

THE KENTUCKY PARALEGAL ASSOCIATION

PROFESSIONAL STANDARDS
AND CERTIFICATION PROGRAM

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PART ONE: INTRODUCTION

SECTION 1: STATEMENT OF POLICY AND PURPOSE

- 1.01 It is the policy of the Kentucky Paralegal Association to comply fully with Supreme Court Rule 3.700 Provisions Relating to Paralegals. Consistent with this rule it is our goal to foster the development and expansion of paralegal services in accordance with the Kentucky Rules of Professional Conduct, statutes, court rules and opinions, state and federal regulations, and opinions of the Kentucky Bar Association committees on Ethics and Unauthorized Practice.
- 1.02 The purpose of the Kentucky Paralegal Association's Certified Paralegal Program is to implement Kentucky SCR 3.700 for paralegals in Kentucky by establishing a procedure for paralegal certification, which will promote competence and high standards of professional responsibility, including the Kentucky Paralegal Association's Paralegal Professional Standards of Conduct. This is accomplished by setting minimum training, work experience, and education requirements for eligibility to be designated a Certified Kentucky Paralegal. The ultimate purpose of this self-regulation program is to improve the quality of legal service in Kentucky and make it more readily available to the public. Certification of qualifications and commitment to high professional and ethical standards by paralegals will lead to appropriate recognition of the substantial and essential contribution paralegals make to the provision of legal services in Kentucky.

SECTION 2: DEFINITIONS

- 2.01 As used in the Certified Kentucky Paralegal Program (CKPP):
- (A) Approved CLE Activity is a Continuing Legal Education activity or program that has been approved for CLE credit by the Committee based upon conformance with the standards set forth herein.
 - (B) Board means the Kentucky Paralegal Association Board of Directors.
 - (C) Certified Kentucky Paralegal (CKP) means a paralegal who has successfully completed the requirements for certification under the provisions of this program.
 - (D) Certified Kentucky Paralegal Program, Inc. (CKPP, Inc.) means the corporation with the responsibility for developing, maintaining, implementing and administering the CKP examinations.
 - (E) CKP Exam means the exam based upon the Kentucky Paralegal Association's Paralegal Professional Standards of Conduct, the Kentucky Rules of Professional Conduct and general principles of business and legal ethical conduct offered to eligible paralegals seeking CKP status.

- (F) Continuing Legal Education (CLE) means legal and other education programs which are designed to maintain and improve the professional competence of practicing paralegals. “CLE” and the former designations “Continuing Paralegal Education” and “CPE” are synonymous for the purpose of this program.
- (G) CLE Ethics Credit means any 50-minute unit of a legal or other education program activity relating primarily to legal ethics, including but not limited to the Kentucky Paralegal Association’s Paralegal Professional Standards of Conduct or Kentucky Supreme Court Rule 3.130.
- (H) Credit is a 50-minute unit for measuring Continuing Legal Education (CLE) activity. A credit for purposes of this requirement is fifty (50) minutes of actual instruction. Instructional time shall not include introductory remarks, breaks, or business meetings held in conjunction with a continuing legal education activity. No additional credit shall be given for completing or participating in duplicate activities at different times or locations.
- (I) KBA or Bar means the Kentucky Bar Association.
- (J) Kentucky Paralegal Association Certification Committee (Committee or KPACC) means a Committee, appointed by the KPA Board of Directors, which is responsible for implementation and enforcement of the Kentucky Paralegal Association’s Paralegal Professional Standards of Conduct and Continuing Legal Education requirements for its members who have obtained the status of CKP.
- (K) Kentucky Rules of Professional Conduct means the professional responsibility standards that apply to the members of the KBA under Kentucky Supreme Court Rule 3.130.
- (L) KPA means the Kentucky Paralegal Association.
- (M) Lawyer or Attorney means a person licensed to practice law and qualified under Kentucky SCR 3.700 to supervise paralegals.
- (N) Non-Compliance with Continuing Legal Education (CLE) Requirements means not meeting the minimum CLE requirements and includes both failure to earn the minimum number of CLE credits as set forth in Section 9.01(A) or (C) and failure to provide documentation to the KPACC as provided by Section 9.01(E).
- (O) Paralegal and Legal Assistant are synonymous and for the purpose of this program mean “a person under supervision and direction of a licensed lawyer, who may apply knowledge of law and legal procedures in rendering direct assistance to lawyers engaged in legal research; design, develop or plan modifications or new procedures, techniques, services, processes or applications; prepare or interpret legal documents and write detailed procedures for practicing in certain fields of law; select, compile and use technical information from such references as digests, encyclopedias or practice manuals; and analyze and follow procedural problems that involve independent decisions.” Kentucky SCR 3.700.

- (P) Paralegal Practice or Work Experience means providing legal service or work authorized by Kentucky SCR 3.700.
- (Q) Paralegal Professional Standards of Conduct means the rules as adopted by the KPA.
- (R) Prior Existing Qualifications means pre-program qualifications possessed by paralegals at the time of the adoption of this program.
- (S) Self-Regulation means voluntary compliance with the KPA Professional Standards and Certification Program.
- (T) State means the Commonwealth of Kentucky.

