

CHAPTER 1

Today's Professional Paralegal



CHAPTER OUTLINE

Introduction

What Is a Paralegal?

What Do Paralegals Do?

Paralegal Education

Paralegal Skills and Attributes

The Future of the Profession

CHAPTER OBJECTIVES

After completing this chapter, you will know:

- What a paralegal is.
- The major tasks paralegals perform.
- The names of professional associations of paralegals.
- The education and training available to paralegals.
- Whether paralegals must be certified or licensed.
- Key skills and attributes of the professional paralegal.

Introduction

The career of a paralegal can be exciting, challenging, and rewarding. Law firms have been giving greater responsibilities to paralegals. The opportunities for paralegals to work outside of law firms (such as in corporations or government agencies) are also expanding. As the profession has grown, the average paralegal salary has increased. According to a recent survey, experienced paralegals earned average compensation of \$73,400.¹

How do you know if you want to become part of this dynamic profession? The first step in finding out is to become familiar with what a paralegal is, the kinds of work paralegals do, and what education and skills are needed. These topics are covered in this chapter. In Chapter 2, you will learn about where paralegals work, how much they earn, and how they got their jobs. As you read through this book, remember that this is only an introduction to the profession and the starting point of your education. You should supplement what you learn in the classroom by networking with paralegals in professional environments. In today's competitive job market, whom you know can sometimes be as important as what you know in getting the job you desire.

What Is a Paralegal?

In this book, we use the terms *paralegal* and *legal assistant*, as is often done in the legal community, but the term paralegal is dominant. Some people or groups may prefer one label to the other, but that does not mean that the labels describe different jobs. Indeed, some persons who are trained professional paralegals may be called something else entirely at their workplace, such as *legal technician* or *legal research specialist*.

Definition of Paralegal

After years of disagreement, two of the major organizations involved reached a consensus on the definition of paralegal. The American Bar Association (ABA), which is a national association for attorneys, and the National Association of Legal Assistants (NALA), which is the largest national organization of paralegals, agree to the following definition:

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 and who performs specifically delegated substantive legal work, for which a lawyer is responsible.²

The National Federation of Paralegal Associations (NFPA), another large paralegal association, prefers the term *paralegal*.³ Members of NFPA were concerned that many attorneys refer to their secretaries as legal assistants and so wanted to distinguish the role of paralegals as professionals. The NFPA gives the following definition for *paralegal*:

A Paralegal is a person, qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work. Substantive shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts.⁴

Another major organization, the American Association for Paralegal Education (AAfPE), provides the following definition:

Paralegals perform substantive and procedural legal work as authorized by law, which work, in the absence of the paralegal, would be performed by an attorney.

American Bar Association (ABA)

A voluntary national association of attorneys. The ABA plays an active role in developing educational and ethical standards for attorneys and in pursuing improvements in the administration of justice.

National Association of Legal Assistants (NALA)

One of the two largest national paralegal associations in the United States; formed in 1975. NALA is actively involved in paralegal professional development.

paralegal or legal assistant

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 and who performs specifically delegated substantive legal work, for which a lawyer is responsible.

National Federation of Paralegal Associations (NFPA)

One of the two largest national paralegal associations in the United States; formed in 1974. NFPA is actively involved in paralegal professional development.

American Association for Paralegal Education (AAfPE)

A national organization of paralegal educators; the AAfPE was established in 1981 to promote high standards for paralegal education.

Paralegals have knowledge of the law gained through education, or education and work experience, which qualifies them to perform legal work. Paralegals adhere to recognized ethical standards and rules of professional responsibility.⁵

Expanding Roles

Regardless of which term is used, paralegals or legal assistants today perform many functions that traditionally were performed by attorneys. That is why the United States Department of Labor predicts growth in the paralegal profession will continue to be above average. Paralegals perform substantive legal work that they are trained to perform through education, experience, or (usually) both.

What Do Paralegals Do?

Paralegals assist attorneys in many ways. The following is a sampling of some of the tasks that legal assistants typically perform in a law office. Keep in mind that today's paralegals work in many nontraditional settings, including corporations, government agencies, courts, insurance companies, real estate firms, and almost any other entity that uses legal services. Throughout this book, you will read about the specific tasks that paralegals perform in different settings.

