

VIRGINIA REGISTERED PARALEGAL PROGRAM
Virginia Alliance of Paralegal Associations
2715 Huntington Avenue
Newport News, Virginia 23607
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I. PURPOSE

Virginia Alliance of Paralegal Associations (VAPA) recognizes that the use of qualified paralegals by lawyers, law firms, and judicial, educational, commercial and governmental entities is the best way to provide the community with cost effective and high quality legal services.

In recognition of the above, VAPA is offering a voluntary registration program to those individuals who choose to become a Virginia Registered Paralegal (VARP™) providing paralegal employees and employers with a benchmark to determine qualified individuals who are competent to provide legal services under the supervision of an attorney.

II. DEFINITIONS

As used in this Program, unless the context otherwise requires:

A. "Certified Paralegal" as used herein is a generic term that represents a paralegal who has successfully passed a paralegal certification exam, such as NFPA's PCCE or PACE or NALA's CP or ACP exams.¹ Maintaining these credentials require ongoing Continuing Legal Education (CLE) as required and monitored by their respective national paralegal association. A certified paralegal's credentials include the CLA, CLAS, ACP, CP, CRP and/or RP® and are displayed after the last name;

B. "Registration" shall mean authority granted by VAPA under this Program to practice as a VARP™, as evidenced by issuing of a credentialing document;

C. "Virginia Registered Paralegal" shall mean a paralegal who holds a valid VARP™ certificate under the provisions of this Program;

D. "Code of Ethics" shall mean the rules of professional conduct for paralegals as adopted by the National Federation of Paralegal Association or the National Association of Legal Assistants-Paralegals and the Virginia Rules of Professional Conduct, as well as the American Bar Association Model Code of Professional Responsibility and Model Rules of Professional Conduct;

E. "Continuing Legal Education" shall mean any legal or other educational activity or program which is designed to maintain and improve the professional competency of practicing paralegals and is defined and/or approved by VAPA, and/or is accredited CLE for attorneys;

F. "Lawyer" or "Attorney" shall mean any person licensed or authorized to practice law under the laws of this Commonwealth;

¹ A "certificated" paralegal is an individual who has earned a certificate after completing a paralegal education program. A certificated paralegal is not a certified paralegal.

G. “Legal Assistant” shall mean a person meeting the definition set forth herein for “Paralegal” as, historically, the terms paralegal and legal assistant have been used synonymously in the Commonwealth;

H. "Paralegal" shall mean a specially trained individual who performs substantive legal work that requires knowledge of legal concepts. Paralegals either work under the supervision of an attorney, who assumes professional responsibility for the final work product, or work in areas where lay individuals are explicitly authorized by statute or regulation to assume certain law related responsibilities;

I. "Paralegal Practice" shall mean offering to provide or providing any substantive legal service or work not prohibited by any state or federal statute or Supreme Court Rule, the adequate performance of which requires paralegal education, training, and experience in the application of special knowledge of legal concepts and skills to that legal service;

J. "Paralegal School" shall mean an institution of post-secondary education or program either approved by the American Bar Association or in substantial compliance with the ABA Guidelines for Paralegal Programs, that offers the minimum educational requirements necessary for qualification for registration as determined by VAPA;

K. "Person" shall mean any individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, estate, or other entity whatsoever;

L. "Program" shall mean the VARP™ Program;

M. "State" shall include any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America;

N. “Substantive” shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts; and

O. "Virginia Alliance of Paralegal Associations" shall mean any committee, board, or organization authorized by the governing board of VAPA to accept applications, and confer the VARP™ designation.

III. RESTRICTION ON USE OF NAME OR TITLE

No person shall purport to be, assume the duties incident to, or use the title VARP™, or any words or letters which indicate that the person is a Virginia Registered Paralegal unless the requirements of this Program are met and such person currently holds a valid VARP™ Certificate from VAPA.

IV. CRITERIA – EDUCATION AND EXPERIENCE

An individual applying for the VARPTM credential must be a voting member of any VAPA member association and/or liaison of VAPA, in good standing, and meet at least one of the following criteria:

