



## **SOUTHEAST TEXAS ASSOCIATION OF PARALEGALS (SETAP)**

An affiliate of National Association of Legal Assistants, Inc. (*NALA*)

### **APPLICATION FOR MEMBERSHIP**

**TO BE COMPLETED BY ALL APPLICANTS:** (Please type or print)

Name: \_\_\_\_\_ Preferred E-mail: \_\_\_\_\_

Employer: \_\_\_\_\_ Birthdate (Month/Day): \_\_\_\_\_

Business Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Immediate Supervisor: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Should mail be sent to your Home \_\_\_\_\_ or Work \_\_\_\_\_

Professional Designations/Certifications: \_\_\_\_\_

SETAP is an affiliate member of the National Association of Legal Assistants, and as such, has adopted the Code of Ethics and Professional Responsibility of NALA. As an applicant for membership in SETAP, you are required to review the code carefully and to attest your willingness to abide by its tenets.

I hereby attest that I have reviewed the Code of Ethics and Professional Responsibility, a copy of which has been given to me, and I further attest that I will adhere strictly to the accepted standards of legal ethics and will live by general principles of proper conduct.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

(Applicant)

NOTE: All applications must be accompanied with payment of dues. Your dues in the amount of \$ \_\_\_\_\_ should be enclosed.

**PLEASE RETURN COMPLETED APPLICATIONS TO:**

**SETAP  
First Vice-President  
P.O. Box 813  
Beaumont, Texas 77704**

**MAKE SURE ALL APPROPRIATE SECTIONS OF THE APPLICATION ARE COMPLETED**

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**Qualifications for Active Membership (Voting Privileges) \$45.00**

Paralegals are a distinguishable group of persons who assist attorneys in the delivery of legal services. Through formal education, training and experience, paralegals have knowledge and expertise regarding the legal system and substantive and procedural law which qualify them to do work of a legal nature under the supervision of an attorney.

You must be currently employed as a paralegal or self-employed as a freelance paralegal.

You must meet one of the following qualifications for active membership. Please mark the appropriate section under which you qualify.

- A.
1. \_\_\_\_\_ Successful completion of the Certified Legal Assistant (CLA)/Certified Paralegal (CP)• examination of the National Association of Legal Assistants, Inc., plus six (6) months of in-house training as a paralegal under the direct supervision of a duly licensed attorney; or
  2. \_\_\_\_\_ Graduation from an ABA approved program of study for paralegals, plus six (6) months of in-house training as a paralegal under the direct supervision of a duly licensed attorney; or
  3. \_\_\_\_\_ Graduation from a course of study for paralegals which is institutionally accredited, but not ABA approved, and which requires not less than the equivalent of 60 semester hours of classroom study, plus six (6) months of in-house training as a paralegal under the direct supervision of a duly licensed attorney. No home study, video or correspondence courses will be accepted; or
  4. \_\_\_\_\_ Graduation from a course of study for paralegals other than those set forth in (2) and (3) above, plus not less than six (6) months in-house training as a paralegal. No home study, video or correspondence courses will be accepted; or
  5. \_\_\_\_\_ A bachelor degree in any field, plus not less than six (6) months in-house training as a paralegal; or
  6. \_\_\_\_\_ A minimum of three (3) years of law-related experience under the supervision of an attorney, including at least six (6) months in-house training as a paralegal; or
  7. \_\_\_\_\_ Two (2) years in-house training as a paralegal.
- B. Freelance applicants must meet one of the above qualifications. Please mark the section under "A" which applies to you.

I hereby certify that I am employed as a freelance paralegal, that I work under the direct supervision of a duly licensed Texas attorney at all times, and that I qualify as a member under the category(ies) checked above. I hereby give consent to SETAP to contact my present and/or former supervising attorney(s) for verification and/or clarification of my qualifications for membership. I understand that if any information submitted herein is false, it will be grounds for denial of my application.

\_\_\_\_\_  
(Freelance Applicant)

For purposes of these standards, "in-house training as a paralegal" means attorney education of the employee concerning paralegal duties and these guidelines. In addition to review and analysis of assignments, the paralegal should receive a reasonable amount of instruction directly related to the duties and obligations of the paralegal.

