

*Empire State Alliance of Paralegal Associations*

**POSITION STATEMENT ON  
PARALEGAL EDUCATION  
STANDARDS  
IN NEW YORK STATE**

*Presented By:  
The Empire State Alliance of Paralegal Associations (“ESAPA”)  
Adopted January, 2006*

# TABLE OF CONTENTS

	<u>Page</u>
<b>PREAMBLE</b>	<b>4</b>
<b>STATEMENT OF PURPOSE</b>	<b>5</b>
<b>POSITION STATEMENTS</b>	<b>6</b>
I. <u>MINIMUM EDUCATION CRITERIA FOR ENTRY INTO THE PARALEGAL PROFESSION</u>	<b>6</b>
A. An individual entering the paralegal profession <i>must possess</i> : a post bachelor's degree paralegal certificate, a bachelor's degree (major, minor or concentration) in paralegal studies; or an associates degree in paralegal studies.	
B. In-house training and/or work experience without any formal paralegal education <i>does not</i> adequately prepare an individual to enter the paralegal profession.	
C. A bachelor's degree or an associate degree program that does not include specialized paralegal coursework <i>does not</i> adequately prepare an individual to enter the paralegal profession.	
II. <u>MINIMUM STANDARDS FOR PARALEGAL EDUCATION PROGRAMS</u>	<b>7</b>
A. A paralegal education program that has been approved by the American Bar Association provides an individual entering the paralegal profession with a solid foundation on which to build a career in the paralegal profession.	
B. A paralegal education program that has <i>not</i> been approved by the American Bar Association may provide an individual entering the paralegal profession with sufficient skills to enter the paralegal profession if the program meets the standards set by the American Bar Association Guidelines for the Approval of Paralegal Programs; however, careful review of the program is necessary to ensure it meets the American Bar Association standards.	

- C. ESAPA recommends that, absent American Bar Association approval, all paralegal education programs in New York State be registered with the New York State Education Department and be located in an institution of higher education accredited by the Middle States Association of Colleges and Secondary Schools (or one of the other regional accrediting bodies recognized by the U.S. Department of Education); or be from an institution which is an institutional member of the American Association for Paralegal Education.

**III. CONTINUING LEGAL EDUCATION 9**

- A. ESAPA recommends that practicing paralegals complete a minimum of 12 hours of continuing legal education every 2 years, including at least 2 hours of ethics.

**CONCLUSION 11**

**CONTACT INFORMATION 13**

**APPENDICES**

APPENDIX A – American Bar Association Education Standards 14

APPENDIX B – Paralegal Education Information Resources 16

APPENDIX C – Education Standards Required for Paralegal Certification 17

# PREAMBLE

**EMPIRE STATE ALLIANCE OF PARALEGAL ASSOCIATIONS**  
**WWW.GEOCITIES.COM/EMPIRESTATEPARALEGALS**  
**EMPIRESTATEPARALEGALS@YAHOO.COM**

The Empire State Alliance of Paralegal Associations (“ESAPA”) was formed in 1988 in response to the need to strengthen the paralegal profession in New York State through networking. Representatives of member associations meet throughout the year to exchange information and discuss issues affecting the paralegal profession.

Member (voting) Associations:

Adirondack Paralegal Association  
Capital District Paralegal Association, Inc.  
Long Island Paralegal Association, Inc.  
Onondaga County Bar Association Paralegals Committee  
Oswego County Paralegal Association  
Paralegal Association of Rochester, Inc.  
Western New York Paralegal Association, Inc.

Inactive (non-voting) Associations:

Manhattan Paralegal Association, Inc.  
West/Rock Paralegal Association

## DEFINITION

A legal assistant/paralegal is a person who is qualified through education, training or work experience to be employed or retained by a lawyer, law office, governmental agency, or other entity in a capacity or function that involves the performance, under the ultimate direction and supervision of, and/or accountability to, an attorney, of substantive legal work, that requires a sufficient knowledge of legal concepts such that, absent such legal assistant/paralegal, the attorney would perform the task. The terms “legal assistant” and “paralegal” are synonymous. (Source: Guidelines for Utilization by Lawyers of the Services of Legal Assistants approved by the New York State Bar Association House of Delegates on June 28, 1997) *Throughout this Position Statement, the term “paralegal” will be used.*

# STATEMENT OF PURPOSE

ESAPA has chosen to take a proactive position by setting forth its recommendations on the following: minimum education criteria for entry into the paralegal profession, minimum standards for paralegal education programs and continuing legal education for practicing paralegals.

