

Paralegal Education in the e-World

Written by Julia M. Dunlap, Esq.

“Then you better start swimmin’ or you’ll sink like a stone, for the times they are a-changin’ —Bob Dylan”

In a 1960’s photograph tucked away in a photo box somewhere is a picture of me as a small child riding a three-wheeled Dino the Dinosaur from my favorite TV show at the time, *The Flintstones*. I really wanted to post that picture with this article as an obvious metaphor for how many attorneys and paralegals of my generation are starting to feel these days. I mean really—what better way to say I sometimes feel like a dinosaur in regards to the changing legal landscape than to actually show me riding a purple, plastic dinosaur from 1960-something? Oh well, planning is everything and since the photo has not made its way to Facebook, it will have to stay buried until discovered as proof that, yes, purple, plastic dinosaurs did exist (and still do, and can be bought, like many of my childhood toys, on ebay for the low cost of \$400 ... the average hourly fee for many dinosaurs ... hmmm).

So, with this somewhat outing of my age *sans* picture, and, more important, as the current leader of the organization dedicated to the promotion of quality paralegal and non-law school legal education, the American Association of Paralegal Education (AAfPE), I have been asked to write about the current state of paralegal education. The times really have and continue to be changin’.

Just in the last few years, paralegal educators have had to revise their program curricula to reflect what I call the “e-world”: a new world made up of email, ESI, e-filing, and e-discovery. Gone are the days of storage rooms filled to the ceiling with banker’s boxes of discovery; and sadly, the book-lined walls of law firm libraries have been replaced with computer screens. If a paralegal program has not adapted to the e-world by incorporating instruction in those e-words, they risk their graduates falling prey to the biggest E word of them all: Ethics. Because we all know what happens when you are a legal professional and not sufficiently skilled in all the e-words and how that might affect the client ... the M word happens: Malpractice. And of course, we know who gets blamed when that happens. It’s not the dinosaur—it’s the paralegal who was hired, with the expectation that she would know all this “e-stuff” so the dinosaurs would not have to learn it (despite the requirement under the ABA Model Rules of Professional Conduct and every state bar rule requiring that attorneys remain current with the law in giving competent

representation). Soon, however, no one will be immune; whether you’re heavily into litigation representation or doing transactional work, everything will be electronic.

Paralegal programs have had to adapt. Our litigation classes are very different from what they were even two years ago. Potential students are continually asking me if my program includes e-discovery instruction. (They probably have no idea what discovery is, at that point, but they have seen the term *e-discovery* everywhere.) Currently, there are not enough legal professionals sufficiently skilled in the E words and, if you are, you are in high demand. The future of the paralegal profession is tied to innovation—and the lawyers are always going to expect the paralegal to know how to do the things the lawyers either do not want to learn (after 20+ years of doing it one way) or that they were not taught in law school.

In my own program, after fairly stable course offerings for the first 15 years, we have changed the curriculum five times in the past five years to stay ahead of employer expectations for entry-level paralegals. We have extended the computer skills learning component and added more instruction in e-discovery. My own legal research class has changed dramatically; while they still start in the dusty old law library, the student’s access to Lexis begins almost immediately. And yet, there is only so much that an entry-level paralegal can be expected to know from simply obtaining a paralegal degree or certificate. Just as with attorneys, paralegals have a responsibility—and in some states, a duty—to possess and maintain up-to-date knowledge in their chosen profession. Seeking continuing education to expand their careers is on the shoulders of the working paralegal. This is where our discussion veers off from the traditional state of paralegal education to what a paralegal can do to expand her opportunities through continuing education.

Currently there is no jurisdiction in the United States that requires licensing of paralegals. Many states have defined the title of “paralegal” in their laws and all require that the paralegals work under the supervision of an attorney, but few have the same kind of regulatory statute as California’s Business & Practices Code §6450, requiring a certain number of hours of continuing education to maintain the title. Four state bar associations (Florida, North Carolina, Ohio, and Texas) »



currently allow state bar certification of paralegals if they meet certain qualifications. This recognition within the state bar of a jurisdiction extends the opportunities for paralegals in those states while at the same time creating a tier system of those officially recognized by the state bar and those who do not meet the qualifications. Specifically, the Florida Registered Paralegal Program and the Texas Plan for Recognition and Regulation of Paralegal Certification require that, to be a recognized member of the state bar, the paralegal must complete a certification at either the national level (NALA's Certified Paralegal or NFPA's PACE or Registered Paralegal) or under a state-provided certification program. While I believe this added recognition is a distinct benefit to the paralegal, there is a substantial fee required beyond the cost of the traditional paralegal or degree program for these certifications.

And yet, this is in fact where success in any given profession lies: in the furtherance of your education so that you can present yourself as the most highly qualified professional. Every year, AafPE welcomes both NALA and NFPA to our conferences, and our president and president-elect attend the NALA or NFPA conference in acknowledgment of the importance of continuing education and certification. I encourage my own paralegal students to seek out individual voluntary certification to demonstrate their commitment to their profession. Most legal educational programs have begun to offer advanced legal education to their graduates and local legal community to meet the continuing education needs of the legal professional.

I cannot expect my current paralegal certificate students to understand the complex requirements of, for example, the

EDRM (Electronic Discovery Reference Model) but I do expect them to come back after they graduate and learn the complex rules of e-discovery either through our university's e-discovery offerings or other educational opportunities. I have always believed in the "if you build it, they will come" model, but the ultimate responsibility lies with the individual professional—and only through continuing your education can you continue to rise in your profession. Soon, no one will be immune to the expansion of the e-world. Don't be a dinosaur ... because we all know what happened to them.



Julia M. Dunlap is a licensed attorney in California (1993) and in addition to being the current President of AafPE, she has been the Director of Legal Education at UC San Diego Extension since 2004. She has a Bachelor's degree in English from UC Berkeley and her J.D. is from the University of San Diego. The legal education offerings at UC San Diego include an ABA Approved Paralegal Certificate Program and a fully online professional certificate program in Intellectual Property. In January 2017, UC San Diego introduced their new online program in E-Discovery and Litigation Technology offering a specialized certificate that can be completed fully online within a six-month period.