A Sampling of Paralegal Tasks

Typically, legal assistants perform the following duties:

- *Conduct client interviews and maintain contact with clients*—provided that the client is aware of the status and function of the paralegal, who does not give legal advice (see the *Ethics Watch* feature on the facing page).
- *Locate and interview witnesses*—to gather relevant facts and information about a lawsuit, for example.
- *Conduct legal investigations*—to obtain, organize, and evaluate information from sources such as police reports, medical records, photographs, court documents, experts' reports, technical manuals, and product specifications.
- *Calendar and track important deadlines*—such as the date by which a certain document must be filed with the court or the date by which the attorney must respond to a settlement offer.
- *Organize and maintain client files*—to keep the documents in each client's file accessible.
- *Conduct legal research*—to identify, analyze, and summarize the appropriate laws, court decisions, or regulations that apply to a client's case.
- *Draft legal documents*—such as legal correspondence, interoffice memoranda, contracts, wills, mortgages, and documents to be filed with the court.
- *File legal documents with courts*—such as complaints, answers, and motions.
- *Summarize witness testimony*—such as when depositions (sworn testimony) are taken of individuals out of court or when the parties have given written statements.
- *Coordinate litigation proceedings*—communicate with opposing counsel, court personnel, and other government officials; prepare necessary documents for trial; and schedule witnesses.
- *Attend legal proceedings*—such as trials, depositions, executions of wills, and court or administrative hearings.
- *Use computers and technology*—to perform many of the above tasks and help expand the social media presence of a firm.

No matter what task is being performed, paralegals have an obligation to meet high ethical standards. You will see the *Ethics Watch* feature in every chapter in the textbook and ethical obligations will be reviewed in detail in Chapter 4.

Paralegals' Duties Vary

The specific tasks that paralegals perform vary depending on the size of the office, the kind of law that the firm practices, and the expertise the paralegal has. If you work in a one-attorney office, for example, you will also perform certain secretarial functions. Tasks include conducting legal research and investigating the facts, copying documents, keying data into the computer, and answering the phone as needed.

If you work in a larger law firm, you usually have more support staff (secretaries, file clerks, and others) to whom you can delegate tasks. Your work may also be more specialized, so you work only on cases in certain areas of law. If you work in a law firm's real estate department, for example, you may deal only with legal matters relating to that area.

Although paralegal duties vary, the tasks that paralegals report spending the most time performing are drafting legal documents, handling client relations, and conducting legal research.

ETHICS WATCH

PARALEGAL EXPERTISE AND LEGAL ADVICE

Paralegals often gain a great deal of knowledge in specific areas of law. If you specialize in environmental law, for example, you will become knowledgeable about environmental claims. In working with a client on a matter involving an environmental agency, you might be tempted to advise the client on which type of action would be most favorable to him or her. Never do so. Only attorneys may give legal advice, and paralegals who give legal advice risk penalties for the unauthorized practice of law. Whatever legal advice is given to the client must come directly from the attorney.

If you speak to a client, the advice must reflect exactly (or nearly exactly) what the attorney said with no modification and must be communicated to the client as directed by the attorney. After consulting with your supervising attorney, for example, you can say to the client that the attorney "advises that you do all that you can to settle the claim as soon as possible."

The rule prohibiting the unauthorized practice of law is stated in Section 1.8 of the NFPA *Model Code of Ethics and Professional Responsibility*: "A paralegal shall comply with the applicable legal authority governing the unauthorized practice of law in the jurisdiction in which the paralegal practices." It is also required by the NALA *Code of Ethics and Professional Responsibility* 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."



FEATURED CONTRIBUTOR

START TODAY

William McSorley

BIOGRAPHICAL NOTE

Bill received his undergraduate degree in journalism from the University of South Carolina, followed by his law degree in 1983. He served as editor-in-chief of *The Paralegal Survival Guide: Facts and Forms*, a publication by the South Carolina Bar Continuing Legal Education Division.

Bill spends the great majority of his time serving as a faculty member and paralegal program director at Midlands Tech in Columbia, SC, where he has taught paralegal students for more than 25 years and has served as director since 2002. He is a member of the American Bar Association, South Carolina Bar Association, and Richland County Bar Association. He also served as a member of the American Bar Association Approval Commission and continues to provide support to the commission as a specially designated site team chair.

Bill is currently on a task force with paralegals, paralegal educators, and members of the South Carolina Bar and Judiciary, studying the potential for paralegal certification in South Carolina.

For those seeking a new career in the legal field, the challenges are many. We are often frozen by uncertainty, and as a result, fail to move forward. So start moving. Start today!

