

SECTION .0100 THE PLAN FOR CERTIFICATION OF PARALEGALS

27 NCAC 01G .0101 PURPOSE

The purpose of this plan for certification of paralegals (plan) is to assist in the delivery of legal services to the public by identifying individuals who are qualified by education and training and have demonstrated knowledge, skill, and proficiency to perform substantive legal work under the direction and supervision of a licensed lawyer, and including any individual who may be otherwise authorized by applicable state or federal law to provide legal services directly to the public; and to improve the competency of those individuals by establishing mandatory continuing legal education and other requirements of certification.

*History Note: Authority G.S. 84-23;
Eff. October 6, 2004.*

27 NCAC 01G .0102 JURISDICTION: AUTHORITY

The Council of the North Carolina State Bar (the council) with the approval of the Supreme Court of North Carolina hereby establishes the Board of Paralegal Certification (board), which board shall have jurisdiction over the certification of paralegals in North Carolina.

*History Note: Authority G.S. 84-23;
Eff. October 6, 2004.*

27 NCAC 01G .0103 OPERATIONAL RESPONSIBILITY

The responsibility for operating the paralegal certification program rests with the board, subject to the statutes governing the practice of law, the authority of the council and the rules of governance of the board.

*History Note: Authority G.S. 84-23;
Eff. October 6, 2004.*

27 NCAC 01G .0104 SIZE AND COMPOSITION OF BOARD

The board shall have nine members, five of whom must be lawyers in good standing and authorized to practice law in the state of North Carolina. One of the members who is a lawyer shall be a program director at a qualified paralegal studies program. Four members of the board shall be paralegals certified under the plan, provided, however, that the paralegals appointed to the inaugural board shall be exempt from this requirement during their initial and successive terms but each such member shall be eligible, during the shorter of such initial term or the alternative qualification period, for certification by the board upon the board's determination that the member meets the requirements for certification in Rule .0119(b).

*History Note: Authority G.S. 84-23;
Adopted Eff. October 6, 2004;
Amended Eff. March 2, 2006.*

27 NCAC 01G .0105 APPOINTMENT OF MEMBERS; WHEN; REMOVAL

(a) Appointment. The council shall appoint the members of the board, provided, however, after the appointment of the initial members of the board, each paralegal member appointed for an initial term shall be selected by the council from two nominees determined by a vote by mail or online of all active certified paralegals in an election conducted by the board.

(b) Procedure for Nomination of Candidates for Paralegal Members.

- (1) Composition of Nominating Committee. At least 60 days prior to a meeting of the council at which one or more paralegal members of the board are subject to appointment for a full three year term, the board shall appoint a nominating committee comprised of certified paralegals as follows:
 - (i) A representative selected by the North Carolina Paralegal Association;
 - (ii) A representative selected by the North Carolina Bar Association Paralegal Division;

- (iii) A representative selected by the North Carolina Advocates for Justice Legal Assistants Division;
 - (iv) Three representatives from three local or regional paralegal organizations to be selected by the board; and
 - (v) An independent paralegal (not employed by a law firm, government entity, or legal department) to be selected by the board.
- (2) Selection of Candidates. The nominating committee shall meet within 30 days of its appointment to select five certified paralegals as candidates for each paralegal member vacancy on the board for inclusion on the ballot to be mailed to all active certified paralegals.
- (3) Vote of Certified Paralegals. At least 30 days prior to the meeting of the council at which a paralegal member appointment to the board will be made, a ballot shall be mailed or a notice of online voting shall be emailed or mailed to all active certified paralegals at each certified paralegal's physical or email address of record on file with the North Carolina State Bar. The ballot or notice shall be accompanied by written instructions, and shall state how many paralegal member positions on the board are subject to appointment, the names of the candidates selected by the nominating committee for each such position, and when and where the ballot should be returned. If balloting will be online, the notice shall explain how to access the ballot on the State Bar's paralegal website and the method for voting online. Write-in candidates shall be permitted and the instructions shall so state. Each ballot sent by mail shall be sequentially numbered with a red identifying numeral in the upper right hand corner of the ballot. Online balloting shall be by secure log-in to the State Bar's paralegal website using the certified paralegal's identification number and personal password. Any certified paralegal who does not have an email address on file with the State Bar shall be mailed a ballot. The board shall maintain appropriate records respecting how many ballots or notices are sent to prospective voters in each election as well as how many ballots are returned. Only original ballots will be accepted by mail. Ballots received after the deadline stated on the ballot or the email notice will not be counted. The names of the two candidates receiving the most votes for each open paralegal member position shall be the nominees submitted to the council.

(c) Time of Appointment. The first members of the board shall be appointed as of the quarterly meeting of the council following the creation of the board. Thereafter, members shall be appointed annually at the quarterly meeting of the council occurring on the anniversary of the appointment of the initial board.

(d) Vacancies. Vacancies occurring by reason of death, resignation, or removal shall be filled by appointment of the council, subject to the requirements of Rule .0105(a)1, at the next quarterly meeting following the event giving rise to the vacancy, and the person so appointed shall serve for the balance of the vacated term.

(e) Removal. Any member of the board may be removed at any time by an affirmative vote of a majority of the members of the council in session at a regularly called meeting.

*History Note: Authority G.S. 84-23;
Adopted Eff. October 6, 2004;
Amended Eff. March 6, 2014; August 25, 2011; March 11, 2010; March 8, 2007.*

27 NCAC 01G .0106 TERM OF OFFICE

Subject to Rule .0107 of this Subchapter, each member of the board shall serve for a term of three years beginning as of the first day of the month following the date on which the council appoints the member.

*History Note: Authority G.S. 84-23;
Eff. October 6, 2004.*

27 NCAC 01G .0107 STAGGERED TERMS

The members of the board shall be appointed to staggered terms such that three members are appointed in each year. Of the initial board, three members (one lawyer and two paralegals) shall be appointed to terms of one year; three members (two lawyers and one paralegal) shall be appointed to terms of two years; and three members (two lawyers and one paralegal) shall be appointed to terms of three years. Thereafter, three members (lawyers or paralegals as necessary to fill expired terms) shall be appointed in each year for full three year terms.

History Note: Authority G.S. 84-23;
Eff. October 6, 2004.

27 NCAC 01G .0108 SUCCESSION

Each member of the board shall be entitled to serve for one full three-year term and to succeed himself or herself for one additional three-year term. Each certified paralegal member shall be eligible for reappointment by the council at the end of his or her term without appointment of a nominating committee or vote of all active paralegals as would be otherwise required by Rule .0105 of this subchapter. Thereafter, no person may be reappointed without having been off of the board for at least three years.

History Note: Authority G.S. 84-23;
Adopted Eff. October 6, 2004;
Amended Eff. March 6, 2014.

27 NCAC 01G .0109 APPOINTMENT OF CHAIRPERSON

The council shall appoint the chairperson of the board from among the lawyer members of the board. The term of the chairperson shall be one year. The chairperson may be reappointed thereafter during his or her tenure on the board. The chairperson shall preside at all meetings of the board, shall prepare and present to the council the annual report of the board, and generally shall represent the board in its dealings with the public.

History Note: Authority G.S. 84-23;
Eff. October 6, 2004.

27 NCAC 01G .0110 APPOINTMENT OF VICE-CHAIRPERSON

The council shall appoint the vice-chairperson of the board from among the members of the board. The term of the vice-chairperson shall be one year. The vice-chairperson may be reappointed thereafter during his or her tenure on the board. The vice-chairperson shall preside at and represent the board in the absence of the chairperson and shall perform such other duties as may be assigned to him or her by the chairperson or by the board.

History Note: Authority G.S. 84-23;
Eff. October 6, 2004.

27 NCAC 01G .0111 SOURCE OF FUNDS

Funding for the program carried out by the board shall come from such application fees, examination fees, annual fees or recertification fees as the board, with the approval of the council, may establish.

History Note: Authority G.S. 84-23;
Eff. October 6, 2004.

27 NCAC 01G .0112 FISCAL RESPONSIBILITY

All funds of the board shall be considered funds of the North Carolina State Bar and shall be administered and disbursed accordingly.

- (1) Maintenance of Accounts: Audit - The North Carolina State Bar shall maintain a separate account for funds of the board such that such funds and expenditures there from can be readily identified. The accounts of the board shall be audited on an annual basis in connection with the audits of the North Carolina State Bar.
- (2) Investment Criteria - The funds of the board shall be handled, invested and reinvested in accordance with investment policies adopted by the council for the handling of dues, rents and other revenues received by the North Carolina State Bar in carrying out its official duties.
- (3) Disbursement - Disbursement of funds of the board shall be made by or under the direction of the secretary-treasurer of the North Carolina State Bar.