The intent of this Position Statement is to recommend standards for individuals entering the profession on or after the date of adoption of this Statement; it does not take a position on standards for those presently working as paralegals.

In response to the need to establish education standards for paralegals in New York State, this Position Statement is intended assist:

- Ø Prospective employers in evaluating the education qualifications of paralegal job applicants;
- Ø Educational institutions developing paralegal programs of study;
- Ø Students choosing paralegal education programs; and
- Ø Legislators, courts, bar associations and others considering regulation of paralegals.

The Empire State Alliance of Paralegal Associations and its member associations are concerned with:

- Ø Individuals who use the paralegal title without having the necessary education and training;
- Ø The growing number of paralegal education programs which do not provide the skills and academic foundation necessary for individuals to enter the paralegal profession;
- Ø The increasing difficulty in evaluating the broad spectrum of paralegal education programs which are now available to those desiring to enter the paralegal profession; and
- Ø The lack of consistency and standards used as hiring criteria for the paralegal profession.

# POSITION STATEMENTS

## I. MINIMUM EDUCATION CRITERIA FOR ENTRY INTO THE PARALEGAL PROFESSION

ESAPA and its member Associations take the following position on education qualifications for entry into the paralegal profession in New York State on or after the date of adoption of this Position Statement:

A. An individual entering the paralegal profession *must possess*:

1. a post bachelor's degree paralegal certificate\*; or
2. bachelor's degree (major, minor or concentration) in paralegal studies; or
3. associates degree in paralegal studies.

Increased complexity of the practice of law, client demand for quality representation at reasonable rates, and more intricate legal organizational structures and tasks, require that paralegals have a solid academic background. At a minimum, paralegals need substantive and procedural legal coursework, written and verbal communication skills, critical thinking skills and a high degree of computer literacy to perform adequately in today's workplace.

B. In-house training and/or work experience without any formal paralegal education *does not* adequately prepare an individual to enter the paralegal profession.

1. In-house or on-the-job training without formal paralegal education limits the scope and quality of substantive and procedural knowledge. Such training may be specific to the area of law in which the paralegal will work and the procedures of that employer. It may not be applicable to or sufficient for use with subsequent employers. Inconsistencies in paralegal utilization and the quality of training raises serious questions as to the value of in-house or on-the-job training.
2. ESAPA recognizes the value of in-house or on-the-job training as a supplement to formal paralegal education and as an effective way to provide continuing legal education. Application of knowledge acquired in a formal paralegal education program to assigned tasks can be facilitated by a quality training program encompassing both substantive and procedural knowledge and focusing on the specific needs of the employer. In-house continuing legal education programs can cover subjects directly related to the practice, including updates in the

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\*Graduation from a post-bachelor's degree certificate program does not "certify" an individual as a paralegal. See Appendix C for additional information on certification. New York State Bar Association Ethics Opinion No. 695 (8/25/97) requires identification of the certifying body when using a paralegal certification designation.

law and other timely issues. These programs can be economical, convenient and flexible to meet the needs of the employer and the paralegal.

- C. A bachelor's degree or an associate degree program which does not include specialized paralegal coursework does not adequately prepare an individual to enter the paralegal profession.

The definition of a paralegal, as contained in the Guidelines for Utilization by Lawyers of the Services of Legal Assistants approved by the New York State Bar Association House of Delegates on June 28, 1997 ("NYS Guidelines"), states that paralegals perform "substantive legal work that requires a sufficient knowledge of legal concepts such that, absent such legal assistant/paralegal, the attorney would perform the task." Coursework including substantive law, ethics, legal research and writing are mandatory prerequisites for successful performance of paralegal duties.

## II. MINIMUM STANDARDS FOR PARALEGAL EDUCATION PROGRAMS

ESAPA and its member Associations take the following position on minimum standards for paralegal education programs:

- A. A paralegal education program that has been approved by the American Bar Association provides an individual entering the paralegal profession with a solid foundation on which to build a career in the paralegal profession.