All applicants meeting the qualification of "1" must submit proof of certification. All applicants meeting the qualifications of "2", "3" or "4" must submit a copy of the school's transcript or curriculum showing all courses covered. All applicants meeting the qualification of "5" must submit proof of completion of a bachelor or higher degree.

**TO BE COMPLETED BY APPLICANT FOR ACTIVE MEMBERSHIP (Voting):**

How long employed as a paralegal? \_\_\_\_\_ Total years legal experience? \_\_\_\_\_

Formal or special education, school or training for present position: \_\_\_\_\_

Date of graduation: \_\_\_\_\_ Specialty: \_\_\_\_\_

Check the most appropriate description of your employer(s):

\_\_\_\_\_ (a) Private law office consisting of \_\_\_\_\_ attorneys and \_\_\_\_\_ nonlegal personnel.

\_\_\_\_\_ (b) Corporate law department: \_\_\_\_\_

\_\_\_\_\_ (c) Judicial agency, Court: \_\_\_\_\_

\_\_\_\_\_ (d) Law department, nonprofit organization: \_\_\_\_\_

\_\_\_\_\_ (e) Government legal agency: \_\_\_\_\_

\_\_\_\_\_ (f) Other: \_\_\_\_\_

PLEASE GIVE A COMPREHENSIVE DESCRIPTION OF JOB FUNCTIONS AND ANY SUPPORTING INFORMATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*CLA is a certification mark duly registered with the U.S. Patent & Trademark Office (No. 1131999). Any unauthorized use is strictly forbidden.

\*\*NOTE: Those persons qualifying for active membership **MUST** include an **EMPLOYER ATTESTATION** form:

**SUPERVISING ATTORNEY ATTESTATION**

I have read the attached Guidelines and I hereby attest that \_\_\_\_\_ is employed by me and is recognized as a paralegal and that he/she, under the supervision and direction of a lawyer, is capable of the following services as generally described by the American Bar Association's Standing Committee on Paralegals:

- Applying knowledge of the law and legal procedure in drafting legal documents and other papers in certain fields of law;
- Exercising judgment and working independently with respect to assigned tasks; keeping and meeting deadlines;
- Preparing or interpreting legal documents for review by lawyers;
- Selecting, compiling and using technical information from such references as digests, encyclopedias or practice manuals;
- Analyzing procedural problems and recommending solutions in certain fields; and
- Preparing detailed office procedures for efficient handling of specialized field(s) of law.

I further attest that the applicant has been employed by me as a paralegal for (months/years); that applicant's ethical and professional conduct are above reproach; and that he/she is recommended for membership in Southeast Texas Association of Paralegals.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

(Supervising Attorney)

PRINTED NAME: \_\_\_\_\_

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**Qualifications for Associate Membership (Non-Voting) \$35.00**

The following may apply for associate membership:

1. Those persons directly involved in the supervision of paralegals;
2. Those persons who have successfully completed a course of study as a paralegal and are not presently employed as a paralegal. Upon graduation, student members need not re-apply for associate membership; however, re-application must be made for active status;
3. Those persons who are presently employed as a paralegal, but have not been so employed for six (6) months; or
4. Those persons interested in the paralegal profession.

**TO BE COMPLETED BY APPLICANT FOR ASSOCIATE MEMBERSHIP (NON-VOTING):**

Formal or special education, school or training: \_\_\_\_\_ Date of graduation: \_\_\_\_\_

Other information - how employed and interest in SETAP: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

(Applicant)

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**Qualifications for Student Membership (Non-Voting) \$15.00**

Any individual who is a student in good standing in any college, junior college or other school pursuing a course of study as a paralegal may apply for student membership. No home study, video or correspondence courses will be accepted. Upon graduation, student members need not re-apply to upgrade to associate membership; however, re-application must be made for active status.

**TO BE COMPLETED BY APPLICANT FOR STUDENT MEMBERSHIP (Non-Voting):**

Date enrolled in paralegal study program: \_\_\_\_\_ Estimated graduation date: \_\_\_\_\_

THE **INSTRUCTOR ATTESTATION** AND THE **DIRECTOR ATTESTATION** **MUST** BE COMPLETED. YOU **MUST** SIGN YOUR ACKNOWLEDGMENT AT THE END OF THIS SECTION.