History Note: Authority G.S. 84-23;

Eff. October 6, 2004.

27 NCAC 01G .0113 MEETINGS

The board by resolution may set regular meeting dates and places. Special meetings of the board may be called at any time upon notice given by the chairperson. Notice of meeting shall be given at least one day prior to the meeting by mail, electronic mail, telegram, facsimile transmission, or telephone. A quorum of the board for conducting its official business shall be five or more of the members serving at the time of the meeting.

*History Note: Authority G.S. 84-23;
Eff. October 6, 2004.*

27 NCAC 01G .0114 ANNUAL REPORT

The board shall prepare a report of its activities for the preceding year and shall present the same at the annual meeting of the council.

*History Note: Authority G.S. 84-23;
Eff. October 6, 2004.*

27 NCAC 01G .0115 POWERS AND DUTIES OF THE BOARD

Subject to the general jurisdiction of the council and the North Carolina Supreme Court, the board shall have jurisdiction of all matters pertaining to certification of paralegals and shall have the power and duty

- (1) to administer the plan of certification for paralegals;
- (2) to appoint, supervise, act on the recommendations of, and consult with committees as appointed by the board or the chairperson;
- (3) to certify paralegals or deny, suspend or revoke the certification of paralegals;
- (4) to establish and publish procedures, rules, regulations, and bylaws to implement this plan;
- (5) to propose and request the council to make amendments to this plan whenever appropriate;
- (6) to cooperate with other boards or agencies in enforcing standards of professional conduct;
- (7) to evaluate and approve continuing legal education courses for the purpose of meeting the continuing legal education requirements established by the board for the certification of paralegals;
- (8) to cooperate with other organizations, boards and agencies engaged in the recognition, education or regulation of paralegals; and
- (9) to set fees, with the approval of the council, and to, in appropriate circumstances, waive such fees.

*History Note: Authority G.S. 84-23;
Adopted Eff. October 6, 2004;
Amended Eff. March 2, 2006.*

27 NCAC 01G .0116 RETAINED JURISDICTION OF THE COUNCIL

The council retains jurisdiction with respect to the following matters:

- (1) amending this plan;
- (2) hearing appeals taken from actions of the board;
- (3) establishing or approving fees to be charged in connection with the plan;
- (4) regulating the conduct of lawyers in the supervision of paralegals; and
- (5) determining whether to pursue injunctive relief as authorized by G. S. 84-37 against persons acting in violation of this plan.

*History Note: Authority G.S. 84-23;
Eff. October 6, 2004.*

27 NCAC 01G .0117 CONFERRED AND LIMITATIONS IMPOSED

The board in the implementation of this plan shall not alter the following privileges and responsibilities of lawyers and their non-lawyer assistants.

- (1) No rule shall be adopted which shall in any way limit the right of a lawyer to delegate tasks to a non-lawyer assistant or to employ any person to assist him or her in the practice of law.
- (2) No person shall be required to be certified as a paralegal to be employed by a lawyer to assist the lawyer in the practice of law.
- (3) All requirements for and all benefits to be derived from certification as a paralegal are individual and may not be fulfilled by nor attributed to the law firm or other organization or entity employing the paralegal.
- (4) Any person certified as a paralegal under this plan shall be entitled to represent that he or she is a "North Carolina Certified Paralegal (NCCP)", a "North Carolina State Bar Certified Paralegal (NCSB/CP)" or a "Paralegal Certified by the North Carolina State Bar Board of Paralegal Certification."

History Note: Authority G.S. 84-23;
Eff. October 6, 2004.

27 NCAC 01G .0118 CERTIFICATION COMMITTEE

(a) The board shall establish a separate certification committee. The certification committee shall be composed of seven members appointed by the board. At least two members of the committee shall be lawyers, licensed and currently in good standing to practice law in this state, and two members of the committee shall be certified paralegals. The remaining members of the committee shall be either lawyers, licensed and currently in good standing to practice law in this state, or certified paralegals. The paralegals appointed to the inaugural committee shall be exempt from the certification requirement during their initial term but each such member shall be eligible, during the shorter of such initial term or the alternative qualification period, for certification by the board upon the board's determination that the committee member meets the requirements for certification in Rule .0119(b).

(b) The chair of the Board of Paralegal Certification shall appoint one member of the committee to serve for a one-year term as chair of the committee and one member of the committee to serve for a one-year term as vice chair of the committee. The chair and vice chair may be reappointed to multiple terms in these positions.