PART TWO: CERTIFIED KENTUCKY PARALEGAL PROGRAM

SECTION 3: KENTUCKY PARALEGAL ASSOCIATION CERTIFICATION COMMITTEE (KPACC)

3.01 Purpose and Functions of the Committee:

- (A) The Committee is authorized to implement and manage the KPA's Certified Kentucky Paralegal Program in accordance with these Board approved regulations. It will:
 - (1) Regulate, administer, coordinate, and enforce program requirements;
 - (2) Evaluate the qualifications of CKP applicants;
 - (3) Set the time, place, and fees for taking the Exam;
 - (4) Issue Certificates to individuals who qualify as CKPs;
 - (5) Conduct confidential investigations of CKPs believed to be engaging in practices which violate CKP program rules;
 - (6) Maintain records on the program and report to the KPA Membership Committee the status and standing of each CKP; and
 - (7) Approve legal and other law related education program activity for Continuing Legal Education (CLE) credit, maintain records relating to CKP CLE credit status, and notify CKPs of CLE credit delinquencies.
- (B) In performing its responsibilities the Committee may promulgate regulations governing qualifications and procedures for CKP certification and disciplinary actions. It will recommend to the Board amendment to the KPA Paralegal

Professional Standards of Conduct as appropriate. The Committee shall communicate any such regulations and amendments to the Chairperson of the CKPP, Inc.

3.02 Committee Membership Appointment and Terms:

- (C) Initial Committee members will be appointed by the KPA Board with initial appointments as follows:
 - (1) Two Paralegal members to a term of two years;
 - (2) Two Paralegal members to a term of one year;
 - (3) One Lawyer for the term of two years;
 - (4) One Lawyer for the term of one year;
 - (5) A Paralegal Educator for the term of two years; and
 - (6) The Chairperson of the CKPP, Inc. shall have a standing appointment on the Committee.

Thereafter, all members will be appointed by the Board for staggered terms of two years. With the exception of the two Lawyers, Paralegal Educator and Chairperson of the CKPP, Inc., no Committee member will serve more than two consecutive terms. Initial appointment periods will begin upon Board adoption of this program. Vacancies in Committee membership will be filled for the remainder of a departed member's term.

- (D) After the initial appointment period, and after implementation of testing as provided for in this Program, all paralegal members of the Committee shall be CKPs. The Chairperson will be a paralegal and shall be selected from among the Committee members by majority vote. The Chairperson of the CKPP, Inc. will not be eligible to serve as Chairperson of the committee.
- (E) Committee Vacancies:
 - (1) The Board will announce a Committee vacancy within 10 business days of such vacancy.
 - (a) To fill Paralegal member vacancies: CKPs qualified to fill a committee vacancy shall inform the Board of their desire to fill the position within 10 business days of such announcement. If no CKP submits his/her name for consideration for appointment, the Board shall recruit a CKP to serve on the Committee.

- (b) To fill Lawyer or Paralegal Educator member vacancies: KPA Active members may recommend a qualified individual to fill a committee vacancy and shall inform the Board of their recommendation within 10 business days of such announcement. If no KPA Active member submits a recommendation, the Board shall recruit a member to serve on the Committee.
 - (F) The Board, by majority vote, may suspend or remove any member of the Committee for cause. If a Committee member is removed, the vacancy will exist as of the date of the Board's removal action. Upon such removal the position will be filled following the procedure set forth in Section 3.02 (E).
- 3.03 Committee Meetings
- (A) The committee will meet at least quarterly. Additional meetings may be held upon written request by a Committee Member to the Committee Chairperson.
- 3.04 Advisory Opinions Concerning Paralegal Conduct
- (A) From time to time a CKP may submit questions to the Committee for referral to the KBA Ethics Committee for consideration. The Committee will keep a permanent record of all opinion requests and responses from the KBA Ethics Committee. These advisory opinions will be made available by the Committee to CKPs and KPA members through KPA publications.
- 3.05 Committee Records
- (A) Records of persons granted CKP certification will include:
 - (1) Qualifying exam results, CLE compliance, and, if any, those relating to disciplinary procedures and actions.

SECTION 4: CERTIFIED KENTUCKY PARALEGAL PROGRAM, INC.

4.01 Purpose and Functions of the Certified Kentucky Paralegal Program, Inc.:

- (A) The CKPP, Inc. is authorized to implement and manage the testing for the KPA's Certification Program in accordance with these Board approved regulations. It will:
 - (1) Prepare, manage and administer the CKP examination and study guide materials;
 - (2) Supervise the CKP exam of applicants by setting the method and manner of examinations;
 - (3) Recommend to the Board qualified applicants who are eligible to receive the CKP certificate;

- (4) Maintain records on the program testing.
- (B) CKPP, Inc. is a separate, independent entity and its Board is constructed pursuant to the CKPP, Inc. By Laws and governing documents.

SECTION 5: QUALIFICATIONS FOR CERTIFIED KENTUCKY PARALEGAL STATUS

- 5.01 Subject to the rules of the Supreme Court of Kentucky for employment of paralegals, and the membership requirements of the KPA, a paralegal may be granted status as a Certified Kentucky Paralegal (CKP) by:
- (A) Submitting an application for designation as a CKP following the procedures in Section 7: Applying to Take the Certified Kentucky Paralegal Exam;
 - (B) Meeting the education requirements for CKP certification established in Section 6: Minimum Education Requirements. The KPA requires substantiating documentation for completed education programs and work experience;
 - (C) Agreeing to be subject to the KPA professional disciplinary procedures of Section 11: Disciplinary Procedures for Standards of Conduct Violations;
 - (D) Demonstrating knowledge of substantive law and paralegal professional standards by the successful completion of the CKP examination described in Section 8: Administration of Exam; and
 - (E) Adhering to the rules requiring Continuing Legal Education (CLE) for maintaining CKP status as required by Section 9: CKP Continuing Legal Education.
- 5.02 Persons convicted of a felony, suspended or disbarred from the practice of law, or who have been found by proper authority to have engaged in the unauthorized practice of law are not eligible to apply for CKP status.
- 5.03 A CKP may perform services only under the supervision of a lawyer as required by SCR 3.700, except as otherwise provided for by law.
- 5.04 Upon completion of the requirements set forth in Section 8: Administration of Exam, the KPACC will issue an official certificate entitling the qualifying paralegal to use the title “Certified Kentucky Paralegal” or “CKP.”
- 5.05 A CKP must maintain continuous membership in the KPA. A completed KPA Membership Application and dues must be received by the KPA within 45 days of notification of CKP exam results. A CKP must thereafter submit a current KPA Membership Application annually and pay KPA dues, fees, fines or other monies by January 31 each year.

SECTION 6: MINIMUM EDUCATION REQUIREMENTS

- 6.01 The minimum education requirements for eligibility to take the CKP examination are:
- (A) Graduation from an ABA approved paralegal studies program; OR
 - (B) Graduation from a paralegal studies program which is not ABA approved, but is in substantial compliance with ABA approval guidelines; OR
 - (1) Substantial Compliance is evidenced, by the applicant providing a letter on letterhead from the Dean or Director of that institution stating the institution is in substantial compliance with ABA approval guidelines.
 - (C) Graduation from an appropriately accredited college or university with a bachelor's degree in any field plus one (1) year of paralegal work experience verified by the supervising lawyer;

OR

- 6.02 In lieu of 6.01, applicants with a minimum of 5 years work experience as a paralegal performing substantive legal tasks under the supervision and direction of a licensed attorney, as of May 14, 2012, will be given constructive credit for the education requirements of 6.01. Said experience must have been accrued prior to May 14, 2012, and must be attested to by the paralegal's supervising attorney and verified by the KPACC. Intent to seek constructive credit must be submitted to the CKPP, Inc., on a form provided by the CKPP, Inc. All other requirements of Section 5: Qualifications for Certified Kentucky Paralegal Status must be met for certification to be granted.
- 6.03 Applicants for KPA membership and CKP status must submit documentary verification of completion of education and work experience requirements.

SECTION 7: APPLYING TO TAKE THE CERTIFIED KENTUCKY PARALEGAL EXAM

- 7.01 Any paralegal who meets the qualifications specified in this program may seek certification by applying to take the required exam on the form "Application for Certification as CKP." Application, with supporting documentation, shall be submitted for approval to the KPACC.
- 7.02 Required application information includes name, address, date of birth, current place of employment, education, and work experience history and verification.
- 7.03 Applicants are required to sign a statement under oath or affirmation that representations in the application are true and correct to their best knowledge and belief and that they voluntarily agree, upon certification, to maintain continuous membership in KPA and comply with the KPA's Paralegal Professional Standards of Conduct and disciplinary procedures including any investigatory process.

- 7.04 An application fee, as determined by the KPA, is required and must accompany the application.

SECTION 8: ADMINISTRATION OF EXAM

- 8.01 The CKP exam consists of the exam based upon the KPA's Paralegal Professional Standards of Conduct, the Kentucky Rules of Professional Conduct and general principles of business and legal ethical conduct
- 8.02 The CKP exam will be administered a minimum of two times annually at times and places to be determined by the KPA.
- 8.03 Notification of exam results will be issued to the applicant within forty-five (45) days of the exam. The CKPP, Inc. will also notify the KPA Board of applicants who successfully completed the CKP examination. The KPACC will then issue an official certificate entitling the qualifying paralegal to use the title "Certified Kentucky Paralegal" or "CKP."
- 8.04 Applicants who do not successfully complete the CKP examination on the first attempt may re-take the examination once at no additional cost. A completed Notice of Intent to Retake form must be submitted.
- 8.05 Applicants who do not successfully complete the CKP examination on the second attempt will be permitted to re-take the examination a third time for a fee of \$50.00. This option must be exercised within two (2) years of the applicant's initial test date, and a Notice of Intent to Retake must be submitted.
- 8.06 Applicants who do not successfully complete the CKP examination on the third attempt must wait a period of three (3) years from the date of their most recent attempt to reapply to take the examination. Any such applicant will be considered a "new" applicant and must submit a new application and pay the \$100.00 testing fee.

SECTION 9: CKP CONTINUING LEGAL EDUCATION

9.01 CLE Requirements

- (A) A CKP must earn a minimum of eight (8) credits of KPACC Approved CLE Activity annually which must include two (2) CLE Ethics Credits.
- (B) A CKP passing the CKP Exam administered in the Fall will be required to begin reporting CLE credits the following calendar year.
- (C) A CKP passing the CKP Exam administered in the Spring must earn a minimum of four (4) credits of KPACC approved CLE credits during the remainder of the initial calendar year of certification which must include one (1) CLE Ethics Credit.

- (D) The annual CLE Credits requirement is based upon a calendar year and must be completed by December 31 of each report year.
- (E) To receive credit for a CLE a CKP must report credits earned on a KPACC Approved CLE Certificate of Attendance to the KPACC not later than January 31 of the following calendar year. The KPACC approved CLE Certificate of Attendance shall be made available on the Kentucky Paralegal Association website or by request to the KPACC.
- (F) In addition to the KPACC-approved CLE Certificate of Attendance form, it is the responsibility of the CKP to secure and provide supporting documentation to the KPACC, including, but not limited to, the CLE sponsor's certificate verifying attendance and/or completion of credit(s) as defined under Section 2.01(H), the seminar brochure, outline or other written materials.
- (G) A CKP who accumulates over eight (8) CLE credits during a calendar year may carry forward excess credits into the two successive calendar years for purposes of satisfying the minimum requirements for those years. Carry forward is limited to a total of sixteen (16) CLE credits, four (4) of which may be CLE Ethics Credits.

9.02 KPACC Approved Continuing Legal Education Credit Standards

- (A) A continuing legal education activity is approved for KPACC CLE credit if the Committee determines that the activity meets the criteria set out below under Section 9.02(B) and conforms to one or more of the following standards:
 - (1) The activity is conducted by a KPACC approved CLE sponsor, which shall include, but may not be limited to:
 - (a) Any legal and other education program sponsor conducting activity approved for CLE credit by the Kentucky Bar Association under SCR 3.650.
 - (b) Any legal and other education program sponsored by the Kentucky Paralegal Association;
 - (c) Any legal and other education program sponsored by local paralegal associations within Kentucky;
 - (d) Any legal and other education program sponsor conducting activity approved for CLE credit by the American Bar Association or a state Bar Association within the United States;
 - (e) Any legal and other education program sponsored by a national paralegal association, including, but not limited to, the National Association of Legal Assistants (NALA) and the National Federation of Paralegal Associations (NFPA), or a state or local Paralegal Association within the United States;

- (f) Paralegal studies or legal education courses within a curriculum approved by the American Bar Association (ABA) or in substantial compliance with ABA approval guidelines, or offered by an ABA accredited law school within the state of Kentucky, may be eligible for CLE credit provided that the CKP is registered for the class for credit or by audit with the university's registrar and the CKP completes the course as required by the terms of registration. CLE credit for attending a paralegal studies or legal education course shall equal the number of credit hours awarded by the college or university for successful completion of the course. A maximum of three (3) credits earned per calendar year for paralegal studies or legal education courses may be applied to meet the minimum requirements set forth in Section 9.01;
- (g) Courses taken in preparation for non-KPA sponsored paralegal certification or law-related specialty exams, including courses sponsored by the National Association of Legal Assistants (NALA) for Certified Paralegal (CP) and Certified Legal Assistant (CLA) credentials and the National Federation of Paralegal Associations for the PACE RP® credential. A maximum of two (2) credits earned per calendar year for such courses may be applied to meet the minimum requirements set forth in Section 9.01; OR
- (h) Successful completion of the National Association of Legal Assistants (NALA) or National Federation of Paralegal Associations (NFPA) certification or specialty exams. A maximum of two (2) credits earned per calendar year for passing such exams may be applied to meet the minimum requirements set forth in Section 9.01.

OR

- (2) In-house activity sponsored by a single law firm, single corporate law department, or single governmental office for paralegals who work under the supervision of the attorneys of the firm, department or office if all standards set forth herein for approval are met and if at least half the instruction is provided by qualified persons having no continuing relationship or employment with the sponsoring firm, department or agency. A maximum of two (2) credits earned per calendar year for in-house activity may be applied to meet the minimum requirement set forth in Section 9.01.
- (3) Activity that conforms to the standards of this section may be presented live or by technological transmission, which is a CLE activity delivery method other than live seminars and includes video tape, DVD, audio tape, CD-ROM, computer on-line services, or other appropriate technology as

approved by the KPACC. Activities including audio components must have high-quality audio reproductions so that listeners may easily hear the content of the activity. Activities including video components must have high-quality video reproductions so that observers may easily view the content of the activity.

- (B) All continuing legal education activity, including those conducted by a KPACC approved CLE sponsor, must meet the following criteria to be eligible for CLE credit:
 - (1) The activity is an organized program of learning including a course of study, workshop, symposium or lecture, which contributes directly to the legal competence of a paralegal.
 - (2) The activity deals primarily with substantive legal issues directly related to paralegal practice and includes consideration of any related issues of legal ethics or professional responsibility.
 - (3) The activity has significant intellectual or practical content which is timely.
 - (4) The activity must be offered by a sponsor having substantial, recent experience and ability in offering continuing legal or law-related education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction and supervision of the activity.
 - (5) The activity itself must be taught and conducted by an individual or group qualified by practical or academic experience;
 - (6) It is the obligation of the CKP seeking credit to ensure the activity meets the criteria for approval.
- (C) Other legal and other law-related education programs may be approved for CLE credit upon application to the Committee. Application for accreditation shall be made to the Committee using the KPACC approved sponsor form not less than thirty (30) days in advance of the scheduled date of the activity.
 - (1) To receive approval, the application must include sufficient documentation that the activity for which accreditation is sought will meet the standards set forth in Section 9.02(B). Written copies of presentation materials must accompany applications for KPACC CLE credit approval. Where appropriate, a narrative summary of the material presented may be sufficient.
 - (2) Sponsors of KPACC approved CLE activities shall comply with all requirements and obligations set forth herein.

