

Why Paralegal Certification Counts

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by Debra J. Monke

Designation as a Certified Legal Assistant (CLA), or Certified Paralegal (CP) is more than the pinnacle of professional achievement for individual paralegals. It is also a sound indication of proficiency to the attorneys, firms, and organizations that hire them.

Since the CLA program was launched by the National Association of Legal Assistants (NALA) in 1976, it has become widely recognized as the definitive credential for paralegals. More than 25,000 individuals have participated in the program, and some 12,500 paralegals are on the certification rolls today.

How Certification Helps

Voluntary certification programs are an esteemed tradition in most professions, and have been described as the single most important movement in the area of human resources.¹ Usually established and administered by a profession's association, certification programs help individuals proceed from education and training into the real-world challenges of paralegal work. Certification programs influence career preparation as continuing career development.

These programs affirm the knowledge, skills, and expertise to perform at a high professional level. Paralegal certification also speaks volumes about individual dedication and commitment to stay abreast of developments in the legal field.

Certification programs are valuable to employers at all levels, whether large or small businesses, corporations, or sole proprietorships. Three important ways that certification programs help those who hire paralegals are:

1. Assisting hiring decisions - No interview or single assessment tool can predict performance on the job with complete reliability, but certification is a compelling indication of strong commitment to a chosen career and the ability to meet real-world standards.
2. Verifying educational background and experience - Certification programs provide the professional education and experience documentation that many employers need, but do not have time to check.
3. Helping develop recognition and incentive programs - As models for employee training plans, certification programs build confidence and competence in all

employees, and they help employers provide greater service to clients. Certification programs are easily adaptable for employee training and development programs designed by employers.

Differences

Certification programs are unique to the professions they serve, and they are different from other qualification programs. They differ from licensing programs, for example, on several important levels. Licensing is the means by which a government permits a person to do something. The purpose of licensing programs is to protect the public from incompetent practice by requiring a valid license to work. This is unrelated to the purposes of certification programs.

Certification programs recognize high standards of knowledge and skills. There are many certification programs in professions that are not licensed, such as the paralegal profession. Other certification programs in occupations that are licensed serve as a valuable and needed way for licensed professionals to distinguish themselves from others.

Professional certification programs are not the same as 'Certificates of Completion' which are awarded to graduates of paralegal programs. This is often a point of confusion, and it is important for prospective employers to verify what the 'Certified' on a resuŹ actually means.

Benefits for Paralegals and Firms

Because of the benefits of certification and the opportunities provided for professional development, creating a paralegal certification program was a top priority of NALA² when the association was founded in 1975. A program was sought which would help employers identify proficient paralegals, would assist paralegal curricula development, and would provide an ongoing professional development program for paralegals. With the ensuing 30 years of research and development, the CLA/CP program has met and exceeded these goals.

In many markets, CLA/CP certification is crucial to securing a paralegal job and to career advancement. Many law firms require professional staff to have the CLA/CP credential, as do large corporations such as Wal-Mart.

For employers, certification means that the employee's educational background has been checked and verified - an increasingly important detail - and that standards developed by those in the profession have been met. Certification gives employers more options in developing opportunities for growth. For private law firms, certification allows higher billing rates.

Initial certification may take many years to achieve, and keeping it requires continuing effort. To maintain CLA/CP certification, paralegals must participate in at least 50 hours of approved continuing legal education every five years.

Throughout its 30-year history, the CLA/CP certification program has garnered respect and recognition as a sound process of professional development. For example, the program is approved by the U.S. Department of Defense as a GI benefit so that veterans, or those still in uniform, may have their CLA/CP examination costs reimbursed by the government.

There also is widespread use of the CLA/CP credential by paralegals in law firms and corporations to make clear the expertise of a professional staff. This is allowed by bar associations throughout the nation, provided that the paralegal's nonlawyer status is clearly indicated - the CLA/CP initials alone are not sufficient.³

The Program

The CLA/CP certification program is available to those who have completed formal training in ABA approved paralegal instruction programs, and who have either a bachelor's degree plus paralegal training, or extensive experience. A rigorous eight-hour examination, administered over a two-day period, also must be passed. The exam is offered each March, July, and December at testing centers located throughout the United States.

The test includes objective questions and two written essays that are part of the Written Communications and Judgment and Legal Analysis sections. The exam covers the following:

¥ Communications

¥ Ethics

¥ Legal Research

¥ Judgment & Legal Analysis

¥ Substantive Law, consisting of five mini-examinations covering the American Legal System and four of the following areas as elected by examinees:

- Administrative Law
- Bankruptcy
- Business Organizations/Corporations
- Contracts

- Family Law
- Criminal Law and Procedure
- Litigation
- Probate and Estate Planning
- Real Estate

Advanced Certification

Paralegals with the CLA/CP credential who wish to demonstrate advanced knowledge in particular practice areas, may pursue the CLAS credential. Since the CLAS program was introduced in 1982, more than 1,100 paralegals have achieved this advanced certification by passing a four-hour written examination. Advanced certification is available in the following areas:

¥ Bankruptcy

¥ Civil Litigation

¥ Corporate/Business Law

¥ Criminal Law & Procedure

¥ Intellectual Property

¥ Probate & Estates

¥ Real Estate

¥ California Advanced Specialty (advanced certification on a state specific law and procedure in the areas of Civil Litigation, Business Organizations - Business Law, Real Estate, Estates and Trusts, and Family Law).