Map out a strategy for yourself. Everyone has his or her own timetable and it's always subject to change, but let's put something down as an initial blueprint. Here is just a sample of a strategy for a full-time student in a two-year paralegal program.

“
Map out a strategy
for yourself.”

BEFORE YOU BEGIN: Educate yourself on this career path and do a self-assessment. What are the key skills and qualities needed in this profession? Where are the jobs? Ask yourself, “What are my strengths and weaknesses?” How can I improve on my weaknesses and align my skills with those needed for the profession? If you are not good at doing a self-assessment, ask somebody who will give you an honest answer.

Paralegals and Technology

Many paralegals have become the technology experts at law firms. Because lawyers are busy with the practice of law, paralegals are often in the best position to know the firm's working needs. Increasingly, legal assistants take a leading role in reviewing and recommending specialized legal software programs and online databases.

Needless to say, computer skills, technical knowledge, and, increasingly, the ability to use social media productively, are highly valued. Paralegals use software packages for internal case management to organize client files, manage calendars, share research, record reference materials, and track the hours to be billed to clients. Attorneys and paralegals use time and billing software to manage expenses, generate bills, calculate accounts receivable, and produce financial reports. Legal databases available on the Internet allow paralegals to perform sophisticated legal research at their desks. When cases that involve many documents must be prepared for trial, litigation support software can help retrieve, categorize, and index the various materials for presentation. These technologies are discussed in appropriate chapters throughout this book.

Certification

Certification refers to formal recognition by a professional group or state agency that a person has met the standards of ability specified by the organization. Generally, this means passing an examination and meeting certain requirements with respect to education and/or experience. The term *certification*, as used here, does not refer to receiving a paralegal certificate. You may obtain a paralegal certificate after completing school, but you will not be considered a *certified paralegal* unless you complete the NALA, NFPA, NALS, AAPI, or state certification process. These certification programs are discussed next. No state requires paralegals to be certified. Although most employers do not require certification, earning a certificate from a professional society or the state can make one more competitive in the labor market and lead to a higher salary (see Chapter 2).

NALA and NFPA Certification

Paralegals who meet the background qualifications set by NALA are eligible to take a two-day, comprehensive examination to become a Certified Legal Assistant (CLA) or, for those who prefer to use the term paralegal, a Certified Paralegal (CP). NALA also sponsors the Advanced Paralegal Certification (APC) program (before 2006, this was called the Certified Legal Assistant Specialty, or CLAS). The APC program provides a series of online courses composed of text lessons, slides, exercises, and interactive tests. NALA offers APC certification to those who are already CLAs or CPs and want to show special competence in a particular field of law. Appendix F provides more detailed information on NALA certification and requirements.

Paralegals who have at least two years of work experience and who have met specific educational requirements can take the Paralegal Advanced Competency Exam (PACE) through NFPA. The PACE is broken down into two tests, one covering general issues and ethics and one on specialty areas. Those who pass the examination use the designation Registered Paralegal (RP). Further information on the PACE program is provided in Appendix G of this book.

Certification by Other Paralegal Organizations

NALS ("the association for legal professionals") offers three certifications:

- Paralegals who have completed an accredited curriculum course or who have one year of work experience may take the basic certification exam (ALS) for legal professionals.
- Paralegals who have three years of work experience or who have earned a prior certification may take the advanced certification exam (PLS) for legal professionals.
- Paralegals who have five years of work experience may take an examination to obtain Professional Paralegal (PP) certification, which was developed by paralegals.

The American Alliance of Paralegals, Inc. (AAPI), also provides a Paralegal Certification Program for paralegals who have at least five years of work experience and have met specific educational requirements.

State Certification

Some states, including California, Florida, Louisiana, North Carolina, and Ohio have implemented voluntary, state certification programs. Details for state programs can be found online. Some state bar associations have information on certification as well. Other states are considering implementing such programs. Generally, paralegal organizations (such as NALA) are in favor of *voluntary* certification and oppose *mandatory* (legally required) certification or state licensing (as you will read in Chapter 4).

certification

Formal recognition by a private group or a state agency that a person has satisfied the group's standards of ability, knowledge, and competence, ordinarily accomplished through the taking of an examination.

Certified Legal Assistant (CLA) or Certified Paralegal (CP)

A legal assistant whose legal competency has been certified by the National Association of Legal Assistants following an examination that tests the legal assistant's knowledge and skills.

