



1           (3) . Either contracts with, or is employed by an attorney,  
2                   law firm, corporation, governmental agency, or other  
3                   entity; and

4           (4) Performs substantial legal work under the direction  
5                   and supervision of an active member of the Hawaii  
6                   state bar association, or an attorney practicing law  
7                   in the federal courts of this State.

8           Tasks that are performed by a paralegal include, but are  
9 not limited to:

10           (1) Case planning, development, and management;

11           (2) Legal research;

12           (3) Interviewing clients;

13           (4) Fact gathering and retrieving information;

14           (5) Drafting and analyzing legal documents;

15           (6) Collecting, compiling, and using technical information  
16                   to make an independent decision and recommendation to  
17                   the supervising attorney; and

18           (7) Representing clients before a state or federal  
19                   administrative agency, if that representation is  
20                   permitted by statute, court rule, or administrative  
21                   rule.



1           Tasks that are not performed by a "paralegal" include, but  
2 are not limited to:

3           (1) Providing legal advice;

4           (2) Representing a client in court;

5           (3) Selecting, explaining, drafting, or recommending the  
6 use of any legal document to or for any person other  
7 than the attorney who directs and supervises the  
8 paralegal;

9           (4) Engaging in conduct that constitutes the unlawful  
10 practice of law;

11           (5) Contracting with, or being employed by, a natural  
12 person other than an attorney to perform paralegal  
13 services;

14           (6) In connection with providing paralegal services,  
15 inducing a person to make an investment, purchase a  
16 financial product or service, or enter a transaction  
17 from which income or profit, or both, purportedly may  
18 be derived; and

19           (8) Establishing the fees to charge a client for the  
20 services the paralegal performs; provided that this  
21 paragraph shall not apply to fees charged by a



1           paralegal in a contract to provide paralegal services  
2           to an attorney, law firm, corporation, governmental  
3           agency, or other entity.

4           §   -2   **Licensure required to practice.** No person may hold  
5 oneself out as a paralegal, or practice as a paralegal, unless  
6 the person is licensed by the director.

7           §   -3   **Qualifications for licensure.** (a) The director  
8 shall not grant a license to a person to practice as a paralegal  
9 unless the person presents evidence that the person possesses at  
10 least one of the following combinations of experience and  
11 training:

12           (1) A certificate of completion of a paralegal program  
13           approved by the American Bar Association;

14           (2) A certificate of completion of a paralegal program at,  
15           or a degree from, a postsecondary institution that  
16           requires the successful completion of a minimum of  
17           twenty-four semester units, or their equivalent, in  
18           law-related courses and that have been accredited by a  
19           national or regional accrediting organization or  
20           approved by the director;



1           (3) A baccalaureate degree or an advanced degree in any  
2           subject, a minimum of one year of law-related  
3           experience under the supervision of an attorney who  
4           has been an active member of the Hawaii state bar  
5           association for at least the preceding three years or  
6           who has practiced in the federal courts of this State  
7           for at least the preceding three years, and a written  
8           declaration from this attorney stating that the person  
9           is qualified to perform paralegal tasks; or

10          (4) A high school diploma or a general equivalency  
11          diploma, a minimum of five years of law-related  
12          experience under the supervision of an attorney who  
13          has been an active member of the Hawaii state bar  
14          association for at least the preceding three years or  
15          who has practiced in the federal courts of this State  
16          for at least the preceding three years, and a written  
17          declaration from this attorney stating that the person  
18          is qualified to perform paralegal tasks.

19          §   -4   **License renewal; continuing education.**   (a)

20   Licenses under this chapter are subject to biennial renewals.



1 (b) No person may renew a license under this chapter  
2 unless completes two hours of mandatory continuing legal  
3 education in legal ethics and six hours of mandatory continuing  
4 legal education in either general law or in an area of  
5 specialized law. The paralegal's supervising attorney shall  
6 certify the completion of these continuing education  
7 requirements; provided that the paralegal shall be responsible  
8 for keeping a record of the paralegal's certifications.

9 § -5 **Paralegal relationship to consumer.** (a) It shall  
10 be unlawful for a paralegal to perform any services for a  
11 consumer unless the services are performed under the direction  
12 and supervision of the attorney, law firm, corporation,  
13 government agency, or other entity that employs or contracts  
14 with the paralegal.

15 (b) Notwithstanding subsection (a), nothing in this  
16 chapter shall prohibit a paralegal who is employed by an  
17 attorney, law firm, governmental agency, or other entity from  
18 providing services to a consumer served by one of these  
19 entities, if those services are specifically allowed by statute,  
20 case law, court rule, or federal or state administrative rule.



1 § -6 Practice under attorney supervision; required. (a)

2 It shall be unlawful for a person to identify the person's self  
3 as a paralegal on any advertisement, letterhead, business card  
4 or sign, or elsewhere unless:

5 (1) The person is licensed under section -2; and

6 (2) Performs all services under the direction and  
7 supervision of an attorney who is an active member of  
8 the Hawaii state bar association or an attorney  
9 practicing law in the federal courts of this State who  
10 shall be responsible for all of the services performed  
11 by the paralegal.

12 (b) The business card of a paralegal shall include the  
13 name of the law firm where the paralegal is employed or a  
14 statement that the paralegal is employed by, or contracting  
15 with, a licensed attorney.

16 (c) An attorney who uses the services of a paralegal shall  
17 be liable for any harm caused to a consumer as the result of the  
18 paralegal's negligence, misconduct, or violation of this  
19 chapter.



1 § -7 Attorney-client privilege; maintained. A paralegal  
2 shall be subject to the same duty as an attorney with regard to  
3 confidentiality and the attorney-client privilege.

4 § -8 Consumer cause of action; authorized. (a) Any  
5 consumer injured by a violation of this chapter may file a  
6 complaint and seek redress in the circuit court for injunctive  
7 relief, restitution, and damages. Attorney's fees shall be  
8 awarded in this action to the prevailing plaintiff.

9 (b) Any person who violates this chapter shall be subject  
10 to a fine of up to \$2,500 and imprisonment of not more than one  
11 year.

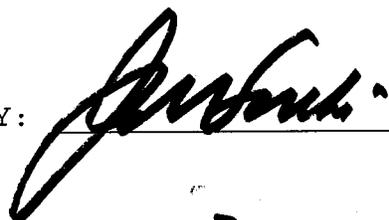
12 (c) Any person convicted of a violation under this section  
13 shall be ordered by the court to pay restitution to the victim.

14 § -9 Inapplicability of chapter. No individual employed  
15 by the State as a paralegal shall be subject to this chapter."

16 SECTION 2. This Act shall take effect upon its approval.

17

INTRODUCED BY:



By Request

JAN 27 2016



# H.B. NO. 2775

**Report Title:**

Paralegals; Licensure

**Description:**

Establishes a licensure program for paralegals.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