(c) Members shall hold office for three years, except those members initially appointed who shall serve as hereinafter designated. Members shall be appointed by the board to staggered terms and the initial appointees shall serve as follows: two shall serve for one year after appointment; two shall serve for two years after appointment; and three shall serve for three years after appointment. Appointment by the board to a vacancy shall be for the remaining term of the member leaving the committee. All members shall be eligible for reappointment to not more than one additional three-year term after having served one full three-year term, provided, however, that the board may reappoint the chairperson of the committee to a third three-year term if the board determines that the reappointment is in the best interest of the program. Meetings of the certification committee shall be held at regular intervals at such times, places and upon such notices as the committee may from time to time prescribe or upon direction of the board.

(d) The committee shall advise and assist the board in carrying out the board's objectives and in the implementation and regulation of this plan by advising the board as to standards for certification of individuals as paralegals. The committee shall be charged with actively administering the plan as follows:

- (1) upon request of the board, make recommendations to the board for certification, continued certification, denial, suspension, or revocation of certification of paralegals and for procedures with respect thereto;
- (2) draft and regularly revise the certification examination and
- (3) perform such other duties and make such other recommendations as may be delegated to or requested by the board.

History Note: Authority G.S. 84-23;
Adopted by the Supreme Court October 6, 2004;
Amendments Approved by the Supreme Court: March 2, 2006; March 6, 2014; September 20, 2018.

27 NCAC 01G .0119 STANDARDS FOR CERTIFICATION OF PARALEGALS

(a) To qualify for certification as a paralegal, an applicant must pay any required fee, and comply with the following standards:

- (1) Education. The applicant must have earned one of the following:

- (A) an associate's, bachelor's, or master's degree from a qualified paralegal studies program;
 - (B) a certificate from a qualified paralegal studies program and an associate's or bachelor's degree in any discipline from any institution of post-secondary education that is accredited by an accrediting body recognized by the United States Department of Education (an accredited US institution) or an equivalent degree from a foreign educational institution if the degree is determined to be equivalent to a degree from an accredited US institution by an organization that is a member of the National Association of Credential Evaluation Services (NACES) or the Association of International Credentials Evaluators (AICE); or
 - (C) a juris doctorate degree from a law school accredited by the American Bar Association.
- (2) National Certification. If an applicant has obtained and thereafter maintains in active status at all times prior to application (i) the designation Certified Legal Assistant (CLA)/Certified Paralegal (CP) from the National Association of Legal Assistants; (ii) the designation PACE-Registered Paralegal (RP)/Certified Registered Paralegal (CRP) from the National Federation of Paralegal Associations; or (iii) another national paralegal credential approved by the board, the applicant is not required to satisfy the educational standard in paragraph (a)(1).
- (3) Examination. The applicant must achieve a satisfactory score on a written examination designed to test the applicant's knowledge and ability. The board shall assure that the contents and grading of the examinations are designed to produce a uniform minimum level of competence among the certified paralegals.
- (b) Notwithstanding an applicant's satisfaction of the standards set forth in Rule .0119(a), no individual may be certified as a paralegal if:
- (1) the individual's certification or license as a paralegal in any state is under suspension or revocation;
 - (2) the individual's license to practice law in any state is under suspension or revocation;
 - (3) the individual
 - (A) was convicted of a criminal act that reflects adversely on the individual's honesty, trustworthiness, or fitness as a paralegal;
 - (B) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation;
 - (C) engaged in the unauthorized practice of law; or
 - (D) has had a nonlegal state or federal occupational or professional license suspended or revoked for misconduct; however, the board may certify an applicant whose application discloses conduct described in Rule .0119(c)(3) if, after consideration of mitigating factors, including remorse, reformation of character, and the passage of time, the board determines that the individual is honest, trustworthy, and fit to be a certified paralegal; or
 - (4) the individual is not a legal resident of the United States.
- (c) All matters concerning the qualification of an applicant for certification, including, but not limited to, applications, examinations and examination scores, files, reports, investigations, hearings, findings, recommendations, and adverse determinations shall be confidential so far as is consistent with the effective administration of this plan, fairness to the applicant and due process of law.
- (d) Qualified Paralegal Studies Program. A qualified paralegal studies program is a program of paralegal or legal assistant studies that is an institutional member of the Southern Association of Colleges and Schools or other regional or national accrediting agency recognized by the United States Department of Education, and is either
- (1) approved by the American Bar Association;
 - (2) an institutional member of the American Association for Paralegal Education; or
 - (3) offers at least the equivalent of 18 semester credits of coursework in paralegal studies as prescribed by the American Bar Association Guidelines for the Approval of Paralegal Education including the equivalent of one semester credit in legal ethics.
- (e) Designation as a Qualified Paralegal Studies Program. The board shall determine whether a paralegal studies program is a qualified paralegal studies program upon submission by the program of an application to the board provided, however, a paralegal studies program is not required to submit an application for qualification as long as the program satisfies the requirements of Rule .0119(e)(1) or (2).
- (1) A program designated by the board as a qualified paralegal studies program shall renew its application for designation every five years.
 - (2) An applicant for certification who lists on a certification application a paralegal studies program that does not satisfy the requirements of Rule .0119(e)(1) or (2) or that has not been designated by the board as a qualified paralegal studies program shall be responsible for obtaining a completed