- (3) With the exception of those specifically listed under Section 9.02(A)(1), no sponsor shall advertise being a KPACC approved CLE sponsor or advertise an activity as KPACC approved for CLE credit without express written approval from the Committee.
- (4) Approval of activities may be withdrawn by the KPACC in cases where there is evidence that any of the above standards and criteria have not been met or that circumstances surrounding the actual content or transmission of the activity are not as originally represented to the Committee during the application process such that withdrawal of accreditation is warranted.

9.03 KPACC Non-Qualifying Continuing Legal Education Standards

- (A) The following categories of activities are not approved by the KPACC as continuing legal education activity and shall not qualify for CLE credit.
 - (1) Activities designed primarily for clerical or administrative functions.
 - (2) Home study or self-study.
 - (3) Correspondence classes.
 - (4) Programs taken in preparation for licensure exams for non-paralegals.
 - (5) Business meetings or committee meetings of paralegal and law-related associations.
 - (6) Activity completed prior to successful completion of the Certified Kentucky Paralegal exam and notification to the CKP of certified status or activity completed prior to the calendar year for which the CKP is required to begin reporting CLE credits.

SECTION 10: DISCIPLINARY PROCEDURES FOR FAILURE TO COMPLY WITH CLE REQUIREMENTS AND FAILURE TO MAINTAIN CONTINUOUS KPA MEMBERSHIP

10.01 Grounds for Bringing Action under Section 10

- (A) Action against a CKP may be based on any one or combination of the following grounds:
 - (1) Failure to comply with CLE requirements under Section 9.01.
 - (2) Failure to submit a current KPA Membership Application annually by January 31, as required to maintain continuous membership in the KPA under Section 5.05.

- (3) Failure to pay KPA dues, fees, fines or other monies as required to maintain continuous membership in the KPA under Section 5.05.

10.02 Actions by the Committee under Section 10

- (A) Suspension of CKP certification for failure to comply with CLE requirements under Section 9.01.
 - (1) As of February 1 of each calendar year, certification shall be suspended for a CKP having failed to comply with the provisions of Section 9.01 for the previous year, unless an extension for compliance is granted by the Committee in writing under Section 10.03.
 - (2) A CKP whose certification has been suspended for noncompliance with the provisions of Section 9.01 shall cease to use the CKP designation. Upon suspension, the name of the suspended CKP shall be removed from the official Kentucky Paralegal Association CKP Roster.
- (B) Revocation of CKP certification for failure to comply with CLE requirements under Section 9.01.
 - (1) The Committee may revoke a CKP's certification if the deficiencies or noncompliance under Section 9.01 still exist as of April 1 following the calendar year of the CLE deficiency.
 - (2) A CKP whose certification has been revoked for noncompliance with the provisions of Section 9.01 shall cease to use the CKP designation. Upon revocation, the name of the suspended CKP shall be removed from the official Kentucky Paralegal Association CKP Roster.
- (C) Suspension of CKP certification for failure to maintain continuous membership in the KPA under Section 5.05.
 - (1) As of February 1 of each calendar year, certification shall be suspended for a CKP having failed to comply with the provisions of Section 5.05 for the current year, unless an extension for compliance is granted by the Committee in writing under Section 10.03.
 - (2) A CKP whose certification has been suspended for noncompliance with the provisions of Section 5.05 shall cease to use the CKP designation. Upon suspension, the name of the suspended CKP shall be removed from the official Kentucky Paralegal Association CKP Roster.
- (D) Revocation of CKP Certification for failure to submit a current KPA Membership Application and/or pay KPA dues, fees, fines or other monies by January 31, as required to maintain continuous membership in the KPA under Section 5.05.

- (1) The Committee may revoke a CKP's certification if the deficiencies or noncompliance under Section 5.05 still exist as of April 1 following the calendar year of the CLE deficiency.
- (2) A CKP whose certification has been revoked for noncompliance with the provisions of Section 5.05 shall cease to use the CKP designation. Upon revocation, the name of the suspended CKP shall be removed from the official Kentucky Paralegal Association CKP Roster.

10.03 Extensions for Compliance to Avoid Actions under Section 10

- (A) Extensions for Compliance under this Section may be granted on the basis of demonstrated hardship or for good cause shown as determined by the Committee.
- (B) Requests for Extensions for Compliance under this Section must be submitted in writing to the Committee on or before January 31.
- (C) Notification of denial or grant of extensions for compliance under this Section shall be tendered in writing from the Committee.
- (D) Denial of Extensions for Compliance to Avoid Actions under Section 10 shall be appealed under the same terms set forth in Section 10.05.
- (E) Extensions for compliance under this Section shall be limited to one extension per CKP every three years.

10.04 Reinstatement after Suspension under Section 10

- (A) The Committee shall reinstate certification for a CKP whose certification has been suspended for failure to comply with CLE requirements under Section 9.01 if the suspended CKP provides proof of completion of CLE requirements by April 1.
- (B) The Committee shall reinstate certification for a CKP whose certification has been suspended for failure to comply with the provisions of Section 5.05 if the suspended CKP submits a current KPA Membership Application and pays all delinquent KPA dues, fees, fines or other monies by April 1.
- (C) All other reinstatements of certification under this Section will be determined by the Committee after appropriate evaluation of the record.

