**PART I—THE PARALEGAL PROFESSION**

# Chapter 1—The Professional Paralegal

**A. Chapter Introduction**

Since the late 1960s, the paralegal profession has experienced substantial growth. Fifty years ago, much of what is now considered a paralegal function or task was performed by an attorney. The reasons accounting for the expansion of the paralegal profession are many and varied. However, among the primary reasons is the support of the profession from the education community, paralegal organizations, and bar associations.

Following a careful studying of this chapter, the student will be able to:

* Define the terms *paralegal* and *legal assistant* and explain what they do and their role in the providing of legal services.
* Explore career options in the paralegal profession.
* Explain and describe education and training paths and requirements for entry and success in the paralegal profession.
* Outline the history and development of the paralegal profession.
* Describe the impact of professional organizations on the paralegal profession.
* Conduct self-analysis regarding individual goals, skill, and knowledge levels.

B. Instructional Ideas

In order to get an idea of the background, goals, and preconceptions of your students, have them take the following pre-course survey:

1. Please state your name, address, and phone number.
2. Please describe your educational background. (For example: high school —when and where; G.E.D.—when; prior college—when, where, degree or courses completed)
3. Describe your employment experience for the past five years including employer and general job duties.
4. Why did you choose this school and the paralegal program?
5. Explain your concept of what a paralegal is and does.
6. Describe your long-term occupational goals. What do you see yourself doing as a career five years from now?
7. Identify what you perceive as a potential obstacle to overcome in attaining your goals.
8. What strategy do you have of overcoming that potential obstacle?
9. What positive qualities do you possess that will assist you in attaining your goal?
10. If you came to me to advise me that you wanted to quit school, what should I tell you?

Have a recent graduate or an upper-level student come and speak to the class about their experiences.

Have a law office manager or the school’s placement director speak to the class about career issues.

**C. Lecture and Class Discussion Outline**

## What is a Paralegal?

The combined ABA and NFPA definitions:

A paralegal, or legal assistant, is a person qualified by education, training, or work experience to perform specifically delegated or authorized substantive legal work for which a lawyer is responsible when employed or retained by a lawyer, law office, corporation, governmental agency, or other entity. However, the performance of these substantive legal tasks that require knowledge of legal concepts by a paralegal without attorney supervision may be authorized by administrative, statutory, or judicial authority.

The terms *Paralegal* and *Legal Assistant* are synonymous and are used interchangeably.

Key elements of the definition:

* Qualified by education, training, or experience,
* Performs substantive legal work,
* Ordinarily but not exclusively under the supervision of an attorney.

**What Do Paralegals Do?**

The vast majority of paralegals perform substantive legal work under the direct supervision of an attorney. Thus, the principal duties of paralegals are to assist attorneys in preparing for hearings, trials, meetings, and closings. This assistance often involves document preparation and management, interviewing clients and witnesses, factual research and investigation, and legal research. However, these duties vary widely dependent upon the concentration of practice of the employing law office, and the experience, skill, and knowledge of the paralegal.

**Opportunities**

**Job Market**

In 2000, paralegals held about 188,000 jobs in the United States.

The United States Department of Labor projects that the paralegal profession will continue to be among the fastest growing through the year 2010.

**Salaries**

In 2000, the median annual salary of paralegals was $35,360.

However, salary statistics must be viewed with caution. For example:

Paralegals employed in urban and metropolitan areas tend to earn more than those employed in a rural environment.

Paralegals employed in government, corporate legal departments, and larger private law firms tend to earn more than those employed in other venues.

Salary averages of paralegals increase proportionally with both education and experience.

Average yearly salary increases for paralegals tend to be greater than the majority of other occupations.

Education + Experience = 🡹 employability + 🡹 earnings

# Career Planning

While the occupational growth in the paralegal profession continues to be rapid, competition for paralegal positions is stiff. Therefore, the time to start career planning is NOW.

**Education**

General education courses assist in acquiring a well-rounded education.

The legal profession lives and dies by the spoken and written word, therefore courses in English composition and oral communications are very beneficial.

Law offices are businesses. And many law practices are concentrated around the business environment. As such, introductory business and accounting courses are quite helpful. Accounting skills are highly beneficial in offices that deal in commercial and property transactions, family law, estate planning, and debtor–creditor relations.

Even algebra can assist in the development of the critical thinking skills necessary for a successful paralegal.

Acquisition or improvement in keyboarding and computer skills is essential in today’s job market.

**Associate’s Degree or Bachelor’s Degree**

While there presently are no governmentally mandated educational requirements applicable for entry into the paralegal profession, the job market basically dictates that a college degree is required to be successful in the paralegal profession.

While an associate’s degree may now be sufficient for entry into the field, advancement may require pursuit of a bachelor’s degree. Therefore, transferability of credit toward a more advanced degree is of importance.

Legal course selection should reflect broad-based learning from many areas of law.

# Role of the Paralegal

The paralegal is an important member of the legal services delivery team.

Cost-efficient delivery of legal services depends heavily on proper utilization of paralegals.

The paralegal’s responsibilities and earning capacity increase commensurate with his or her increase in education and experience.

# National Paralegal Associations

National Association of Legal Assistants (NALA)

* Incorporated in 1975
* Headquartered in Tulsa, OK
* Membership more that 18,000
* Membership is comprised of both individuals and affiliated associations
* Sponsors continuing education programs
* Sponsors voluntary certification program, Certified Legal Assistant (CLA) examination
* Sponsors voluntary specialty certification examination (CLAS)

National Federation of Paralegal Associations (NFPA)

* Founded in 1974
* Headquartered in Kansas City, MO
* Membership representing more than 17,000 paralegals
* Membership comprised of state and local paralegal associations
* Sponsors continuing education programs
* Sponsors voluntary certification program for experienced paralegals, Paralegal Advanced Certification Examination (PACE)

Association of Legal Administrators (ALA)

* Founded in 1971
* Provides support to professionals involved in law office administration

Legal Assistant Management Association (LAMA)

* