

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 members (not students). The remaining members shall be regular attorney members of the Association, at least one of whom will have a background in teaching or administering a paralegal academic program.

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, with permitted renewals of the same length.

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.

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

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, the National Association for Legal Assistants, the National Federation of Paralegal Associations, the Ohio State Bar Association, or the OSBA Paralegal Certification Board in the three years immediately preceding the

application. At least two and a half credit hours (2.5) of the 12 shall include instruction on one or any combination of the following professional conduct topics:

1. Legal ethics, including instruction on the Ohio Rules of Professional Conduct;
2. Professionalism, including instruction on the role of attorneys in promoting ethics and professionalism by facilitating compliance with the requirements of the Ohio Rules of Professional Conduct;
3. Alcoholism, substance abuse, or mental health issues, which shall include instruction on any of their causes, prevention, detection, and treatment alternatives, as applicable;
4. Access to justice and fairness in the courts and how these issues impact public trust and confidence in the judicial system and the perception of justice in Ohio, which shall include instruction on one or any combination of the following topics:
 - a. Interacting with self-represented litigants;
 - b. Encouraging pro bono representation;
 - c. Accommodating language interpretation;
 - d. Assuring fairness in matters of race, ethnicity, foreign origin, religion, gender, sexual orientation, disability, socio-economic status, or other relevant topics.

The instruction related to professional conduct required by this section may be obtained in a single program or activity or in separate programs or activities that include one or more of the subjects set forth above.

Pro bono credit. The OSBA Certification Board may allow one credit hour for every six hours of pro bono legal service performed, with a maximum of three credit hours. “Pro bono” means legal service provided, under the supervision of an attorney, to either a person of limited means or a charitable organization in which the legal service is assigned, verified, and reported by any of the following:

- (1) An organization receiving funding for pro bono programs or services from the Legal Services Corporation or the Ohio Legal Assistance Foundation;
- (2) A metropolitan or county bar association;
- (3) The Ohio State Bar Association;

- (4) The Ohio Legal Assistance Foundation;
- (5) Any other organization recognized by the Supreme Court of Ohio Commission on CLE as providing pro bono programs or services in Ohio.

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 character and fitness, skills, and work as a paralegal. The other reference may include an attorney, judge, magistrate, hearing officer, mediator, arbitrator, or educator who has direct knowledge of the applicant's character and fitness, skills, and work as a paralegal. Applicants must also report any current or past disciplinary or criminal complaints or charges against them.

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 and writing, ethics, communication, computer knowledge, and law office management. General testing competencies will include critical and analytical thinking, communication (both oral and written), and computer skills. Areas tested may include the following:

1. Substantive & Procedural Law
 - a. American Legal System
 - b. Civil Rules and Procedure
 - c. Administrative Agency Law
 - d. Bankruptcy Law
 - e. Business and Commercial Law
 - f. Contract Law
 - g. Creditor/ Debtor Rights Law
 - h. Criminal Law
 - i. Environmental Law
 - j. Estate Planning, Trust & Probate Law
 - k. Family Relations Law
 - l. Intellectual Property Law
 - m. Labor & Employment Law
 - n. Real Property Law
 - o. Torts and Personal Injury Law
 - p. Workers' Compensation Law

(Applicants will select two of the substantive topics (c-p) in which to be tested.)

2. Legal Research and Writing
 - a. Codes (state/ federal)
 - b. Digests and Court Reports
 - c. Citation, Terminology and Phrases

3. Ethics
 - a. Rules of Professional Conduct/UPL
 - b. Confidentiality
 - c. Conflicts of Interest

4. Communication
 - a. Critical Thinking
 - b. Reading Comprehension
 - c. Analysis of Evidence
 - d. Data Interpretation
 - e. Logical Reasoning
 - f. Interviewing Techniques

5. Computer Knowledge
 - a. Legal Research
 - b. Database Use
 - c. Software Applications
 - d. Organizational and File Systems
 - e. Exhibits and Evidence

6. Law office Management
 - a. Vendors
 - b. Document Management
 - c. Tickler File
 - d. 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 have 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 a 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. Administrative Waivers

An applicant for paralegal certification or a certified paralegal may be eligible for waiver of the requirement of current employment required by sections I (definition), V (biennial reports) and VI (recertification) if the unemployment was the result of a poor economy (i.e. lay-off),

disability or other documented leave. A six month waiver may be granted by the chair of the paralegal certification board or designee in his or her discretion.

VII. Appeals

A. Notice of Action and Request for Reconsideration -An applicant who is denied certification, a Certified paralegal who is denied recertification, or an applicant or certified paralegal who is denied an administrative waiver under Section VII, 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 he or she 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 OSBA president or his or her designee 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 the Independent Review Panel's 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/or 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 his/her own expense and provide a complimentary copy of any transcript to the Board.

IX. Fees –All fees are non-refundable

A.	<u>Application</u>		C.	<u>Biennial Report</u>	
	OSBA Members	\$150		OSBA Members	\$100
	Non-members	\$200		Non-members	\$150
B.	<u>Examination Fee</u>		D.	<u>Recertification</u>	
	OSBA Members	\$100		OSBA Members	\$150
	Non-members	\$150		Non-members	\$200

Adopted by Board of Governors - June 2006; Amended September 2006; Amended December 4, 2009; Amended December 9, 2011; Amended November 8, 2013; Amended December 12, 2014