

TEXAS PLAN FOR RECOGNITION AND REGULATION OF PARALEGAL CERTIFICATION

(As Amended June 16, 2006)

DEFINITIONS:

“**TBLS**” refers to the Texas Board of Legal Specialization.

“**SBOT**” refers to the State Bar of Texas.

“**PD**” refers to the Paralegal Division of the SBOT.

“**PC**” refers to the Paralegal Commissions appointed by TBLS.

“**Standards**” refers to the Paralegals Standards for Certification.

“**Plan**” refers to the Texas Plan for Recognition and Regulation of Paralegal Certification.

“**Rules**” refers to the Texas Board of Legal Specialization Paralegals Rules and Regulations.

“**CLE**” refers to Continuing Legal Education.

“**Applicant**” refers to both certification and recertification applicants unless specifically stated otherwise.

“**Application**” is a generic term and refers to all forms used in the application process for certification or recertification unless specifically stated.

“**Exam**” refers to the written certification examination.

SECTION I PURPOSE AND OBJECTIVE

The purpose and objective of the following voluntary certification program is to recognize and promote the availability, quality, and utilization of the services of paralegals who, working under the supervision of duly licensed attorneys, have achieved a level of special knowledge in particular areas of law, and further, to assist attorneys in their dedication to serving the public interest and advancing the standards of the legal profession.

SECTION II JURISDICTION OF TBLS

TBLS shall approve all Standards and Rules and Regulations for the paralegal certification program. TBLS has the authority and duty to:

- A. Administer the program for the recognition and regulation of specialization for paralegals.
- B. Upon appropriate petition, define and designate areas of law in which certificates of special competence may be granted and provide procedures by which such areas may be determined, redefined, or eliminated.
- C. Make and publish reasonable and nondiscriminatory standards, rules, and regulations concerning education, experience, proficiency, and other relevant matters upon the basis of which paralegals may seek certificates evidencing special competence in defined and designated areas of law.
- D. Provide procedures for the investigation and testing of the qualifications of applicants and certificate holders and award certificates of special competence.
- E. Make and publish reasonable and nondiscriminatory standards for continuing proficiency, recertification or renewal of certificates or special competence.

- F. Encourage paralegal programs, the SBOT Paralegal Division, paralegal associations in the State of Texas, and other continuing education programs to develop and maintain programs designed to comport with the Standards adopted for paralegal certification.
- G. Cooperate with SBOT Paralegal Division and the Standing Committee in establishing and enforcing standards of professional conduct to the extent necessary for the recognition and regulation of certification of paralegals in the State of Texas.

SECTION III LIMITATIONS ON POWER OF TBLS

The following limitations on the power of the TBLS are established:

- A. No standards shall be approved which shall in any way limit the right of a paralegal to work under the supervision of a duly licensed attorney in all areas of law.
- B. No paralegal shall be required to be board certified in any area of law before being allowed to work under the supervision of a duly licensed attorney as a paralegal. Any paralegal shall have the right to work under the supervision of a duly licensed attorney in all areas of law, even though the paralegal is not certified as a specialist in any particular area.
- C. All requirements for and all benefits to be derived from certification are individual and may not be fulfilled by or attributed to either the attorney under whose supervision the paralegal is working nor to a law firm by whom such paralegal may be employed.
- D. Participation in the Plan shall be on an entirely voluntary basis.
- E. The limit on the number of areas of law in which a paralegal may be certified shall be determined by such practical limits as are imposed by the requirement of "substantial involvement" and such other standards as may be established by TBLS.
- F. No rules or standards shall be adopted without prior approval by TBLS or in contravention of the rules of SBOT.

SECTION IV PARALEGAL COMMISSIONS

A Paralegal Commission shall be established for each area of law in which certificates of special competence are to be issued. The PC shall advise and assist TBLS in carrying out its objectives and in the conduct and development of the program for recognition and regulation of paralegal certification. Standards for the issuance of certificates of special competence shall be established by TBLS, but it will be advised in this and other relevant matters by the PC for each area of law.

PC members shall be appointed by TBLS in such manner and for such terms as TBLS shall direct.

SECTION V MINIMUM STANDARDS FOR CERTIFICATION

The minimum standards for certification under this program are prescribed below. Each PC may recommend, and TBLS may establish, additional or higher standards.

A paralegal, (1) who is currently employed in the State of Texas as a paralegal working under the direct supervision of an attorney duly licensed and doing business in the State of Texas; and (2) who meets the requirements prescribed by TBLS, shall be granted a certificate in a form approved by TBLS which shall certify, under the name of TBLS, the paralegal's special competence in a particular area of law designated by TBLS as an area of law in which certificates of special competence may be granted.