10.05 Appeal Process under Section 10

- (A) A former CKP may appeal a decision of the Committee to the Board by sending a Notice of Appeal to the KPA President and the KPACC Chairperson by personal delivery or by certified mail with return receipt verification.
- (B) An appeal must be filed within thirty (30) days of the Committee's decision. It shall include a copy of the decision being appealed, the basis for the appeal, and any other information useful to the appeal's review.

- (C) The Board will issue a ruling on an appeal within forty-five (45) days of receipt provided a hearing is not requested. If a hearing is requested and granted, it will be scheduled within forty-five (45) days of receipt of the appeal. A ruling on the appeal will be issued within thirty (30) days following the hearing date.

SECTION 11: RESTORATION OF CERTIFICATION AFTER REVOCATION UNDER SECTION 10

- 11.01 A former CKP whose certification has been revoked for failure to maintain continuous KPA membership as provided by Section 5.05 and/or for failure to comply with the annual CLE credit requirements of Section 9.01 may be restored to a CKP in good standing upon compliance with the conditions set forth in this Section.
- 11.02 Former CKPs applying for restoration of certification under this Section shall be required to have completed the minimum annual CLE credit requirement for each calendar year during which he or she was not a CKP in good standing, including any year prior to revocation of CKP status during which the minimum CLE credit requirement was not fulfilled. Completion of such credits shall be certified to the Committee as a condition precedent to consideration of restoration.
- 11.03 Certification for a former CKP whose certification has been revoked under Section 5.05 and/or Section 9.01 shall not be restored if the former CKP has pending disciplinary proceedings under Section 15.
- 11.04 Certification for a former CKP whose certification has been revoked under Section 5.05 and/or Section 9.01 shall not be restored if the former CKP does not currently meet all Qualifications for Certified Kentucky Paralegal Status as set out under Section 5.
- 11.05 Restoration of Certification for revocation prevailing less than three (3) years.
 - (A) A former CKP whose revocation from certification has prevailed for less than three (3) years may apply for restoration by:
 - (1) Submission of an Application for CKP Restoration using the form provided by the KPACC, along with the following:
 - (a) A restoration application fee of fifty dollars (\$50);
 - (b) A current KPA Membership Application;
 - (c) All applicable unpaid KPA dues for each calendar year during the period of suspension or revocation;
 - (d) Proof of completion of all delinquent CLE credits and the minimum required CLE credits due for each calendar year during the period of suspension or revocation as set out in Section 9.01 on a KPACC Approved CLE Certificate of Attendance form(s).

- (B) Upon submission of the foregoing items, the KPACC shall review the Application within sixty (60) days and take one of the following actions:
 - (1) Notify the former CKP that certification has been restored; OR
 - (2) Request additional documentation be provided; OR
 - (3) Notify the former CKP that the conditions for restoration have not been met and decline to restore certification.

11.06 Restoration of Certification for revocation prevailing three (3) years or longer.

- (A) A former CKP whose revocation from certification has prevailed for three (3) years or longer may apply for restoration by:
 - (1) Submission of an Application for CKP Restoration using the form provided by the KPACC, along with the following:
 - (a) A restoration application fee of fifty dollars (\$50);
 - (b) A current KPA Membership Application;
 - (c) All applicable unpaid KPA dues for each calendar year during the period of suspension or revocation;
 - (d) Proof of completion of all delinquent CLE credits and the minimum required CLE credits due for each calendar year during the period of suspension or revocation as set out in Section 9.01 on a KPACC Approved CLE Certificate of Attendance form(s). In no case shall a former CKP be required to earn more than forty (40) CLE credits, including applicable ethics credits, as a condition precedent to restoration of certification.
- (B) A former CKP whose revocation from certification has prevailed for three (3) years or longer shall be required to successfully complete a re-administration of the CKP examination under all terms set out under Section 7: Applying to Take the Certified Kentucky Paralegal Exam, and Section 8: Administration of Exam.
- (C) Upon submission of the foregoing items, the KPACC shall review the Application within sixty (60) days and take one of the following actions:
 - (1) Notify the former CKP of approval to apply for re-administration of the CKP examination; OR
 - (2) Request additional documentation be provided; OR
 - (3) Notify the former CKP that the conditions for restoration have not been met and decline approval for re-administration of the CKP examination

- (D) Upon successful completion of a re-administration of the CKP examination, KPACC shall notify the former CKP that certification has been restored.

11.07 Appeal Procedures under Section 11

- (A) A former CKP may appeal a decision of the Committee to the Board by sending a Notice of Appeal to the KPA President and the KPACC Chairperson by personal delivery or by certified mail with return receipt verification.
- (B) An appeal must be filed within thirty (30) days of the Committee's decision. It shall include a copy of the decision being appealed, the basis for the appeal, and any other information useful to the appeal's review.
- (C) The Board will issue a ruling on an appeal within forty-five (45) days of receipt provided a hearing is not requested. If a hearing is requested and granted, it will be scheduled within forty-five (45) days of receipt of the appeal. A ruling on the appeal will be issued within thirty (30) days following the hearing date.

SECTION 12: VOLUNTARY WITHDRAWAL FROM THE CKP PROGRAM.

12.01 A CKP in good standing who desires to voluntarily withdraw from the KPA's Certified Kentucky Paralegal Program shall make a written request to the Committee.

