

Outreach Update: December 2019

Outreach & Press
<p>Press:</p> <ul style="list-style-type: none">October 25, 2019: Limited Legal License Programs Are Important to Opening Access, But They Need to Be Unencumbered, Zachariah DeMeolaNovember 9, 2019: Comment on programs that allow non lawyers to provide legal services, Alberto BernabeNovember 18, 2019: Stanford Law's Deborah Rhode on the Access to Justice Challenge in U.S.
Statistics & Other Events
<p>Recent Events:</p> <ul style="list-style-type: none">Presentation and Q&A with paralegal students at Highline College – October 11, 2019Presentation and Q&A with paralegal students at Portland Community College – October 16, 2019Presentation and Q&A with paralegal students at Tacoma Community College – October 22, 2019Steve Crossland participated in a panel for a presentation on Independent Paralegals with the Organizing Committee for the ABA Unauthorized Practice of Law School, November 7-8 in Chicago, ILPresentation and Q&A with paralegal students at Spokane Community College – November 13, 2019Presentation and Q&A with paralegal students at Whatcom Community College – November 14, 2019Presentation and Q&A with paralegal students at Edmonds Community College – November 14, 2019 <p>Upcoming Events:</p> <ul style="list-style-type: none">Legal Pathways Presentation at UW Tacoma: February 6, 2020Presentation to WSBA Diversity Committee: January 2020 (TBD)Next LLLT Exam: February 20, 202011 applications were received for the February 20, 2020 LLLT Exam <p>LLLT Statistics:</p> <ul style="list-style-type: none">Number of current LLLTs: 434 LLLTs are inactive1 LLLT is administratively suspended
Meetings
<p>Recent:</p> <ul style="list-style-type: none">LLLT Board Meeting on October 7, 2019 <p>Upcoming:</p> <ul style="list-style-type: none">LLLT Board Meeting on January 13, 2020



- Special Budget and Audit Committee Meeting on January 15, 2020
- Board of Governors Meeting on January 16-17, 2020
- Budget and Audit Committee Meeting on January 27, 2020 (Budget and Audit Committee is expecting LLLT Board's report at this meeting)

**WSBA Budget & Audit Committee Meeting Schedule
2020**

Meeting Date	Time
January 15, 2020	10:00 a.m. to 2:00 p.m.
January 27, 2020	1:00 p.m. to 5:00 p.m.
February 24, 2020	1:00 p.m. to 5:00 p.m.
March 30, 2020	1:00 p.m. to 5:00 p.m.
April 20, 2020	9:00 a.m. to 1:00 p.m.
May 16, 2020	1:00 p.m. to 5:00 p.m.
June 22, 2020	1:00 p.m. to 5:00 p.m.
July 10, 2020	1:00 p.m. to 5:00 p.m.
August 3, 2020	1:00 p.m. to 5:00 p.m.
August 31, 2020	1:00 p.m. to 5:00 p.m.

WASHINGTON STATE BAR ASSOCIATION

Office of the President

Rajeev D. Majumdar, President

November 30, 2019

The Supreme Court of Washington
c/o: The Honorable Mary Fairhurst, Chief Justice
Washington Supreme Court
PO Box 40929
Olympia, WA 98504-0929

**Re: Notice of 2021 License Fees Setting by WSBA & Request for Adjustment to
CPF Assessment**

Dear Justices,

You are hopefully already aware of our fiscal goals for the coming year; if not, the [Treasurer's Report in the November issue of NWLawyer](#) (and in the months' issues ahead) will be a great source for news and updates. Essentially, the Board of Governors has committed to undertaking a comprehensive review of fiscal processes and programs, including an additional outside audit to rigorously analyze procedures and executions. WSBA has a 30-year record of clean independent audits, and we expect this more expansive version to validate our strong internal controls while opening possibilities to be more efficient. Our underlying pledge is to put fiscal transparency and accountability to the members front and center to demonstrate value and responsibility in all that we do on their behalf.

The Board of Governors, after conducting rigorous financial examination of the WSBA in partnership with Interim Executive Director Nevitt and our Chief Financial Officer Jorge Perez, have taken two actions I would like to bring to your attention, one of them being a request to this body.

2021 Licensee Fees Set

Pursuant to GR 12.1(22), the Board of Governors establishes the amount of all license fees collected by the WSBA for all license types, except inactive license fees which are set by the Supreme Court of Washington.¹ While it has recently been the custom of the Board of Governors



¹As the setting of the inactive member fee violates the \$2.00 statutory amount set by RCW 2.48.140.

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to set license fees for three years at a time, because they are doing a deep dive audit of the WSBA which will help guide future budgeting, the Board of Governors chose to set the fees only for 2021 and will take up the fees for 2022-2023 in the summer of 2020.

For the 2021 calendar year, the WSBA Board of Governors kept the license fees static for Lawyers and LPOs. The board is recommending the modest increase to the LLLT fee of \$29 with the goal of moving the license toward cost neutrality for WSBA.

In order to provide insight into the process behind these decisions, I am attaching a summary of our Treasurer and CFO’s analysis, and upon request I can provide a detailed presentation and comprehensive sets of data.

The Board of Governors is not requesting any action on this matter.

2021 Client Protection Fund Assessment - Recommended Reduction

Pursuant to APR 15(2), the Board of Governors serve as the Trustees of the Client Protection Fund and are responsible for safeguarding the fund as well as advising the Supreme Court as to an appropriate assessment. Pursuant to the same rule, the Supreme Court of Washington establishes the amount of any assessment, and that assessment is paid by all license types.

In our role as Trustees, I provide on behalf of the Board provides the following summary of the fund’s recent years:

FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Aug 2019
\$791,399	\$1,213,602	\$1,746,010	\$2,144,289	\$2,646,222	\$3,242,299	\$3,582,278	\$4,039,921

The chart above illustrates how the Client Protection Fund has continued to grow at a rate of about \$450k annually. The fund has ranged from a balance of \$184,640 in FY 2009 to a high of more than \$4 million this year. Over a period of 11 years, the fund has grown by approximately \$3.8 million.

For FY 2019, through August 2019, the Client Protection Fund performed as follows:

Actual Revenue	Budgeted Revenue	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
\$1,105,364	\$992,500	\$135,792	\$164,210	\$157,639	\$504,000	\$293,431	\$668,210	\$811,933	\$324,290

As Trustees, the Board of Governors voted to recommend to the Supreme Court that the Client Protection Fund assessment should be reduced from \$30 to \$25. This was done after an analysis by the WSBA's Budget and Audit Committee found that such a reduction will still result in a growing fund balance for the fund, which we believe makes the request reasonable.

A reduction in the Client Protection Fund assessment, combined with the static fee setting, will incidentally also be the first overall reduction in licensing costs for lawyers since 2012 when the fees were reduced by referendum.

As Trustees of the Client Protection Fund, the Board of Governors is advising that the Supreme Court of Washington take action on this matter and reduce the Client Protection Fund assessment by \$5.00.

If you have questions on either of these matters, please feel free to contact me and I will arrange with alacrity the provision of additional details.

In service,



Rajeev D. Majumdar,
WSBA President

cc: *WSBA Board of Governors*
WSBA Executive Staff

TO: WSBA President Rajeev Majumdar
FROM: Daniel D. Clark, WSBA Treasurer
DATE: November 26, 2019
RE: Board of Governors 2021 License Fee Setting & FY 2021 Client Protection Fund Recommended Reduction from \$30 to \$25 dollars.

FY 2021 License Fees

The Board of Governors at their November 21, 2019 meeting voted to keep all license fees the same as in FY 2020 for all license types with the exception of the Limited Legal License Technician license fee which the Board has approved a slight reasonable increase of the fee from the current rate of \$200 dollars a year to \$229 a year.

The Board also recommends a reduction in the Client Protection Assessment from \$30 dollars to \$25 dollars.

The following will provide a summary explanation of the rationale for the license fee levels set by this body, as well as our Client Protection Fund Assessment recommendation to the Court, as it is the Court that sets the level of that assessment.

FY 2021 Attorney Fees:

The Board of Governors believes that the current rate of \$458 for FY 2020 should be continued at the same rate for FY 2021. Such continued fee is seen as reasonable and prudent by the Board of Governors based on the FY 2019 WSBA financial performance summary. Ultimately WSBA's annual net revenue for FY 2019 was higher than budgeted as a result by a four (4) percent higher than expected revenue growth. This was largely attributable to a greater attorney membership growth than had been budgeted. Additionally, the WSBA beat its projected budget direct and indirect expenses for the year. Overall for FY 2019, there was a positive net increase to WSBA's general fund balance of \$940,679 total for FY 2019. This was primarily due to prudent fiscal management from the Interim Director and Board of Governors who collectively are

committing to improving economic efficiencies to the WSBA for its membership. As a result, the Board of Governors believes that the current fee is reasonable to be maintain for FY 2021.

FY 2021 Limited Practice Officer License Fee Recommendation:

For the same above following reasons, the Board of Governors set the FY 2021 license fees for LPO members at the same \$200 rate as they were in FY 2020. The recommended license fee multiplied by the current number of LPO members generates enough revenue to cover direct and indirect costs of the program to achieve at a revenue neutral cost center to the WSBA and its membership. Therefore, the Board believes that the current fee is reasonable to be maintain for FY 2021.

FY 2021 Limited Legal License Technician License Fee Increase Request & Justification:

The Board of Governors set the FY 2021 license fees for LLLT members at a rate of \$229 dollars. This recommendation is a slight increase to the LLLT license fee from the current rate of \$200 dollars. This license fee recommendation would set the LLLT license fee at exactly half, fifty (50) percent of that of the FY 2021 active attorney license fee. The slight fee increase was recommended by myself as Treasurer after looking at the amount and percentage increase that the Supreme Court found reasonable in FY 2018 for the LLLT license type. The Court in 2018, adopted a fee increase from \$175 to \$200 for this license type, which represented a 14.2 percent increase to the license type. The \$29 dollar proposed increase represents a similar reasonable increase of 14.5 percent, which was specifically intended to be "reasonable" as it is similar to the \$25 dollar increase for this license type which was approved in 2018 for FY 2018-20 for this license type.

The Board of Governor's recommendation of the modest reasonable fee increase is also in wanting to comply with the Washington Supreme Court order that established the LLLT license. The 2012 Supreme Court order that established the LLLT program indicated it was intended to be cost revenue neutral to the WSBA budget. The 2012 Court order stated in pertinent part:

Another concern that has been raised is that attorneys will be called upon to underwrite the costs of regulating non-attorney limited license legal technicians

against whom they are now in competition for market share. **This will not happen.** GR 25 requires that any recommendation to authorize the limited practice of law by non-attorneys demonstrate that "the costs of regulation if any, can be effectively underwritten within the context of the proposed regulatory regime" **The Practice of Law Board's rule expressly provides that the ongoing cost of regulation will be borne by the limited license legal technicians themselves and will be collected through licensing and examination fees.** Experience with the Limited Practice Board demonstrates that a self-sustaining system of regulation can be created and sustained. **The Court is confident that the WSBA and the Practice of Law Board, in consultation with this Court, will be able to develop a fee based system that ensures that the licensing and ongoing regulation of limited license technicians will be cost-neutral to the WSBA and its membership.**
(Emphasis Added).

Based on review of WSBA's FY 2013 to FY 2020 budget and actual expenditures, it is clear that the 2012 Supreme Court order requiring a self-sustaining system of regulation and licensing for LLLT members that is cost-neutral to the WSBA and its members has not been met. For FY 2019, the LLLT cost center program had a negative net income of \$206,650.06. FY 2020's budgeted projection is slightly less is for negative \$194,024.50. Historically from inception to date, the program has incurred approximately 1.3 million dollars in losses that have not been cost neutral to the WSBA and ultimately have to date been underwritten by attorney members who make up the bulk of the license fees that the WSBA general fund is comprised of.

The LLLT fee increase to \$229 for FY 2021 is an attempt to work towards development of a fee-based system that ensures that the ongoing licensing and regulation of LLLT members is cost-neutral to the WSBA and its membership.

It should also be noted that as Treasurer, I have recently in good faith sent Steve Crossland a standing written invitation to attend future Budget and Audit meetings and have asked that he and I, along with Interim Executive Director Nevitt and the WSBA Executive Team members should all collaborative meet on behalf of the WSBA and its membership to attempt to achieve this important system.