1. American Bar Association ("ABA") approval of paralegal education programs is an established and recognized standard for educating qualified individuals to enter the paralegal profession. The Standing Committee on Paralegals ("SCOP") of the ABA, in furtherance of its goals of promoting the paralegal profession, developed and implemented the Guidelines for the Approval of Paralegal Education Programs ("ABA Guidelines") which were adopted by the House of Delegates in 1975. The Guidelines have been revised several times to reflect the evolution of the profession, education trends and changes in technology. *See Appendix A for additional information.*

2. The ABA Guidelines are all encompassing and address numerous aspects of the paralegal education program, including:

- Coursework
- Faculty and Program Director
- Assessment and Evaluation
- Student Services
- Advisory Committee
- The Institution

*See Appendix A for additional information.*

B. A paralegal education program that has *not* been approved by the American Bar Association may provide an individual entering the paralegal profession with sufficient skills to enter the paralegal profession if the program meets the standards set by the American Bar Association Guidelines for the Approval of Paralegal Programs; however, careful review of the program is necessary to ensure it meets the American Bar Association standards.

1. Evaluation of a paralegal education program requires access to information that may not be available to a prospective student. The primary question to be answered is whether the program adequately prepares its students to enter the paralegal workforce. Current students, graduates and members of the local legal community may be a source of information in addition to the admissions counselor.

- Current students – a source of information on curriculum, faculty and student services.
- Graduates – a source of information on placement services and overall quality of the profession.
- Members of the Local Legal Community – a source of information on graduate performance.

2. Education programs that fail to cover essential areas of study do not adequately educate and prepare students to enter the paralegal workforce and do a disservice to the student, potential employer and the paralegal profession. The ABA Guidelines require 750 hours of study of which 225 hours must cover legal specialty courses. Coursework in legal research and writing and ethics are essential.

3. Education programs that are solely online or correspondence programs do not adequately educate and prepare students to enter the paralegal workforce and do a disservice to the student, potential employer and the paralegal profession. Interaction between student, faculty and program administration is an important part of the paralegal education experience. Faculty response to student questions and feedback on assignments improve learning, as do classroom discussion and student activities. The ABA Guidelines allow for alternate delivery formats which include online courses, but place a limit on the number of legal specialty courses which can be taken in this format. ABA Guideline requirements for online courses are designed to maintain the quality and integrity of program and address interaction among students and between students and faculty, verification of student identity, substance of instruction and assignments, and assessment by the institution of the quality of the online instruction. *See Appendix B for additional information.*

C. ESAPA recommends that, absent American Bar Association approval, all paralegal education programs in New York State be registered with the New York State Education Department and be located in an institution of higher education accredited by the Middle States Association of Colleges and Schools (or one of the other regional accrediting bodies recognized by the U.S. Department of Education); or be from an institution which is an institutional member of the American Association for Paralegal Education.

1. The merits of an ABA approved paralegal education program are set forth in “II.A.1.” above.

2. The New York State Education Department registers (accredits) every curriculum creditable toward a degree at any degree-granting institution in New York State (public, independent, or proprietary). It also conducts periodic reviews of the quality of existing curricula. Further information can be found at [www.highered.nysed.gov/ocue/structureofhighereducation.htm](http://www.highered.nysed.gov/ocue/structureofhighereducation.htm).

3. Middle States Association of Colleges and Secondary School Commission is a voluntary, non-governmental, peer-based membership association dedicated to educational excellence and improvement through peer evaluation and accreditation. Regional Institutional Accrediting Agencies (from the U.S. Department of Education) can be found at <http://www.ed.gov/admins/finaid/accred/accreditation-pg6.html>.

4. The American Association for Paralegal Education Programs was established in 1981 for the purpose of promoting quality paralegal education, developing educational standards and encouraging professional growth in order to prepare graduates to perform a significant role in the delivery of legal services. Institutional membership is available to schools that are either approved by the American Bar Association or are in substantial compliance with the ABA Guidelines and accredited by a nationally recognized accrediting agency. Further information can be found at <http://www.aafpe.org/index.html>.

### **III. CONTINUING LEGAL EDUCATION**

ESAPA and its member Associations take the following position on continuing legal education for paralegals in New York State:

- A. ESAPA recommends that practicing paralegals complete a minimum of 12 hours of continuing legal education every 2 years, including at least 2 hours of ethics.

Paralegals must maintain their skills and keep current with changes in procedural substantive law by participating in continuing legal education.