Something New

Work began in 2002 on a restructured advanced certification program slated to begin late in 2005. The new program will be curriculum based and offered exclusively by way of the Internet. A CLA/CP certified paralegal will be able to participate in a Web-based training program and be awarded advanced certification credentials by demonstrating mastery of the material in a battery of tests.

There are advantages to this model of certification beyond the convenience of a Web-based program. Paralegals will no longer have to wait several months to seek advanced certification, and the clearly defined subject matter in a curriculum-based program makes better sense to employers.

In the former CLAS program, it was difficult to explain what advanced certification in an area as broad as civil litigation actually meant. When certified paralegals complete the advanced program under the new model, their employers will receive a list of specific areas that were mastered, offering a much better understanding of the preparation required and the depth of the material.

This curriculum-based model of advanced certification for paralegals may be new to the legal profession, but it is a well-established approach for certification in many other professions. It lends itself well to the NALA program because those who achieve this certification already have the CLA/CP credential; they have already demonstrated that they have met the standards of general knowledge and skills required of all paralegals. The new advanced curriculum-based certification is a boon to paralegals wanting recognition of their advanced knowledge and experience, and it is advantageous to employers seeking ways to further develop and train employees.

Courses for the advanced curricula are written by experts in training and development programs and in sequential learning. They are guided by an outline developed by a task force of experienced legal assistants, paralegal educators, attorneys, and paralegal managers. The new programs meet the same high standards of certification and educational programs long sponsored by NALA. They may be relied upon by employers and paralegals alike.

The benefits of voluntary professional certification programs such as the CLA/CP and CLAS programs extend to the entire legal profession - educators, attorneys, and managers as well as paralegals. These programs encourage paralegals to participate in local study groups, and they promote inclusion of CLA/CP review programs in paralegal school curricula. A number of exam review publications, as well as on-line seminars and workshops, have been developed by NALA that benefit all paralegals.

Through the certification program, paralegals take charge of their professional and career development, and demonstrate a commitment to professional growth that rivals that of any profession. Firms and organizations which employ paralegals with CLA/CP or CLAS credentials can be confident that their interests are being well served.

1. These comments are based on *The Guide to National Professional Certification Programs*, by Phillip A. Barnhart (HRD Press, Inc., Amherst, MA, 1997). The following also offer useful information: *Certification and Accreditation Law Handbook*, by Jerald A. Jacobs (American Society of Association Executives, Washington, DC, 1992), and *Certification: A NOCA Handbook*, by Anne H. Browning, Alan C. Burbee, Jr., and Meredith A. Mullins (National Organization for Competency Assurance, 1996)

2. A non-profit professional association with headquarters in Tulsa, OK. The association, with more than 6,000 members, provides continuing education and professional development programs for paralegals nation wide, and publishes the award winning quarterly magazine, Facts & Findings.

3. See Mississippi Bar Ethics Committee Opinion 223 (1/19/95), and New York State Bar Association Opinion 695 (8/25/97). The U.S. Supreme Court has addressed the issue concerning utilization of professional credentials awarded by private organizations in *Peel v. Attorney Registration and Disciplinary Committee of Illinois* (110 SC 2281 (1990)). The Court suggested that a claim of certification is truthful and not misleading if the claim itself is true, the bases on which certification was awarded are factual and verifiable, the certification in question is available to all professionals in the field who meet relevant, objective and consistently applied standards, and the certification claim does not suggest any greater degree of professional qualification than reasonably may be inferred from an evaluation of the certification program's requirements. The Court further advised that there must be a qualified organization to stand behind the certification process.

Paralegal ≠ Legal Assistant

Just as 'attorney' and 'lawyer' are synonymous, so are the terms 'legal assistant' and 'paralegal.' Throughout the United States, state supreme court rules, statutes, ethical opinions, bar association guidelines and similar documents have definitively established the terms as identical. These same documents recognize the paralegal profession as a bona fide legal occupation and encourage the use of legal assistants in delivering legal services.

There is, however, a preference of terms in various circumstances. Some geographic areas, for example, prefer one term to the other. NALA has responded by securing the certification mark 'CP' from the U.S. Patent and Trademark Office (July 20, 2004), and the venerable CLA Certificate, granted to qualified legal assistants since 1976, has been redesigned to encourage recipients to use either 'CLA' or 'CP' as their professional credential. Many prefer to use 'CLA' because of its long-standing recognition in the legal community, but the term 'Certified Paralegal' now may be used as well.

Verifying Credentials

It is easy to determine whether the terms 'Certified Paralegal' or 'Certified Legal Assistant' represent professional certification by NALA, or are used to indicate graduation from an academic paralegal program. The CLA, CP and CLAS credentials are registered certification marks of NALA and should only be used by those authorized by the association.

To confirm whether the CLA, CP, or CLAS on a resu^Ž is a correct use of the NALA credential, contact NALA Headquarters at (918) 587-6828 or nalanet@nala.org for an immediate confirmation, or write:

NALA Headquarters
1516 S. Boston Avenue, Suite 200
Tulsa, Oklahoma 74119

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