Client Protection Fund Recommendation Attorney & LLLT members:

The Board of Governors also unanimously voted to recommend a decrease in the annual Client Protection Fund assessment from \$30 to \$25 to apply to all license types subject to pay this

assessment. This action was taken after the Board had reviewed extensive research from WSBA Chief Financial Officer Jorge Perez and I, who both individually and collectively had determined that the data regarding average gifts paid out of the fund, revenue stream, and overall fund balance supported that a robust and growing fund balance will remain even with a \$5 decrease in the assessment. Mr. Perez and I came to the same conclusion that the fund can be reduced from \$30 dollars to \$25 dollars per member without a significant reduction to the fund, and/or without causing the fund to be in any danger of being depleted.

With current reserves over four million dollars, we are quite confident in the long term sustainability of the fund and the ability to continue to serve and protect the public if the Court adopts the Board of Governors recommendation to lower the FY 2021 and ongoing annual assessments from \$30 to \$25 per member. As an example, for FY 2019, which just completed in September 2019, a review of the performance of the fund shows that it ended with a net increase of \$588,155.11 after payment of all client gifts, and direct and indirect expenses. Additional information to explain this request can be found on page 63-68 of the November 22-23 Board of Governor Meeting Public Materials.

Conclusion:

President Majumdar, in response to your request for summarizations of the rationales, I provided the above information. It is my conclusion as WSBA Treasurer, working on behalf of the Board of Governors and the membership that the FY 2021 License Fees are reasonable. Further, the recommended reduction to the Client Protection Fund is appropriate and a fiscally sound decision for the Court to make. Thank you and please let me know if you have any questions – we can provide the court with a full set of data and fiscal analysis should they so desire.

Respectfully,

/s/

Daniel D. Clark
WSBA Treasurer

My name is Tamara Garrison and I am a LLLT and 1L law student at Seattle University. First, I want to thank you for your service to the Bar and the significant amount of time that you devote to sustaining an organization that supports its members. It is a thankless job at times, and although at times we may disagree, your dedication is appreciated.

I am here today to express my concerns regarding the proposed amendments to sections IV and VI of the bylaws, which would remove the designated BOG position for a Limited Practice Officer or Limited License Legal Technician and positions for two community members.

My professional and educational experience have afforded me a unique perspective that allows me to see both sides of this issue. I worked as a paralegal and eventually a LLLT at a family law firm. In 2018, I opened my own law firm and came to appreciate the great burden that a solo-practitioner experiences.

I decided to enroll in law school at Seattle U, so that I would no longer have to turn clients away who are in need due to a limitation on my license. When I began classes this last summer, I was thrilled to see all of the groups and organizations revolving around fighting injustice and restoring balance in the legal system for the marginalized and those in need of access to justice. Unfortunately, the proposed changes to the bylaws would not reflect the enthusiasm to fight injustice, but would undermine diversity and reject essential community involvement. I hear you say that you believe in Access to Justice. But I think it is more accurate to state that you believe in Access to Justice, as long as it is on your terms.

Law school has shown me another truth, that I think many do not want to acknowledge. A law degree does not equate to practical knowledge. I do not mean this as a criticism. As a paralegal, I had to be taught how to practice family law and perform these very tasks when I left the classroom and started working in that field. It took time and training. That is the benefit of the LLLT professional, experience. Before this semester at law school, I may not have been able to identify a vested remainder in fee simple absolute, but I could draft a motion and help a terrified parent get support to feed their children and keep a roof over their heads. I believe that boots on the ground experience with pro se clients is vital to the growth of our legal community and would bring valuable insight to this Board. If you couple that with the perspectives of community members from various walks of life, we will create a Board of Governors that is more sensitive to our diverse community.

I have heard the denigration of the LLLT program over and over. Many have characterized it as the equivalent of a correspondence course, when it is far from that. Some have likened the profession to glorified secretaries. It has been referred to as a “pink collar” profession a member on this very Board. I’m not sure if that comment was meant to marginalize the LLLT profession as “women’s work” but it is unfortunate that rather than engaging in civil discourse, that some engage in unprofessional behavior

that is unworthy of our profession. Statements that come from a place of ignorance and disrespect do nothing but create discord.

The Supreme Court mandated the creation of the LLLT program. They also signed the order to add the new seats to the Board. Why? Because they saw a need for more representation of the community. There is no denying that there is an unmet need for legal representation. All may not agree, but the Supreme Court chose this path. Perhaps rather than reject their decisions, we can work together to find positive outcomes that will benefit the under-served community.

LLLTs are not the only group that have been criticized as a result of the Supreme Court's decision. Attorneys have been the brunt of many harsh words surrounding this process, and that is not fair. The majority of attorneys care just as deeply for their clients and devote countless hours to advocating on their behalf. I hope to join your ranks in a few years.

Rather than working against one another we should work cooperatively. Unfortunately, the proposed bylaw changes will not allow a more diverse group of practitioners to be represented or heard. It is disingenuous to say that LLLTs or LPOs can run for a BOG seat just like an attorney can. The clear disparity in numbers makes the possibility of a LLLT or LPO member serving on the BOG highly unlikely.

Another important lesson that I have learned from law school is that the court is always looking at established precedent to determine how it will make decisions today, that will ultimately impact future society. That mentality of always staying true to what has **been**, permeates the legal profession. However, society often changes before the law can catch up. Right now, society needs additional options, which the Supreme Court addressed in their decision to create the LLLT profession.

We, as a legal community, must start getting creative and forward thinking in order to meet the needs of the vast population who have unmet legal challenges. We must not let fear of new possibilities discourage us from making positive changes that will benefit WSBA as a whole. LLLTs are not the only solution, but we are part of the solution.

I encourage the Board to be more inclusive of all legal professionals and the community so that we avoid the pitfall of only listening to voices that sound similar to our own.

Oliver Wendell Holmes said it better than I when he encouraged us to look ahead and not remain stagnant stating: "I find the great thing in this world is not so much where we stand, as in what direction we are moving: To reach the port of heaven, we must sail sometimes with the wind and sometimes against it - but we must sail, and not drift, nor lie at anchor."

WASHINGTON STATE BAR ASSOCIATION

TO: Limited License Legal Technician Board

FROM: Rachel Konkler & Renata Garcia

RE: Amended ABA Guidelines for the Approval of Paralegal Education Programs

DATE: December 4, 2019

SUMMARY

Effective January 1, 2020, the ABA will amend its guidelines for the approval of paralegal education programs. The amended guidelines will allow online courses to be taught synchronously and no longer require that blended/hybrid courses combine traditional classroom instruction with online instruction.

The amendments will require that a minimum of nine semester credits be taught through synchronous instruction. Previously, a minimum of ten semester credits were required to be taught through traditional classroom instruction. Courses taught through synchronous instruction must allow students and instructors to see and hear each other in real time.

These amendments allow for the possibility for ABA-approved paralegal programs to offer the LLLT core education remotely, through synchronous instruction, and consequently make the coursework more accessible to students by increasing the amount of courses that are available remotely. Considering the lack of community colleges in central and eastern Washington, this change in the ABA guidelines has the potential for increasing access to LLLT educational opportunities throughout the state.

Just in the month, staff has heard from two candidates who cannot access the core education due to their physical location or schedule.

APPLICABLE BOARD POLICIES

The LLLT Education Program Approval Standards, revised June 10, 2019, state that programs applying to teach the LLLT core education that are not otherwise ABA-approved, must require successful completion of at least ten semester or 15 quarter credits of in classroom instruction. See Section 3-5 (d). In order to align with the amendments to the ABA guidelines, the LLLT Board may wish to consider revising Section 3-5(d) of the LLLT Education Program Approval Standards as follows:

S3-5

Programs must:

- (a) require successful completion of the LLLT core education requirements as defined in APR 28;
- (b) require that LLLT core education courses balance theoretical teachings with practical, skills-based course content;
- (c) align the course content of each required LLLT core education course with the course content as established and published by the LLLT Board;
- (d) require successful completion of at least ~~nineteen~~ semester or ~~13.515~~ quarter credits of ~~in~~ classroom instruction; and

- (e) offer sufficient legal studies elective courses on subjects included in the LLLT core exam to meet the LLLT core education requirements.

Attachments

1. ABA Approval Commission of the Standing Committee on Paralegals Guideline Amendments
2. Current Guidelines for the Approval of Paralegal Education Programs
3. LLLT Educational Program Approval Standards

ATTACHMENT 1

**ABA APPROVAL COMMISSION OF THE STANDING COMMITTEE
ON PARALEGALS
GUIDELINE AMENDMENTS
Effective January 1, 2020**

1. Amend G-302.J. to read as follows:

Programs may offer legal specialty courses with a combination of traditional classroom and alternative delivery formats, such as online, blended/hybrid, accelerated, or compressed, as long as the courses meet the stated hour requirements of G-302.D and other requirements that apply to the alternative format used as set forth in this section J.

1. The delivery formats meet the stated hour requirements as follows:
 - a. Traditional courses meet for the stated hour requirements set forth in G-302.D, are taught in the classroom, and allow between scheduled classes out-of-classroom time for students to reflect, read, study, and complete assignments.
 - b. Online courses satisfy the stated hour requirements set forth in G-302.D by providing structured instructional activities using synchronous and/or asynchronous online technology with no traditional classroom instruction.
 - c. Blended/hybrid courses satisfy the stated hour requirements set forth in G-302.D by combining traditional classroom instruction with synchronous and/or asynchronous online structured instructional activities.
 - d. Accelerated courses satisfy the stated hour requirements set forth in G-302.D by combining traditional classroom instruction and out-of-class structured instructional activities.
 - e. Compressed courses meet for the stated hours requirements set forth in G-302.D but the length of time from the first class meeting to the last class meeting is shorter than those in a regular traditional semester or other traditional academic time period. For example, the length of each individual class meeting may be longer than those in a regular traditional semester or other traditional academic time period; and the interval between each class meeting may be shorter than those in a regular traditional semester or other traditional academic time period.
2. For purposes of these Guidelines, structured instructional activities are defined as those activities substituting for classroom instruction, including reading online lecture materials or watching an online lecture, participating in online discussions or chats, online group assignments, assignments over and above out-of-class or homework assignments normally given in a traditional class, or taking quizzes or tests. Work that would normally be done outside of class taken in the traditional classroom setting, such as

reflecting, reading, studying, or completing homework assignments cannot be counted as part of the structured instructional activities that substitute for class time.

3. Programs must provide and students must be required to take at least nine semester credits or the equivalent of legal specialty courses through synchronous instruction. The program can satisfy the synchronous instruction requirement through one of the following means:
 - a. Traditional courses taught by the program.
 - b. Blended/hybrid courses taught by the program, with only the synchronous hours counting towards the equivalent of nine semester credits.
 - c. Accelerated courses taught by the program, with only the synchronous hours counting towards the equivalent of nine semester credits.
 - d. Compressed courses taught by the program that allow between scheduled classes out-of-classroom time for students to reflect, read, study, and complete assignments.
 - e. Courses taught through synchronous instruction that enables faculty and students to see and hear each other in real time and includes faculty-to-student and student-to-student interaction.
4. If a program awards transfer credits to an individual student to satisfy the required nine semester credits or the equivalent of legal specialty courses through synchronous instruction, the program must comply with the following for any allowed transfer credit:
 - a. The transfer credit must be from a course that meets the definition of legal specialty as defined in these Guidelines.
 - b. The program must have policies and procedures in place to verify that the courses accepted in transfer were delivered through synchronous instruction.
 - c. The program must satisfy all requirements for the award of transfer credit set forth in G-302.I.7.

2. Amend G-501.A.7 to read as follows:

- A. All program literature and promotional material used in the admissions process, whether in written, oral, or electronic form, must comply with the following standards. The program and institution must:

7. Be accurate, truthful, and not misleading.

- a. An approved paralegal education program is responsible for ensuring that all promotional materials, including websites, refer to the program's approved status in a manner that is accurate, truthful, and not misleading.
- b. If a program offers courses through alternative delivery formats as noted in G-302.J.1.b - e, promotional materials must include a statement in accordance with G-302.J.3 that students must take at least nine semester credits or the equivalent of legal specialty courses through synchronous instruction.

Approved by the ABA Standing Committee on Paralegals, October 19, 2019

ATTACHMENT 2

GUIDELINES

For the Approval of
PARALEGAL
Education Programs



American Bar Association
Standing Committee on Paralegals

Effective September 1, 2018

GUIDELINES

For the Approval of
PARALEGAL
Education Programs



American Bar Association
Standing Committee on Paralegals

Effective September 1, 2018

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Only the text of the “blue-letter” Guidelines has been formally adopted by the American Bar Association House of Delegates as official policy. The accompanying “black-letter” evaluative criteria and procedures have been adopted by the Standing Committee on Paralegals and provide additional information for implementing the “blue-letter” Guidelines.

Produced by the ABA Standing Committee on Paralegals

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FOREWORD

The American Bar Association, through its Standing Committee on Paralegals, has promoted the role of the paralegal as a vital member of the legal services delivery team for over forty years.

Promulgating guidelines for paralegal education programs and recommending ABA approval for those that meet these guidelines are the means by which the Standing Committee furthers its goal of assisting attorneys in utilizing paralegals to improve the delivery of legal services and the American system of justice.

The House of Delegates of the American Bar Association initially adopted Guidelines for the Approval of Legal Assistant Education Programs in August 1973. Supporting evaluative criteria and procedures for implementing the Guidelines were developed during the next year and the House of Delegates approved the first eight programs in August 1975. Currently, there are 268 approved programs nationwide. In applying the Guidelines, the ABA adheres to the philosophy of promoting and recognizing quality in many different kinds of educational offerings. The Guidelines fit a wide variety of institutions offering paralegal education programs that serve the needs of lawyers who work in diverse practice areas and settings and that accommodate the differing work, educational and life experiences of those who choose to become paralegals.

The Guidelines describe the requirements a paralegal education program must meet to obtain and retain ABA approval and are implemented through application of interpretative criteria and procedures developed by the Standing Committee and its Approval Commission. The approval process consists of several stages, including the preparation of a self-evaluation report and supporting documents, review by educational consultants, a site visit to the program, and consideration by the Standing Committee on Paralegals Approval Commission. The recommendations of the Approval Commission are thereafter considered by the Standing Committee, which forwards its recommendations on the program's approval to the ABA House of Delegates. Under the Guidelines, only the House of Delegates, the ABA's policymaking body, is vested with the authority to approve programs.

The Guidelines and supporting evaluative criteria are reviewed and revised regularly to ensure that they are current, appropriate, and focused on standards of quality in paralegal education. Further information on applying for approval and reappraisal is available from the Committee staff and on its website at www.abaparalegals.org.

The Standing Committee trusts that this booklet will provide assistance in working with and interpreting the Guidelines and understanding the approval process to institutions with existing approved programs and those which are considering seeking approval for the first time.

September 2018

GENERAL PURPOSES, PROCEDURES, AND DEFINITIONS

G-101

The American Bar Association is vitally and actively interested in ways and means of extending legal services in the United States. These Guidelines for the Approval of Paralegal Education Programs by the American Bar Association are promulgated in pursuit of that objective.

G-102

The American Bar Association believes that there should be a number of ways in which a person can demonstrate competence as a paralegal, one of which is the completion of an approved program as determined by this document. Although this document is concerned only with formal education programs for the training of paralegals, it is not intended to limit entry into this career field by other means.

G-103

As Used In The Guidelines:

(a) “Program” means the entity or unit within the institution that provides the paralegal education;

(b) “Committee” means the American Bar Association Standing Committee on Paralegals;

(c) “Approval Commission” means the Approval Commission of the Standing Committee on Paralegals;

(d) 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 and who performs specifically delegated substantive legal work for which a lawyer is responsible. For the purposes of the Guidelines, the terms “legal assistant” and “paralegal” are used interchangeably.

A. “Program option” means a course of study or curriculum for the education of paralegals. A “program option” is differentiated from a “program,” which is the entity or unit within an institution that offers paralegal education.

B. A “paralegal minor” offered by an institution that awards the baccalaureate degree is ordinarily considered to be a program option as defined in A above, and must therefore comply with these Guidelines. However, if the minor is

designed for students from other majors who are not taking it for the purpose of preparing to work as paralegals, the minor will not be considered an approved program option. In that event, the program bears the responsibility of demonstrating that the minor is not a program option and is not intended to prepare students to work as paralegals. All program literature must clearly indicate the approval status of the minor.

- C. “Notice” includes written communications delivered via electronic mail or facsimile, as well as by private courier or U. S. Postal Service.

G-104

In order to obtain or retain approval by the American Bar Association, a program of education of paralegals must demonstrate that its program is consistent with sound educational policies by establishing that it operates in accordance with the Guidelines.

- A. To the extent possible, the American Bar Association will provide guidance to institutions planning to start programs and to seek approval or reapproval.
- B. The paralegal education program should be planned in cooperation with state or local bar associations, law-related management associations, and paralegal organizations, and with individual paralegals, paralegal managers, and representatives of law firms, corporations, government agencies, and other potential employers of paralegals.
 - 1. Institutions should conduct needs assessment and feasibility studies prior to starting a paralegal program.
 - 2. Approved programs must conduct needs assessment and feasibility studies prior to starting a new program or new program option.
 - 3. Approved programs must consult a broad scope of potential users of paralegal services throughout all stages of program development.
- C. An approved program has an ongoing obligation to assure that it is in compliance with these Guidelines as adopted, including all amendments to these Guidelines as they become effective and all interpretations promulgated to these Guidelines by the Standing Committee. Any such amendments and/or interpretations are available on the Standing Committee’s website. The Standing Committee shall notify approved programs of all amendments to the Guidelines and all interpretations promulgated to these Guidelines at the time of adoption.

- D. The institution and program must exhibit honesty and candor. (See also G-501.)
1. The institution and program must truthfully represent academic goals, program options, and services.
 2. The institution and program must exhibit honesty and candor in communications with the American Bar Association.
 3. Programs that have applied for but not yet received approval must not state or imply that they have been or will be approved until approval is granted by the House of Delegates.
 4. Programs that are not approved may not state or imply that they are approved or operating in compliance with the Guidelines.
- E. The following fees are imposed by the American Bar Association in connection with the approval process:
1. Approval application fee, which is paid at the time the self-evaluation report for initial approval is submitted.
 2. Reapproval application fee, which is paid at the time the self-evaluation report for reapproval is submitted.
 3. Annual fee, which is paid annually by an approved program, except in the calendar year in which an approved program submits its reapproval application.
 4. Late fees, which are assessed when an approved program fails to
 - a. pay the annual fee by the due date;
 - b. apply for reapproval by the due date;
 - c. pay the reapproval application fee by the due date; or
 - d. submit interim reports by the due date.
 5. Reprocessing fee, which is imposed on an approved program submitting a self-evaluation report for reapproval that requires extensive substantive revisions resulting in multiple reviews of the report.

6. Sanction fees, which are assessed when a program is sanctioned under G-105.
7. Continued deferral fee, which is imposed when a program's reapproval is deferred two or more times due to noncompliance with these Guidelines.
8. Any and all other fees as may be approved by the Standing Committee and posted on the Standing Committee's website.

All fees shall be in an amount determined by the Standing Committee and are detailed in the Schedule of Fees posted on the Standing Committee's website. Any approved program subject to late fees, reprocessing fees, sanction fees or continued deferral fees must submit such fees within thirty days of notification of the imposition of the fee. If the program does not pay a required fee within sixty days, the program is subject to sanctions including withdrawal of approval under G-105.

- F. Programs are approved for a seven-year period. Approved programs that wish to apply for an additional seven-year period must submit a reapproval application during the sixth year of the current approval period on a date to be determined by the Committee, notice of which date shall be provided at the time of its approval. Programs must submit their self-evaluation reports and exhibits as prescribed by the Committee and pay the application fee no later than the date on which the program submits its reapproval application.
- G. Programs that fail to apply for reapproval by the due date are subject to a late fee unless an extension of time for filing has been granted in advance of the due date. If the program has not applied for reapproval by sixty days after the due date, the program is subject to sanctions including withdrawal of approval under G-105.
- H. If the seven year period of approval for a program ends prior to the adjournment of the meeting of the House of Delegates during which a Report recommending reapproval of that program is officially calendared for consideration, then such approval period shall be extended until the adjournment of the next meeting of the House of Delegates.
- I. Approved programs must submit, on the designated interim report form, an interim report during the third year of a program's approval period, on a date to be determined by the Committee, notice of which date shall be provided to the program at the time of its approval. Programs that fail to submit an interim report by the due date are subject to a late fee unless an extension of time for filing has been granted in advance of the due date. If the program does not submit an interim report within sixty days after the due date, the

program is subject to sanctions including withdrawal of approval under G-105.

- J. Programs are required to submit self-evaluation reports, interim reports, exhibits, and such other information as required by the Approval Commission and/or Standing Committee, and to host site visits at their own expense. Programs are required to bear the cost of all reasonable and necessary expenses of the members of the site evaluation team, who are all volunteers on behalf of the ABA. Arrangements must be made by the program for direct payment or for reimbursement of expenses to site team members. These expenses may include but are not limited to:
1. reasonable transportation expenses;
 2. hotel or motel accommodations on the basis of business class;
 3. reasonable meal expenses;
 4. incidental expenses, such as gratuities and related miscellaneous items;
and
 5. long distance calls related to the site visit.

Programs which fail to pay directly or reimburse expenses incurred by site team members are subject to sanctions, including withdrawal of approval under G-105.

- K. Programs are required to timely submit complete and accurate reports and documents in the format specified and in accordance with the *General Approval Process Information and Approval Process Materials* posted on the Standing Committee's website.
- L. Except as may be specifically provided elsewhere in these Guidelines, all documents, proceedings and deliberations related to the approval process shall be kept confidential by the American Bar Association.
- M. Programs must report major changes in the format specified in advance of implementation.
1. A major change is one that may significantly affect a program's quality, program objectives, content, or control. Examples of major changes about which the Committee must be notified are institutional ownership, financial support, program objectives, substantial curriculum changes, organizational changes involving the paralegal program, accreditation, changes in personnel primarily responsible for program direction, new

program options, cessation of a program option, and the offering of legal specialty courses at additional locations as described in G-104.N.

2. Programs must report and obtain approval of major changes in advance of implementation, except for changes in the personnel primarily responsible for program direction, which must be reported no later than when the change becomes effective. The program must provide information on the qualifications of these personnel, showing compliance with the requirements of G-401.
3. If a major change appears to cause the program to be out of compliance with the Guidelines, the program may be subject to special reporting requirements and visits.

N. An institution may offer multiple programs or program options for the education of paralegals at one or more locations.

1. Multiple programs or program options for the education of paralegals offered at more than one location will be considered a single program for purposes of approval if:
 - a. The program(s) or program options are being operated by the same entity within the same institution;
 - b. A single program director is responsible for the day-to-day administration of the program(s) and program options at all locations;
 - c. A single advisory committee accurately reflects and actively represents the constituents of all the program locations;
 - d. All records for the students in the program(s) or program options are accessible at all locations;
 - e. Each program or program option has the same admission policy and requirements for graduation;
 - f. The same instructional materials, course syllabi, and textbooks are used for each course taught within each program or program option;
 - g. Students at all locations have access to student services, support for instructional activities, and adequate library resources appropriate to the legal specialty courses being taught at each location; and

- h. All locations are in reasonably close proximity of each other.
2. Any program offering legal specialty courses at one or more alternate locations must obtain prior approval of the alternate location under G-104.M.
3. Programs that offer legal specialty courses at more than one location must arrange for the site visit team to visit each location.

G-105

The authority to grant and to withdraw approval is vested in the American Bar Association.

- A. The following actions may be taken with regard to paralegal education programs that apply for approval or reapproval.
 1. Grant approval or reapproval.
 2. Defer action on applications for approval or reapproval.
 3. Extend a program's approval while its application for reapproval is being considered.
 4. Issue a warning to an approved program.
 5. Place an approved program on probation.
 6. Issue an approved program an order to show cause why approval should not be withdrawn.
 7. Withdraw approval.
 8. Deny approval.
- B. All the above listed actions except deferral and warning are made public, that is, information concerning a program's status is provided to members of the public, including a notation on the official list of approved programs on the Committee's website.
- C. When a program is not in compliance with the Guidelines, the nature and gravity of its noncompliance will determine which of the following actions will be taken. These actions are not necessarily applied sequentially.