The following organizations support and/or recommend continuing legal education for paralegals:

New York State Bar Association

*Guidelines for the Utilization by Lawyers of the Services of Legal Assistants*  
Guideline VII – Professional Development: A Lawyer Should Promote the Professional Development of the Legal Assistant

“Legal Assistants should be provided with opportunities for continuing legal education, participation in pro bono projects and participation in professional organizations.”

American Bar Association

*Model Guidelines for the Utilization of Paralegal Services*

Guideline 10: A lawyer who employs a Paralegal should facilitate the paralegal's participation in appropriate continuing education and pro bono publico activities.

American Association for Paralegal Education

Quality paralegal education programs offer student services that include... information and/or opportunities for participation in such activities as honor societies, pro bono activities, professional and paralegal associations, and continuing legal education.

International Paralegal Management Association

Supports quality programs of continuing education for paralegals and encourages institutions to develop high quality programs of continuing paralegal education in specialized practice areas.

The following national paralegal organizations require continuing legal education to maintain paralegal certification/registration:

National Association of Legal Assistants

Certified Legal Assistant / Certified Paralegal/ Advanced Certified Paralegal ("CLA" or "CP" or "ACP")

50 hours of continuing legal education are required every 5 years.

National Federation of Paralegal Associations

PACE Registered Paralegal ("RP")

12 hours of continuing legal education are required every 2 years that must include 1 hour of ethics.

American Alliance of Paralegals Inc.

American Alliance Certified Paralegal ("AACP")

18 hours of continuing legal education are required every 2 years

*See Appendix C for state paralegal certification continuing legal education requirements.*

Continuing legal education opportunities are readily available to paralegals throughout New York State. Paralegal associations, bar associations and other law-related associations, colleges and universities, and professional education organizations provide a wide variety of education programs (see Appendix B). Programs may be presented in a live seminar format, via video conferencing, or in traditional or online classes. Educational materials are also available on audio tapes and in print materials.

As with paralegal education programs, the availability of continuing legal education opportunities has increased in recent years, affording paralegals easy access to the education necessary to maintain the high level of quality services provided by paralegals today.

# CONCLUSION

This Position Statement on Paralegal Education Standards in New York State has been issued by the ESAPA in response to the need to establish minimum qualifications and education standards for entry into the paralegal profession. It recognizes the diversity of the profession within New York State and the flexibility which may be necessary for employers to evaluate a candidate's background and skills with recommended minimum education criteria.

It should be noted, however, that ESAPA considers the within standards the *minimum* standards necessary for an individual interested in pursuing a career as a paralegal. In many areas of the country, major metropolitan centers, corporations, governments and large law firms, the bachelor's degree has already become the accepted standard for entry into the paralegal profession.

The American Bar Association, through its approval process for paralegal education programs, also strongly encourages paralegals to attain a bachelor's degree as part of, or in addition to, graduation from an approved program and supports articulation agreements to that effect.

ESAPA strongly recommends that every individual entering the paralegal profession obtain a bachelor's degree either prior to or following their entry into the profession. The bases for this recommendation are as follows:

- Increased Employment Opportunities: employers in many areas of New York State (particularly in urban areas and where bachelor's degree programs in paralegal studies are available) may give little consideration to candidates without a bachelor's degree.
- Professional Advancement: a paralegal with a bachelor's degree may have increased opportunities for advancement to more senior or management positions.
- Greater Professional Mobility: a paralegal who relocates to another state or seeks employment in a multi-state law office which may require its paralegals to possess the minimum education requirements enacted in the most restrictive state (regardless of the state in which the paralegal works) will have an increased level of mobility with a bachelor's degree.
- More Substantive Work Assignments: The level of work assigned to a paralegal often corresponds with the paralegal's education and experience. With a bachelor's degree, a paralegal is more likely to find a challenging and satisfying position with a minimal amount of non-substantive or clerical work.
- Court Fee Awards: The courts look favorably upon paralegal fees in attorneys' fees awards for paralegals with strong education qualifications.

Further, this Position Statement recommends that paralegals pursue continuing legal education opportunities to maintain and expand their knowledge of the law and the paralegal profession.

Paralegal employers should encourage and support attendance and participation by paralegals in such programs as recommended in the Commentary which follows Guideline VIII of the NYS Guidelines: “Legal Assistants should be provided with opportunities for continuing legal education, participation in *pro bono* projects and participation in professional organizations.”

