

**NFPA 2023 ANNUAL CONVENTION
WASHINGTON, DC METRO AREA**

AGENDA TOPIC NO. 1

**DIVERSITY, EQUITY, AND INCLUSION AS REQUIRED CLE
FOR RP® AND CRP™ CREDENTIALLED PARALEGALS**

Submitted by: NFPA Diversity, Equity, and Inclusion Committee:

Sybil Taylor Aytch, M.Ed., RP® - Chair
Lori Boris, RP®, MnCP
Mpho Chapi
Brenna C. Dickey, RP®
Jennifer Echikson, Pa.CP
Melody S. Johnson, CP®
Sonjanita C. Jordan
Stefanie Trujillo
Jay M. Williams, TBLS-BCP

Co-sponsored by: NFPA Ethics Board
Dallas Area Paralegal Association
Montgomery County Paralegal Association
Rocky Mountain Paralegal Association

Supported by: Beth Bialas, RP®, NYSCP®
NFPA Director of Positions and Issues

History: The National Federation of Paralegal Associations, Inc. (NFPA) currently requires twelve (12) hours of continuing legal education (CLE) credit, including two (2) hours of ethics, of which one (1) hour may be used for diversity, equity, and inclusion, for Paralegal Advanced Competency Exam (PACE) renewals for the Registered Paralegal (RP®) credential, and eight (8) hours of CLE credit, including two (2) hours of ethics, of which one (1) hour may be used for diversity, equity, and inclusion, for Paralegal CORE Competency Exam (PCCE) renewals for the CORE Registered Paralegal (®®) credential. Ethics credits are outlined by NFPA's CLE guidelines as generally related to NFPA's Code of Ethics and Professional Responsibility (herein, referred to as "NFPA's Ethics Code").

Further, the NFPA Board of Directors established a Diversity, Equity, and Inclusion Committee in 2017¹. This Committee is charged with working on development of NFPA's Policy Manual and Handbook on Diversity, Equity, and Inclusion to be used as a resource for NFPA member associations, and to provide guidance and suggestions for implementation of their own diversity,

¹ The name of the Committee was changed from Diversity and Inclusion to Diversity, Inclusion, and Equity in 2019, and subsequently to Diversity, Equity, and Inclusion in 2021, its current name.

equity, and inclusion policies. In 2018, the delegation approved an update to NFPA's Position Statement on Diversity, Equity, and Inclusion, as Resolution 18-08, and was subsequently updated by the DEI Committee in 2020, 2021², and 2022, which includes the following diversity statement:

One of the greatest resources of the paralegal profession is the racial, ethnic, cultural, religious, national origin, indigenous heritage, marital or parental status, socio-economic status, disability or differently abled status, military service or veteran status, sexual orientation or identity, age, gender, residency status, physical characteristics, health status, neurodiversity status, justice and adjudication status, and social diversity of its members. The National Federation of Paralegal Associations, Inc. ("NFPA") takes great pride in this diversity. NFPA welcomes, respects, promotes and supports diversity, equity, and inclusion in all aspects of its membership, in its vendors and contractors, and with paralegal educators, paralegal students, the paralegal profession, the legal profession, bar associations, and the courts.

https://www.paralegals.org/resource/resmgr/files/migration/d/dei_position_statement_2022_.pdf

Current Situation: NFPA requires CLE credit, including ethics, for credential renewal and supports diversity, equity, and inclusion initiatives, but does not currently provide for a requirement for NFPA-affiliated CLE organizers to present qualifying CLE that promotes diversity, equity, and inclusion. An increasing number of states require attorneys to achieve a minimum number of CLE credits related to diversity, equity, and inclusion, including the elimination of bias. California, Colorado, Illinois, Maine, Minnesota, Missouri, New York, and Oregon have already adopted stand-alone diversity, equity, and inclusion CLE requirements. Arizona, Hawaii, Kansas, Nebraska, Washington, and West Virginia allow programs on the elimination of bias to qualify for ethics and/or professionalism CLE credit.

As a component of our professionalism, it is fundamental for paralegals to be effectively versed in issues related to diversity, equity, and inclusion. Accordingly, mandating one (1) hour of diversity, equity, and inclusion CLE as a requirement for RP® and CRP™ credentialed paralegals is consistent with the American Bar Association's (ABA) Model Rule 8.4 (Misconduct), specifically Comment 3, which includes the following language:

Discrimination and harassment by lawyers in violation of paragraph (g) undermine confidence in the legal profession and the legal system. Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others. Harassment includes sexual harassment and derogatory or demeaning verbal or physical conduct. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. The substantive law of antidiscrimination and anti-harassment statutes and case law may guide application of paragraph (g).