- (A) A Request for Voluntary Withdrawal under this Section shall be made using the form provided by the KPACC.

12.02 Voluntary withdrawal under this Section may be granted on the basis of demonstrated hardship or for good cause shown as determined by the Committee.

12.03 Voluntary withdrawal under this Section shall not be granted by the Committee if any one of the following conditions exist at the time of the request for voluntary withdrawal.

- (A) A deficiency exists under Section 5.05 for failure to maintain continuous KPA membership and/or for failure to comply with the annual CLE credit requirements of Section 9.01;
- (B) Certification has been suspended or revoked under Section 10;
- (C) A complaint, disciplinary action, or proceedings for Standard of Conduct violations are pending against the CKP under Section 15.

12.04 The Committee will notify the CKP of its decision regarding voluntary withdrawal under this Section within thirty (30) days of receipt of the written request.

12.05 A CKP who has voluntarily withdrawn from the Kentucky Paralegal Association's Certified Kentucky Paralegal Program shall cease to use the CKP designation. Upon

voluntary withdrawal, the name of the withdrawn CKP shall be removed from the official Kentucky Paralegal Association CKP Roster.

12.06 Appeal Procedures under Section 12

- (A) A CKP may appeal a decision of the Committee to the Board by sending a Notice of Appeal to the KPA President and the KPACC Chairperson by personal delivery or by certified mail with return receipt verification.
- (B) An appeal must be filed within thirty (30) days of the Committee's decision. It shall include a copy of the decision being appealed, the basis for the appeal, and any other information useful to the appeal's review.
- (C) The Board will issue a ruling on an appeal within forty-five (45) days of receipt provided a hearing is not requested. If a hearing is requested and granted, it will be scheduled within forty-five (45) days of receipt of the appeal. A ruling on the appeal will be issued within thirty (30) days following the hearing date.

SECTION 13: RESTORATION OF CERTIFICATION AFTER VOLUNTARY WITHDRAWAL UNDER SECTION 12

- 13.01 A former CKP who has been granted voluntarily withdrawal from the KPA's Certified Kentucky Paralegal Program may be restored to a CKP in good standing upon compliance with the conditions set forth in this Section.
- 13.02 Former CKPs applying for restoration of certification under this Section shall be required to have completed a minimum of eight (8) credits of KPACC Approved CLE Activity earned during the previous twelve (12) months, which must include two (2) CLE Ethics Credits. Completion of such credits shall be certified to the Committee as a condition precedent to consideration of restoration.
 - (A) CLE credits submitted as a condition for restoration under this Section shall not be applied as credits necessary to meet the annual CLE requirements set out under Section 9.01 upon restoration of certification.
- 13.03 Certification for a former CKP who has been granted voluntarily withdrawal from the KPA's Certified Kentucky Paralegal Program shall not be restored if any one of the conditions set out under Section 12.03 exists at the time of the request for restoration.
- 13.04 Certification for a former CKP whose who has voluntarily withdrawn from the KPA's Certified Kentucky Paralegal Program under this Section shall not be restored if the former CKP does not currently meet all Qualifications for Certified Kentucky Paralegal Status as set out under Section 5.
- 13.05 Restoration of Certification after voluntary withdrawal prevailing less than three (3) years.

- (A) A former CKP whose voluntary withdrawal from certification has prevailed for less than three (3) years may apply for restoration by:
 - (1) Submission of an Application for CKP Restoration using the form provided by the KPACC, along with the following:
 - (a) A restoration application fee of fifty dollars (\$50);
 - (b) A current KPA Membership Application;
 - (c) Applicable KPA dues;
 - (d) Proof of completion of eight (8) credits of KPACC Approved CLE Activity earned during the previous twelve (12) months which must include two (2) CLE Ethics Credits, as set out in Section 9.01, on a KPACC Approved CLE Certificate of Attendance form(s). These CLE credits shall apply as a condition for restoration only and shall not be credited to the yearly CLE requirements set out under Section 9.01.
- (B) Upon submission of the foregoing items, the KPACC shall review the Application within sixty (60) days and take one of the following actions:
 - (1) Notify the former CKP that certification has been restored; OR
 - (2) Request additional documentation be provided; OR
 - (3) Notify the former CKP that the conditions for restoration have not been met and decline to restore certification.

13.06 Restoration of Certification after voluntarily withdrawal prevailing three (3) years or longer.

- (A) A former CKP whose voluntary withdrawal from certification has prevailed for three (3) years or longer may apply for restoration by:
 - (1) Submission of an Application for CKP Restoration using the form provided by the KPACC, along with the following:
 - (a) A restoration application fee of fifty dollars (\$50);
 - (b) A current KPA Membership Application;
 - (c) Applicable KPA dues;
 - (d) Proof of completion of eight (8) credits of KPACC Approved CLE Activity earned during the previous twelve (12) months which must include two (2) CLE Ethics Credits, as set out in Section 9.01, on a KPACC Approved CLE Certificate of Attendance form(s). These CLE credits shall apply as a condition for restoration only and shall

not be credited to the yearly CLE requirements set out under Section 9.01.