1. **Deferral of approval or reapproval.** If a program is not in compliance with the Guidelines, action on its application for approval or reapproval may be deferred. Deferral is not a final decision, but is interlocutory in nature and is designed to provide further guidance and time for the program to achieve and demonstrate compliance with the Guidelines. It is not made public. The deferral is made until a specific date, at which time the program's status will be reconsidered.
2. **Warning.** A warning may be issued to an approved program if the program is not in compliance with the Guidelines. The warning may require the program to take corrective action concerning specified areas in which it is not in compliance with the Guidelines, to refrain from certain actions, or to initiate certain actions. The warning is in effect until a specific date, at which time the program's status will be reconsidered. A warning does not affect the approved status of the program and is not made public.
3. **Probation.** When a program fails to respond to conditions imposed on it by a deferral or warning, or when it deviates significantly from the Guidelines or policies but not to such an extent as to warrant a show cause order to withdraw approval, the program may be placed on probation. Probation is in effect until a specific date, at which time the program's status will be reconsidered. The approved status of the program continues during the probation period. The probationary status is public.
4. **Show Cause.** When a program has not taken satisfactory steps to remove the causes for its having been placed on probation, or when a program has not responded to a warning or conditions imposed on it, or when a program not under warning or on probation is found to have deviated substantially from the Guidelines, an order to show cause why its approval should not be withdrawn at a specific date will be issued. The approved status of the program continues during the show cause period. This action is public.
5. **Withdrawal of Approval.** If an approved program has not satisfactorily explained or corrected areas in which it has been found out of compliance with the Guidelines and for which it has been given notice by means of the above described show cause procedure or if it ceases operation, its approval will be withdrawn.
6. **Denial of approval.** If a program applying for approval is not in compliance with the Guidelines, it may be denied approval. In such

cases, if the program seeks approval at a later time, it must submit a new self-evaluation report and exhibits and pay another application fee.

- D. If a program is deferred, placed on warning or probation, or issued an order to show cause why approval should not be withdrawn, the program is subject to special scrutiny, which may include periodic prescribed reports and follow-up visits by Committee representatives.
- E. The following entities are authorized to take the above-listed actions.
 - 1. The House of Delegates may
 - a. grant approval;
 - b. deny approval;
 - c. extend approval; and
 - d. withdraw approval.
 - 2. The Committee may
 - a. place a program on probation; and
 - b. issue an order to show cause why approval should not be withdrawn; and
 - c. remove a program from probation or show cause status.
 - 3. The Approval Commission may
 - a. defer action on applications for approval;
 - b. defer action on applications for reapproval;
 - c. issue warnings; and
 - d. remove a program from warning status.
 - 4. The chair of the Approval Commission may
 - a. issue warnings; and
 - b. remove a program from warning status.

- F. Recommendations of the Committee to the House of Delegates may be appealed in accordance with the ABA Constitution and By-Laws, and related policies.
- G. An approved program may have its approval withdrawn if
1. the program requests that its approval be withdrawn;
 2. the program ceases operations; or
 3. the program has been issued an order to show cause why its approval should not be withdrawn pursuant to G-105.C through E above and has failed to show cause why its approval should not be withdrawn.
- H. A program that requests that its approval be withdrawn or that ceases operations must ascertain from the Committee the date that its approval will be withdrawn by the House of Delegates and must take the following actions:
1. Inform all currently enrolled students and applicants to the program by means of written communication sent to each such person at his or her current address of record that the program will no longer be approved as of the date of withdrawal of approval and that students who graduate after that will not be graduated from an approved program.
 2. Post notices prominently on the institution's campus and all off-site locations where legal specialty courses are or were held in an area frequented by paralegal students that the program is no longer approved as of the date that approval will be withdrawn.
 3. Inform all faculty members, advisors, and members of the institution's staff and administration, in writing, that the program is no longer approved as of the date that approval will be withdrawn.
 4. Revise all catalogs, brochures, advertisements, websites, and other written and electronic material used to describe or promote the program to make clear that the program will no longer be approved as of the date that approval will be withdrawn.
 5. If the program is being discontinued, exercise best efforts to graduate all students before the program is discontinued and/or to facilitate the transfer of students to other programs.

6. Copies of all written communications by which persons are notified of the withdrawal of approval must be sent to the Committee at the time they are disseminated.
- I. A program whose approval is withdrawn without the opportunity for advance notice to students as required in G-105.H above must:
 1. Inform all currently enrolled students and applicants to the program by means of written communication sent to each such person at his or her current address of record that the program is no longer approved as of the date that approval was withdrawn by the House of Delegates.
 2. Post notices prominently on the institution's campus and on all offsite locations where legal specialty courses are or were held in an area frequented by paralegal students that the program is no longer approved as of the date that approval was withdrawn by the House of Delegates.
 3. Inform all faculty members, advisors, and members of the institution's staff and administration, in writing, that the program is no longer approved as of the date that approval was withdrawn by the House of Delegates.
 4. Revise all catalogs, brochures, advertisements, websites, and other written and electronic material used to describe or promote the program to make clear that the program is no longer approved as of the date that approval was withdrawn by the House of Delegates.
 5. If a program is being discontinued, exercise best efforts to graduate all students before the program is discontinued and/or to facilitate the transfer of students to other programs.
 6. Copies of all written communications by which persons are notified of withdrawal of approval must be sent to the Committee at the time they are disseminated.
 - J. When approval of a program is withdrawn for any reason, the program and the institution in which it is situated must:
 1. Refrain from any action or communication that would give the appearance that the program is approved after the date that approval is withdrawn.

2. Disclose fully to students that students who graduate from a program after the date on which approval is withdrawn have not been graduated from an approved program.
- K. If a program option is being discontinued, the program must exercise its best efforts to graduate all students before the program option is discontinued and/or facilitate the transfer of students.
- L. A change in institutional ownership is a major change that must be reported under G-104.M.
- M. If an approved program is transferred from one institution to another, approval will be withdrawn. The new institution may apply for approval and request a waiver of the requirements of G-106 that the program be fully operational for two years and have graduated students.

G-106

A paralegal education program will be considered for approval when it has been fully operational for two years and has graduated students.

- A. An institution must not simultaneously offer approved and unapproved programs or program options for the education of paralegals. Upon written request, the Committee may grant a waiver of the provision prohibiting the simultaneous offering of approved and unapproved programs or program options. (See Appendix A, Criteria for Granting Waivers.)
- B. If an institution already offering an approved program intends to offer a new program or program option, the two-year waiting period and the requirement that the new program or program option has graduated students does not apply. However, the new program or program option must operate in compliance with all other Guidelines.
- C. The Committee has determined that educational offerings for nurses to be educated as legal nurse consultants, nurse paralegals, or for similar positions are considered paralegal program options under G-103.A.

G-107

An approved program should seek to exceed the minimum requirements of the Guidelines.

ORGANIZATION AND ADMINISTRATION

G-201

The institution must be organized and administered in such a way that the program's goals and objectives can be accomplished.

- A. The program must have clearly defined, publicly stated and measurable goals and explicit objectives stated in terms of the educational results to be achieved. These goals must reflect:
 - 1. Consistency with the general principles of ethical legal practice as promulgated by appropriate authorities in the relevant jurisdiction.
 - 2. Responsiveness to the needs of the constituency that the program seeks to serve, and a recognition that the program should qualify the graduates to contribute to the advancement of the profession.
 - 3. Sensitivity to emerging concepts of the role of the paralegal in the effective delivery of legal services in both the private and public sectors.
- B. The program director, in conjunction with faculty and staff, must be delegated the authority necessary for developing and implementing the program to meet its stated objectives.
- C. Appropriate administrators within the institution must be knowledgeable about and supportive of the program goals.
- D. The institution must facilitate communication and coordination among faculty members, administrators, and students.
- E. The organizational structure of the program and its place within the institution must be designed to allow the program to achieve its goals.
- F. The program must engage in planning, including long-range planning, and such planning must encompass the matters set forth in the Guidelines.

G-202

With regard to finances, staffing, appointment to policy-making bodies, program priorities, and other academic affairs, the paralegal education program must be given status within the institution comparable to other units of similar size and function.

- A. In determining comparability of the program to other units within the institution, consideration will be given to a number of factors including the

size of the program, enrollment in the program, and the program's place within the institutional structure.

- B. Among the other factors to be considered in determining comparability are the following:
1. Responsibilities, treatment, and status of the faculty, program director, and staff;
 2. Enrollment;
 3. Staff support;
 4. Technical and other supporting services;
 5. Physical resources including office space, classrooms, laboratories, and library;
 6. Support for professional development; and
 7. Participation in academic affairs, governance, and decision making.

G-203

The paralegal education program, including programs offered by law schools, must have an advisory committee that includes practicing lawyers, paralegals from the public and private sector, managers of paralegals when present and available in the community, faculty and school administrators and one or more members of the general public.

- A. The program must have an advisory committee, whose members are familiar with the objectives of the program.
- B. Members of the advisory committee must be knowledgeable about trends, developments, and issues in the paralegal profession.
1. Institutions may utilize local, state, and national paralegal organizations, law-related management associations, and state and local bar associations to assist in the recommendation and selection of members of the advisory committee.
 2. A majority of the members of the advisory committee must be appointed from the community that the program serves and may not be currently affiliated with the institution as faculty members or employees.

3. A general public member is a person who is not affiliated with or a graduate of the institution and is not directly involved in legal services or legal education and who brings a broad public perspective to the advisory committee. A few examples of general public members are government officials, members of the business community, and civic and community leaders.
- C. Regularly scheduled meetings, at least twice annually, must be held and minutes of these meetings, including a list of those in attendance, must be recorded and maintained.
- D. The advisory committee must:
1. Inform the program about changes and trends in the field.
 2. Assist the program in assessing the job market.
 3. Evaluate the adequacy of library resources in accordance with G-303.
 4. Assess the effectiveness of the total program in terms of its curriculum and objectives, the needs of the legal community, and graduate performance.
- E. The advisory committee should:
1. Advise regarding admissions standards for the selection of qualified students for the program.
 2. Assist in securing competent instructors.
 3. Assist the program in exploring and developing career opportunities for paralegals.
 4. Publicize the program and secure community cooperation and interest.

G-204

The institution must maintain equality of opportunity in its education program and must adhere to all laws prohibiting discrimination or segregation on the grounds of race, color, religion, national origin, age, sex, disability, or sexual orientation.

- A. The institution must have appropriate policies and procedures to ensure compliance with laws prohibiting discrimination.

- B. The institution and the program must encourage diversity and take proactive steps to encourage recruitment and retention of a diverse faculty, staff, and student body.
- C. The institution and the program must take proactive steps to prevent discrimination in student services including the process for job and internship placements.

G-205

The present and anticipated financial resources of the institution must be adequate to sustain a sound paralegal education program.

- A. The program must be provided with resources adequate to accomplish its objectives and to fulfill the obligations imposed by the Guidelines.
- B. Funding must be available for the following:
 - 1. Employment of the program director, faculty, and staff;
 - 2. Professional development for program director and faculty members;
 - 3. Membership in professional associations related to the paralegal profession and paralegal education;
 - 4. Instructional equipment and supplies;
 - 5. Library materials and resources;
 - 6. Technical and other support services;
 - 7. Assessment activities; and
 - 8. Meetings such as advisory committee and faculty meetings.
- C. If classes are offered at more than one location, the institution must ensure that there is sufficient support at each site, which may include access to student services, support for instructional activities, and library resources.

G-206

Paralegal education programs will be considered for approval if they are offered by law schools, four-year colleges and universities, two-year colleges, comprehensive technical institutes, or vocational schools.

EDUCATIONAL PROGRAMS

G-301

The institution must maintain a program for the education of paralegals that is designed to qualify its graduates to be employed in law-related occupations.

- A. The primary concern of a paralegal education program is to develop professional competence, which requires both general education and legal specialty course work as defined in G-302.
- B. The instructional methodology must stress understanding and reasoning rather than rote learning of facts. The instructional methodology must include the following:
 - 1. Processes to ensure interaction between the faculty member and students and among students;
 - 2. Opportunities for students to interact with faculty members and to receive meaningful and prompt feedback regarding their assignments and questions; and
 - 3. Practical assignments that develop paralegal job competencies.
- C. The curriculum should be constructed in such a way as to provide opportunities for students to achieve higher levels of education.
 - 1. If credit is awarded, a maximum number of credits should be applicable toward further education for higher degrees or certificates with minimum loss of time and duplication of effort.
 - 2. Program graduates without a baccalaureate degree should be encouraged to continue their education and to obtain a baccalaureate degree.
 - 3. Each institution should make a good faith effort to enter into articulation agreements with other institutions to facilitate the transfer of students from two-year to four-year colleges.
- D. The curriculum must be responsive to the changing needs of the legal community the program serves and reflect research and assessment findings related to paralegal education and utilization of paralegal services. The program must engage in continual review and evaluation and incorporate new ideas relating to both curriculum and instructional method.