Advanced Paralegal Certification (APC)

A credential awarded by the National Association of Legal Assistants to a Certified Paralegal (CP) or Certified Legal Assistant (CLA) whose competency in a legal specialty has been certified based on an examination of the paralegal's knowledge and skills in the specialty area.

Registered Paralegal (RP)

A paralegal whose competency has been certified by the National Federation of Paralegal Associations after successful completion of the Paralegal Advanced Competency Exam (PACE).

continuing legal education (CLE) programs

Courses through which attorneys and other legal professionals extend their education beyond school.

Continuing Legal Education

Paralegals, like attorneys, often enhance their education by attending **continuing legal education (CLE) programs**. CLE courses, which are offered by state bar associations, commercial providers, law schools, and paralegal associations, are usually seminars and workshops that focus on specific topics or areas of law. Such programs are a good way to learn more about a specialized area of law or keep up to date on the latest developments in software and technology. Many employers encourage their paralegals to take CLE courses and may pay some or all of the costs involved.

Some paralegal organizations, such as NALA and NFPA, require their members to complete a certain number of CLE hours per year as a condition of membership or certification status. NFPA requires certified paralegals to complete 12 hours of CLE every two years. California requires a minimum number of CLE hours from all persons who work as paralegals. Paralegals in California are required to complete four CLE hours in legal ethics every three years and four CLE hours in substantive law every two years.⁶

Paralegal Skills and Attributes

As noted earlier, paralegals now perform many tasks that lawyers customarily performed. Thus, the demands on paralegals to be professional and efficient have increased. To be successful, a paralegal must not only possess specific legal knowledge, but should also exhibit certain aptitudes and personality traits. For example, paralegals need to be able to think logically and to analyze complex issues of law and conflicting descriptions of fact. Some general characteristics that paralegals should have are discussed next.

Analytical Skills

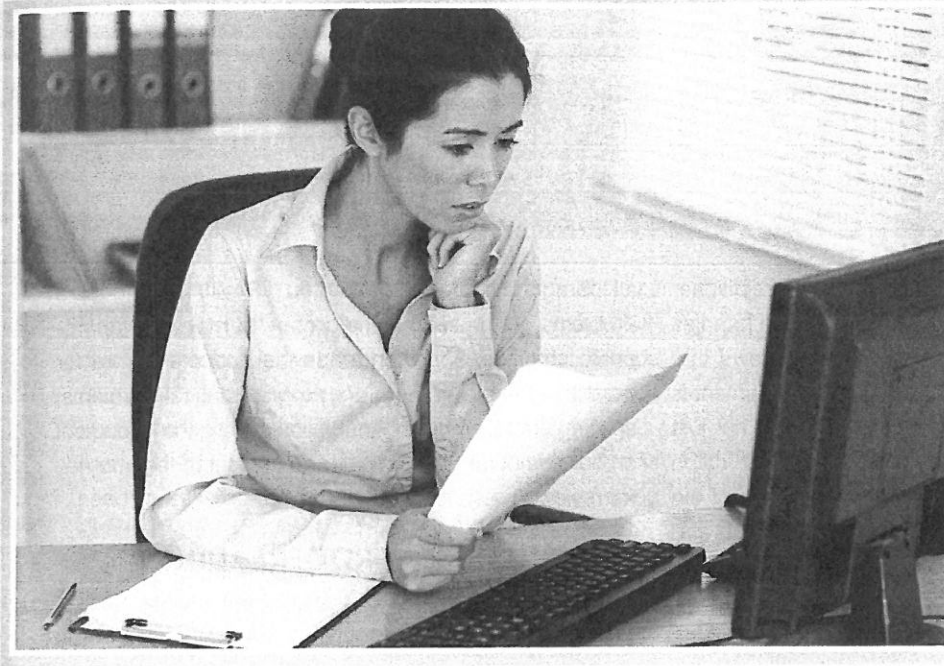
Paralegals are often responsible for gathering and analyzing certain information. A corporate paralegal, for example, may be required to analyze new government regulations to see how they affect the corporation. A paralegal working for the Environmental Protection Agency may be responsible for collecting and studying data on toxic waste disposal and drafting a memo on the matter.