The Diversity, Equity, and Inclusion Committee, and co-sponsoring associations, believe it is crucial for NFPA to accept this one (1) hour required component of diversity, equity, and inclusion

² Updated in 2021 solely to reflect the Committee's name change.

in its CLE requirements to exemplify the promotion of diversity, equity, and inclusion, and to maintain the integrity and fulfillment of NFPA's Core Value of supporting unity within the profession and embracing diversity.

Strategic Long-Range Plan: Adoption of this agenda topic will amend current existing CLE requirements to incorporate diversity, equity, and inclusion for RP® and CRP™ credential renewals. NFPA members must be cognizant in recognizing bias while allowing for effective interactions with individuals from various racial, ethnic, cultural, religious, national origin, indigenous heritage, marital or parental statuses, socioeconomic statuses, disability or differently abled statuses, military service or veteran statuses, sexual orientation or identity, age, gender, residency statuses, physical characteristics, health statuses, neurodiversity statuses, justice and adjudication statuses. This is consistent with CLE requirements established by the ABA, NALA, and individual states where NFPA member associations and individual members are located.

Detailed Description of Recommendation: The Diversity, Equity, and Inclusion Committee, the Ethics Board, and co-sponsoring associations recommend NFPA amend its current CLE requirements for RP® and CRP™ credentialed paralegals effective 2024 by requiring a one (1) hour diversity, equity, and inclusion CLE as mandatory for credential renewal.

Further, the Diversity, Equity, and Inclusion Committee will present at least two (2) CLEs annually, each of which will contain at least one (1) hour of CLE-approved diversity, equity, and inclusion, credit by NFPA diversity, equity, and inclusion as part of the RP® and CRP™ credential renewal requirement. The diversity, equity, and inclusion CLEs will be presented either virtually or in person at NFPA's Annual Convention and Joint Conference. The members of the Diversity, Equity, and Inclusion Committee shall also be available to present CLEs to local associations, or other NFPA-sponsored events. ~~All NFPA Diversity, Equity, and Inclusion Committee presented CLEs may be recorded whenever possible and made available on demand on its website.~~ The Diversity, Equity, and Inclusion Committee will also provide information about other available NFPA and non-NFPA diversity, equity, and inclusion CLEs.

Motion:

COME NOW the Diversity, Equity, and Inclusion Committee, the Ethics Board, and co-sponsoring associations, which respectfully submit this agenda topic in support thereon their proposal to require one (1) hour of diversity, equity, and inclusion CLE credit for credential renewals as follows:

BE IT RESOLVED that NFPA shall amend its policy for CLE credit requirements for renewal of NFPA certification credentials to read as follows:

The CLE renewal requirements for the RP® credential requires 12 CLE hours for renewal, one of which are ethics, and one of which is diversity, equity, and inclusion, and the CRP™ credential requires 8 CLE hours for renewal, one of which is ethics, and one of which is diversity, equity, and inclusion, and dual-credentialed paralegals in good standing holding both the RP® and the CRP™ credentials may use the same CLE hours provided in the RP® renewal process for the renewal in the CRP™ process, as long as it is within the two (2) year time period related to their renewal date.

BE IT FURTHER RESOLVED that NFPA shall adopt the following definition for diversity, equity, and inclusion course in its CLE Guidelines:

“Course in diversity, equity, and inclusion” means a course that is designed to focus on the elimination of bias and intolerance based on racial, ethnic, cultural, religious, national origin, indigenous heritage, marital or parental status, socio-economic status, disability status, military service or veteran status, sexual orientation or identity, age, gender, and social diversity. This includes, but is not limited to, courses related to challenges faced by populations underrepresented in the legal profession, mental health, disability accommodation, cultural competency, substance abuse, LGBTQIA2S+ issues, sexual harassment in the workplace, and other topics that promote greater understanding of diversity, equity, and inclusion. [See attached Exhibit A].

Pros:

- Reflects and integrates NFPA's commitment to diversity, equity, and inclusion into our credentialing programs, in accordance with NFPA's Core Value of supporting unity within the profession and embracing diversity, and as an avenue for ensuring our credentialed paralegals receive training to explore stereotypes, prejudices, and biases, and in development of strategies for changing behavior.
- Provides a definition for approval of DEI credit hours for local associations to integrate into their local credentialing programs.