- E. The program must have a written organized plan for evaluation, review, and improvement of the program. There must be regular assessment of the extent to which a program meets its stated goals and objectives. At a minimum, the written assessment plan must include the following:
1. The program's stated goals and objectives;
 2. The assessment tools to measure each stated goal and objective;
 3. The way in which input is obtained from graduates and employers of graduates to assess how the program meets its stated goals and objectives;
 4. The frequency with which each assessment tool will be conducted;
 5. The way in which the results of the assessment findings are summarized and analyzed;
 6. The way in which the assessment findings are shared with the advisory committee, faculty, administrators, and others; and
 7. The way in which the assessment findings are used to make changes in the program.

The requirement in G-301.E.3 for programs to obtain input from graduates to assess how the program meets its stated goals and objectives is in addition to the requirement in G-502.D for programs to gather information on employment and/or educational status within six months after students graduate.

- F. Assessment and evaluation may be accomplished through assessment tools that best measure the program's goals and objectives. The adequacy of the assessment will be evaluated by:
1. The quality of the assessment instruments and methodology;
 2. The frequency with which assessment is conducted;
 3. The degree of participation, such as the response rate on surveys, so as to ensure the validity and reliability of assessment findings;
 4. The extent to which input is sought from graduates, employers, students, advisory committee, faculty, and school administrators;

5. The written summary and analysis of the assessment findings;
6. The extent to which the results are shared with the advisory committee, faculty, administrators, and others; and
7. The extent to which assessment findings are used to make changes in the program.

G-302

The program of education for paralegals must be:

(a) At the postsecondary level of instruction;

(b) At least sixty semester hours, or equivalent, which must include general education and legal specialty courses;

(c) Offered by an institution accredited by an institutional accrediting agency acceptable to the committee.

- A. Postsecondary education is defined as education provided through colleges, universities, schools, or other institutions offering credentials primarily to persons who have completed their secondary education, satisfied equivalency requirements, or are beyond the compulsory high school attendance age.
- B. A list of accrediting agencies that are acceptable to the Committee is maintained in the offices of the Committee and are available on the Committee's website.
 1. Only those institutions that are legally authorized under applicable state law to provide a program of education beyond the secondary level will be considered for approval.
 2. Approval or reapproval of a paralegal education program will not be granted during a period in which the program or the parent institution:
 - a. is the subject of an interim action by a recognized institutional accrediting agency potentially leading to the suspension, revocation, or termination of accreditation;
 - b. is the subject of an interim action by a state agency potentially leading to the suspension, revocation or termination of the parent institution's legal authority to provide postsecondary education;

- c. has been notified of a threatened loss of accreditation for a paralegal education program or its parent institution, and the due process procedures required by the action have not been completed; or
- d. has been notified of a threatened suspension, revocation, or termination by a state of the paralegal education program's or the parent institution's legal authority to provide postsecondary education, and the due process procedures have not been completed.

C. Within this section, credit, credit hour, and unit are synonymous. Of the sixty semester credits or equivalent, at least eighteen semester credits or equivalent must consist of general education courses and at least eighteen semester credits or equivalent must consist of legal specialty courses.

1. The content of the remaining twenty-four semester credits or equivalent is at the discretion of the institution.
2. The eighteen semester credits of legal specialty and general education are considered minimums, and programs are encouraged to require additional general education courses and other courses that enhance the students' professional knowledge and skills, including legal specialty and technology courses.

D. To determine the semester credit equivalencies for the purpose of complying with G-302(b), a "clock hour" equals sixty minutes of classroom instruction, a "contact hour" equals fifty minutes of classroom instruction, a "semester credit" equals 12.5 clock hours or fifteen contact hours of instruction, and a "quarter credit" or a "continuing education unit" equals 8.33 clock hours or ten contact hours of instruction.

To comply with the provisions of G-302(b), programs must meet the minimum hour requirements for the units of instruction used by the program as indicated in the chart below.

	General Education Course Work	Legal Specialty Course Work	Additional Course Work	Total Course Work
Clock hours	225	225	300	750
Contact hours	270	270	360	900
Semester Credits	18	18	24	60
Quarter Credits	27	27	36	90
Continuing education units	27	27	36	90

E. The following requirements apply to general education.

1. A general education course is an academic college-level course designed to give students a broadly based liberal arts education. This definition of general education may differ from the definition adopted by a particular institution or a particular accrediting agency. For purposes of these Guidelines:
 - a. A general education course ordinarily provides the students with critical reasoning and writing skills.
 - b. Such courses are usually in the areas of social and behavioral science, English composition and literature, foreign language, mathematics, humanities, natural science, and the fine arts.
 - c. Courses specifically designed to develop professional, vocational, and technical skills or that are remedial in nature are not classified as general education.
 - d. Examples of courses that are not classified as general education include, but are not limited to, physical education, performing arts, accounting, computers, technical writing, business mathematics, business English, keyboarding, and business law.
2. Within the requirement for 18 semester credits or the equivalent of general education course work, students must take courses in at least three disciplines, such as social sciences, natural sciences, mathematics, humanities, foreign language, and English.
3. Students must demonstrate writing proficiency at the college level. Programs may comply with this requirement by whatever means are appropriate for the student constituency they serve, such as requiring the satisfactory completion of a college-level English composition course or the achievement of acceptable scores on recognized tests that measure writing proficiency.
4. Students must demonstrate competency in oral communication. Programs may comply with this requirement by whatever means are appropriate for the student constituency they serve, such as requiring the satisfactory completion of a college-level course or courses that develop such skills, incorporating instruction into legal specialty courses, or having students demonstrate competency.

5. The program must have a rational sequencing plan. Ordinarily students take appropriate general education courses prior to taking legal specialty courses, other than an introductory paralegal course.
 6. The program may allow the students to fulfill the general education requirement through appropriate course work completed elsewhere or through nationally recognized equivalency tests.
- F. The writing proficiency, oral communication competency, general education, and total credit requirements are assumed to have been satisfied if a student has earned a baccalaureate degree or an associate of arts or science degree from an accredited postsecondary institution. This assumption does not apply to an associate of applied science degree or equivalent occupational or vocational degree.
- G. Programs must ensure students have appropriate technology skills. Programs may comply with this requirement by whatever means are appropriate for the student constituency they serve, such as requiring the satisfactory completion of an appropriate course, achievement of acceptable scores on a test of technology skills, or through demonstrated competency.
- H. Programs may permit exemptions from the general education requirement of 18 semester credits or equivalent and to the total requirement of 60 semester credits or the equivalent, provided that:
1. The program exempts from these requirements no more than 10 percent of its incoming registered students each academic year.
 2. The exemptions from the general education requirement and total credit requirement are based on valid performance criteria. Such criteria may include equivalency testing, tests which measure general educational development, or other methods that the program deems appropriate so that success in the program may be reasonably predicted.
 3. Exemptions must be approved by appropriate program personnel and be thoroughly documented.
 4. General education credit that is granted on the basis of nationally recognized equivalency tests, accelerated high school courses, or appropriate college-level challenge exams is not considered an exception to the general education requirement.
 5. The overall quality of the program cannot be adversely affected by including students with disparate educational backgrounds.

- I. The following requirements apply to legal specialty courses.
 1. A legal specialty course is a course that (1) covers substantive law or legal procedures or process, (2) has been developed for paralegals, (3) emphasizes practical paralegal skills, and (4) meets the instructional requirements of G-301.B.
 - a. Internships, cooperative education placements and law clinics (hereafter collectively referred to as “field experiences”) are encouraged and are classified as legal specialty courses if they meet the criteria of the definition of a legal specialty course stated in section I.1(1) through (3) above. Additionally, in order for field experiences to be classified as legal specialty courses:
 - (1) The program must have a systematic plan for developing, assigning, monitoring, and evaluating field experiences.
 - (2) Field experiences must require a sufficient number of hours on the job to justify the amount of credit awarded. Ordinarily students should be required to work at least three times the number of hours on the job as they would spend in a class. (See hour requirements in G-302.D.)
 - (3) There must be a clear understanding of course expectations among students, the program, and field experience supervisors.
 - (4) During the course of the student’s field experience, the program must ensure ongoing communication among the program representative responsible for overseeing the field experience, the student, and the field experience supervisor.
 - (5) The program must ensure that the students interact with supervisor(s) and any co-worker(s) on a regular basis during the course of the field experience.
 - (6) The program must ensure that the students’ work emphasizes paralegal skills and competencies.
 - b. Courses prepared, developed, and taught in departments or programs other than the paralegal program ordinarily are not classified as legal specialty courses.

- c. Courses that have theoretical law content and that do not emphasize the development of paralegal skills are not classified as legal specialty courses. For example, courses such as business law, constitutional law, and criminal justice are not ordinarily classified as legal specialty courses.
 - d. Each program bears the responsibility of proving that a course classified as a legal specialty course meets the criteria in section I.1 above.
 - e. The determination to classify a course as a legal specialty course as defined in section I.1 is based on a careful review of the course content, including the course objectives, description, a detailed outline of the topics covered, text and other materials, and the nature of tests and assignments.
2. The program must have a rational sequencing plan for its legal specialty courses and a process to ensure that students follow it.
 3. The curriculum must cover the full range of ethical and professional responsibility concerns applicable to paralegals.
 4. The curriculum must provide for instruction in legal research. (See G-303 below.)
 5. A program may not permit exemptions from the legal specialty requirement of 18 semester credits or equivalent.
 6. It is presumed that courses offered as an independent study are not legal specialty courses because independent studies do not provide the required interaction among students required by G-301.B.1 and do not meet the required hours of instruction required by G-302.D. A program can overcome this presumption by demonstrating that the independent study course provides the required interaction among students and meets the required hours of instruction.
 7. Programs must have written policies that are available to students and prospective students in publications such as websites or catalogs on the transfer of legal specialty course work and the award of legal specialty credit by examination or portfolio to ensure that the quality and integrity of the program are maintained if such credit is granted.
 - a. The program must have limits on the number of legal specialty credits that can be earned through transfer, examination or portfolio.

- b. The program must have written procedures that require the award of credit through transfer, examination or portfolio to be approved by the program director or a qualified faculty member to ensure that the credit can be classified as legal specialty, meets the course objectives and practical skills to be developed for the course for which credit is being awarded, meets the needs of the legal community the program serves, and is comparable to course work offered within the program.
- J. Programs may offer legal specialty courses with a combination of traditional classroom and alternative delivery formats, such as online, blended/hybrid, accelerated, or compressed, as long as the courses meet the stated hour requirements of G-302.D and other requirements that apply to the alternative format used as set forth in this section J.
- 1. For purposes of these Guidelines, the following definitions apply to instructional formats:
 - a. Traditional courses meet for the stated hour requirements set forth in G-302.D, are taught in the classroom, and allow between scheduled classes out-of-classroom time for students to reflect, read, study, and complete assignments.
 - b. Online courses satisfy the stated hour requirements set forth in G-302.D by providing structured instructional activities using online technology with no traditional classroom instruction.
 - c. Blended/hybrid courses satisfy the stated hour requirements set forth in G-302.D by combining traditional classroom instruction with online structured instructional activities.
 - d. Accelerated courses satisfy the stated hour requirements set forth in G-302.D by combining traditional classroom instruction and out-of-class structured instructional activities.
 - e. Compressed courses meet for the stated hours requirements set forth in G-302.D and are taught in the classroom, but the length of time from the first class meeting to the last class meeting is shorter than those in a regular traditional semester or other traditional academic time period. For example, the length of each individual class meeting may be longer than those in a regular traditional semester or other traditional academic time period; and the interval between each class meeting may be shorter than those in a regular traditional semester or other traditional academic time period.

