

Report on 2016 Job Analysis performed for the
NALA Certified Paralegal Certification Examination

**2016 Job Analysis
NALA Certified Paralegal
Certification Examination**



December 13, 2016

**PSI Services LLC
2950 N. Hollywood Way, Suite 200
Burbank CA 91505**

INTRODUCTION

This report describes the methodology and procedure used to conduct a job analysis and develop the exam specifications for the NALA Certified Paralegal certification examination.

The procedure was conducted in accordance with principles and practices outlined in the *Standards for Educational and Psychological Testing*¹, which describe principles and guidelines for all aspects of test development, including content validation.

A job analysis (sometimes referred to as a practice analysis, job task analysis, or work analysis) is a scientific inquiry conducted in order to identify the tasks and work activities conducted, the context in which those tasks and activities are carried out, and the competencies (knowledge areas, skills, and abilities) required to perform a job role successfully². Different methods can be used which may differ in the levels of specificity in analyzing and describing different work elements, with the choice of method largely dependent on the intended purpose and use of the results. The methodology of the current analysis was tailored to the creation of exam specifications for test development.

When completed, the job analysis process utilized in this study yields exam specifications that accurately reflect the scope of practice, allowing for the development of fair, accurate, and realistic assessments of candidates' readiness for certification. The job analysis is typically performed every 5- to 7-years so that the content outline represents the current scope of practice. Because it serves as the primary basis for content validity evidence as required by the aforementioned Standards, the job analysis is a primary mechanism by which a certifying body or regulatory board can ensure the accuracy and defensibility of an exam. It serves as the foundation of the certification exam and is critical to the success of the entire exam development process. All necessary documentation verifying that the validation process has been implemented in accordance with professional standards is included in this report.

This report is divided into the major activities of the job task analysis process, which are:

1. **Job Task Analysis Panel Meeting** – A gathering of subject matter experts to discuss and develop a description of the scope of practice
2. **Job Task Analysis Survey** – A large-scale survey to practitioners not involved with the panel to validate the task and knowledge statements developed by the panel
3. **Development of Examination Specifications** – The development of the Examination Specifications by the panel based on the results of the survey

¹ American Educational Research Association, American Psychological Association, National Council on Measurement in Education (2014). *Standards for Educational and Psychological Testing*. Washington, DC: AERA.

² Sackett, P. R., Laczo, R. M. (2003). *Job and Work Analysis*. Handbook of Psychology. One: 2: 19–37.

JOB TASK ANALYSIS PANEL MEETING

The NALA certification board served as subject matter experts (SMEs) and represent a wide variety of work-related characteristics (such as years of experience, work setting, geographical location, and areas of specialty) in order to develop a scope of practice that is reflective of the roles and responsibilities of the job and is relatively free from bias.

PSI conducted a 2-day job analysis panel meeting on September 16-17, 2016 in Tulsa, Oklahoma with SMEs to discuss the scope of practice and develop a list of tasks and knowledge areas that reflect the job role. PSI led the SMEs in refining task, knowledge, and skill statements, organizing the latter two into a content domain and subdomain structure.

The Panel developed eight task statements.

1. Communicate with clients, witnesses, and other professionals
2. Organize and maintain document management system
3. Organize and maintain calendaring and practice management systems
4. Research factual information and legal issues
5. Investigate factual information
6. Analyze factual information and legal issues
7. Draft and prepare documents and correspondence
8. Collaborate with attorneys to prepare for legal proceedings and court appearances

The Panel developed fifteen knowledge statements with a total of thirty-eight subdomain areas.