Cons: None known.

Financial Cost³: Undetermined

Number of Volunteers and Estimate of Hours Needed: 10 hours

State any known legal implications⁴: None

Have you reviewed NFPA's Bylaws, Policy Manual and/or Procedures Manual to determine if there are any conflicts?

☒ Yes ☐ No

If yes, please provide details.
No conflicts.

³ Contact NFPA's Treasurer and Director of Finance for assistance.

⁴ If there is a question whether the solution may involve existing NFPA contracts, contact NFPA's Secretary & Director of Leadership Development. If you are uncertain but feel it may result in other legal implications such as membership rights and/or due process, trademark and/or copyright law, antitrust violations or any other area of law, contact NFPA's President for clarification.

An Agenda Topic must include all previous resolutions relating to the subject. When a specific resolution is submitted, it must specifically include the wording of any previous resolutions, in order to alleviate the presumption, the previous resolutions are rescinded in total.

1, Q1, 2021 (Non-Policy Meeting)

WHEREAS, a motion was made to adopt Agenda Topic 1, Adoption of American Bar Association Pledge for Change: Disability Diversity in the Legal Profession. The motion was seconded. A poll was launched to vote to approve and adopt Agenda Topic 1. Motion approved.

RESOLVED, that NFPA adopt the American Bar Association Pledge for Change: Disability Diversity in the Legal Profession.

19-08

RESOLVED, that NFPA amend its Continuing Legal Education (CLE) policy to allow diversity, equity, and inclusion CLE to substitute as one (1) hour of optional ethics CLE credit for those holding the RP® and CRP™ credentials.

18-08

RESOLVED, that NFPA adopt the revised Position Statement on Diversity, Inclusion, and Equity, prepared by the Diversity and Inclusion Committee, to amend its 2006 Position Statement on Diversity pursuant to the attached Exhibit A; and

FURTHER RESOLVED, that the revised Position Statement on Diversity, Inclusion, and Equity should be reviewed every two (2) years by the Diversity and Inclusion Committee to continue to research and ensure the Position Statement is current.

18-07

RESOLVED, that NFPA amend its judging criteria to include a member of the Diversity and Inclusion Committee on the judging panel for the Justice Champion Award.

17-04

WHEREAS, A motion was made to bring Agenda Topic No. 6 (Creation of Justice Champion Award) to the Policy Floor; and

WHEREAS, a motion for a friendly amendment was made. The motion on the friendly amendment passed by voice vote. After discussion, the question was called. A motion was made to approve Agenda Topic No. 6 (Creation of Justice Champion Award). Motion approved.

RESOLVED, that NFPA create the Justice Champion Award

14-01

WHEREAS, NFPA has a history of being the national leader for the paralegal community and a strong commitment to advancing the paralegal profession; and

WHEREAS, NFPA has previously developed the RP® and CRP™ designations to convey the mastery of certain levels of paralegal knowledge, acumen, and skills; and

WHEREAS, rather than rewarding those who have attained both the CRP™ and the RP® credential, the current status actually penalizes them, either necessitating dual credentialed paralegals to amass 20 CLE credits with 2 ethics credits during the two-year period or drop one credential; and

WHEREAS, if dual credentialed paralegals find it necessary to drop one credential, it deprives NFPA of the renewal funds for the dropped credential; and

WHEREAS, typically paralegals with more than one credential from different organizations are allowed to use the same CLE credit to satisfy the requirements of both organizations.

NOW THEREFORE, BE IT RESOLVED BY THE NFPA BOARD, that the CLE renewal requirements for PACE® and PCCETM be redefined to state that the CRP™ credential requires 8 CLE hours for renewal (one of which is ethics) and the RP® credential requires 12 CLE hours for renewal (one of which is ethics), and the dual credentialed paralegals in good standing holding both the CRP™ and the RP® credentials may use the same CLE hours provided in the RP® renewal process for the renewal in the CRP™ process, as long as it is within the two year time period according to their renewal date.