Legal professionals need to be able to break down theories and fact patterns into smaller, more easily understandable components. That is how lawyers formulate arguments and judges decide cases. The process of legal analysis is critical to a paralegal's duties, especially when engaged in factual investigation, trial preparation, and legal research and writing. Analytical reasoning will be discussed in greater depth in Chapters 7 and 9 of this book. For now, it is important that you focus on developing a step-by-step approach to tackling each new subject or task that you encounter. Making analytical thinking a habit will improve your proficiency as a legal assistant.

Communication Skills

Good interpersonal skills are critical to people working in the legal area. The legal profession is a "communications profession" because effective legal representation depends to a great extent on how well a legal professional communicates with clients, witnesses, judges, juries, opposing attorneys, and others. Poor communication can damage a case, destroy a client relationship, and harm one's reputation. Good communication helps to win cases, clients, and sometimes promotions.

Communication skills involve more than speaking and listening; they also include reading and writing. We look briefly at each of these here. Although we focus on communication skills in the law office setting, these skills are essential to success in any work environment.



Excellent reading skills are a plus in any profession, but they are especially important in the legal arena. As a paralegal, you must not only be able to read well, but also be able to interpret what you are reading, whether it be a statute, a court's decision, or a contract's provision. What other important skills should every paralegal acquire?

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Interpersonal Skills

Good listening skills are an important part of paralegal work. Instructions must be followed carefully. To understand instructions, you must listen to them carefully. Asking follow-up questions helps to clarify anything that you do not understand. In addition, repeating the instructions not only ensures that you understand them but also gives the attorney a chance to add anything that may have been forgotten. Listening skills are particularly important when interviewing clients and other parties relevant to a legal matter. In Chapter 11, you will read in detail about listening skills and techniques that will help you conduct effective interviews. If you can relate well to the person whom you are interviewing, your chances of obtaining useful information are increased (see the *Developing Paralegal Skills* feature on page 13 for more on interviews).

Similarly, there will also be times when you will have to deal with people in your office who are under a great deal of stress. You may have to deal with people you consider to be "difficult." The more effectively you can respond to these people in ways that promote positive working relationships, the more productive you will be as a member of a legal team.

Speaking Skills

Paralegals must be able to speak well. In addition to using correct grammar, legal assistants need to be precise and clear in communicating ideas or facts to others. For example, when you discuss facts learned in an investigation with your supervising attorney, your oral report must explain exactly what you found, or it could mislead the attorney. A miscommunication in this context could have serious consequences if it leads the attorney to take an action that harms the client's interests.

Oral communication also has a nonverbal dimension—that is, we communicate our thoughts and feelings through gestures, facial expressions, and other "body language." For example, if your body language suggests you are uncomfortable with a client, the client will be less responsive to your questions.

DEVELOPING PARALEGAL SKILLS

PROOFREADING LEGAL DOCUMENTS

Geena Northrop, a paralegal, works for a solo practitioner (a one-attorney law firm). Among her duties, she handles some legal writing for the attorney. Geena knows that when creating a legal document, writing the document is only half the job. The rest is proofreading—and not just once. One proofreading is simply not enough to catch every error. Geena has adopted the motto of one of the instructors in her paralegal program: "Proof, proof, and proof again!"

Today, she has set aside time to proofread carefully a last will and testament that her supervising attorney and she created for a client. Geena prints out a copy of the document for proofreading purposes, because she has learned that it is difficult to proofread a document only on a computer screen. Moreover, style and formatting problems are often not as evident on a screen as they are on hard copy.

Her first step in proofreading the document is to make sure that the document reflects all of the relevant information from her notes. Geena reviews her notes point by point from the client interview and from her discussion with the attorney about the will. She compares the notes to the document.

All looks well in this respect, so she proceeds to her second step in proofreading: checking style and format. Are all of the headings in the correct size and font? Is the spacing between headings consistent? Are

all paragraphs properly indented? She finds a couple problems and marks her hard copy to make the appropriate changes. She then reads the document word for word to ensure that there are no grammatical problems, spelling errors, or typos. Finally, she revises the document on her computer, prints it out, and takes it to the attorney for review.

CHECKLIST FOR PROOFREADING LEGAL DOCUMENTS

- When you create a legal document, do not assume that one proofreading is sufficient to catch all problems or errors that the document may contain.
- Print out the document and go through the contents line by line to make sure that it includes all required or relevant information. Many documents contain "boilerplate" that must be checked to be sure earlier entries for other clients are not retained.
- Read through the document again to make sure that the style and formatting elements are consistent throughout.
- Reading a document out loud can be an effective way to catch errors.
- Finally, read through the document word for word to ensure that it is free of grammatical errors, misspelled words, and typos.