1. United States Legal System
 - a. Sources of Law
 - b. Judicial System
 - c. Remedies
2. Professional and Ethical Responsibility
 - a. American Bar Association (ABA) Model Rules of Professional Conduct
 - b. Unauthorized Practice of Law
3. Administrative Law
 - a. Agency Powers and Authority
 - b. Regulatory Compliance
 - c. Adjudication and Judicial Review
4. Debtor/Creditor
 - a. Collections
 - b. Bankruptcy
5. Civil Litigation
 - a. Jurisdiction
 - b. Federal Rules of Civil Procedure
6. Contracts
 - a. Formation, Rights, and Duties
 - b. Enforcement and Defenses

7. Corporate/Commercial Law
 - a. Business Organizations
 - b. Rights and Responsibilities
 - c. Transactions
8. Criminal Law and Procedure
 - a. Criminal Law
 - b. Criminal Procedure
9. Employment Law
 - a. Fair Employment Practices
 - b. Workers' Compensation
10. Estate Planning and Probate
 - a. Estate and Trusts
 - b. Wills
 - c. Probate
11. Family Law
 - a. Familial Rights and Duties
 - b. Parentage, Custody, and Support
 - c. Property Division
12. Intellectual Property
 - a. Copyright
 - b. Patents
 - c. Trademarks
13. Labor Law
 - a. Collective Bargaining
 - b. Workers' Rights
14. Real Estate
 - a. Property Rights and Ownership
 - b. Transactions
 - c. Landlord-Tenant
15. Torts
 - a. Intentional Torts
 - b. Negligence
 - c. Strict Liability

The Panel developed six skill statements across two content domains.

1. Writing
 - a. Grammar and Word Choice
 - b. Spelling and Punctuation
 - c. Clarity of Expression
2. Critical Thinking
 - a. Reading Comprehension
 - b. Analysis of Information

c. Decision Making

JOB TASK ANALYSIS SURVEY

PSI developed, administered, and monitored a survey to validate the tasks and knowledge developed by the job analysis panel and to help determine content weighting. To this end, the survey collected respondents' ratings of the importance and frequency for each task and knowledge area. Below are the prompts for each rating scale.

Frequency: Consider whether the [knowledge / skill / task] is a part of your job, and if so, how often you [use the knowledge / use the skill / perform the task].

- 0 - Not Relevant
- 1 - Rarely
- 2 - Seldom
- 3 - Occasionally
- 4 - Frequently
- 5 - Very Frequently

Importance - Consider how [use of the knowledge / use of the skill / performance of the task] relates to effective performance of job responsibilities.

- 0 - Not Relevant
- 1 - Of Minor Importance
- 2 - Fairly Important
- 3 - Moderately Important
- 4 - Very Important
- 5 - Critically Important

On September 17, 2016, a pilot survey was conducted with the SME panel and NALA staff members to ensure that the survey was operating correctly. No modifications were made following the pilot survey.

The live survey was sent using online survey software to a list of 9,571 individuals who were obtained from NALA. The list included all individuals who hold the NALA CP (or CLA) credential. A total of 1,839 (19.2%) individuals completed the survey. The survey was opened on September 27, 2016 and closed on October 14, 2016.

The survey included demographic questions regarding professional characteristics relevant to the job role. The first demographic question (Have you worked as a paralegal in the United States within the past 6 months?) served as a filter to allow only those who indicated "yes" to move forward with the rest of the survey. See Table 1 for a summary of the demographic questions in the survey.

Table 1
Results of the Demographic Questions in the Job Analysis Survey

1. Have you worked as a paralegal in the United States within the past 6 months?	<i>n</i>	%
Yes	1839	---
No	---	---
2. How many years have you worked as a paralegal?	<i>n</i>	%
Mean = 18.70 Minimum = 1 Maximum = 56 SD = 10.48	1831	---
3. In which location do you primarily work?	<i>n</i>	%
Alabama	28	1.6%
Alaska	2	0.1%
Arizona	121	6.8%
Arkansas	10	0.6%
California	147	8.2%
Colorado	25	1.4%
Connecticut	2	0.1%
Delaware	1	0.1%
Florida	336	18.8%
Georgia	29	1.6%
Hawaii	1	0.1%
Idaho	7	0.4%
Illinois	15	0.8%
Indiana	8	0.4%
Iowa	21	1.2%
Kansas	24	1.3%
Kentucky	7	0.4%
Louisiana	14	0.8%
Maine	3	0.2%
Maryland	4	0.2%
Massachusetts	1	0.1%
Michigan	22	1.2%
Minnesota	10	0.6%
Mississippi	25	1.4%
Missouri	20	1.1%
Montana	16	0.9%
Nebraska	57	3.2%
Nevada	38	2.1%
New Hampshire	5	0.3%
New Jersey	26	1.5%
New Mexico	16	0.9%
New York	22	1.2%
North Carolina	62	3.5%
North Dakota	15	0.8%
Ohio	16	0.9%
Oklahoma	74	4.1%
Oregon	21	1.2%
Pennsylvania	29	1.6%