# CONTACT INFORMATION

## THE EMPIRE STATE ALLIANCE OF PARALEGAL ASSOCIATIONS

[WWW.GEOCITIES.COM/EMPIRESTATEPARALEGALS](http://WWW.GEOCITIES.COM/EMPIRESTATEPARALEGALS)

[empirestateparalegals@yahoo.com](mailto:empirestateparalegals@yahoo.com)

### MEMBER ASSOCIATIONS:

#### **Adirondack Paralegal Association**

*c/o Lisa M. Bushman  
338 Reynolds Road  
Ft. Edward, NY 12828  
(518) 792-2049  
[mprovost@jwlawoffice.com](mailto:mprovost@jwlawoffice.com)*

#### **Paralegal Association of Rochester**

*P.O. Box 40567  
Rochester, New York 14604  
(585) 234-5923  
[www.par.itgo.com](http://www.par.itgo.com)*

#### **Capital District Paralegal Association, Inc.**

*P.O. Box 12562  
Albany, NY 12212  
[capitaldistrict@paralegals.org](mailto:capitaldistrict@paralegals.org)  
[www.cdpa.info](http://www.cdpa.info)*

#### **Western New York Paralegal Association, Inc.**

*P.O. Box 207, Niagara Square Station  
Buffalo, NY 14201  
[westernny@paralegals.org](mailto:westernny@paralegals.org)  
[empirereps@wnyparalegals.org](mailto:empirereps@wnyparalegals.org)*

#### **Long Island Paralegal Association Inc.**

*1877 Bly Road  
East Meadow, NY 11554  
(516) 357-9820  
[www.liparalegals.org](http://www.liparalegals.org)*

#### **Onondaga County Bar Association Paralegals Committee**

*1000 State Tower Building  
Syracuse, NY 13202  
(315) 471-2667  
[www.onbar2.org/sect-comms/paralegals/index.htm](http://www.onbar2.org/sect-comms/paralegals/index.htm)*

#### **Oswego County Paralegal Association**

*c/o Cynthia E. Wade, Paralegal  
Hancock & Estabrook, LLP  
1500 Tower I, P.O. Box 4976  
Syracuse, NY 13221  
(315) 471-3151  
[cwade@hancocklaw.com](mailto:cwade@hancocklaw.com)*

#### **Inactive (non-voting) Associations:**

*Manhattan Paralegal Association, Inc.  
West/Rock Paralegal Association*

ESAPA is the information resource on the paralegal profession in New York State. Inquiries may be made on paralegal education and other issues affecting the paralegal profession in New York State to ESAPA or any of its member associations.

# APPENDIX A

## ABA EDUCATION STANDARD

The Approval Commission of SCOP is charged with the responsibility of administering the approval process, including review of approval and re-approval applications, visiting programs for clarification and verification of application materials, and recommending, deferring or denying approval or re-approval. In addition, the Approval Commission meets jointly with SCOP to discuss issues affecting the paralegal profession that may require interpretation or revisions to the ABA Guidelines. Approval Commission members are appointed for a 3-year term and include representatives of NALA, NFPA, IPMA (LAMA) and AAFPE.

Programs are approved for a 7-year period and are required to submit interim reports on the 2<sup>nd</sup> and 4<sup>th</sup> anniversaries of their approval date. A major change in an approval program, such as a substantial curriculum or an organizational change, requires submission of a report to the ABA prior to implementation of the change. Initial approval or re-approval requires the submission of a detailed self-evaluation report with exhibits that are reviewed by educational consultants. Approval Commission members also review the reports and conduct a site visit. Failure to comply with the ABA Guidelines may result in deferral of approval or re-approval or more serious sanctions including denial or withdrawal of approval. There are over 22 ABA approved paralegal education programs in New York State.

The ABA Guidelines encompass:

- Coursework – the heart of the ABA Guidelines is its specific post-secondary level education coursework requirements: 60 credits of which a minimum of 18 credits must be legal specialty courses and 18 credits must be general education courses (one credit equals 15 contact hours of instruction). Legal Specialty coursework must cover substantive law and must emphasize practical paralegal skills. General education coursework must incorporate critical reasoning, writing and oral communication skills. Other coursework must include law-related technology, legal research (including electronic research) and internships, when possible. Ethics and professional responsibility curriculum may be covered in a single course or throughout the course curriculum. On line delivery of coursework must comply with specified requirements to insure adequate interaction between faculty and students and among the students; at least 10 credits of legal specialty courses must be taken through traditional classroom instruction or synchronous interactive video systems.
- Faculty and Program Director – the program must adhere to specified qualifications and requirements covering competency, effectiveness as teachers, professional development, participation in faculty meetings and commitment to paralegal education.
- Assessment and Evaluation – the program must perform regular self-assessments through student evaluations, graduate placement records and surveys of local employers and the program must be responsive to the results.
- Student Services – the program must provide and maintain enrollment policies, career counseling and placement services to assist students in successful completion of the program and securing employment in the paralegal field.