- (B) A former CKP whose voluntarily withdrawal from certification has prevailed for three (3) years or longer shall be required to successfully complete a re-administration of the CKP examination under all terms set out under Section 7: Applying to Take the Certified Kentucky Paralegal Exam, and Section 8; Administration of Exam.
- (C) Upon submission of the foregoing items, the KPACC shall review the Application within sixty (60) days and take one of the following actions:
 - (1) Notify the former CKP of approval to apply for re-administration of the CKP examination; OR
 - (2) Request additional documentation be provided; OR
 - (3) Notify the former CKP that the conditions for restoration have not been met and decline approval for re-administration of the CKP examination
- (D) Upon successful completion of a re-administration of the CKP examination, KPACC shall notify the former CKP that certification has been restored.

13.07 Appeal Procedures under Section 13

- (A) A former CKP may appeal a decision of the Committee to the Board by sending a Notice of Appeal to the KPA President and the KPACC Chairperson by personal delivery or by certified mail with return receipt verification.
- (B) An appeal must be filed within thirty (30) days of the Committee's decision. It shall include a copy of the decision being appealed, the basis for the appeal, and any other information useful to the appeal's review.
- (C) The Board will issue a ruling on an appeal within forty-five (45) days of receipt provided a hearing is not requested. If a hearing is requested and granted, it will be scheduled within forty-five (45) days of receipt of the appeal. A ruling on the appeal will be issued within thirty (30) days following the hearing date.

PART THREE: KPA PARALEGAL PROFESSIONAL STANDARDS OF CONDUCT

SECTION 14: STANDARDS OF CONDUCT

- 14.01 The Board has adopted the KPA Paralegal Professional Standards of Conduct for self-regulation of CKPs. These rules are based on Kentucky Supreme Court rules governing lawyer and paralegal practice, laws forbidding the unauthorized practice of law, and other ethical principles applicable to delivery of legal services to the public.

14.02 CKPs are obligated to comply with the KPA Paralegal Professional Standards of Conduct, and CKPs agree to be subject to the disciplinary procedures established in Section 15: Disciplinary Procedures for Standards of Conduct Violations by a CKP.

SECTION 15: DISCIPLINARY PROCEDURES FOR STANDARDS OF CONDUCT VIOLATIONS BY A CKP

15.01 Grounds for Bringing Disciplinary Action under Section 15

- (A) Disciplinary action against a CKP may be based on any one or combination of the following grounds:
 - (1) Violation of the KPA Paralegal Professional Standards of Conduct;
 - (2) Conviction of any felony or crime involving moral turpitude;
 - (3) Conviction of the unauthorized practice of law;
 - (4) Finding by the Committee of the unauthorized practice of law;
 - (5) Advertising paralegal services in a manner that is false or misleading to the public;
 - (6) Fraud or deceit in applying for CKP certification;
 - (7) Disclosure of contents of the CKP exam;
 - (8) Fraud or deceit in the reporting of CLE credits;
 - (9) Failure to cease use of the CKP designation after suspension or revocation of certification.

15.02 Notice and Hearing under Section 15

- (A) Any person may file with the Committee a written complaint against any CKP. The complaint shall set forth facts which, if proven, constitute grounds for discipline as provided under Section 15.01.
- (B) The Committee shall forward the complaint to the CKP concerned by personal delivery or by certified mail with return receipt verification.
- (C) The CKP has twenty (20) days after receipt of service to file a written answer to the complaint. Failure to file an answer may result in suspension of certification pending resolution of the complaint.
- (D) Upon receipt of the answer, the Committee may find that the complaint is unfounded or conduct further inquiry.

- (E) If a hearing on the complaint is deemed necessary by the Committee, it shall be held within sixty (60) days of service of the complaint on the CKP. The Committee will give the CKP thirty (30) days written notice of a scheduled hearing.
- (F) No CKP certificate will be revoked or suspended for Standards of Conduct Violations under Section 15 without a hearing.
- (G) Disciplinary proceedings are confidential to the CKP concerned and the Committee.
- (H) The Committee will maintain an official permanent record of all complaints and disciplinary proceedings.

15.03 Actions by the Committee under Section 15

- (A) The Committee, after complying with these procedures, may take any of the following actions:
 - (1) Find the complaint unfounded and take no action;
 - (2) Suspend CKP certification;
 - (3) Revoke CKP certification; and/or
 - (4) Decline to reinstate certification.
- (B) The Committee will notify the CKP of its decision on a complaint within thirty (30) days of any hearing or other final consideration of the complaint.

15.04 Reinstatement under Section 15

- (A) A CKP whose certificate has been revoked or suspended under Section 15 may make a written request to the Committee for reinstatement consideration up to one year from the date of revocation or suspension.
- (B) All other reinstatements of certification will be determined by the Committee after appropriate evaluation of the record.
- (C) In addition to any terms or conditions precedent to those set by the Committee for reinstatement under Section 15, the requirements for restoration under Sections 11.05 and 11.06 shall apply.

15.05 Appeal Process under Section 15

- (A) A former CKP may appeal a decision of the Committee to the Board by sending a Notice of Appeal to the KPA President and the KPACC Chairperson by personal delivery or by certified mail with return receipt verification.

- (B) An appeal must be filed within thirty (30) days of the Committee's decision. It shall include a copy of the decision being appealed, the basis for the appeal, and any other information useful to the appeal's review.
- (C) The Board will issue a ruling on an appeal within forty-five (45) days of receipt provided a hearing is not requested. If a hearing is requested and granted, it will be scheduled within forty-five (45) days of receipt of the appeal. A ruling on the appeal will be issued within thirty (30) days following the hearing date.