

**KEYSTONE ALLIANCE OF PARALEGAL ASSOCIATIONS  
AMENDED and RESTATED MINIMUM STANDARDS and  
PROFESSIONAL RESPONSIBILITY GUIDELINES for  
PARALEGALS IN THE COMMONWEALTH OF PENNSYLVANIA**

Developed by the Keystone Alliance of Paralegal Associations and amended and restated on November 1, 2008.

The Keystone Alliance of Paralegal Associations, formally established in 1996, is comprised of paralegal associations located within the Commonwealth of Pennsylvania representing paralegals across the state.

**PREAMBLE**

Proper utilization of services of paralegals affects the efficient delivery of legal services. Paralegals and the legal profession should be assured that qualification standards exist for identifying paralegals and their roles in assisting lawyers in the delivery of legal services. These Guidelines will serve minimum standards and professional conduct guidelines for all paralegals in the Commonwealth of Pennsylvania.

**SCOPE AND PURPOSE**

These Minimum 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 shall meet certain standards to become a qualified paralegal and must perform competently under established guidelines. In addition to these Guidelines, the paralegal must also be cognizant of the American Bar Association Model Code of Professional Responsibility and Model Rules of Professional Conduct.

The Guidelines provide minimum standards and present a statement of the manner in which a paralegal may function. The Guidelines are not intended to be a comprehensive or exhaustive list of proper duties of a paralegal. Rather, they are designed as to what is and is not proper conduct for the paralegal. The purpose of the Guidelines is not to place limitations or restrictions on the paralegal profession, but rather to outline the minimum standards of education and/or experience as well as the conduct expectations necessary to be a qualified paralegal.

### **DEFINITION OF A PARALEGAL**

“Paralegal” shall mean a person who is qualified through education, training or work experience to perform substantive legal work requiring knowledge of legal concepts and ethics and is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity to work under the direction of a lawyer or pursuant to state statute, administrative regulation or court authority in a capacity that, in most instances, would be performed by a lawyer in the absence of a paralegal.

### **MINIMUM STANDARDS**

The purpose of these Minimum Standards is to set forth *minimum requirements* necessary to be a qualified paralegal. These Minimum Standards offer the employing lawyer direction in determining an individual’s qualifications as a paralegal.

. An individual meeting any one of the following Minimum Standards of education, training or work experience shall be deemed a qualified paralegal.

## **STANDARDS**

### **To be deemed a qualified paralegal, a person shall attain:**

- Bachelor Degree in Paralegal Studies OR a Bachelor Degree in any discipline from an accredited institution AND a Certificate from an ABA-approved Paralegal Program AND one (1) year of substantive Paralegal experience; OR
- Bachelor Degree in any discipline from an accredited institution AND three (3) years of substantive Paralegal experience; OR
- Associate Degree in Paralegal Studies from a Paralegal Program OR a Certificate from an ABA-approved Paralegal Program AND three (3) years of substantive Paralegal experience; OR
- Associate Degree in any discipline from an accredited institution OR a Certificate from a non-ABA-approved Paralegal Program AND five (5) years of substantive Paralegal experience; OR
- Seven (7) years of substantive Paralegal experience; OR
- Designation of CLA, CP or RP or other Paralegal credential approved and recognized by the Keystone Alliance of Paralegal Associations AND two (2) years of substantive Paralegal experience.

## **PROFESSIONAL RESPONSIBILITY GUIDELINES**

The following Professional Responsibility Guidelines set forth 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 would 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 a lawyer. A paralegal must not give legal advice or opinions, accept cases, set fees, or represent a client in court (unless otherwise authorized by court or agency rules.)

A paralegal may perform any task delegated and supervised by a lawyer as long as the lawyer 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 shall not represent a client before any court or administrative agency unless expressly permitted by statute or administrative regulation.

### **Comment**

A paralegal is not permitted to appear in court to plead, to try cases, or to argue on behalf of another person, except as expressly authorized by state statute, administrative regulation, or court authority.

## **GUIDELINE III**

A paralegal may perform services under the direction of a lawyer or pursuant to state statute, administrative regulation, or court authority.

### **Comment**

The services provided by the paralegal must be performed under the direction of a lawyer unless otherwise specifically authorized by state statute, administrative regulation, or court authority.

The services provided by a paralegal must not constitute legal advice or opinion or constitute the unauthorized practice of law.

## **GUIDELINE IV**

A paralegal shall fully disclose his/her professional status.

### **Comment**

A paralegal's title must be included in all oral and written business and professional communications to ensure that his/her professional status is fully disclosed. A paralegal has the responsibility not to mislead the public or a client into thinking that the paralegal is a lawyer.

## **GUIDELINE V**

A paralegal shall preserve and protect the confidences of a client.

### **Comment**

The lawyer-client privilege, which protects from disclosure of confidential communications may for the purpose of obtaining a lawyer's professional advice, also applies to the paralegal. The rules of confidentiality apply to all information, communications, and work product relating to the representation of a client. A paralegal shall not disclose or use any confidences or secrets of the client.

## **GUIDELINE VI**

A paralegal shall maintain the integrity of the profession.

### **Comment**

A paralegal must not engage in conduct involving dishonesty, fraud, deceit, misrepresentation, or the appearance of impropriety.

## **GUIDELINE VII**

A paralegal shall not share legal fees with a lawyer or law firm.

### **Comment**

Division of legal fees with a paralegal is not prohibited. A paralegal may receive a salary, bonus or benefits related to overall performance which is not directly linked to a particular legal fee or a percentage of the profits.

## **GUIDELINE VIII**

A paralegal shall not form a partnership with a lawyer if any of the activities of the partnership consist of the practice of law.

### **Comment**

A paralegal is not prohibited from forming a business association with a lawyer for the purposes other than the practice of law.

## **GUIDELINE IX**

A paralegal shall not participate in matters where there may be a conflict of interest and shall disclose any possible conflicts.

### **Comment**

A paralegal must not participate in any matter in which a conflict of interest may have an influence on the lawyer's representation of a client. A paralegal must disclose past current employment, personal, social, or business relationships that may create a conflict of interest.

## **GUIDELINE X**

A paralegal shall maintain a high level of professional competency.

### **Comment**

A paralegal must achieve competency through training, work experience and continuing education and shall keep informed of current legal, technical, and general developments. Continuing legal education courses are sponsored by bar associations, paralegal associations, and educational institutions.

## **GUIDELINE XI**

A paralegal's conduct shall be guided by the Rules of Professional Conduct for Lawyers adopted by Order of the Supreme Court of Pennsylvania.

### **Comment**

A paralegal's conduct may also be guided by local, state, or national paralegal and/or bar association rules of professional responsibility and codes of ethics.

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These Minimum Standards and Professional Responsibility Guidelines are intended to serve as a general guide embracing the qualifications and professional duties of paralegals. Specific questions may be addressed to the Keystone Alliance of Paralegal Associations.