**INSTRUCTOR ATTESTATION**

I hereby attest that \_\_\_\_\_ is a student in my \_\_\_\_\_ class at \_\_\_\_\_ (paralegal program name). I further attest that applicant's ethical and professional conduct, to my knowledge, are above reproach and that he/she is recommended for membership in Southeast Texas Association of Paralegals.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

(Instructor)

Instructor Address: \_\_\_\_\_

Instructor Phone Number: \_\_\_\_\_

**DIRECTOR ATTESTATION**

I hereby attest that \_\_\_\_\_ is a student in my \_\_\_\_\_ class at \_\_\_\_\_ (paralegal program name); that applicant's enrollment complies with all Departmental regulations and that all requirements of this Department have been met in regard to applicant's participation in the program.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
(Director)  
Director Address: \_\_\_\_\_  
Director Phone Number: \_\_\_\_\_

In applying for Student Membership, I understand that I shall have all the privileges and prerogatives of an active member, except that I may not vote, hold office or chair a committee.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
(Applicant)

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**Qualifications for Sustaining Membership (non-voting) \$100.00**

Any law firm, corporation, institutionally accredited or ABA approved paralegal program, interested in supporting the purposes and goals of the Southeast Texas Association of Paralegals shall be eligible for sustaining membership. Sustaining members shall not be entitled to vote, hold office or serve in a voting capacity on a committee unless otherwise qualifying for membership.

**TO BE COMPLETED BY APPLICANT FOR SUSTAINING MEMBERSHIP (Non-Voting):**

Name: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
(Applicant)

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## **GUIDELINES\***

These Guidelines relating to standards of performance and professional responsibility are intended to aid legal assistants and attorneys. The ultimate responsibility rests with an attorney who employs legal assistants to educate them with respect to the duties they are assigned and to supervise the manner in which such duties are accomplished:

### **Legal Assistants should:**

1. Disclose their status as legal assistants at the outset of any professional relationship with a client, other attorneys, a court or administrative agency or personnel thereof, or members of the general public;
2. Preserve the confidences and secrets of all clients; and
3. Understand the attorney's Code of Professional Responsibility and these Guidelines in order to avoid any action which would involve the attorney in a violation of that Code, or give the appearance of professional impropriety.

### **Legal Assistants Shall Not:**

1. Establish attorney-client relationships; set legal fees; give legal opinions or advice; or represent a client before a court, unless authorized to do so by said court; nor
2. Engage in, encourage or contribute to any act which could constitute the unauthorized practice of law.

### **Legal Assistants May perform services for an attorney in the representation of a client. provided:**

1. The services performed by the legal assistant do not require the exercise of independent professional legal judgment;
2. The attorney maintains a direct relationship with the client and maintains control of all client matters;
3. The attorney supervises the legal assistant;
4. The attorney remains professionally responsible for all work on behalf of the client, including any actions taken or not taken by the legal assistant in connection therewith; and
5. The services performed supplement, merge with and become the attorney's work product.

### **In the supervision of a legal assistant, consideration should be given to:**

1. Designating work assignments that correspond to the legal assistant's abilities, knowledge, training and experience;
2. Educating and training the legal assistant with respect to professional responsibility, local rules and practices and firm policies;
3. Monitoring the work and professional conduct of the legal assistant to ensure that the work is substantially correct and timely performed;
4. Providing continuing education for the legal assistant in substantive matters through courses, institutes, workshops, seminars and in-house training; and
5. Encouraging and supporting membership and active participation in professional organizations.

### **Except as otherwise provided by statute, court rule or decision, administrative rule or regulation, or the attorney's Code of Professional Responsibility; and within the preceding parameters and proscriptions, a legal assistant may perform any function delegated by an attorney, including, but not limited to the following:**

1. Conduct client interviews and maintain general contact with the client after the establishment of the attorney-client relationship, so long as the client is aware of the status and function of the legal assistant, and the client contact is under the supervision of the attorney.
2. Locate and interview witnesses, so long as the witnesses are aware of the status and function of the legal assistant.
3. Conduct investigations and statistical and documentary research for review by the attorney.
4. Conduct legal research for review by the attorney.
5. Draft legal documents for review by the attorney.
6. Draft correspondence and pleadings for review by and signature of the attorney.
7. Summarize depositions, interrogatories and testimony for review by the attorney.
8. Attend execution of wills, real estate closing, depositions, court or administrative hearings and trials with the attorney.
9. Author and sign letters, provided the legal assistant's status is clearly indicated and the correspondence does not contain independent legal opinions or legal advice.