- A.** A Bachelor's degree in paralegal studies from an accredited institution AND one (1) year of substantive paralegal experience; or
- B.** A Bachelor's degree in any discipline from an accredited institution AND a certificate from an institutionally accredited paralegal program AND one (1) year of substantive paralegal experience; or
- C.** A Bachelor's degree in any discipline from an accredited institution AND three (3) years of substantive paralegal experience; or
- D.** A Bachelor's degree in any subject AND a paralegal certificate from any paralegal program not institutionally accredited AND two (2) years of substantive paralegal experience; or
- E.** An Associate's degree in paralegal studies AND two (2) years of substantive paralegal experience; or
- F.** A Certificate from an institutionally accredited paralegal program AND three (3) years of substantive paralegal experience; or
- G.** An Associate's degree in any discipline from an accredited institution AND four (4) years of substantive paralegal experience; or
- H.** A Certificate from a paralegal program not institutionally accredited AND four (4) years of substantive paralegal experience; or
- I.** Five (5) years of substantive paralegal experience AND six (6) hours of Continuing Legal Education taken within the preceding two years before application for VARPTM registration. At least one (1) of the six (6) hours being in ethics; or
- J.** A Certified Paralegal, in good standing, as defined herein or other paralegal credential approved and recognized by VAPA.

V. APPLICATION AND TRANSCRIPT PROCESS

Individuals who meet one of the above criteria and who wish to become certified as VARPTM paralegals must submit the following items to the VARPTM Registration Committee of VAPA ("the Committee):

- A.** Verified completed application (see **Form A**); and

B. If applying on Criteria IV.A through H, candidates must also submit a copy of the individual's official transcript(s) from the educational institution(s) attended OR a letter from the educational institution(s) attended stating the dates of the individual's attendance and the date of the individual's graduation OR a copy of the diploma or certificate received by the individual from the educational institution(s) attended; and

C. Declaration(s) from an attorney(s) with whom the individual works or has worked attesting to the individual's substantive paralegal work experience (see **Form B**). The total number of attested years of substantive paralegal experience must meet the minimum number of years as provided for in the above Criteria under which the individual is applying; and

D. A non-refundable fee of \$35.00; and, if applicable

E. A completed **Form C** if applying under Criteria IV.I or renewing the VARP™ designation.

F. If applying under Criteria I.J, Certified Paralegals, as defined herein, need only submit Form A along with a copy of their credentialing certificate and a copy of their current letter/certificate of good standing. Certified Paralegals need not complete **Form B** or **Form C**.

G. Completed applications and all supporting documents shall be mailed to: Virginia Registered Paralegal Program, PO Box 537, Warrenton, Virginia 20188.

VI. ISSUANCE OF CREDENTIAL "VARP™"

Following submission of a verified application, payment of the processing fee and review and approval by the Committee, a certificate will be issued to the applicant indicating registration by VARP™ based on the educational and experience criteria set forth in Section IV. Upon such registration, the applicant will be permitted to use the credential "VARP™" (Virginia Registered Paralegal).

VII. CODE OF ETHICS

Every VARP™ must agree to be bound by the American Bar Association Model Code of Professional Responsibility and Model Rules of Professional Conduct as well as the Code of Ethics adopted by their respective national paralegal association and/or VAPA member association and/or any VAPA independent liaison. Any VARP™ who violates any provision of any of these ethics codes or who is convicted of a felony or crime of moral turpitude or who engages in the unauthorized practice of law as determined by the Committee which is charged with reviewing these types of matters, will have his/her VARP™ credential revoked. A VARP™ may appeal the Committee's revocation decision by written request to the VAPA Board of Directors (the "Board") within 30 days of receipt of the decision.

VIII. VARP CRITERIA COMMITTEE

The Committee will consist of five (5) VAPA Delegates appointed for a term of two years by the VAPA Board of Directors at the September Annual meeting (effective the Annual Meeting in 2017).² Pursuant to Section 11.02 of the VAPA Bylaws, the Committee Chair will be appointed by the current President and will report to the Vice President or other designated Director as determined by the Board. The VAPA Vice President or other designated VAPA Director will advise the Committee as needed and will attend Committee meetings when necessary but will not have voting privileges on the Committee. In the event a Committee member or chair is unable to fulfill his/her term, the Board will appoint a replacement expeditiously. The Board has the discretion to appoint Board members to the Committee and the Board also has the authority to remove Committee members for cause. Committee members shall not receive compensation for their services. The Committee will examine the qualifications of each applicant for registration and will determine whether the applicant meets the requirements of registration. If any applicant is denied registration by the Committee, the applicant may file an appeal to the Board within 45 days of receipt of the denial. The Board shall make the final determination on the acceptance or rejection of VARP™ registration.

IX. MAINTENANCE AND RENEWAL OF REGISTRATION AND CONTINUING LEGAL EDUCATION REQUIREMENT (CLE)

In order to maintain registration, the Committee has set forth the following registration requirements. Failure of a VARP™ to fulfill any requirement and/or documentation will result in revocation of the VARP™ registration.