Reading Skills

Reading skills involve more than just being able to understand the meaning of written letters and words. Reading skills also involve understanding the *meaning* of a sentence, paragraph, section, or page. As a legal professional, you need to be able to read and comprehend many different types of written materials, including statutes and court decisions. You need to be familiar with legal terminology and concepts so that you know the meaning of these legal writings. You also need to develop the ability to read documents carefully so that you do not miss important distinctions, such as the difference in meaning that can result from the use of *and* instead of *or*. The importance of proofreading as a reading skill is highlighted in the *Developing Paralegal Skills* feature above.

Writing Skills

Good writing skills are crucial to success. Paralegals draft letters, memoranda, and a variety of legal documents. Letters to clients, witnesses, court clerks, and others must

DEVELOPING PARALEGAL SKILLS

INTERVIEWING A CLIENT

Brenda Lundquist is a paralegal in a small firm. She has many responsibilities, including interviewing prospective divorce clients. Using a standard set of forms, Brenda meets with a prospective client and obtains information about the reasons for the divorce, finances and assets, and desired custody arrangements. This information is needed to assist the supervising attorney in determining whether to take the case. The information will also help Brenda in preparing the documents to be filed with the court should the attorney decide to represent the client. Brenda enjoys the work because she likes helping people, and often people who are getting divorced need both emotional and legal support.

CHECKLIST FOR CLIENT INTERVIEWS

- Plan the interview in advance.
- Print out forms and checklists to use during the interview.
- Introduce yourself as a paralegal or legal assistant.
- Explain the purpose of the interview to the client.
- Communicate your questions precisely.
- Listen carefully and be supportive, as necessary.
- Summarize the client's major concerns.
- Give the client a "time line" for what will happen in the legal proceedings.

be clear, well organized, and must follow the rules of grammar and punctuation. Legal documents must also be free of errors. Lawyers are generally attentive to details and they expect legal assistants to be equally so. Remember, you represent your supervising attorney when you write. You will learn more about writing skills in Chapter 9.

Computer Skills

In all professional workplaces, computer skills are now essential. At a minimum, you will be expected to have experience with document creation and to have data-entry skills. Paralegals well versed in the technology now widely used will have an edge in the job market. Paralegal specialists who know how to use sophisticated software, such as database-management systems, and how to adapt new technology, such as social media tools, to the workplace so as to improve efficiency and communication, hold some of the best-paying positions.

We cannot stress enough that to become a successful paralegal, the best thing you can do during your training is to become as knowledgeable as possible about online communications. Throughout this book, you will read about how technology applies to all areas of legal practice. You will also learn how you can use technology to perform various paralegal tasks and to keep up to date on the law. (See this chapter's *Technology and Today's Paralegal* feature on the following page for some online resources for paralegals.)

Organizational Skills

Being well organized is a plus. Law offices are busy places. There are phone calls to be answered and returned, witnesses to get to court and on the witness stand on time, documents to be filed, and checklists and procedures to be followed. If you are able to organize files, create procedures and checklists, and keep things running smoothly, you will be providing a valued service to the legal team and to clients. Importantly, you must organize your time, as discussed in the *In the Office* feature on page 15.

If organization comes naturally to you, you are ahead of the game. If not, now is the time to learn and practice organizational skills. You will find plenty of opportunities to do this as a paralegal student—by organizing your notebooks, devising an efficient tracking system for homework assignments, and creating a study or work schedule and following it. Other suggestions for organizing your time and work, both as a student and as a paralegal on the job, are included in the **Skill Prep: A Paralegal Skills Module** before Chapter 1.

The Ability to Keep Information Confidential

Paralegals are required to have the ability to keep client information confidential. The ability to keep confidences is not just a desirable attribute in a paralegal, but a mandatory one.

TECHNOLOGY AND TODAY'S PARALEGAL

ONLINE RESOURCES FOR PARALEGALS

There are many career resources available online. To keep your skills up to date and to stay on top of developments in the law, you should regularly check such resources.