Rhode Island	2	0.1%
South Carolina	38	2.1%
South Dakota	30	1.7%
Tennessee	49	2.7%
Texas	262	14.7%
Utah	20	1.1%
Vermont	1	0.1%
Virginia	46	2.6%
Washington	10	0.6%
West Virginia	14	0.8%
Wisconsin	12	0.7%
Wyoming	11	0.6%
District of Columbia	10	0.6%
US Virgin Islands	1	0.1%
4. How many other paralegals do you directly manage or supervise?	<i>n</i>	%
0	1416	78.5%
1	192	10.6%
2	103	5.7%
3	42	2.3%
4	18	1.0%
5	11	0.6%
6	6	0.3%
7	2	0.1%
8	3	0.2%
9	1	0.1%
10	2	0.1%
11+	7	0.4%
5. What is the highest education level you have completed?	<i>n</i>	%
High school diploma or equivalent	216	11.8%
Associate degree	606	33.2%
Bachelor degree	832	45.5%
Master degree	162	8.9%
Doctoral degree	11	0.6%
6. Have you completed a paralegal program outside of an academic degree?	<i>n</i>	%
No	973	53.4%
Yes (please specify)	848	46.6%
7. Do you currently hold the NALA Certified Paralegal (CP) or Certified Legal Assistant (CLA) credential?	<i>n</i>	%
No	313	17.2%
Yes	1506	82.8%
8. Do you currently hold any other legal-related credentials?	<i>n</i>	%
No	1102	60.8%
Yes (please specify)	710	39.2%
9. In which practice setting do you primarily work?	<i>n</i>	%
Private practice	1139	62.3%
Corporate (in-house) legal department	343	18.8%
Government agency	209	11.4%

Non-profit organization	25	1.4%
Judicial	15	0.8%
Other (please specify)	98	5.4%

A total of 1,839 respondents completed the ratings for the task statements. Table 2 shows the mean ratings provided by the respondents for the task statements.

Table 2
Task Statement Ratings

Task Statements		Frequency	Importance
1	Communicate with clients, witnesses, and other professionals	4.20	4.10
2	Organize and maintain document management system	4.38	4.28
3	Organize and maintain calendaring and practice management systems	3.73	3.89
4	Research factual information and legal issues	3.28	3.53
5	Investigate factual information	3.40	3.62
6	Analyze factual information and legal issues	3.26	3.49
7	Draft and prepare documents and correspondence	4.60	4.36
8	Collaborate with attorneys to prepare for legal proceedings and court appearances	3.24	3.43

A total of 1,839 respondents completed the ratings for the skill statements. Table 3 shows the mean ratings provided by the respondents for the skill statements.

Table 3
Skill Statement Ratings

Task Statements		Frequency	Importance
1	Writing		
1A	Grammar and Word Choice	4.86	4.87
1B	Spelling and Punctuation	4.88	4.88
1B	Clarity of Expression	4.72	4.72
2	Critical Thinking		
2A	Reading Comprehension	4.78	4.78
2B	Analysis of Information	4.61	4.61
2C	Decision Making	4.22	4.22

A total of 1,839 respondents completed the ratings for the knowledge statements. Table 4 shows the mean ratings provided by the respondents for the knowledge statements.