application for designation from the program or shall submit the information required on the application for determination that the program is a qualified paralegal studies program.

- (3) Designation of a paralegal studies program as a qualified paralegal studies program under this section does not constitute an approval or an endorsement of the program by the board or the North Carolina State Bar.

History Note: Authority G.S. 84-23;
Adopted by the Supreme Court October 6, 2004;
Amendments Approved by the Supreme Court: March 2, 2006; March 8, 2007; February 5, 2009;
March 11, 2010; March 6, 2014; March 5, 2015; June 9, 2016; April 5, 2018.

27 NCAC 01G .0120 STANDARDS FOR CONTINUED CERTIFICATION OF PARALEGALS

(a) The period of certification as a paralegal shall be one year. During such period the board may require evidence from the paralegal of his or her continued qualification for certification as a paralegal, and the paralegal must consent to inquiry by the board regarding the paralegal's continued competence and qualification to be certified. Application for and approval of continued certification shall be required annually prior to the end of each certification period. To qualify for continued certification as a paralegal, an applicant must demonstrate participation in not less than six hours of credit in board approved continuing legal education, or its equivalent, during the year within which the application for continued certification is made.

(b) Upon written request of the paralegal, the board may for good cause shown waive strict compliance by such paralegal with the criteria relating to continuing legal education, as those requirements are set forth in Rule .0120(a).

(c) A late fee of twenty-five dollars (\$25.00) will be charged to any certified paralegal who fails to file the renewal application within 45 days of the due date; provided, however, a renewal application will not be accepted more than 90 days after the due date. Failure to renew shall result in lapse of certification.

History Note: Authority G.S. 84-23;
Eff. October 6, 2004;
Amended Eff. October 8, 2009.

27 NCAC 01G .0121 LAPSE, SUSPENSION OR REVOCATION OF CERTIFICATION

(a) The board may suspend or revoke its certification of a paralegal, after hearing before the board on appropriate notice, upon a finding that

- (1) the certification was made contrary to the rules and regulations of the board;
- (2) the individual certified as a paralegal made a false representation, omission or misstatement of material fact to the board;
- (3) the individual certified as a paralegal failed to abide by all rules and regulations promulgated by the board;
- (4) the individual certified as a paralegal failed to pay the fees required;
- (5) the individual certified as a paralegal no longer meets the standards established by the board for the certification of paralegals;
- (6) the individual is not eligible for certification on account of one or more of the grounds set forth in Rule .0119(c); or
- (7) the individual violated the confidentiality agreement relative to the questions on the certification examination.

(b) An individual certified as a paralegal has a duty to inform the board promptly of any fact or circumstance described in Rule .0121(a).

(c) If an individual's certification lapses, or if the board revokes a certification, the individual cannot again be certified as a paralegal unless he or she so qualifies upon application made as if for initial certification and upon such other conditions as the board may prescribe. If the board suspends certification of an individual as a paralegal, such certification cannot be reinstated except upon the individual's application and compliance with such conditions and requirements as the board may prescribe.

History Note: Authority G.S. 84-23;
Eff. October 6, 2004;
Amended Eff. March 6, 2008.