09-3

WHEREAS, the National Federation of Paralegal Associations (NFPA®) endorses, as stated in NFPA's regulation policy, the implementation of regulation to establish standards for all paralegals on a state-by-state basis insofar as its implementation is consistent with the NFPA® Mission Statement and expands the utilization of paralegals to deliver cost efficient services as determined by NFPA® member associations in the affected jurisdictions; and,

WHEREAS, NFPA® currently does not have the authority to implement mandatory certification of paralegals; and,

WHEREAS, Resolution No. 08-08 charged the Committee with presenting a resolution at the policy meeting in 2009; and,

WHEREAS, it is the desire of NFPA® to establish a basic proficiency- testing program to enhance the growth and development of the paralegal profession; and,

WHEREAS, NFPA® has determined the advisability of creating criteria for establishing and implementing such a test,

NOW, THEREFORE, BE IT RESOLVED that the National Federation of Paralegal Associations (NFPA®) shall establish, develop and implement a basic proficiency test (the "Test") for the paralegal profession; and,

FURTHER RESOLVED, that the taking of the Test shall be voluntary; and,

FURTHER RESOLVED, that the testing program shall not be either state specific nor practice area specific, and, further, that it shall include ethics; and,

FURTHER RESOLVED, that the NFPA® Board shall be authorized to implement new, or modify existing, procedures, as they relate to this agenda topic; and,

FURTHER RESOLVED, that this project shall continue to be under the direct supervision of the Vice President and Director of PACE; and,

FURTHER RESOLVED, that the existing Committee, under the auspices of the NFPA Board, shall be authorized to develop and implement the Test in conjunction with Professional Examination Services [PES]. In the event all current Committee members are unable to participate, the Vice President Director of PACE® shall be authorized to appoint replacement members, subject only to Board approval; and,

FURTHER RESOLVED, that NFPA® shall retain ownership of the test; and,

FURTHER RESOLVED, that the Test shall be administered by PES for a fee.

08-8

RESOLVED that NFPA hereby creates a committee to be chaired by the Vice President Director of PACE and composed of NFPA members in good standing for the purposes of investigating, establishing, and recommending a plan for an entry level competency examination.

FURTHER RESOLVED that the committee is authorized to seek funding to cover any and all costs associated with the investigation and development of the plan for such entry level competency examination.

FURTHER RESOLVED that the committee shall present a resolution to the delegates at the 2009 NFPA Annual Convention Policy Meeting.

06-7

Resolution: Adoption of Diversity Statement

Now, therefore, BE IT RESOLVED, that the National Federation of Paralegal Associations, Inc. ("NFPA") adopt the following diversity statement:

"One of the greatest assets of the paralegal profession is the ethnic, cultural, and social diversity of its members. The National Federation of Paralegal Associations, Inc. ("NFPA") takes great pride in this diversity. The NFPA welcomes, respects and supports diversity in all its forms in its membership, its vendors, and its contractors, as well as with paralegal educators, the paralegal profession, legal profession, bar associations, and the courts."

05-4

WHEREAS, NFPA has adopted policy (02S-11) which advocates that all paralegals aspire to complete 12 hours of Continuing Legal Education, including 1 hour of ethics every two years; and

WHEREAS, NFPA policy (96-1) provides that all paralegals who have successfully passed the Paralegal Advanced Competency Exam ("PACE") and who have earned the designation PACE Registered Paralegal ("RP") must complete 12 hours of continuing legal education, including 1 hour of ethics, every two years; and

WHEREAS, NFPA has adopted procedures for approval of continuing legal education courses, materials and seminars; and

WHEREAS, NFPA wishes to define what materials, seminars, courses and/or actions are considered acceptable means of earning continuing legal education credit.

THEREFORE BE IT RESOLVED, that NFPA accepts the following definition of Continuing Legal Education:

"Continuing Legal Education shall include seminars on substantive legal topics, or topics applicable to substantive law issues, or must be oriented to the specific nature of the paralegal profession, such as enhancing computer skills or research techniques, increasing paralegal management skills, issues related to, or affecting, the paralegal profession etc.

Further, Continuing Legal Education includes authorship of articles by an individual paralegal, including research time; and/or speaking to paralegals regarding substantive law issues or topics oriented to the specific nature of the paralegal profession, including preparation time for such presentation; and attendance and successful completion of law related classes at community colleges, colleges and universities."

BE IT FURTHER RESOLVED, that NFPA recognizes continuing education offered by the following groups to be approved without further review by NFPA or a designated Chair or Coordinator: All bar associations, either mandatory or voluntary; National Association of Legal Assistants, Inc.; American Alliance of Paralegals, Inc.; Inns of Court; Courts of all jurisdictions within the United States.

96-1

NOW THEREFORE BE IT RESOLVED That a paralegal will be required to obtain twelve (12) hours every two (2) years of continuing education in a legal or specialty field in order to maintain the designation "PACE Accredited";

FURTHER RESOLVED, That at least one hour of the above twelve (12) hours every two (2) years shall be specifically in legal ethics;

FURTHER RESOLVED, That the Continuing Legal Education Coordinator shall determine whether the continuing education hours meet the appropriate standard pursuant to NFPA's CLE Internal Guidelines.