Table 4
Knowledge Statement Ratings

Task Statements		Frequency	Importance
1	United States Legal System	3.30	3.34
1A	Sources of Law		
1B	Judicial System		
1C	Remedies		
1D	Administrative Law		
2	Professional and Ethical Responsibility	4.29	4.42
2A	ABA Model Rules of Professional Conduct		
2B	Unauthorized Practice of Law		
3	Administrative Law	1.84	1.89
3A	Agency Powers and Authority		
3B	Regulatory Compliance		
3C	Adjudication and Judicial Review		
4	Debtor/Creditor	1.54	1.61
4A	Collections		
4B	Bankruptcy		
5	Civil Litigation	3.46	3.46
5A	Jurisdiction		
5B	Federal Rules of Civil Procedure		
6	Contracts	2.79	2.87
6A	Formation, Rights, and Duties		
6B	Enforcement and Defenses		
7	Corporate/Commercial Law	2.20	2.26
7A	Business Organizations		
7B	Rights and Responsibilities		
7C	Transactions		
8	Criminal Law and Procedure	1.01	1.17
8A	Criminal Law		
8B	Criminal Procedure		
9	Employment Law	1.50	1.59
9A	Fair Employment Practices		
9B	Workers' Compensation		
10	Estate Planning and Probate	1.59	1.66
10A	Estate and Trusts		
10B	Wills		
10C	Probate		
11	Family Law	1.12	1.23
11A	Familial Rights and Duties		
11B	Parentage, Custody, and Support		
11C	Property Division		
12	Intellectual Property	1.12	1.25
12A	Copyright		
12B	Patents		
12C	Trademarks		
13	Labor Law	1.03	1.13

13A	Collective Bargaining		
13B	Workers' Rights		
14	Real Estate and Property	1.95	2.00
14A	Property Rights and Ownership		
14B	Transactions		
14C	Landlord-Tenant		
15	Torts	2.01	2.06
15A	Intentional Torts		
15B	Negligence		
15C	Strict Liability		

DEVELOPMENT OF EXAM SPECIFICATIONS

On October 26, 2016, the Job Task Analysis Panel met via teleconference to review the results of the job task analysis survey, finalize the tasks, skills, and knowledge that would comprise the exam content outline, and finalize the content weighting for the Knowledge and Skills Exams.

The panel reviewed the demographic results and confirmed that the results matched expectations and impressions of the practitioner population, suggesting that the respondent sample is reflective of those currently working as paralegals.

All the task statements obtained relatively high average ratings and were retained by the panel.

Of the 15 original knowledge statements, 10 were retained by the panel. The panel agreed to drop 4 of the original knowledge statements due to low average importance ratings (less than 2.0) and a fifth (Administrative Law) because it was deemed to be a subset of another knowledge statement (US Legal System). Two of the original knowledge statements were retained in the final 10 despite low importance ratings: Criminal Law and Procedure, Estate Planning and Probate. The panel justified their inclusion due to a consensus among the panel that the lower ratings were more reflective of fewer individuals practicing in those areas of law rather than a relative lack of importance to the profession as a whole.

The panel then reviewed the draft content weighting and discussed adjustments necessary to align the number of items per content area for adequate content coverage on the assessment. The draft content weighting was developed by calculating the criticality value (mean importance rating multiplied by the mean frequency rating) and then determining a percentage weight based on the relative weight of the criticality value for each content area. After a review of the draft content weighting, the panel determined that 100 items would be sufficient to assess the breadth of knowledge required and to make the following adjustments to more accurately reflect the necessary areas of assessment.

- Set any content area with a criticality of 7 or above to represent 15% of the exam
- Set any content area with a criticality between 3 and 7 to represent 10% of the exam
- Set any content area with a criticality of 3 or less to represent 5% of the exam

See Table 5 for a summary of the content weighting determination and Appendix A for the final exam content outline for the Knowledge Exam.

