programs in the U.S. alone, and slightly more than 250 of these programs carry full or provisional approval by the ABA.²⁵ These institutions offer a wide range of diplomas in paralegal studies, including certificates, two-year associate's degrees, four-year bachelor's degrees, post-baccalaureate certificates, and graduate/master's degrees.

Although some of the earliest paralegal programs were established at or by law schools, very few law schools currently are involved directly with paralegal education. Instead, formal paralegal education is provided by a wide variety of academic institutions, including public and private colleges and universities, proprietary institutions, graduate programs, and especially community colleges, which graduate the largest number of paralegals.²⁶ Many large law firms require their paralegals to have a bachelor's degree or post-baccalaureate certificate in paralegal studies. It is not surprising that today's paralegals have at a minimum earned associate's degrees, and a growing number possess either bachelor's or master's degrees.

The Future of the Paralegal Profession

Although only 40 years old, the paralegal profession has experienced phenomenal growth since the first handful of trained non-lawyers began helping attorneys deliver legal services to indigent clients. Legal employers were quick to recognize the value of using paralegals to provide efficient and affordable legal services, and readily accepted them as part of the legal services delivery team. By the 1980s, paralegals had achieved widespread recognition as legal professionals. Today, at least 200,000 non-lawyer professionals perform paralegal job duties.²⁷ More than two-thirds of all lawyers use the services of paralegals, and that number continues to climb.²⁸ Not surprisingly, the United States Department of Labor's Bureau of Labor Statistics projects that paralegal employment opportunities will increase at a much faster than average rate until at least 2014.²⁹

Although the vast majority of paralegals work for private law firms, paralegals are found in every type of employment setting wherever legal issues arise. Courts, government agencies, corporations, nonprofit public service agencies, consulting firms, legal employment agencies, educational institutions, and large and small law firms all employ paralegals. Increasingly, paralegals are choosing to work as independent contractors or freelancers that are hired by lawyers on a limited term or project-by-project basis. It is likely that as the knowledge, skills, and responsibilities of paralegals continue to expand, so too will the array of career opportunities available to these dedicated non-lawyer professionals who have become indispensable members of the legal services delivery team. ■



Susan Mae McCabe is paralegal program coordinator at Kellogg Community College in Battle Creek, Michigan. Susan received her JD from the University of Wisconsin Law School. While a law student, she completed internships with the Wisconsin Supreme Court and the Wisconsin Court of Appeals. After graduation, she clerked for the Dane County, Wisconsin Circuit Court. She practiced law and was an adjunct instructor at the University of Wisconsin Law School and area colleges before relocating to Michigan in 2002.

FOOTNOTES

1. ABA Comm on Ethics & Prof'l Responsibility, Op 316 (1967).
2. *Liberating the Lawyer: The Utilization of Legal Assistants by Law Firms in the United States*, 1968 ABA Special Comm on Legal Assistants, at v.
3. ABA Comm on Ethics & Prof'l Responsibility, Informal Op 1185 (1971).
4. *Id.*
5. *Training for Legal Assistants, Proposed Curriculum for Training of Law Office Personnel, Liberating the Lawyer, and The Paraprofessional in Medicine, Dentistry, and Architecture*, 1971 ABA Special Comm on Legal Assistants.
6. ABA Model Guidelines for the Utilization of Paralegal Services, Preamble (2003), available at <<http://www.abanet.org/legalservices/paralegals/downloads/model-guidelines.pdf>> (accessed May 22, 2007).
7. See <<http://www.abanet.org/legalservices/paralegals>> (accessed May 22, 2007) for the scope of the Standing Committee's jurisdiction.
8. *Position Paper on the Question of Legal Assistant Licensure or Certification*, December 10, 1985 ABA Standing Comm on Legal Assistants. The ABA's Board of Governors approved this position paper in February 1986.
9. See ABA Guidelines, n 6, *supra*. In 1997, the ABA amended the definition as follows: "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 who performs specifically delegated substantive legal work for which a lawyer is responsible."
10. See *Position Paper*, n 8, *supra*.
11. See ABA Guidelines, n 6, *supra*.
12. See <<http://www.michbar.org/legalassistants/pdfs/labrochure.pdf>> (accessed May 22, 2007).
13. *Id.*
14. Cal Bus & Prof Code 6450-6456; see <<http://www.leginfo.ca.gov>> (accessed May 22, 2007).
15. Cannon, *California Regulates Paralegals*, 2006 ABA Standing Comm on Paralegals, available at <<http://www.abanet.org/legalservices/paralegals/update/cacannon.html>> (accessed May 22, 2007).
16. See <<http://www.nala.org>> (accessed May 22, 2007).
17. See <<http://www.paralegals.org>> (accessed May 22, 2007).
18. See <<http://www.nals.org>> (accessed May 22, 2007).
19. See <<http://www.aapipara.org>> (accessed May 22, 2007).
20. See <<http://www.alanet.org/home>> and <<http://www.paralegalmanagement.org/ipma/index.asp>> (both accessed May 22, 2007).
21. Eimermann, *Fundamentals of Paralegalism* (3d ed), at 45.
22. *Id.* at 46.
23. *Id.* at 46. See also <<http://www.abanet.org/legalservices/paralegals/process.html>> (accessed May 25, 2007).
24. See <<http://www.aafpe.org>> (accessed May 25, 2007).
25. See <<http://www.abanet.org/legalservices/paralegals/directory/home.html>> (accessed May 25, 2007).
26. *Id.* See also Eimermann, n 21, *supra* at 44-45 and Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook, 2006-07 Edition, Paralegals and Legal Assistants*, available at <<http://www.bls.gov/oco/ocos114.htm>> (accessed May 29, 2007).
27. See *Occupational Outlook Handbook*, n 26, *supra*.
28. *Id.* See also <<http://www.abanet.org/legalservices/paralegals>> (accessed May 25, 2007).
29. See *Occupational Outlook Handbook*, n 26, *supra*.