

Ohio State Bar Association
STANDARDS FOR PARALEGAL CERTIFICATION

I. DEFINITION

A paralegal eligible for certification 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 substantive legal work for which a lawyer is responsible.

II. CERTIFICATION BOARD

A Paralegal Certification Board will be established with members appointed by the OSBA president, who will serve at the pleasure of the president. The purpose of the OSBA Paralegal Certification Board (as delegated by the Association) shall be to grant, revoke or re-grant certification as an OSBA certified paralegal.

The Board shall have a minimum of nine and maximum of twelve members. The Board shall consist of at least three associate paralegal or regular attorney members (not students) recommended by the OSBA Paralegal Committee; two members recommended by the OSBA Legal Ethics and Professional Conduct Committee; and two members be recommended by the OSBA Unauthorized Practice of Law Committee. The remaining members shall be regular members of the Association at least one of whom will have a background in teaching or administering a paralegal academia.

The chair of the OSBA Paralegal Committee shall be an ex-officio member of the Certification Board. The initial composition of the Certification Board will be two members chosen to serve a two-year term, two members chosen to serve a three-year term, with any remaining members chosen to serve a four-year term. Thereafter, each member will serve a term of four years and is subject to a lifetime limit of two four-year terms

Certification Board members shall serve on a volunteer basis, without pay, and are not considered to be employees of the Association.

No member of the Certification Board may be certified under the standards during any time when an examination to which that person had access is used as the examination requirement for certification. This provision shall not apply to those who complete the examination requirement prior to becoming a member of the Certification Board.

The Certification Board will determine its own meeting and related schedules and its own internal procedures after its final composition is determined.

III. Eligibility Requirements

An applicant must meet the above definition of a paralegal and may be eligible to sit for the written examination (D) only after a successfully meeting the requirements of A-C.

A. Education/Experience

1. A bachelor's degree in any discipline and satisfactory completion of a paralegal studies program consisting of at least twenty semester hours (or equivalent clock hours) and a minimum of one year full time experience as a practicing paralegal (or its equivalent 2,000 hours); **OR**
2. A bachelor's degree in paralegal studies consisting of least a hundred twenty four semester hours (or equivalent clock hours) and a minimum of one years full time experience as a practicing paralegal (or its equivalent of 2,000 hours), **OR**
3. An associate's degree in paralegal studies consisting of at least sixty semester hours (or equivalent clock hours) with a minimum of five years full time experience as a practicing paralegal (or its equivalent of 10,000 hours), **OR**
4. A high school diploma or equivalent plus seven years full time experience as a practicing paralegal (or its equivalent of 14,000 hours). To be eligible under this section, an applicant must have been employed as a paralegal before December 31, 2006.

B. Continuing Legal and Paralegal Education

Attendance at a minimum of 12 credit hours of continuing legal or paralegal education in courses approved by the Ohio Supreme Court Commission on CLE or the National Association for Legal Assistants or the National Federation of Paralegal Associations or the Ohio State Bar Association in the three years immediately preceding the application. At least two and a half credit hours (2.5 total) of the 12 shall be broken down as 1.0 legal ethics, 1.0 professionalism and 0.5 substance abuse.

C. References

A minimum of three professional references, including two from attorneys in good standing with the Supreme Court of Ohio who have direct knowledge of the applicant's skills and work as a paralegal. The other reference may include judges, magistrates, hearing officers, mediators, arbitrators and educators who have direct knowledge of the applicant's skills and work as a paralegal.

D. Written Examination

The applicant seeking certification must pass a written examination of suitable length and complexity. The written exam will include substantive and procedural law, legal research, ethics, communication, and law office management. General testing competencies will include critical and analytical thinking, communication (both oral and written), and computer skills. Area tested may include the following:

- Substantive & Procedural Law
American Legal System
Civil Rules and Procedure
Administrative Agency Law
Bankruptcy Law
Business and Commercial Law
Contracts Law
Creditor/ Debtor Rights Law
Criminal Law
Environmental Law
Estate Planning, Trust & Probate Law
Family Relations Law
Intellectual Property Law
Labor & Employment Law
Real Property Law
Torts and Personal Injury Law
Workers' Compensation Law
(Applicants will choose at least two of the italicized substantive topics in which to be tested)
- Legal Research and Writing
Codes (state/ federal)
Digests and Court Reports
Citation
Terminology and Phrases
- Ethics
Rules of Professional Conduct/UPL
Confidentiality
Conflicts of Interest
- Communication
Critical Thinking
Reading Comprehension
Analysis of evidence
Data Interpretation
Logical reasoning
Interviewing Techniques

- Computer Knowledge
 Legal research
 Database use
 Software applications
 Organizational and File Systems
 Exhibits and Evidence
- Law office Management
 Vendors
 Document management
 Tickler file
 Office/Lawyer scheduling

The examination will be prepared and graded under the authority of an independent testing service selected by and retained by the Association.