Table 5
Content Weighting Determination for Knowledge Exam

	Exam Content Outline	k (=100)	%	Criticality	Frequency	Importance
1	United States Legal System	15	13.9%	11.00	3.30	3.34
2	Professional/Ethical Responsibility	15	24.0%	18.97	4.29	4.42
3	Administrative Law	0	4.4%	3.47	1.84	1.89
4	Debtor/Creditor	0	3.1%	2.49	1.54	1.61
5	Civil Litigation	15	15.1%	11.96	3.46	3.46
6	Contracts	15	10.1%	7.99	2.79	2.87
7	Corporate/Commercial Law	10	6.3%	4.98	2.20	2.26

8	Criminal Law and Procedure	5	1.5%	1.19	1.01	1.17
9	Employment Law	0	3.0%	2.37	1.50	1.59
10	Estate Planning and Probate	5	3.3%	2.64	1.59	1.66
11	Family Law	0	1.7%	1.38	1.12	1.23
12	Intellectual Property	0	1.8%	1.41	1.12	1.25
13	Labor Law	0	1.5%	1.17	1.03	1.13
14	Real Estate and Property	10	4.9%	3.90	1.95	2.00
15	Torts	10	5.2%	4.13	2.01	2.06

Of the 6 original skill statements, 5 were retained by the panel. The panel agreed to reorganize the three skill statements under the “Writing” category such that “Grammar and Word Choice” was split up and combined into either of the two other skill statements in that category, yielding: Grammar, Spelling, and Punctuation; Clarity of Expression and Word Choice.

The panel then reviewed the draft content weighting and discussed adjustments necessary to align the number of items per content area for adequate content coverage on the assessment. The draft content weighting was developed by calculating the criticality value (mean importance rating multiplied by the mean frequency rating) and then determining a percentage weight based on the relative weight of the criticality value for each content area. The criticality values for the re-combined skill statements was calculated by averaging the mean ratings of the two component skill statements. After a review of the draft content weighting, the panel determined that 30 items would be sufficient to assess the breadth of skills required and to set each area to be of equivalent weight, given the relative similarity among the criticality statements.

See Table 6 for a summary of the content weighting determination and Appendix A for the final exam content outline for the Skills Exam.

Table 6
Content Weighting Determination for Skills Exam

	Exam Content Outline	k (=30)	%	Criticality	Frequency	Importance
1	Writing					
	<i>Grammar and Word Choice</i>				4.86	4.87
	<i>Spelling and Punctuation</i>				4.88	4.88
	<i>Clarity of Expression</i>				4.72	4.72
1.A	Grammar, Spelling, and Punctuation	6	21.8%	23.73	4.87	4.88
1.B	Clarity of Expression and Word Choice	6	21.1%	22.95	4.79	4.79
2	Critical Thinking					
2.A	Reading Comprehension	6	21.0%	22.84	4.78	4.78
2.B	Analysis of Information	6	19.6%	21.28	4.61	4.61
2.C	Decision Making	6	16.4%	17.84	4.22	4.22

APPENDIX A – EXAMINATION SPECIFICATIONS

Knowledge Exam		100
1	United States Legal System	15
1.A	Sources of Law	
1.B	Judicial System	
1.C	Remedies	
1.D	Administrative Law	
2	Civil Litigation	15
2.A	Jurisdiction	
2.B	Federal Rules of Civil Procedure	
3	Contracts	15
3.A	Formation, Rights, and Duties	
3.B	Enforcement and Defenses	
4	Corporate/Commercial Law	10
4.A	Business Organizations	
4.B	Rights and Responsibilities	
4.C	Transactions	
5	Criminal Law and Procedure	5
5.A	Criminal Law	
5.B	Criminal Procedure	
6	Estate Planning and Probate	5
6.A	Estate and Trusts	
6.B	Wills	
7	Real Estate and Property	10
7.A	Property Rights and Ownership	
7.B	Transactions	
8	Torts	10
8.A	Intentional Torts	
8.B	Negligence	
8.C	Strict Liability	
9	Professional and Ethical Responsibility	15
9.A	American Bar Association (ABA) Model Rules of Professional Conduct	
9.B	Unauthorized Practice of Law	

Skills Exam		30
1	Writing	12
1.A	Grammar, Spelling, and Punctuation	6
1.B	Clarity of Expression	6
2	Critical Thinking	18
2.A	Reading Comprehension	6
2.B	Analysis of Information	6
2.C	Decision Making	6