27 NCAC 01G .0122 RIGHT TO REVIEW AND APPEAL TO COUNCIL

(a) Lapsed Certification. An individual whose certification has lapsed pursuant to Rule .0120(c) of this subchapter for failure to complete all of the requirements for renewal within the prescribed time limit shall have the right to request reinstatement for good cause shown. A request for reinstatement shall be in writing, must state the personal circumstances prohibiting or substantially impeding satisfaction of the requirements for renewal within the prescribed time limit, and must be made within 90 days of the date notice of lapse is mailed to the individual. The request for reinstatement shall be reviewed on the written record and ruled upon by the board. There shall be no other right to review by the board or appeal to the council under this rule.

(b) Denial of Certification or Continued Certification. An individual who is denied certification or continued certification as a paralegal or whose certification is suspended or revoked shall have the right to a review before the board pursuant to the procedures set forth below and, thereafter, the right to appeal the board's ruling thereon to the council under such rules and regulations as the council may prescribe.

- (1) Notification of the Decision of the Board. Following the meeting at which the board denies certification for failure to meet the standards for certification, including failing the examination, denies continued certification, or suspends or revokes certification, the executive director shall promptly notify the individual in writing of the decision of the board. The notification shall specify the reason for the decision of the board and shall inform the individual of his or her right to request a review before the board.
- (2) Request for Review by the Board. Except as provided in paragraph (e) of this rule, within 30 days of the mailing of the notice from the executive director described in paragraph (b) of this rule, the individual may request review by the board. The request shall be in writing and state the reasons for which the individual believes the prior decision of the board should be reconsidered and withdrawn. The request shall state whether the board's review shall be on the written record or at a hearing.
- (3) Review by the Board. A three-member panel of the board shall be appointed by the chair of the board to reconsider the board's decision and take action by a majority of the panel. At least one member of the panel shall be a lawyer member of the board and at least one member of the panel shall be a paralegal member of the board. The decision of the panel shall constitute the final decision of the board.
 - (A) Review on the Record. If requested, the panel shall review the entire written record including the individual's application, all supporting documentation, and any written materials submitted by the individual within 30 days of mailing the request for review. The panel shall make its decision within sixty (60) days of receipt of the written request for review from the individual.
 - (B) Review Hearing. If requested, the panel shall hold a hearing at a time and location that is convenient for the panel members and the individual provided the hearing occurs within sixty (60) days of receipt of the written request for review from the individual. The hearing shall be informal. The Rules of Evidence and the Rules of Civil Procedure shall not apply. The individual may be represented by a lawyer at the hearing, may offer witnesses and exhibits, and may question witnesses for the board. The panel may ask witnesses to appear and may consider exhibits on its own request. Witnesses shall not be sworn. The hearing shall not be reported unless the applicant pays the costs of the transcript and arranges for the preparation of the transcript with the court reporter.
 - (C) Decision of the Panel. The individual shall be notified in writing of the decision of the panel and, if unfavorable, the right to appeal the decision to the council under such rules and regulations as the council may prescribe. To exercise this right, the individual must file an appeal to the council in writing within 30 days of the mailing of the notice of the decision of the panel.

*History Note: Authority G.S. 84-23;
Adopted by the Supreme Court October 6, 2004;
Amendments Approved by the Supreme Court: March 8, 2007; February 5, 2009; March 8, 2013;
August 27, 2013; September 20, 2018.*

27 NCAC 01G .0123 INACTIVE STATUS UPON DEMONSTRATION OF HARDSHIP

(a) Inactive Status. The board shall transfer a certified paralegal to inactive status upon receipt of a petition, on a form approved by the board, demonstrating hardship as defined in Paragraph (b) of this Rule and upon payment of any fees owed to the board at the time of the petition unless waived by the board.

- (1) The period of inactive status shall be one year from the designated renewal date.
- (2) On or before the expiration of inactive status, a paralegal on inactive status must file a petition for (continued) inactive status or seek reinstatement to active status by filing a renewal application pursuant to Rule .0120 of this Subchapter. Failure to petition for continued inactive status or renewal shall result in lapse of certification.
- (3) A paralegal may be inactive for not more than a total of five consecutive years.
- (4) During a period of inactive status, a paralegal is not required to pay the renewal fee or to complete continuing legal education.
- (5) During a period of inactive status, a paralegal shall not be entitled to represent that he or she is a North Carolina certified paralegal or to use any of the designations set forth in Rule .0117(4) of this Subchapter.

(b) Hardship. The following conditions shall qualify as hardship justifying a transfer to inactive status:

- (1) Financial inability to pay the annual renewal fee and to pay for continuing legal education courses due to unemployment or underemployment of the paralegal for a period of three months or more;
- (2) Disability or serious illness for a period of three months or more;
- (3) Active military service; and
- (4) Transfer of the paralegal's active duty military spouse to a location outside of North Carolina.