94M-11

WHEREAS the National Federation of Paralegal Associations ("NFPA") endorses, as stated in NFPA's regulation policy, the implementation of regulation to establish standards for all paralegals

on a state-by-state basis insofar as its implementation is consistent with the NFPA Mission Statement and expands the utilization of paralegals to deliver cost-efficient legal services as determined by NFPA member associations in the affected jurisdictions; and

WHEREAS NFPA currently does not have the authority to implement mandatory licensing; and

WHEREAS it is the desire of NFPA to establish a two-tiered proficiency-based testing program to enhance the growth and development of the paralegal profession; and

WHEREAS NFPA has determined the criteria for establishing and implementing such a test.

NOW, THEREFORE, BE IT RESOLVED that the National Federation of Paralegal Associations ("NFPA") shall establish an advanced two-tiered proficiency-based test (the "Test") for the paralegal profession; and

FURTHER RESOLVED that the taking of the Test shall be voluntary; and

FURTHER RESOLVED that the First Tier of the testing program shall include general (not specific to practice areas), ethics, and state-specific sections; and the Second Tier of the testing program shall consist of testing in areas of specialization; and

FURTHER RESOLVED that the First Tier must be taken prior to, or in conjunction with, the Second Tier; and

FURTHER RESOLVED that the following criteria shall be met in order to be eligible to take the Test;

1. Education
 - a. A bachelor's degree;
AND
 - b. Completion of a paralegal program with an institutionally accredited school. Said paralegal program may be embodied in a Bachelor's degree.
2. Work Experience
 - a. First Tier - 2 years work experience as a paralegal.
 - b. Second Tier - 4 years work experience as a paralegal.

FURTHER RESOLVED that grandparenting provisions shall apply as follows:

1. First Tier - the above education criteria may be waived for paralegals with a minimum of three years' work experience as a paralegal; and
2. Second Tier - the above education criteria may be waived for paralegals with a minimum of five years' work experience as a paralegal.

To qualify for the grandparenting provisions, a paralegal must make application to take the Test within one (1) year following the date the Test is activated. The time period within which one must commence taking the Test shall be determined at a later date.

FURTHER RESOLVED that a committee comprised of paralegals, attorneys, paralegals who are not attorneys, an[d] members of the general public shall be established to develop the Test in conjunction with a professional testing company; and

FURTHER RESOLVED that NFPA shall retain ownership of the Test; and

FURTHER RESOLVED that the Test shall be administered by an independent entity for a fee; and

FURTHER RESOLVED that NFPA shall establish a foundation to receive the net income generated from the administration of the Test and the funds

93-23

RESOLVED, that NFPA adopt a program for the awarding of CLE credits.

EXHIBIT A

DIVERSITY, EQUITY, AND INCLUSION TOPICS FOR RP® and CRP™ APPROVAL

Age Inclusivity
Allyship and Advocacy
Americans with Disabilities Act (ADA)
Appearance Bias
Authenticity and Belonging
Bias Elimination
Blended Learning
Bullying
Chemical Dependency
Collaboration with Inclusive Cultures
Corporate/Executive Governance/Coaching
Cross-Cultural Inclusion
Cultural Appropriation
Cultural Awareness
Cultural Competency
Cultural Diversity
Cultural Humility
Disability and Cognitive Diversity
Diverse Abilities
Diverse Representation
Diverse Workforce
Diversity
Embracing Differences
Equity
Exclusion
Gender Bias
Gender Equity
Generational Differences
Hair Discrimination (Crown Act)
Harassment
Hate Crime Issues

Homogenous Workforce
Implicit Associations
Implicit Bias
Inclusion
Inclusive Leadership
Intercultural Teamwork
Interpersonal and Workplace Incivility
Intersectionality
LGBTQIA2S+
Marginalized Communities
Mentoring Diverse Populations
Microaffirmations
Microaggression Awareness
Multiculturalism
Multi-Generational Workplace
Neurodiversity
Pay Equity
Quantum Thinking
Racial Diversity
Racial Phenotypical Bias
Reintegration and Restorative Practices
Religious Bias
Socio-economic Status
Social Justice
Substance Abuse
Supplier Diversity
Talent Optimization
Transformative Leadership
Unconscious Bias
Vendor Diversity
Weight Bias
Workplace Culture
Workplace Diversity