

Frequently Asked Questions (FAQ )  
Business & Professions Code §§ 6450, *et. seq.*

Business & Professions Code §§ 6450, *et. seq.* (hereinafter referred to as "B&P 6450" was signed into law by Governor Gray Davis in September 2000 and became operative on **January 1, 2001**).

There are two major **educational** components to B&P 6450.

(1) A paralegal shall possess at least one of the following:

- Certificate of completion of a paralegal program approved by the American Bar Association (ABA) [B&P §6450(c)(1)].
- Certificate of completion of a paralegal program, or degree from, a post-secondary institution (accredited by a national or regional accrediting organization, or approved by the Bureau for Private Post-secondary and Vocational Standards), requiring successful completion of a minimum of 24 semester units in law-related classes [B&P §6450(c)(2)].
- A BA or advanced degree in any subject, a minimum of one year of law-related experience under the supervision of an attorney, and a written declaration from the supervising attorney stating that the person is qualified to perform paralegal tasks [B&P §6450(c)(3)].
- High school diploma or GED, a minimum of three years of law-related experience under the supervision of an attorney, and a written declaration from the supervising attorney stating that the person is qualified to perform paralegal tasks [B&P §6450(c)(4)].

The provisions of B&P §6450(c)(4) "grandfathers" in paralegals who have been trained by and working for an attorney for at least three years by January 1, 2004, but who do not meet the educational criteria set forth in B&P §6450(c)(1-3) above.

After **January 1, 2004**, only the provisions of B&P §6450(c)(1-3) above will be available to paralegals.

(2) Continuing Education Requirements

All paralegals shall be required to certify completion every three (3) years of four (4) hours of mandatory continuing legal education in legal **ethics**. All continuing legal education courses shall meet the requirements of B&P §6070.

First Compliance Period: January 1, 2001 - December 31, 2003
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Every two (2) years, all paralegals shall be required to certify completion of four (2) hours in either **general law** or in a **specialized area of law**.

First Compliance Period: January 1, 2001 - December 31, 2002

Second Compliance Period: January 1, 2003 - December 31, 2004

Certification of continuing education requirements shall be made with the paralegal's supervising attorney ( unless the paralegal is self-employed). Paralegals shall be responsible for keeping a record (MCLE Compliance Log) of his or her certifications [B&P §6450(d)].

Self-study programs/courses meeting the requirements of B&P §6070 may be utilized as part of the continuing education requirements. "... Towards this purpose, the State Bar shall ensure that by July 1, 2000, any member possessing or having access to the internet or specified generally available computer technology shall be capable of satisfying the full self-study portion of his or her MCLE requirement at a cost of fifteen dollars (\$15) per hour or less." [B&P § 6070(d)]

#### Failure to Comply

At this point, there is no regulatory mechanism in place to deal with those paralegals who fail to comply with the requirements regarding education, work experience, and continuing education requirements. However, as with many things, failure to comply can have negative consequences, such as a negative monetary outcome post-filing of a Memo of Costs. There are several cases on appeal where one side or the other has filed opposition to paralegal fees and has prevailed (or not) because the attorney's office was unable to provide corroborating documentation of the paralegal's compliance with educational and continuing education requirements.

Additionally, insurance companies and other business entities are becoming more knowledgeable and sophisticated and are making inquiries about paralegal fees on their billing statements.

#### Sources - Continuing Education Courses

San Diego County Law Library ([www.sdcll.org](http://www.sdcll.org))  
Brown Bag Lunches (January)

California Alliance of Paralegal Associations (CAPA) ([www.caparalegal.org](http://www.caparalegal.org))  
Click on link to Taecan.com ([www.taecan.com](http://www.taecan.com)) for MCLE classes

State and local Bar Associations; various on-line providers.