2. For purposes of these Guidelines, structured instructional activities are defined as those activities substituting for classroom instruction, including reading online lecture materials or watching an online lecture, participating in online discussions or chats, online group assignments, assignments over and above out-of-class or homework assignments normally given in a traditional class, or taking quizzes or tests. Work that would normally be done outside of class taken in the traditional classroom setting, such as reflecting, reading, studying, or completing homework assignments cannot be counted as part of the structured instructional activities that substitute for class time.
3. Programs must provide and students must be required to take at least ten semester credits or the equivalent of legal specialty courses through traditional classroom instruction. The program can satisfy the traditional classroom instruction requirement through one of the following means:
 - a. Traditional courses taught by the program.
 - b. Blended/hybrid courses taught by the program, with only the traditional classroom hours counting towards the equivalent of ten semester credits.
 - c. Accelerated courses taught by the program, with only the traditional classroom hours counting towards the equivalent of ten semester credits.
 - d. Compressed courses taught by the program that allow between scheduled classes out-of-classroom time for students to reflect, read, study, and complete assignments.
 - e. Courses taught through a synchronous interactive video system for broadcasting traditional classroom instruction conducted in live class sessions between a classroom operated by the institution and one or more remote classrooms, that meet all of the following:
 - (1) The broadcast must be live and synchronous.
 - (2) The class session must involve a group of enrolled students at each classroom location.
 - (3) The classrooms must be operated by the institution or otherwise affiliated with that institution.

- (4) The system must use interactive two-way instructional television or video conferencing technology that enables persons at all classroom locations to see and hear each other in real time and to interact with each other in real time.
 - (5) The system must allow classroom instruction to take place in the same way that it would if the students and the faculty were all in a classroom together.
4. If a program awards transfer credits to an individual student to satisfy the required ten semester credits or the equivalent of legal specialty courses through traditional classroom instruction, the program must comply with the following for any allowed transfer credit:
 - a. The transfer credit must be from a course that meets the definition of legal specialty as defined in these Guidelines.
 - b. The program must have policies and procedures in place to verify that the courses accepted in transfer were delivered in a traditional format.
 - c. The program must satisfy all requirements for the award of transfer credit set forth in G-302.I.7.
5. Programs bear the responsibility of proving that alternative means satisfy the stated hour requirements in G-302.D and that the specialty classes offered through alternative delivery formats meet the following conditions:
 - a. Programs that offer legal specialty courses through a blended/hybrid, compressed or accelerated format must demonstrate that students are engaged in sufficient structured instructional activities and attend class for a total number of hours to warrant the award of credit under G-302.D. Blended/hybrid, compressed and accelerated courses must also comply with the following requirements:
 - (1) The program director and faculty must design such courses taking into account the constraints imposed by the alternative format.
 - (2) The program must screen the qualifications and background of the students to ensure that they have the potential to succeed in courses offered in an alternative format.

- (3) The institution must provide the faculty members training and support in developing and teaching courses offered in a compressed, accelerated, or blended/hybrid format.
 - (4) In order to meet the requirements of G-301.E, programs must assess the effectiveness of the compressed, accelerated, or blended/hybrid format.
 - (5) The determination of whether the classroom hours and the structured instructional activities meet the stated hour requirements is based on a careful review of a detailed outline of the in-class and outside instructional activities including hours allocated.
- b. Programs offering any legal specialty courses through online delivery must demonstrate that students are engaged in sufficient structured instructional activities to warrant the award of credit under G-302.D and must comply with the following requirements.
- (1) The program director and faculty must design such courses taking into account the characteristics of online delivery and the nature of the subject matter.
 - (2) The program must screen the qualifications and background of the students to ensure that they have the potential to succeed in courses offered in an online format.
 - (3) The institution must provide the faculty members training and support in developing and teaching online courses.
 - (4) In order to meet the requirements of G-301.E, programs must assess the effectiveness of the online format.
 - (5) Course objectives and outcomes cannot be diluted for the purpose of allowing delivery by online means.
 - (6) In order to fulfill the requirements of G-301.B.1, each course must include synchronous or asynchronous components throughout the course that ensure interaction between the faculty member and students and among students.
 - (7) In order to meet the requirements of G-301.B.2, faculty members must be accessible to students through means appropriate for the

alternative format and must provide feedback promptly to students regarding their assignments and questions.

- (8) The institution must provide technical support and equipment to ensure the proper functioning of the system and the availability of a back-up system in the event of technical difficulties.
- (9) The program must have a system to verify the identity of the student submitting work or taking an examination.
- (10) The determination of whether the online instruction meets the stated hour requirements is based on a careful review of a detailed outline of the online activities, including hours allocated to each activity. Such online activities may include lectures, both synchronous and asynchronous discussions, quizzes, diagnostic exercises, assignments, and tests.

G-303

The institution must have available a library adequate for its program of education of paralegals.

- A. A library must be available containing resources that are relevant to and adequate for the courses being taught.
- B. The program director must evaluate the adequacy of the library/information resources.
- C. The library and library support must be available to students during hours that makes its use convenient and practical.
- D. The library administration must permit instruction in legal research inside the library, subject to reasonable restrictions.
- E. The program can satisfy this Guideline by the availability of an external law library, such as a law school library or a city, county, or bar library, by an internal library maintained on its premises by the institution, or by combining elements of both an external library and an internal library.
- F. If the program relies on an external library to fulfill these requirements, the following conditions must be met:
 1. The library must be located within a reasonable distance of the institution.

2. There must be an understanding between the library administration and the institution with respect to student accessibility and onsite instruction.
- G. At a minimum the library must provide adequate access to the following resources, all of which must be up-to-date:
1. The code of the state in which the institution is located;
 2. The reporter for the state in which the institution is located, or the regional reporter that includes such state, covering at least the preceding 25 years;
 3. A citator resource to check on the currency and validity of primary source material for the state in which the institution is located;
 4. A legal encyclopedia, e.g., American Jurisprudence, Corpus Juris Secundum, or a comparable state encyclopedia;
 5. Texts, practice manuals and form books, in all areas of legal specialty instruction;
 6. Texts, periodicals and other resources about the paralegal profession; and
 7. Law dictionaries.
- H. The appropriate mix of print and electronic resources depends on the needs of the program to make available resources that are relevant to and adequate for the courses being taught. Programs must provide sufficient access to electronic resources and clearly label print resources that are out of date.
- I. Programs that have an affiliation with an ABA approved law school that allows paralegal students full use of the hard copy collection in the law school's library are deemed to have adequate access. Programs that seek to fulfill the collection requirements in this manner must provide in its self-evaluation report exhibits and/or interim report exhibits:
1. A letter from the law school librarian confirming that paralegal students can use the law library's hard copy collection; and
 2. An inventory of the periodicals devoted to the paralegal profession required by G-303.G.7 and the texts and other resources about the paralegal profession required by G-303.G.8.

- J. Students must be instructed in the proper use of legal resources prior to being given research assignments.

FACULTY

G-401

The program director and instructors must possess appropriate education, knowledge, and experience.

- A. The program director, faculty, and staff must be knowledgeable about the paralegal profession.
- B. The program director must demonstrate knowledge about developments in paralegal education and demonstrate commitment to continued professional growth.
- C. The program director and faculty must be committed to the education and utilization of paralegal services.
- D. The program director and faculty members should have experience working with or as paralegals.
- E. Faculty members must demonstrate knowledge in the areas in which they are providing instruction and must demonstrate teaching effectiveness and a commitment to their continued professional growth as teachers by participating in activities designed to improve teaching effectiveness.
- F. Faculty members must demonstrate commitment to their continued growth as professionals. Attorneys who are actively licensed and in good standing within their state have demonstrated commitment to their continued growth as professionals.
- G. The program must provide opportunities for all faculty members to develop their effectiveness as teachers.
- H. The program must hold meetings of the paralegal faculty, including full-time and adjuncts.
 - 1. Regularly scheduled meetings, at least twice annually, must be held and minutes of these meetings, including a list of those in attendance, must be recorded and maintained.

2. Meetings must be held for the purpose of discussing program goals, course content, overall curriculum planning, instructional methodology, and assessment.

G-402

A full-time member of the faculty or the administration of the institution must be responsible for the direction of the program.

- A. The institution must ensure that the total time and effort devoted to program leadership are adequate to accomplish the following functions that relate to Guideline requirements:
 1. Defining major program objectives;
 2. Representing the program throughout the administrative and academic structure of the institution;
 3. Determining the financial needs and formulating the program budget;
 4. Attracting, selecting, and retaining qualified faculty and encouraging faculty professional development;
 5. Advising program students;
 6. Assuring the proper organization and operation of the advisory committee;
 7. Maintaining liaison with the legal, paralegal, and paralegal education communities;
 8. Identifying and responding to the occupational and educational needs of the community;
 9. Arranging and monitoring internships, if offered;
 10. Handling career efforts or coordinating efforts with the central career office;
 11. Evaluating the adequacy of the library/information resources;
 12. Coordinating the educational program; and

13. Evaluating the overall program, including regular assessment of the extent to which a program is meeting its stated goals and objectives as required in G-301.E.
- B. These functions may be divided among two or more persons as appropriate to the institutional setting and the program enrollment.

G-403

In the program of education for paralegals, the institution must establish and maintain conditions adequate to attract and retain a competent faculty.

- A. The size of the faculty must be commensurate with the number and type of courses offered and the number and needs of students served.
- B. The faculty must be provided with adequate clerical, technical, and other supporting services necessary to carry on an effective instructional program.

ADMISSIONS AND STUDENT SERVICES

G-501

The admission policies of the program of education for paralegals must be designed to enroll students qualified for and interested in careers as paralegals.

(a) Students admitted to the program must have a high school diploma or have passed an examination that demonstrates equivalency to a high school education, or must otherwise demonstrate that they have the capability of performing work at the college level.

(b) Students must be selected on a basis consistent with the philosophy and objectives of the program.

(c) A number of admission criteria, both objective and subjective, should be used to reflect a rational process for selecting students so that success as paralegals can be reasonably predicted.

(d) Students may be admitted with advanced standing when their performance in parallel courses at other institutions or on special qualifying examinations meets established achievement standards.

- A. All program literature and promotional material used in the admissions process, whether in written, oral, or electronic form, must comply with the following standards. The program and institution must:

1. State clearly and accurately the objectives of the program;
2. Identify that it is offered for paralegal education;
3. Include a clear statement that paralegals may not provide legal services directly to the public, except as permitted by law;
4. Refrain from using language from the site team report in its advertising and promotional materials;
5. Not use the ABA logo and identifying mark without the express written permission of the American Bar Association;
6. Advertise in accordance with applicable consumer protection laws; and
7. Be accurate, truthful, and not misleading.
 - a. An approved paralegal education program is responsible for ensuring that all promotional materials, including websites, refer to the program's approved status in a manner that is accurate, truthful, and not misleading.
 - b. The promotional materials of an approved paralegal education program which offers online legal specialty courses that are approved by the ABA must not state or imply that the offering of such online courses constitutes a program or program option.
 - c. The promotional materials of an approved paralegal education program which offers online legal specialty courses that are approved by the ABA must include a statement in accordance with G-302.J that students must take at least ten semester credits or the equivalent of legal specialty courses through traditional classroom instruction.
 - d. Promotional materials will be specifically scrutinized in the following non-exclusive situations:
 - (1) The approved paralegal education program includes the offering of online legal specialty courses that are approved by the ABA.
 - (a) The offering of online legal specialty courses does not constitute a program or program option.

- (b) Promotional materials may not state or imply that the program offers an online program or program option.
 - (c) Promotional materials must include a statement in accordance with G-302.J that students must take at least ten semester credits or the equivalent of legal specialty courses through traditional classroom instruction.
- (2) The approved paralegal education program includes the name of an institution or is part of an institution that operates other paralegal programs that may or may not be approved by the ABA.
 - (3) The approved paralegal education program includes the name of an institution or is part of an institution that operates an online paralegal program not approved by the ABA.
- B. Programs may not use the term “accreditation” to refer to approval by the American Bar Association.
 - C. When the Committee has granted permission to an institution to offer approved and unapproved programs or program options under G-106.A, the institution may not advertise approved and unapproved programs or program options in a manner that might be confusing or misleading to the public.
 - D. Programs placed on warning or probation, or issued an order to show cause why approval should not be withdrawn, for being out of compliance with any provision of G-501 are subject to special scrutiny, which may include periodic prescribed reports, follow-up visits by Committee representatives, and increased sanction fees.

G-502

Student services of the program must provide for:

- (a) An effective plan for counseling and advising students and assisting graduates in securing suitable employment; and**
 - (b) Student participation in areas of curriculum review and development, in course and faculty evaluation, and in all other matters relating to conduct and improvement of the program.**
- A. A program must provide orientation to new students to the paralegal profession, including a realistic description of job requirements, job

opportunities, legal restrictions on the practice of law by nonlawyers, and paralegal professional associations.