\*Adopted from National Association of Legal Assistants, Inc's (NALA's) Model Standards and Guidelines from Utilization of Legal Assistants. Reprints of these Standards and Guidelines may be obtained from National Association of Legal Assistants, Inc., 1601 S. Main, Suite 300, Tulsa, Oklahoma 74119.

# NALA Code of Ethics and Professional Responsibility

Each NALA member agrees to follow the canons of the NALA Code of Ethics and Professional Responsibility. Violations of the Code may result in cancellation of membership. First adopted by the NALA membership in May of 1975, the Code of Ethics and Professional Responsibility is the foundation of ethical practices of paralegals in the legal community.

A paralegal must adhere strictly to the accepted standards of legal ethics and to the general principles of proper conduct. The performance of the duties of the paralegal shall be governed by specific canons as defined herein so that justice will be served and goals of the profession attained. (See Model Standards and Guidelines for Utilization of Legal Assistants, Section II.)

The canons of ethics set forth hereafter are adopted by the National Association of Legal Assistants, Inc., as a general guide intended to aid paralegals and attorneys. The enumeration of these rules does not mean there are not others of equal importance although not specifically mentioned. Court rules, agency rules and statutes must be taken into consideration when interpreting the canons.

**Definition:** Legal assistants, also known as paralegals, are a distinguishable group of persons who assist attorneys in the delivery of legal services. Through formal education, training and experience, legal assistants have knowledge and expertise regarding the legal system and substantive and procedural law which qualify them to do work of a legal nature under the supervision of an attorney.

In 2001, NALA members also adopted the ABA definition of a legal assistant/paralegal, as follows:

A legal assistant or 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 who performs specifically delegated substantive legal work for which a lawyer is responsible. (Adopted by the ABA in 1997).

- Canon 1.** A paralegal must not perform any of the duties that attorneys only may perform nor take any actions that attorneys may not take.
- Canon 2.** A paralegal may perform any task which is properly delegated and supervised by an attorney, as long as the attorney is ultimately responsible to the client, maintains a direct relationship with the client, and assumes professional responsibility for the work product.
- Canon 3.** A paralegal must not: (a) engage in, encourage, or contribute to any act which could constitute the unauthorized practice of law; and (b) establish attorney-client relationships, set fees, give legal opinions or advice or represent a client before a court or agency unless so authorized by that court or agency; and (c) engage in conduct or take any action which would assist or involve the attorney in a violation of professional ethics or give the appearance of professional impropriety.
- Canon 4.** A paralegal must use discretion and professional judgment commensurate with knowledge and experience but must not render independent legal judgment in place of an attorney. The services of an attorney are essential in the public interest whenever such legal judgment is required.
- Canon 5.** A paralegal must disclose his or her status as a paralegal at the outset of any professional relationship with a client, attorney, a court or administrative agency or personnel thereof, or a member of the general public. A paralegal must act prudently in determining the extent to which a client may be assisted without the presence of an attorney.
- Canon 6.** A paralegal must strive to maintain integrity and a high degree of competency through education and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal service.
- Canon 7.** A paralegal must protect the confidences of a client and must not violate any rule or statute now in effect or hereafter enacted controlling the doctrine of privileged communications between a client and an attorney.
- Canon 8.** A paralegal must disclose to his or her employer or prospective employer any pre-existing client or personal relationship that may conflict with the interests of the employer or prospective employer and/or their clients.
- Canon 9.** A paralegal must do all other things incidental, necessary, or expedient for the attainment of the ethics and responsibilities as defined by statute or rule of court.
- Canon 10.** A paralegal's conduct is guided by bar associations' codes of professional responsibility and rules of professional conduct.