(c) Reinstatement before Expiration of Inactive Status. To be reinstated as a certified paralegal, the paralegal must petition the board for reinstatement by filing a renewal application prior to the expiration of the inactive status period and must pay the annual renewal fee. If the paralegal was inactive for a period of two consecutive calendar years or more during the year prior to the filing of the petition, the paralegal must complete 12 hours of credit in board-approved continuing paralegal education, or its equivalent. Of the 12 hours, at least 2 hours shall be devoted to the areas of professional responsibility or professionalism, or any combination thereof.

(d) Certification after Expiration of Inactive Status Period. If the inactive status period expires before the paralegal petitions for reinstatement, certification shall lapse, and the paralegal cannot again be certified unless the paralegal qualified upon application made as if for initial certification.

*History Note: Authority G.S. 84-23;
Eff. August 24, 2012.*

SECTION .0200 – RULES GOVERNING CONTINUING PARALEGAL EDUCATION

27 NCAC 01G .0201 CONTINUING PARALEGAL EDUCATION (CPE)

(a) Each active certified paralegal subject to these rules shall complete 6 hours of approved continuing education during each year of certification.

(b) Of the 6 hours, at least 1 hour shall be devoted to the areas of professional responsibility or professionalism or any combination thereof.

- (1) A professional responsibility course or segment of a course shall be devoted to (1) the substance, the underlying rationale, and the practical application of the Rules of Professional Conduct; (2) the professional obligations of the lawyer to the client, the court, the public, and other lawyers, and the paralegal's role in assisting the lawyer to fulfill those obligations; (3) the effects of substance abuse and chemical dependency, or debilitating mental condition on a lawyer's or a paralegal's professional responsibilities; or (4) the effects of stress on a paralegal's professional responsibilities.
- (2) A professionalism course or segment of a course shall be devoted to the identification and examination of, and the encouragement of adherence to, non-mandatory aspirational standards of professional conduct that transcend the requirements of the Rules of Professional Conduct. Such courses address principles of competence and dedication to the service of clients, civility, improvement of the justice system, advancement of the rule of law, and service to the community.

*History Note: Authority G.S. 84-23;
Adopted Eff. August 18, 2005;*

Amended Eff. March 6, 2014.

27 NCAC 01G .0202 ACCREDITATION STANDARDS

The Board of Paralegal Certification shall approve continuing education activities in compliance with the following standards and provisions.

- (a) An approved activity shall have significant intellectual or practical content and the primary objective of increasing the participant's professional competence and proficiency as a paralegal.
- (b) An approved activity shall constitute an organized program of learning dealing with matters directly related to the practice of law, professional responsibility, professionalism, or ethical obligations of paralegals.
- (c) A certified paralegal may receive credit for continuing education activities in which live instruction or recorded material is used. Recorded material includes videotaped or satellite transmitted programs, and programs on CD-ROM, DVD, or other similar electronic or digital replay formats. A minimum of three certified paralegals must register to attend the presentation of a replayed prerecorded program. This requirement does not apply to participation from a remote location in the presentation of a live broadcast by telephone, satellite, or video conferencing equipment.
- (d) A certified paralegal may receive credit for participation in a course online. An on-line course is an educational seminar available on a provider's website reached via the internet. To be accredited, a computer-based CPE course must be interactive, permitting the participant to communicate, via telephone, electronic mail, or a website bulletin board, with the presenter and/or other participants.
- (e) Continuing education materials are to be prepared, and activities conducted, by an individual or group qualified by practical or academic experience in a setting physically suitable to the educational activity of the program and, when appropriate, equipped with suitable writing surfaces or sufficient space for taking notes.
- (f) Thorough, high quality, and carefully prepared written materials should be distributed to all attendees at or before the time the course is presented. These may include written materials printed from a computer presentation, computer website, or CD-ROM. A written agenda or outline for a presentation satisfies this requirement when written materials are not suitable or readily available for a particular subject. The absence of written materials for distribution should, however, be the exception and not the rule.
- (g) Any continuing legal education activity approved for lawyers by the North Carolina State Bar's Board of Continuing Legal Education meets these standards.
- (h) In-house continuing legal education and self-study shall not qualify for continuing paralegal education (CPE) credit.
- (i) A certified paralegal may receive credit for completion of a course offered by an ABA accredited law school with respect to which academic credit may be earned. No more than 6 CPE hours in any year may be earned by attending such courses. Credit shall be awarded as follows: 3.5 hours of CPE credit for every quarter hour of credit assigned to the course by the educational institution, or 5.0 hours of CPE credit for every semester hour of credit assigned to the course by the educational institution.