- A. To qualify for certification, the applicant:
1. Must have a minimum of 5 years of actual experience as a paralegal; and
 2. Must have a minimum of 3 years of actual experience in the particular area for which the paralegal applies for certification; and
 3. Must have, in addition to the above, successful completion of at least one of the following:
 - a. The NALA (National Association of Legal Assistants) Certification examination; or
 - b. A baccalaureate or higher degree in any area; or
 - c. An ABA approved program of education and training for legal assistants; or
 - d. A paralegal program that consists of a minimum of 60 semester credit hours (or equivalent quarter hours) of which at least 18 such credit hours are in substantive legal courses; or
 - e. A paralegal program that consists of at least 18 semester credit hours of substantive legal courses, plus at least 45 semester credit hours (or equivalent quarter hours) of general college curriculum courses; or
 - f. Four additional years of actual experience working as a paralegal under the supervision of a licensed attorney, for a total of 9 years of actual experience.
 4. Must have a satisfactory showing, as determined by TBLS of a substantial involvement in the particular area of law for which certification is sought for such reasonable period of time immediately preceding certification as may be determined by TBLS.
 5. Must have a satisfactory showing, as determined by TBLS, of such continuing legal educational experience in the particular area of law for which certification is sought as TBLS deems advisable.
 6. Must have a satisfactory showing of peer review through the submission of reference statements in a manner that TBLS deems advisable.
 7. Must successfully pass the written examination prescribed by TBLS and applied uniformly to all applicants before certification to demonstrate sufficient knowledge, proficiency and experience in the area of law for which certification is sought.
 8. In certain circumstances an applicant may be required to submit to an oral interview as part of the certification process.
 9. Must pay such fees as may be required by TBLS.
- B. No person currently under an attorney disciplinary sanction which prohibits that person from practicing law shall be eligible to apply for certification under this Plan.

SECTION VI STANDARDS FOR RECERTIFICATION

No certificate of special competence shall be issued or renewed for a period longer than 5 years, and the term of any certificate shall be stated on its face.

Each PC may recommend, and TBLS may establish additional requirements and safeguards to insure the continued proficiency of any holder of a certificate of special competence, but recertification shall be required at least every 5 years under the following minimum standards:

- A. A satisfactory showing, as determined by TBLS, of substantial involvement, during the period of certification, in the particular area law for which certification was granted.
- B. A satisfactory showing, as determined by TBLS, of such continuing legal educational experience in the area law for which certification was granted, during the period of certification, as TBLS deems advisable.
- C. The payment of any fee prescribed by TBLS. In the event a paralegal's previous certificate is not in effect at the time application is made for recertification, or the paralegal fails to meet the requirements for recertification, such paralegal shall be entitled to seek certification by examination as provided in Section V.
- D. Continuation of employment and work under the direct supervision of an attorney licensed in the State of Texas.

SECTION VII REVOCATION OF CERTIFICATION

A certificate of special competence may be revoked by TBLS if the program for certification in that area is terminated, or if it is determined, after hearing before TBLS on appropriate notice that:

- A. The certificate was issued contrary to the rules and regulations of TBLS;
- B. The certificate was issued to a paralegal who was not eligible to receive a certificate, or who made any false representation or misstatement of material fact to TBLS;
- C. The certificate holder has failed to abide by all rules and regulations covering the program promulgated by TBLS as amended from time to time including any requirement or safeguard for continued proficiency;
- D. The certificate holder has failed to pay any fees established by TBLS;
- E. The certificate holder no longer meets the qualifications established by TBLS; or
- F. The certificate holder has previously engaged in the unauthorized practice of the law.

Upon revocation of the certificate, the certificate holder shall immediately return the certificate to the office of the Executive Director of TBLS.

SECTION VIII RIGHT OF APPEAL

A paralegal whose application for certification or recertification is rejected, or whose certificate is revoked by TBLS, shall have the right to appeal the ruling of TBLS as provided in the operating rules.

SECTION IX RESPONSIBILITIES OF CERTIFIED PARALEGALS

- A. Special Controls for Program.
 - 1. The terms "paralegal" and "legal assistant" are considered synonymous. Either term may be used by an individual who is certified through this program.
 - 2. Each participant in the program, as a part of the application for participation in the program, shall agree to abide by all rules and regulations promulgated by TBLS, as amended from time to time.
 - 3. During the operation of the program, no individual paralegal or group of paralegals shall have any vested rights there under.
- B. Rules of Professional Conduct.

During the operation of this program, any paralegal holding a current certificate of special competence shall be entitled to the following:

 - 1. To state in recognized and conventional mediums, including legal directories, paralegal lists, letterhead or on a professional card that the paralegal is certified by TBLS in a particular area in the following words: "Board Certified Paralegal - (e.g., Family Law) - Texas Board of Legal Specialization (hereinafter referred to as "the designation").
 - 2. The use of the designation in mass media or other promotional material, including television and radio advertising, newspaper advertising, and yellow page advertising is prohibited. The designation may not be used in any printed materials intended for advertising to the general public and/or prospective clients of the firm or a particular attorney.
 - 3. In all respects, any publication of the designation shall conform to the rules of the PC and TBLS, including the Texas Disciplinary Rules of Professional Conduct.

No statement of certification shall be permitted other than as above specifically described unless permitted by the rules of the State Bar of Texas, or TBLS.

**SECTION X
FINANCING THE PROGRAM**

In order to defray expenses of administering the program, TBLS may establish reasonable application, examination, and annual fees. These fees may be changed, as necessary, from time to time.

**SECTION XI
RETAINED JURISDICTION OF TBLS**

The jurisdiction of TBLS shall be limited to six areas of law: Family Law, Civil Trial Law, Personal Injury Trial Law, Criminal Law, Estate Planning and Probate Law, and Real Estate Law and to the development and operation of the program in the recognition and regulations of paralegal certification. However, the number and type of areas included in the program may be enlarged or altered from time to time by TBLS.