PARALEGAL ASSOCIATIONS

Many paralegals belong to the National Association of Legal Assistants (NALA) or to the National Federation of Paralegal Associations (NFPA). Both organizations offer excellent gateways for paralegal resources. NALA's website (www.nala.org) displays information on many professional certification and continuing education programs. It also provides links to state and local affiliated organizations. The NFPA website (www.paralegals.org) offers a continuing education calendar, a gateway to legal research sites, and a variety of career advice. *Paralegal Today*, a magazine for paralegals, also has a website (www.paralegaltoday.com) that features salary data, job listings, continuing education information, and downloadable forms.

AMERICAN BAR ASSOCIATION

The ABA is not just for lawyers. The Standing Committee on Paralegals provides career information, continuing education, directories, a gateway to blogs by paralegals, and information on paralegal education standards. Its

website notes many meetings for legal professionals that cover many areas of interest.

BRYAN GARNER'S LEGAL WRITING SITE

America's most celebrated legal writing guru, Southern Methodist University law professor Bryan Garner, is best known for his books, which include *The Redbook: A Manual on Legal Style* and *Legal Writing in Plain English*. He is the current editor of the famous *Black's Law Dictionary*. Garner's website, www.lawprose.org, offers a bibliography of articles on legal writing, the schedule of legal writing seminars, and a way to subscribe to his "Usage Tips of the Day."

THE PARALEGAL GATEWAY

The Paralegal Gateway (www.paralegalgateway.com) focuses on job advice, examples of successful résumés and interviews, and networking tools such as LinkedIn. It also offers links to continuing education resources.

LEGAL NEWS

There is a wide range of online newsletters and websites on specific areas of law produced by law firms. The LawProf blog network (www.lawprofessorblogs.com) provides many subject-specific blogs (known as *blawgs*) by law professors that offer commentary on new cases, statutes, and news from trustworthy sources.

IN THE OFFICE

USE TIME WISELY

Paralegals often work on many cases at the same time. To be responsive to job requirements and to meet the needs of clients, set aside time each day to review the demands on your time. Think about what must be done that day as well as what must be completed by certain dates to meet deadlines. Make a list of what you need to accomplish. The list might be built into your calendaring software. Each morning, reevaluate what you got done

the day before. If work was not completed, think about why. When working on multiple cases, it is critical to understand what must be accomplished on each case so that one deadline does not "sneak up" on you while you are paying attention to another. Consider adopting a time-management system. There are computer programs and apps to help you stay organized. Find one that works for you.

As you will read in Chapter 4, attorneys are ethically and legally obligated to keep all information relating to the representation of a client strictly confidential unless the client consents to the disclosure of the information. The attorney may disclose this information only to people who are also working on behalf of the client and who therefore need to know it. Paralegals share in this duty. If a paralegal reveals confidential client information to anyone outside the group working on the client's case, the lawyer (and the paralegal) may face consequences if the client suffers harm as a result. The law firm could be sued and the paralegal dismissed. Even if the client is not harmed, lack of confidence can be the end of a career.

Keeping client information confidential means that you, as a paralegal, cannot divulge such information even to your spouse, family members, or closest friends. You should not talk about a client's case in hallways, elevators, or any areas in which others may overhear your conversation. You must be careful when handling client documents that you do not expose them to outsiders. Keeping work-related information confidential is an essential part of being a responsible and reliable paralegal.

Professionalism

Paralegals should behave professionally at all times. That means be responsible and reliable to earn the respect and trust of the attorneys and clients with whom you work. It also means you put aside any personal bias or emotion that interferes with your representation of a client or assessment of a case. Paralegals must be honest and assertive in letting others know what things paralegals can and cannot do (for example, they cannot give legal advice). This is particularly important because not everyone is sure what paralegals do.

As a paralegal, you will find that you are judged not only by your actions and words but also by your appearance, attitude, and other factors. When deadlines approach and the pace of office work becomes somewhat frantic, it can be difficult to meet the challenge of acting professionally. When the pressure is on, it is important to remain calm and focus on completing your task quickly and accurately to ensure quality work. If a client's call or another attorney interrupts you, be aware that the way you react is likely to affect whether others view you as professional. Be courteous and respectful during such interruptions. The paralegal must be detail oriented and accurate, even when working under pressure.

The Future of the Profession

The paralegal profession is a dynamic and expanding field within the legal arena. Paralegals continue to assume a growing range of duties in the nation's legal offices and perform many of the same tasks as lawyers. According to the U.S. Department of Labor, the employment of paralegals should grow "faster than average" and "formally trained paralegals with strong computer and database management skills should have the best employment opportunities."⁷ Growth is occurring because law firms and other employers with legal staffs are hiring more paralegals to lower the cost—and increase the availability and efficiency—of legal services.

