



## **PACE™ Development**

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The paralegal profession is relatively young, but it is evolving at a rapid rate. During the next few years, we will be facing several difficult challenges, including possible regulation by state governments or courts. Do you understand the challenges paralegals are facing?

### **A Young, Fast Growing Profession**

Thirty-five years ago the first paralegals were originally defined as "individuals trained to assist attorneys in making legal services available to clients below the poverty line." During the past three decades, the role of the paralegal has grown and its importance within the delivery of legal services has increased. Current government statistics reports more than 100,000 paralegals are employed by law firms, corporations and government agencies.

In some cases, change has not been easy. Over a decade ago the Chair of the American Bar Association (ABA) Standing Committee on Legal Assistants asked, "Why would a legal secretary want to be a paralegal? Paralegals get less pay and just file." During the past decade, however, the courts, attorneys, the ABA, and local and state legislative bodies have recognized the paralegal profession. These groups are now addressing issues such as the profession's future role, regulation, educational requirements, and ethics.

Most recently, the ABA Commission on Non-Lawyer Practice released a report based on a two-year study. In this report, the Commission recommended the ABA adopt a new definition of paralegal and allow the role of the paralegal to be expanded.

### **Creating a Future Vision**

Part of NFPA®'s mission is ensuring paralegals direct the future of their own profession. In keeping with this mission, NFPA® has been actively researching an expanded role and standards for the new role. Based on the results of this research, the NFPA® membership voted to endorse a two-tier regulatory scheme. NFPA® members see the profession developing with two levels of expertise.

In the meantime, state legislative bodies and courts have started to examine issues such as the paralegal's role in the legal system and possible regulatory systems. NFPA® has continued to gather information on how to respond to and prepare for possible regulatory programs.

Based on the information collected, NFPA® member associations presented a resolution to the membership recommending NFPA® develop an exam for the experienced paralegal. This exam could be used by state legislative bodies as a standard of advanced competency for the experienced paralegal. At the 1994 Mid-Year Meeting, the membership voted overwhelmingly to develop an exam. This exam will be called the Paralegal Advanced Competency Exam (PACE™).

## **What is PACE™?**

PACE™ is a competency-based exam. Test results will provide an evaluation of the skill level in paralegal practice.

The exam will have two parts. Tier One is designed to test critical thinking skills and problem solving abilities. It will include general legal and ethical questions. In the future, Tier One may also include state-specific questions. Tier Two will test knowledge of legal specific practice areas.

The purpose of PACE™ is to:

- provide the groundwork for expanding paralegal roles and responsibilities;
- provide the public and legal community with a mechanism to gauge the competency of the experienced paralegal; and
- be used in states considering regulation of experienced paralegals.

All proceeds received from PACE™ will be placed in a nonprofit foundation created for the future development of the profession. This foundation will be independent of NFPA®.

## **What Are the Requirements to Take PACE™?**

NFPA®'s membership recognizes the profession is evolving. In an effort to set the stage for future growth and expansion, it is critically important that paralegals have adequate educational training.

At their annual convention held in Newport, Rhode Island, delegates of the member associations of the National Federation of Paralegal Associations (NFPA®) adopted a resolution modifying the criteria for those who can sit for the Paralegal Advanced Competency Exam (PACE™). The purpose of the change was to uphold the need for education and promoting paralegal education while expanding the criteria from which candidates can choose in order to sit for PACE™. Amending the minimum criteria to sit for PACE™ allowed more experienced paralegals the opportunity to expand their role, which goes to the very heart of the NFPA®'s mission and respects its diversity of membership.

The criteria established in 2003 for sitting for the Paralegal Advanced Competency Exam (PACE™) are:

- a person holding an associate's degree in paralegal studies obtained from an institutionally accredited and/or ABA-approved paralegal education program and six years substantive paralegal experience; OR
- a person holding a bachelor's degree in any course of study and three years substantive paralegal experience; OR
- a person holding a bachelor's degree who has completed a paralegal program with an institutionally accredited school, which program may be embodied in a bachelor's degree, and two years substantive paralegal experience; OR
- a person with four years substantive paralegal experience as of December 31, 2000.