A VARP™ shall:

- A. Renew registration status every two (2) years from the initial registration date;
- B. Complete a minimum of twelve (12) hours of CLE with at least two (2) of the twelve (12) hours being in ethics. One (1) CLE credit hour shall be computed by the following formula: Sum of the total minutes of actual instruction divided by 60 equals total credit hours (rounded to the nearest 1/10th of a credit hour). Legal education shall be included in computing the total hours of actual instruction. All noninstructional portions of CLE programs (such as breaks and introductory remarks) will NOT be included in the credit hour computation;
- C. Submit to the Committee the completed Form C, proof of completion of the requisite CLE hours, and the non-refundable two-year renewal fee in effect at the time of submission. The documentation should be submitted at least 60 days prior to the renewal date. At the time of renewal, a VARP™ must be a voting member of one of the VAPA member associations and/or liaison.

CLE credits on the following subject matter will be accepted:

² An interim Committee was formed at the conclusion of the November 7, 2015 meeting to serve until September 2017.

1. Substantive law issues;
2. Specific nature of the paralegal profession such as enhancing computer skills or research techniques, increasing management skills, etc., subject to the approval/review of the Committee.

CLE credits may be obtained in person, on-line or via audio or video from the following sources:

1. Courses/seminars offered by the American Bar Association or any state bar association;
2. Courses/seminars offered by approved national or state law-related organizations (e.g., American Trial Lawyers Association, Virginia Trial Lawyers Association, Virginia State Bar, local bar associations, etc.);
3. Courses/seminars offered by any national or local paralegal association;
4. Courses/seminars offered by any accredited education institution or organization (e.g., Georgetown University, William & Mary, George Mason University, James Madison University, American Association for Paralegal Education, etc.);
5. Courses/seminars offered by professional education providers (e.g., Institute for Paralegal Education, Mealey's (via Lexis/Nexis), West LegalEdcenter (via Thomson West), etc.);
6. Substantive legal or professional courses/seminars offered by any federal/state regulatory or government authority;
7. In-house courses/seminars/programs offered by the applicant's employer;
8. Self-study programs provided by any of the entities listed in subparts (1) through (5) above which are available on audio and/or videotape and have supporting written materials. A maximum of two CLE credits may be obtained in this manner;
9. Teaching, speaking or guest lecturing at a seminar or course on substantive law or issues relevant to employed paralegals and/or paralegal students. A maximum of two CLE credits may be obtained in this manner. The number of CLE credits to be awarded in this category will be based upon the length and content of the presentation and is subject to review by the Committee;
10. Authoring an article or publication on substantive law relevant to paralegals and paralegal students. The article must be the VARP™'s original work product and have been written during the preceding two years. A maximum of one CLE credit may be obtained in this manner. The number of CLE credits to be awarded in this category will be based upon the length and content of the article and is to be determined by the Committee;
11. Delivering substantive pro bono legal services pursuant to the Code of Ethics and Professional Responsibility of NALA and/or NFPA. A maximum of two CLE credits may be obtained in this manner. One hour of CLE credit will be awarded for every three hours of pro bono legal services performed. The pro bono legal services must be certified by an affidavit completed by the supervising attorney, program or agency coordinator or firm stating the number of hours of pro bono legal services performed and that said services were substantive in nature; and

12. Attending any statewide association's lecture luncheon or presentation which has been designated by that statewide association's Board of Directors as qualifying for VARP™ CLE credit. One-half hour of CLE credit will be awarded for each designated luncheon attended. Attendees will be required to sign an attendance sheet at each designated luncheon. If attendees do not receive a certificate attesting to their attendance at each designated luncheon, another VARP™ also in attendance may certify that the attendee did in fact attend the seminar

X. REVOCATION OF VARP™ CREDENTIAL

A VARP™'s credential may be revoked for the following reasons:

A. The VARP™ fails to maintain membership in one of the member statewide associations or as a liaison.

B. The VARP™ violates the Model Code of Ethics and Professional Responsibility recognized by VAPA, is convicted of a felony or a crime of moral turpitude or engages in the unauthorized practice of law.

C. The VARP™ fails to timely complete the requisite number of CLE hours as referenced in Section IX above.

D. The VARP™ provided false information on the application for the VARP™ credential.

A VARP™ may appeal the Committee's revocation decision upon written request to the Board within 45 days of the receipt of the decision.

Any VARP™ who has had his/her VARP™ credential revoked may not reapply for reinstatement for a period of two years from the date of the revocation.

Karen Axell, RP®, VARP™
President
Virginia Alliance of Paralegal Associations
Date: March 18, 2017 (*second amendment*)