Those entering the profession today will find a broader range of career options than ever before. In addition, you have the opportunity to help chart the course the profession takes in the future. The paralegal profession has become a popular career choice for many, so the job market is competitive, but formally trained and skilled paralegals have excellent employment potential.

KEY TERMS AND CONCEPTS

ABA-approved program	8	Certified Legal Assistant (CLA)	9	National Federation of Paralegal Associations (NFPA)	3
Advanced Paralegal Certification (APC)	9	Certified Paralegal (CP)	10	paralegal	3
American Association for Paralegal Education (AAfPE)	3	continuing legal education (CLE) programs	10	procedural law	8
American Bar Association (ABA) certification	9	legal assistant	3	Registered Paralegal (RP)	9
		National Association of Legal Assistants (NALA)	3	substantive law	8

Chapter Summary

Today's Professional Paralegal

WHAT IS A PARALEGAL?

The terms *paralegal* and *legal assistant* mean the same to some people. The terms *legal technician* or *legal research specialist* may be used in some workplaces. Paralegals perform many of the tasks traditionally handled by attorneys. A paralegal is qualified by education, training, or

work experience to be employed by a law office, corporation, governmental agency, or other entity. A paralegal performs delegated substantive legal work, for which a lawyer is responsible.

WHAT DO PARALEGALS DO?

1. *Typical tasks*—Legal assistants may perform the following duties: interviewing and maintaining contact with clients and witnesses, locating and interviewing witnesses, conducting legal investigations, calendaring and tracking deadlines, organizing and maintain-

ing client files, conducting legal research, drafting legal documents, filing legal documents with courts, summarizing witness testimony, coordinating litigation proceedings, attending legal proceedings, and using technology.

2. *Duties often vary*—Paralegals perform different functions depending on where they work and on their abilities and experience. Duties vary according to the size of a law firm and the kind of law practiced by the firm. Paralegals commonly spend significant time performing document management, client relations, and research.
3. *Paralegals and technology*—Technology is the number-one area of expanding paralegal responsibility. Paralegals skilled in using technologies to assist them in performing their duties will excel in the profession.

PARALEGAL EDUCATION

Paralegal education programs have become increasingly important in the growth and development of the profession.

1. *Educational options*—Colleges offer a variety of programs to train paralegals, ranging in length from three months to four years.
2. *Curriculum*—Paralegal education includes coverage of substantive law and of procedural law, as paralegals are involved in most aspects of the legal process.
3. *ABA and AAFPE paralegal education*—The ABA sets voluntary educational standards for paralegal training programs. ABA-approved programs have volunteered to meet the ABA's standards. AAFPE promotes high standards in paralegal education.
4. *Certification*—Certification refers to recognition by a professional group or state agency that a person has met standards of proficiency specified by the group. Generally, this means passing an examination and meeting certain requirements with respect to education and/or experience. Paralegals may be certified by NALA, NFPA, or a state agency. No state requires paralegal certification.
5. *Continuing legal education (CLE)*—Continuing legal education courses are offered by state bar associations and paralegal associations. These programs provide a way to learn more about a specialized area of law or keep up to date on developments in law and technology.

PARALEGAL SKILLS AND ATTRIBUTES

Because paralegals perform many of the tasks that lawyers used to perform, the demands on paralegals to be professional and efficient have increased.

1. *Analytical skills*—These include gathering and analyzing information relevant to legal matters.
2. *Communication skills*—The ability to communicate effectively with clients, witnesses, and others in the legal process is essential. Understanding a legal matter and communicating about it involves reading, speaking, listening, and writing.
3. *Computer skills*—Most legal research is done online, and computers are used to produce most legal documents, familiarity with the tools available makes a paralegal more successful and competitive.
4. *Organizational skills*—Paralegals keep track of numerous legal documents and other matters related to cases and the functioning of a law office, so being well organized is a requirement of the profession.
5. *Keeping confidence*—As paralegals have knowledge of confidential legal matters and help represent clients, protecting information from exposure to others is a major requirement of the job.
6. *Professionalism*—In legal work, responsibility and trust are key. Legal professionals are judged on the basis of actions, words, and attitude.

FUTURE OF THE PROFESSION

The role of paralegals in law continues to grow as the providers of legal services have learned the effectiveness of qualified non-attorney professionals.