## **How PACE™ Was Developed?**

When the NFPA® membership voted to develop PACE™, money was allocated to hire a professional organization to ensure the exam was viable, secure and valid. After reviewing the proposals from five firms, the contract to prepare Tier One was awarded to Professional Examination Services (PES). PES is a nonprofit corporation whose mission is to promote the public good by providing services to those who have a stake in sound licensure and certification practices.

Working in conjunction with PES is an independent task force composed of paralegals, paralegal educators, attorneys, and members of the public. The task force acts as expert consultants to PES in developing and maintaining the exam.

To develop the exam PES and the task force took the following steps:

**Job Analysis Development** - PES and the task force worked together to identify and develop a description of the major areas of responsibilities or activities comprising the paralegal job and profession (domains). Each domain was broken into its component tasks or goal-directed set of activities with a common objective or type of output. The set of tasks comprising a performance domain are exhaustive and mutually exclusive to that domain and the set of tasks identified cover all aspects of the work that are relevant. The task force then proceeded to identify the learnable knowledge and skills associated with the performance of each task. The task statements and knowledge and skill statements were then rated for their importance and criticality (how crucial the task/knowledge/skill is to competent job analysis).

**Job analysis Validation** - PES conducted a random validation survey with 1,500 participants to assure that all knowledge, skills and tasks were incorporated in the completed job analysis.

**Test Specification** - PES and the task force reviewed the validation survey and finalized the exam specifications. The specifications provide the blue print for the actual test construction.

**Item Development** - PES conducted item development workshops to construct 800 to 1,000 test questions to be used in the exam. Each question was constructed with a verifiable source of authentication. The questions were then reviewed by other task force members to verify the correct response and determine its criticality to paralegal practice.

**Item Banking** - PES entered all acceptable questions into the banking system which is used to generate the exams. Ultimately four exams will be prepared and used so retakers get different question with the same weighted composition.

**Examination Development** - PES developed two exam drafts which were reviewed question by question by the task force. The review eliminated redundant questions and assured that the exam was balance among practice areas.

**Administration of the Exam** - Sylvan Technology Centers will administer the computerized test with 240 sites located in the United States and Canada. Paralegal will be able to take the exam almost every day of the week except for Sunday and holidays.

### **How Will Paralegals Prepare for and Take PACE™?**

To assist paralegals in preparing for the exam, preparatory materials are being developed. These materials will provide general information on the substance of the test and will be released in the spring of 1996. NFPA®, many of its member associations and for-profit seminar providers will offer seminars.

The actual exam will be offered via computers. Using this medium will allow PACE™ to be offered at multiple test sites on more than 300 days each year. In addition, it will allow the test to be offered in a consistent manner, ensuring results are accurate and fair. Candidates will receive test results quickly, and all results will be maintained in a computer log.

### **How Will Paralegals Benefit From Taking PACE™?**

Paralegals are well-educated and well-trained with job responsibilities across a broad range of practice areas. NFPA® members wanted to establish a process that would clearly demonstrate to employers, the legal community and the public that the title "paralegal" should be used only for competent professionals.

*Paralegals who successfully complete PACE™ will receive a special designation. More important, these paralegals will be prepared for the future as the role expands.*

### **Change Is on The Horizon**

*The development of PACE™ at this time is especially important because the role of the traditional paralegal and the manner in which legal services are delivered are changing. NFPA® members believe paralegals fill an important role in the delivery of these legal services. In addition, many states, legislative bodies, courts, and bar associations are considering future regulation of the paralegal profession and examining situations where paralegals can provide certain services directly to the public.*

*If these entities decide to regulate the profession, they will need a method to determine the competency of an individual paralegal. Currently, there is no exam available to measure advanced competency which has been developed using the essential steps, as defined by a professional testing firm. PACE™ offers these legislative bodies a method to measure competency.*

*While NFPA® has no way of knowing if state court and state legislative entities will accept PACE™ in its entirety, including the educational requirements, it is clear that NFPA® members believe now is the time to develop an exam for the experienced paralegal.*

*As the legal community evaluates how paralegals can best assist in the delivery of legal services, it only makes sense that paralegals step up to the plate to offer recommendations and solutions.*