*History Note: Authority G.S. 84-23;
Adopted Eff. August 18, 2005;
Amended Eff. March 8, 2013; March 11, 2010; March 2, 2006.*

27 NCAC 01G .0203 GENERAL COURSE APPROVAL

(a) Approval – Continuing education activities, not otherwise approved or accredited by the North Carolina State Bar Board of Continuing Legal Education, may be approved upon the written application of a sponsor, or of a certified paralegal on an individual program basis. An application for continuing paralegal education (CPE) approval shall meet the following requirements:

- (1) If advance approval is requested by a sponsor, the application and supporting documentation (*i.e.*, the agenda with timeline, speaker information and a description of the written materials) shall be submitted at least 45 days prior to the date on which the course or program is scheduled. If advance approval is requested by a certified paralegal, the application need not include a complete set of supporting documentation.
- (2) If more than five certified paralegals request approval of a particular program, either in advance of the date on which the course or program is scheduled or subsequent to that date, the program will not be accredited unless the sponsor applies for approval of the program and pays the accreditation fee set forth in Rule .0204.
- (3) In all other cases, the application and supporting documentation shall be submitted not later than 45 days after the date the course or program was presented.

- (4) The application shall be submitted on a form furnished by the Board of Paralegal Certification.
 - (5) The application shall contain all information requested on the form.
 - (6) The application shall be accompanied by a course outline or brochure that describes the content, identifies the teachers, lists the time devoted to each topic and shows each date and location at which the program will be offered.
 - (7) The application shall include a detailed calculation of the total continuing paralegal education (CPE) hours and the hours of professional responsibility for the program.
 - (8) If the sponsor has not received notice of accreditation within 15 days prior to the scheduled date of the program, the sponsor should contact the Board of Paralegal Certification via telephone or e-mail.
- (b) Announcement. Sponsors who have advance approval for courses from the Board of Paralegal Certification may include in their brochures or other course descriptions the information contained in the following illustration: This course [or seminar or program] has been approved by the North Carolina State Bar Board of Paralegal Certification for continuing paralegal education credit in the amount of ____ hours, of which ____ hours will also apply in the area of professional responsibility. This course is not sponsored by the Board of Paralegal Certification.

History Note: Authority G.S. 84-23;
Adopted Eff. August 18, 2005;
Amended Eff. August 27, 2013.

27 NCAC 01G .0204 FEES

Accredited Program Fee - Sponsors seeking accreditation for a particular program (whether or not the sponsor itself is accredited by the North Carolina State Bar Board of Continuing Legal Education), that has not already been approved or accredited by the North Carolina State Bar Board of Continuing Legal Education, shall pay a non-refundable fee of \$75. However, no fee shall be charged for any program that is offered without charge to attendees. All programs must be approved in accordance with Rule .0203(1). An accredited program may be advertised by the sponsor in accordance with Rule .0203(2).

History Note: Authority G.S. 84-23;
Eff. August 18, 2005;
Amended Eff. June 9, 2016.

27 NCAC 01G .0205 COMPUTATION OF HOURS OF INSTRUCTION

- (a) Hours of continuing paralegal education (CPE) will be computed by adding the number of minutes of actual instruction, dividing by 60 and rounding the results to the nearest one-tenth of an hour.
- (b) Only actual instruction will be included in computing the total hours. The following will be excluded:
 - (1) introductory remarks;
 - (2) breaks;
 - (3) business meetings.
- (c) Teaching – Continuing paralegal education (CPE) credit may be earned for teaching an approved continuing education activity. Three CPE credits will be awarded for each thirty (30) minutes of presentation. Repeat live presentations will qualify for one-half of the credit available for the initial presentation. No credit will be awarded for video replays.
- (d) Teaching at a Qualified Paralegal Studies Program – Continuing paralegal education (CPE) credit may be earned for teaching a course at a qualified paralegal studies program, which program shall be qualified pursuant to Rule .0119(a) of this subchapter. Two CPE credits will be awarded for each semester credit (or its equivalent) awarded to the course.

History Note: Authority G.S. 84-23;
Eff. August 18, 2005.