- B. Qualified counselors and advisors must be available to assist students in assessing their strengths and weaknesses and in planning their studies.
- C. The program must make conscientious efforts to assist students with career opportunities.
 - 1. Efforts must include assisting students in developing resume writing, interviewing, and job search skills.
 - 2. The program must provide information and resources concerning career opportunities.
- D. Within six months after students graduate, the program must gather information on employment and/or educational status. This requirement is in addition to the requirement in G-301.E.3 for programs to obtain input from graduates to assess how the program meets its stated goals and objectives.
 - 1. For those who are employed, the name of employer, city, and state and whether the graduate is:
 - a. working as a paralegal;
 - b. working in another capacity in the legal field; or
 - c. working in another field.
 - 2. For those who are continuing their education, the degree or certificate being pursued and the name of the educational institution.
 - 3. Programs must keep these records for a minimum of seven years. The records must be accurate and substantially complete.
- E. Students must be given opportunities to express their views and make suggestions, with the assurance that their proposals and opinions will be given fair consideration.
- F. Programs may provide for continuing legal and paralegal education.

G-503

Pursuant to an established policy, the institution, without requiring compliance with its admission standards and procedures, may permit the

enrollment in a particular course or limited number of courses as auditors, non-degree candidates or candidates pursuing degrees in other areas.

If students not pursuing paralegal studies for a paralegal degree or certificate are permitted to enroll in legal specialty courses, the program must ensure that the progress, content, level, and quality of legal specialty courses are not adversely affected.

PHYSICAL PLANT

G-601

The physical facilities of the institution must permit the accommodation of varying teaching methods and learning activities.

- A. Classrooms must be appropriate in design and size for the classes offered.
- B. Study areas must be adequate for the number of students enrolled in the program.

G-602

Space, equipment and other instructional aids must be sufficient for the number of students enrolled in the program.

- A. Equipment and other instructional materials must be available for specialized activities.
- B. Adequate technology resources must be available to meet the instructional needs of the program.
- C. The institution must provide support services, such as equipment maintenance and repair, technical assistance, and backup systems.
- D. Other facilities and services such as storage and locker space, food service, and student and faculty lounges should be provided as deemed necessary or practical.

G-603

Faculty, administrative and other staff should have office and work areas suitable for performing their duties.

- A. The program director must be provided with adequate office space.

- B. The program director, faculty, and staff must be provided with space to meet privately with students and others for advising and counseling.

AUTHORITY

G-701

Consistent with the Guidelines, the Standing Committee on Paralegals is authorized to:

(a) Interpret the Guidelines;

(b) Adopt rules implementing the Guidelines;

(c) Adopt procedural rules for the initial application by institutions and approval of programs of education for paralegals and for the review and reinspection of approved programs; and

(d) Amend any rules from time to time. All interpretations and rules will be published and made available to all interested persons.

G-702

The Committee is authorized to consider any request for approval of a program of education for paralegals. If the Committee decision is that approval should be granted, it will so recommend to the ABA House of Delegates.

ADOPTION AND AMENDMENT

G-801

These Guidelines become effective upon their adoption by the House of Delegates.

G-802

The power to approve an amendment of the Guidelines is vested in the House of Delegates, but the House of Delegates will not act on any amendment until it has first received the advice and recommendations of the Standing Committee on Paralegals.

Appendix A

Criteria for Granting Waivers

The provision prohibiting the simultaneous offering of approved and unapproved programs and program options by an institution is based on the following principles:

1. Approval by the American Bar Association is a voluntary process under which institutions choose to adhere to stated standards. Institutions should not readily request to opt out of meeting those standards.
2. Permitting an institution with an approved program to offer an unapproved program creates an inherent likelihood of confusion among the constituencies being served by the institution with the result that the unapproved program will likely be perceived by the public to be approved. This result not only misleads the public but also devalues the meaning and credibility of ABA approval.

Therefore, when an institution requests a waiver of the prohibition against offering approved and unapproved programs, the Standing Committee will examine all of the surrounding circumstances to ascertain the justification for not adhering to stated standards and the degree to which the public is likely to be misled by the proposed offering.

In making this analysis, the Standing Committee will consider the following information and material, as appropriate, and any other information and material that may be relevant to the specific circumstances of the institution and its request.

1. The program's stated rationale for requesting the waiver.
2. Information on whether the program for which the institution is requesting a waiver is located within the institution. Is this the same division in which the paralegal program is situated? Are any of the classes sponsored by the paralegal program? What are the organizational, budgeting, and reporting relationship between the programs? An organization chart should be attached.
3. Information on the administration and faculty of both the approved program and the program for which a waiver is being requested. Who are the program directors or coordinators? Who is teaching in the program? Are any of the same persons involved in teaching and administration of both programs? The names and resumes of the faculty of both programs should be provided.
4. Curriculum for the approved program and the program for which a waiver is being requested. Are any of the courses the same? Are the courses in the

proposed program paralegal courses? Do they lead to the award of a credential that is likely to be perceived as a paralegal credential, i.e., diploma, certificate, degree? What texts are used for the courses in the proposed program? Will students from the approved program be permitted to enroll in the courses offered by the unapproved program, and vice versa?

5. Information and material relating to the development of the program for which a waiver is being requested, such as minutes of meetings, community needs surveys, job descriptions, and the like. Is the proposed program a paralegal program that is likely to be confused with the existing program?

6. Membership of the advisory committees of both the paralegal program and the program for which a waiver is being requested and minutes of their meetings for the past year. Is the proposed program under the existing advisory committee for the approved program?

7. Information on the employment of graduates from the program for which a waiver is being requested and plans to promote the employment of the graduates of this program. Will there be joint efforts to provide career services to graduates of both programs? What personnel are responsible for providing career services to the graduates of each program? Will graduates of both programs be provided career services for the same types of positions? Will graduates of the proposed program be working under the supervision of lawyers?

8. Information on the career plans or expectations of the graduates of the program for which a waiver is being requested, such as surveys and questionnaires. Do the graduates expect to be employed as “paralegals” or “legal assistants” under the ABA definition?

9. Information about the library collection that will serve and support the program for which a waiver is being requested. Is the library collection the same?

10. Information about the physical facilities in which the classes will be held for the program for which a waiver is being requested and on their proximity to the paralegal classes. Are the students of the two programs likely to be attending classes in the same part of the campus?

11. Literature or proposed literature used to promote enrollment in the program for which a waiver is being requested, including the college catalog, print advertisements, program flyers and brochures, and the like. Does the literature make clear that this program is not ABA approved? Are students and others likely to see this literature and read the pertinent language?

12. Literature or proposed literature used to promote the hiring of graduates of the program for which a waiver is being requested. Is an employer likely to believe that the graduate of the proposed program is a paralegal or a graduate of an ABA-approved program?

13. Information on whether and to what extent the program is in compliance with the Guidelines for the Approval of Paralegal Education Programs.

14. Any other information that the institution believes to be relevant to the analysis.

ATTACHMENT 3

Washington LLLT Educational Program Approval Standards

Preamble

These Washington Limited License Legal Technician (LLLT) Educational Program Approval Standards (“Standards”) have been adopted by the Washington state Limited License Legal Technician Board as the official criteria for approval of programs that offer the LLLT core education in Washington State. The authority to grant and withdraw approval is vested in the LLLT Board pursuant to Admission and Practice Rule (APR) 28C(2)(e) and Appendix APR 28 Regulation 3.A.2.

The LLLT Board is committed to the improvement of the LLLT profession and the legal profession in general through the fostering of high standards for LLLT and paralegal education. In addition, the LLLT Board is committed to the availability of accessible and affordable education. These Standards have been adopted to further those commitments.

Consistent with APR 3(e) and Appendix APR 28 Regulation 3, an LLLT education program under these Standards is a legal studies program that offers all the required LLLT core education courses with course content as approved by the LLLT Board and offers sufficient legal studies elective courses that prepare students to take and pass the LLLT core exam.

Section 1 – Definitions; Application

Standard (“S”) 1-1

For purposes of these Standards:

- a) “APR” means the Washington Supreme Court’s Admission and Practice Rules;
- b) “Board” means the Washington state APR 28 Limited License Legal Technician Board;
- c) “Classroom instruction” means instruction that takes place in a classroom, face-to-face, live synchronous online format, or other educational setting where the instructor and students interact in real time;
- d) “Director” means the person at the institution who has ultimate responsibility for, and authority over, the Program;
- e) “Hybrid instruction” means a learning environment that is a combination of classroom and online instruction;
- f) “LLLT” means a person qualified to engage in the limited practice of law in approved practice areas as defined by APR 28B(4) and pursuant to APR 28;
- g) “LLLT core education” means 45 quarter credit hours of core curriculum instruction in legal studies as set forth in APR 3(e)(2)(B) and Appendix APR 28 Regulation 3A;
- h) “Online instruction” means any asynchronous learning environment that is not classroom instruction as defined above;
- i) “Paralegal” means a person, qualified by education, training, or work experience who, under the supervision of a lawyer, performs specifically-delegated substantive legal work for which a lawyer is responsible; and



- j) "Program" means an educational entity or unit within the educational institution that provides the LLLT core education including sufficient legal studies elective courses that prepare students to take and pass the LLLT core exam.

S1-2

In order to become and remain endorsed, a Program must demonstrate that it meets the criteria set forth in these Standards. The application for approval outlines the supporting documentation and information that must be provided to demonstrate a Program's satisfaction of these Standards. There will be a fee schedule included on the application. The LLLT Board or its delegate will maintain a regular application review schedule.

S1-3

A Program provisionally or fully approved by the American Bar Association (ABA) and offering the LLLT core education requirements is deemed endorsed and exempt from these Standards, unless the ABA withdraws its approval.

Section 2 – Program Management

S2-1

The Program must have published, measurable goals related to the LLLT education that are assessed on a regular basis with changes made to the Program and curriculum as needed.

S2-2

An Advisory Committee must meet at least twice annually. The Advisory Committee is comprised of practicing lawyers from the public and private sector, practicing LLLTs from the public and private sector (if and when available), paralegals with civil practice experience, faculty, school administrators, at least one member of the public from the community the Program serves, and an LLLT student (optional). The Advisory Committee shall be responsible for:

- (a) assisting in selecting additional Advisory Committee members as needed;
- (b) advising regarding admission standards for students;
- (c) advising in selecting competent instructors;
- (d) informing the Program about changes and trends in the legal field;
- (e) assessing the job market and developing career opportunities for LLLTs and other legal professionals;
- (f) creating awareness of the Program; and
- (g) assessing the effectiveness of the Program in terms of meeting curriculum objectives, meeting the needs of the legal community, and evaluating graduate job placement and success.

Minutes of the meetings must reflect the substance of discussion related to the Program and the names of those in attendance.

S2-3

The institution must have, for both students and employees, a publicly-stated non-discrimination policy consistent with federal and state law and a policy for the accommodation of persons with disabilities. The Program or its parent institution must have in place a diversity and inclusion plan that promotes, ensures and encourages a safe and inclusive learning environment.



Section 3 – Program Design

S3-1

Programs must be offered at the post-secondary level by law schools, four-year colleges or universities, two-year colleges, or technical/vocational schools. The institution offering the core education must be accredited by a regional accrediting agency that is recognized for higher education accreditation by the U.S. Department of Education or the Council for Higher Education Accreditation.

S3-2

The institution must maintain a program that is designed to qualify its graduates to complete the LLLT requirements.

S3-3

The Program’s curriculum must incorporate instructional methods that emphasize critical thinking, teamwork, information literacy, competent oral and written communication skills commensurate with those expected in the legal profession, technical skills, and development of the practical skills needed to work as LLLTs, paralegals, or other legal professionals in the legal community the Program serves.

S3-4

The Program must engage in regular, structured, and documented assessments of how well the Program is meeting its stated goals. The assessment plan must include: (1) the method by which students evaluate the faculty and the courses, which may include instructional materials and assessment methodology; (2) the method by which the Program assesses student and graduate satisfaction with the program; (3) graduates’ perceptions of how well the Program prepared them for work as an entry-level LLLT or paralegal; (4) the frequency with which each type of assessment is conducted; (5) the date the assessment was last conducted; (6) a description of the analysis conducted of the assessment results; (7) a summary of actions taken in response to the assessment results; and (8) the method by which the results are shared with the faculty and Advisory Committee. The assessment may also include the employment community’s satisfaction with the Program’s graduates.