IV. Certification Privileges

The certification period under these standards is four years. A paralegal earning certification may use the designation “OSBA Certified Paralegal” along with any logos or marks provided by the OSBA during the period of certification.

V. Biennial Report

Biennially, any paralegal certified under these standards must, in order to maintain his or her certification, report that there has been no material changes in the information submitted in the paralegal’s application for certification. If there have been material changes, the changes must be detailed in full.

Further, a certified paralegal must show that he or she has completed at least twelve (12) hours of continuing legal education every two years of certification, with the continuing education hours meeting the criteria set forth above. The biennial reports must be filed with the Certification Board, or the Association between November 1 and December 1 of every other year that a paralegal is certified under these standards.

The biennial reports must be accompanied by fees as established by the fee schedule of the OSBA. The Certification Board, by an affirmative vote of the majority of its members, may decertify a paralegal previously certified under the standards if material changes reported on the affidavit or form, or that may otherwise come to the Certification Board’s attention, are such that the paralegal involved would no longer be qualified for certification or recertification under the standards. Any paralegal may be decertified if the fee is not paid. Any decertified paralegal may request reconsideration and, if denied, appeal the decertification pursuant to the appeal procedures.

VI. Recertification

In the calendar year preceding the expiration date of a paralegal's certification under these standards, the paralegal must apply for recertification under the same criteria as set forth in Section III above, with the exception of sub-section D (written examination).

VII. Appeals

A. Notice of Action and Request for Reconsideration

An applicant who is denied certification, or a Certified paralegal who is denied recertification, will be notified by registered or certified mail sent to the paralegal's last known address of the OSBA Certification Board's ("Board") decision ("Notice"). The reasons for the Board's action shall be set forth in that Notice. The Notice shall advise the paralegal that he or she may file, within 30 days of the mailing of the Notice, a Request for Reconsideration of the Board's decision. At the discretion of the chairperson, the Board's decision may be reconsidered by the entire Board or a committee of the Board appointed by the chairperson.

B. Reconsideration

The Request for Reconsideration shall include any additional information or supporting material that the paralegal believes will help the Board or its Committee in its reconsideration of the initial decision.

After reconsideration, the Board shall send the reconsideration decision in writing to the applicant or certified paralegal by registered or certified mail within 60-90 days, setting forth the reasons for the decision, and notifying the applicant or certified paralegal that they may, within 30 days of the mailing of the decision, appeal to an Independent Review Panel.

C. Independent Review Panel

If a request by an applicant or a certified paralegal is made for an appeal to an Independent Review Panel, the chair of the OSBA Paralegal Committee shall appoint a three-person Independent Review Panel. The Independent Review Panel shall include at least one non-lawyer member and one lawyer. No member of the Review Panel shall have had previous involvement in considering the applicant's or certified paralegal's applications. The hearing before the Independent Review Panel will be *de novo*. The Certification Board may send a representative to the Independent Review Panel hearing. The Independent Review Panel shall report its findings, and decision to the Board. The decision of the Independent Review Panel shall be final. The Board shall notify the applicant or certified paralegal of that decision by registered or certified mail sent to the paralegal's last known address.

D. Hearing

The Independent Review Panel may consider any relevant evidence, including hearsay, if it is the type of evidence upon which reasonable persons rely, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are recognized in civil actions. The Independent Review Panel may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record, together with the ruling thereon.

If the applicant or certified paralegal desires a transcript made of any hearing mentioned herein the applicant or certified paralegal must provide a court reporter at their own expense and provide a copy of any transcript to the Board.

VIII. Fees

- A. Application**
Members \$150
Non-members \$200

- B. Examination Fee**
Members \$100
Non-members \$150

- C. Biennial Report**
Members \$100
Non-members \$150

- D. Recertification**
Members \$150
Non-members \$200

September 23, 2008