

SOUTH CAROLINA CERTIFIED PARALEGAL PROGRAM

SECTION I: - Purpose

The Paralegal Certification Program is a voluntary certification program sponsored by the South Carolina Bar that is established to assist in the delivery of legal services to the public through a licensed attorney and to improve the competency of paralegals by establishing mandatory continuing legal education and other requirements of certification.

For purposes of this certification program, a paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.

SECTION II: - Educational and Work Experience Requirements

In order to be recognized as a South Carolina Certified Paralegal (SCCP), an individual must be working as a paralegal for at least 1000 hours in 3 of the previous 5 years and must meet one of the following requirements:

- a. an associate, bachelor or master's degree in paralegal studies from an ABA approved paralegal program;
- b. a bachelor's degree in any field from an institution accredited by a nationally recognized accrediting agency approved by the United States or South Carolina Department of Education;
- c. an associate's degree in any field from an institution accredited by a nationally recognized accrediting agency approved by the United States or South Carolina Department of Education; or
- d. successful completion of:
 - a. The Paralegal Advanced Competency Exam (PACE certification as offered by the National Federation of Paralegal Associations "NFPA") and good standing with NFPA; or
 - b. The Certified Legal Assistant/Certified Paralegal examination (CLA/CP certification as offered by the National Association of Legal Assistants "NALA") and good standing with NALA.

SECTION III: - Ineligibility

The following individuals are ineligible for certification as a South Carolina Certified Paralegal or for renewal of a certification that was previously granted:

- a. a person who is currently suspended or disbarred or who has resigned in lieu of discipline from the practice of law in any state or jurisdiction;
- b. a person who has been convicted of a felony in any state or jurisdiction and whose civil rights have not been restored;
- c. a person who has been found to have engaged in the unauthorized practice of law in any state or jurisdiction;
- d. a person who has not performed paralegal work as her or his primary occupation for 3 of the 5 prior years; or
- e. a person who fails to comply with prescribed continuing education requirements.

SECTION IV: - Grandfathering

A paralegal who does not qualify under the requirements of the Educational and Work Experience Requirements (Section II) may become a South Carolina Certified Paralegal by providing attestation from an employing or supervising attorney(s) that the person has paralegal work experience for at least 6000 hours in the 8 years immediately preceding such attestation. In order to qualify as paralegal work or paralegal work experience for purposes of meeting the eligibility and renewal certification requirements, the paralegal must primarily perform substantive paralegal work and the work must be continuous and recent. Time spent performing clerical work is specifically excluded. Such paralegals are eligible to become South Carolina Certified Paralegals by virtue of this Grandfather provision if she or he applies within 2 years of the date these provisions become effective.

SECTION V: - Application & Fees

Any application for certification shall be submitted to the South Carolina Bar for approval and be accompanied by a check in the amount of \$50. The annual renewal shall be due July 1st of each year, and the renewal fee is \$20. The annual renewal shall contain statements that the individual is primarily performing paralegal work as defined elsewhere in this chapter, has met all continuing education requirements and include a statement that the individual is not ineligible for certification for any of the reasons as set forth elsewhere in these provisions.

SECTION VI: - Issuance of Certification

Once an applicant has met and satisfied the qualifications as set forth herein, a certificate shall be issued indicating the paralegal certification designation and certificate number. The South Carolina Bar website shall include a list of South Carolina Certified Paralegals. Should a paralegal become disqualified or allow her or

his certification to lapse, any certificate or card that is issued becomes property of the South Carolina Bar and her or his name shall be removed from the website.

The certificate shall remain valid so long as the paralegal remains a paralegal in good standing, pays annual renewal fees by the designated time, abides by all rules, regulations, policies & procedures under this program and meets the continuing education requirements.

Should a paralegal allow her or his certification to lapse, the continued use of the certified paralegal designation is prohibited and the certificate must be returned. A paralegal may be reinstated without having to qualify anew and pay the initial certification fee if she or he completes the renewal no later than September 1st of the year in which the certificate lapsed.

SECTION VII: - Continuing Education Requirements

In order to maintain the status of a South Carolina Certified Paralegal, she or he must complete a minimum of 7 hours of continuing education every year which is approved by the South Carolina Bar either through live or long distance learning, one hour of which shall be in legal ethics or professionalism.

SECTION VIII: - Prohibited Conduct

A South Carolina Certified Paralegal shall not:

- a. engage in the practice of law;
- b. engage in, encourage, or contribute to any act that could constitute the unlicensed practice of law;
- c. seek to establish attorney-client relationships, accept cases, set legal fees, give legal opinions or advice or represent a client before a court or other tribunal except where authorized by state or federal law;
- d. perform any of the duties that only attorneys may perform;
- e. act in matters involving professional legal judgment since the services of an attorney are essential in the public interest whenever the exercise of such judgment is required; or
- f. violate the Rules of Professional Conduct governing attorneys to the extent those rules are applicable to paralegals.

SECTION IX: - Discipline

Violations of any of the provisions herein will result in a paralegal losing the designation of South Carolina Certified Paralegal.