S3-5

Programs must:

- (a) require successful completion of the LLLT core education requirements as defined in APR 28;
- (b) require that LLLT core education courses balance theoretical teachings with practical, skills-based course content;
- (c) align the course content of each required LLLT core education course with the course content as established and published by the LLLT Board;
- (d) require successful completion of at least ten semester or 15 quarter credits of in classroom instruction; and
- (e) offer sufficient legal studies elective courses on subjects included in the LLLT core exam to meet the LLLT core education requirements.

S3-6

Programs must have a written transfer policy for accepting any LLLT core education courses that will be substituted in lieu of LLLT core education courses otherwise required and taught by the Program. The policy must include criteria for accepting courses in transfer, procedures to protect the academic quality and integrity of the program, and must set limits on the number of LLLT core education courses that will be



accepted in transfer. Limits are set by the institution. Credit is granted at the discretion of the Program Director.

S3-7

The LLLT Program director and faculty must design online and hybrid online courses taking into account the constraints imposed by online delivery to ensure that there is:

- (a) technical training on and orientation to any alternative learning systems provided to and required of faculty prior to their assignment as instructor for a course that uses such a system;
- (b) technical support available to students and faculty;
- (c) interaction between faculty members and students and among students;
- (d) a system to verify the identity of the student submitting work or taking an examination;
- (e) a determination of whether the online instruction meets the credit hour requirements of S3-8 based on a careful review of a detailed outline of the online activities for each online or hybrid online course, including hours allocated to each activity. Such online activities may include lectures, discussions, quizzes, diagnostic exercises, assignments and tests.
- (f) no dilution of the course objectives and outcomes for the purpose of allowing delivery by online means;
- (g) faculty accessibility to students through means appropriate for the online format to provide feedback promptly to students regarding their assignments and questions; and
- (h) assessment of the effectiveness of the online format.

S3-8

For purposes of these Standards, one quarter credit hour is at a minimum equivalent to 450 minutes of classroom instruction as defined in Appendix APR 28 Regulation 3.A.1.

Section 4 – Faculty

S4-1

The Director and instructors in the Program must possess education, knowledge, and experience about the LLLT or paralegal professions, the utilization of LLLTs or paralegals in the delivery of legal services, and be knowledgeable in the areas in which they are providing instruction. Until such time as there is sufficient LLLT experience to relate, instructors may instead rely on the legal profession in general.

S4-2

The Program instructors must meet at least twice annually with 100% attendance. Unless otherwise delegated, the agenda is set by the Program Director, who presides over the meeting. Meetings of the faculty must address issues beyond the area of program administration and class management to include such areas as program and course delivery modalities, teaching techniques and effectiveness, and learning outcome relevance and assessment. Minutes of the meetings must reflect the substance of the discussions and the names of those in attendance.

S4-3

Ultimate responsibility for, and authority over, a Program must be administered by a full-time faculty member or administrator of the institution.

S4-4

The Director of the Program must have adequate support, including budgetary and administrative support, to accomplish the goals and objectives of the Program.



Section 5 – Program Services

S5-1

All program literature, material, and information whether oral, print, or electronic must:

- (a) identify that it is offered to prepare graduates for employment as LLLTs, paralegals, or other law-related occupations;
- (b) inform students and potential students that LLLTs may provide limited legal services directly to the public only as permitted under APR 28 and Appendix APR 28 Regulations; and
- (c) advertise truthfully, accurately and not mislead by statement or omission regarding any aspect of the Program, the LLLT profession, or job opportunities.

S5-2

After having been endorsed, programs may advertise that they are endorsed by the LLLT Board to offer the LLLT core education.

S5-3

The Program must have a process for educating students and graduates about satisfying the core education requirements and about employment opportunities as an LLLT, paralegal, or other legal paraprofessional.

Section 6 – Library and Legal Resources

S6-1

The Program must provide to all program students, either electronically or through access to a library, current resources that are relevant to and adequate for the courses being taught. The Program can satisfy this Standard by providing student-specific accounts to an electronic research service.

S6-2

At a minimum, the Program must provide access to:

- (a) The Revised Code of Washington, the Washington Administrative Code, and Washington Court Rules;
- (b) The reporter(s) for the Washington state appellate courts or the Pacific reporter along with Washington Practice and other corresponding digests and resources to validate those sources;
- (c) A current legal encyclopedia and current legal dictionary;
- (d) Texts, practice manuals and/or form books appropriate to each LLLT course;
- (e) Resources and legal materials about developments and current issues in the LLLT and paralegal professions;
- (f) Relevant federal materials such as the United States Code and federal case law and reporters; and
- (g) A citator resource to check on the currency and validity of primary source materials for Federal and Washington State law.

Section 7 - Facilities

S7-1

The classrooms, offices, library, computer labs, and other facilities of the Program must accommodate and support a variety of teaching methods and learning activities and provide for adequate study space.



S7-2

Adequate office space must be supplied to faculty for the purposes of discharging required work. In addition, space must be made available for private faculty-student consultation.

Section 8 - Implementation, Amendment and Review

S8-1

The Board may delegate to a third party its authority to endorse Programs pursuant to Section S1-2 of these Standards. Entities to which the Board may delegate its authority must have significant experience in reviewing and overseeing the programmatic activities of colleges or universities. Any delegation must be in writing and clearly identify what actions the Board expects the delegate to take. The Board may revoke any delegation by giving written notice to the delegate.

S8-2

The Board or its delegate shall make publicly available detailed information on what should be contained in an application and supporting materials pursuant to Section S1-2 of these Standards.

S8-3

The Board or its delegate may require applying parties to pay fees related to review and approval. Fees shall be used to discharge some of the costs associated with reviewing the application and supporting materials submitted by the applying party. In setting fees the Board and its delegate shall make best efforts to balance both the need to recoup the costs of review and interest in encouraging educational institutions to consider providing LLLT core education.

S8-4

Applying parties are expected to provide all required application information in as clear and complete a manner as possible. The Board or its delegate will provide regularly scheduled informational meetings. At these meetings the parties may discuss what is needed in the application and supporting materials, preferred format, timeframe for submissions and any other matters the parties deem relevant.

S8-5

The Board or its delegate may conduct a site visit or visits as part of the application and review process.

S8-6

Applying parties during the application process and, if successful, thereafter must promptly send written notification to the Board or its delegate when any substantial changes take place in its Program. Substantial changes include, but are not limited to, departure of faculty or key staff, changes in course offerings, significant changes in enrollment etc.

S8-7

The Board or its delegate shall make best efforts to render a decision on an application within 180 days of receiving a complete application and supporting materials. Notice of acceptance or rejection of an application must be promptly communicated to the applying party.

S8-8

The Board shall periodically review and when necessary amend these Standards.



S8-9

An approved LLLT Program has an ongoing obligation to assure that it is in compliance with the Standards as adopted, including all amendments as they become effective and all interpretations as they become available on the LLLT website.



ISSUE STATEMENT RE: LIMITED TIME WAIVER

Overview

LLLT candidates who are able to demonstrate that they: (1) have at least 10 years of substantive legal work experience signed off by their supervising lawyer(s); (2) have passed one of the approved paralegal competency exams; and (3) hold an active certification with a national paralegal organization qualify for a limited-time waiver. Candidates with an approved limited-time waiver are eligible to enroll in the practice area education without taking the prerequisite core education. The practice area education cannot be waived. All LLLT candidates are required to obtain the practice area education regardless of their experience level.

Background

In order to provide an affordable and accessible path for experienced professionals to enter the LLLT profession, the limited time waiver was originally recommended by the LLLT Board and adopted by the Court in 2013. The initial limited time waiver was set to expire on December 31, 2016. In July 2016, encouraged by its effectiveness in attracting qualified individuals to enter the profession, the LLLT Board recommended, and the Supreme Court extended the deadline to December 31, 2023.

Limited Time Waiver Requirements

The limited time waiver allows a LLLT candidate who has at least 10 years of paralegal work experience, has passed one of three advanced paralegal examinations offered by national paralegal organizations, and holds an active certification with a national paralegal organization as a Certified Paralegal, Registered Paralegal or a Professional Paralegal to waive the core education and Associate's degree requirement. For comparison purposes, Licensed Paralegal Practitioners (LPPs) in Utah are required to have seven years of law-related work experience in order to receive a waiver of minimum education requirements. All LPP applicants must pass a paralegal examination and hold active certification with the organization that administered the exam.

Barriers to Obtaining a Limited Time Waiver

Staff are aware of four applicants who applied for and were denied the limited time waiver. Three of the applicants had not passed an approved certification exam; one applicant was just short of the requirement having "only" about nine years of experience. In addition, at a recent CLE at the WSBA offices, a LLLT in the audience mentioned that although she had more than 10 years of substantive legal work experience, she preferred to go through the core education route in order to avoid having to contact every lawyer she worked for in the past and ask them to sign an affidavit. At the same CLE, a lawyer asked what would happen if a LLLT candidate has the experience but is unable to provide proof.



Data

Number of waivers granted to date	40
Number of waiver recipients who have completed Practice Area education	34
Number of licensed LLLTs who obtained a Limited-Time Waiver	26

Lack of Core Education Opportunities in Rural Areas

Currently, only six educational institutions in the state have aligned their curriculum to be able to offer the LLLT core education. For example, there are no educational institutions in Central Washington offering the LLLT core education, which makes it extremely difficult for a paralegal with less than 10 years of experience living in this area to enter the profession. As a result, the majority of licensed LLLTs are currently located in urban areas. Interested candidates from Wenatchee and Yakima, for example, are unable to pursue the pathway to become a LLLT for lack of reasonable educational opportunities to obtain the core education.

Questions for the LLLT Board’s Consideration

1. Do the current waiver requirements provide for a viable pathway to the profession for a diverse group of candidates, especially those living in rural areas?
2. Is the 10-year experience requirement a necessary and equitable alternative to the core education requirement?
3. Is the 10-year experience requirement necessary to demonstrate knowledge obtained through a two-year degree? If not, what should be the appropriate experience equivalency?
4. Considering all candidates must take the practice area courses, meet the experience requirement, and pass the LLLT exam, is the paralegal certification exam and active certification necessary to qualify for the waiver?



ISSUE STATEMENT RE: 3,000 HOUR LICENSING REQUIREMENT

Overview and Comparison with Utah

All LLLT applicants, including waiver recipients who already demonstrated that they have 10 or more years of experience, must have a minimum of 3,000 hours of substantive law-related work experience supervised by a licensed lawyer, within the last 3 years,

In Utah, the work experience requirement for LPP applicants is as follows:

- 1,500 total hours of substantive law-related experience within last 3 years, under supervision of licensed attorney or LPP
- For licensure in family law, 500 hours must be in specified family law/domestic relations topics for Family Law licensure
- For licensure in other areas, 100 hours experience must be in forcible entry and detainer or debt collection for other areas
- Not required if applicant has a law degree

Recent Press Related to the 3,000 Hour Requirement

- October 25, 2019: [Limited Legal License Programs Are Important to Opening Access, But They Need to Be Unencumbered](#)
- November 18, 2019: [Stanford Law's Deborah Rhode on the Access to Justice Challenge in U.S.](#)

Feedback from Candidates

In a survey sent out by staff in September 2019, 40% of the respondents said that completing the experience hours was a barrier they have faced in the LLLT program. One candidate commented that she has “huge issues” with the experience requirement and has struggled to meet the requirement, indicating that her work does not “count.” Another survey respondent commented, “I have thought from the beginning that the hour component was too onerous and difficult...maybe lessen the size of the requirement to 1000 hours, as an example.”

Staff spoke with another LLLT candidate who suggested that a placement program could help applicants complete their experience hours, which she noted are burdensome. She has had difficulty completing full-time substantive legal work due to a disability, and commented that even as a paralegal, most of her work was clerical and does not qualify. She stated that “if there was more support, or fewer hours required, it will help.” Perhaps the Board should discuss whether this requirement is realistic for people facing barriers to obtaining and maintaining full-time employment.

Questions for the LLLT Board’s Consideration

1. Is the required 3,000 hours of experience necessary to demonstrate knowledge?



2. Should waiver recipients be required to demonstrate proof of completing 3,000 hours of work experience within the last 3 years (they must have 10 years of experience in the last 15 years to receive the waiver)?