- Advisory Committee – the program must have an advisory committee comprised of specified groups of individuals who are knowledgeable of the profession, including paralegals employed in the public and private sector, practicing attorneys, a paralegal manager, members of the local legal community and a member of the general public; its purpose is to keep the program informed on professional trends and the job market, and to evaluate and assess the effectiveness of the program in meeting the needs of the local legal community.
- The Institution – the place of the paralegal education program within the educational institution must allow for adequate financing, staffing and administrative authority to accomplish its goals and objectives.

## APPENDIX B

### PARALEGAL EDUCATION INFORMATION RESOURCES

1. American Bar Association – [www.abanet.org](http://www.abanet.org)
2. American Association for Paralegal Education – [www.aafpe.org](http://www.aafpe.org)
3. National Association of Legal Assistants – [www.nala.org](http://www.nala.org)
4. National Federation of Paralegal Associations – [www.paralegals.org](http://www.paralegals.org)
5. American Alliance of Paralegals, Inc. – [www.aapipara.org](http://www.aapipara.org)
6. International Paralegal Managers Association (f/k/a Legal Assistant Management Association) – [www.paralegalmanagement.org/ipma/](http://www.paralegalmanagement.org/ipma/)
7. Association of Legal Administrators – [www.alanet.org](http://www.alanet.org)
8. Association of Trial Lawyers of America – [www.atla.org](http://www.atla.org)

## APPENDIX C

# CONTINUING LEGAL EDUCATION STANDARDS FOR STATE PARALEGAL CERTIFICATION

**California** – The California Advanced Specialty (CAS) certification program is available to California CLAs; specialty areas include: Civil Litigation, Business Organizations and Business Law, Real Estate, Family Law and Probate and Estate Planning. Continuing legal education requirement: NALA CLA/CP requirement of 50 hours every 5 years, plus 20 hours every 5 years of which 10 hours must be in the specialty area. (More information at [www.nala.org](http://www.nala.org))

**California** – Business and Professions Code Section 6450 (formerly Assembly Bill 1761) differentiates between paralegals who work under attorney supervision and individuals who provide services directly to the public. Continuing legal education requirement: 4 hours of ethics every 3 years and 4 hours of general or specialized law every 2 years. (More information at [www.caparalegal.org](http://www.caparalegal.org))

**Delaware** - DPA Delaware Certified Paralegal Program (Delaware Paralegal Association) is a voluntary program for members announced in May of 2005 that requires qualification under one of five criteria, submission of an application with verification of criteria and a processing fee. Continuing legal education requirements: 8 hours every year, with at least 1 hour on ethics. (More information at [www.deparalegals.com](http://www.deparalegals.com))

**Florida** – The Certified Florida Legal Assistant (CFLA) Program was established in 1980 and is administered through the Certifying Board of The Paralegal Association of Florida, Inc.; continuing legal education requirement: 30 hours every 5 years. (More information at [www.nala.org](http://www.nala.org))

**Louisiana** – The first testing session of the Louisiana Certified Paralegal (LCP) Program was held in 1996. The Program requires the applicant to sit for both the LCP and CLA examinations. Continuing legal education requirement: 50 hours every 5 years. (More information at [www.nala.org](http://www.nala.org))

**North Carolina** – Plan for Certification adopted by the Council of the North Carolina State Bar Association on July 16, 2004. Continuing legal education requirement: 6 hours per year. (More information at [www.legalassistantdivision.ncbar.org](http://www.legalassistantdivision.ncbar.org))

**Texas** – The Texas Board of Legal Specialization was created by order of the Supreme Court of Texas in July 1974 to provide specialty certification to attorneys and legal assistants. The Program involves an application process and an exam. Continuing Legal Education Requirement: 75 hours in the specialty area every 5 years (30 hours maximum per year). (More information at [www.tbls.org](http://www.tbls.org))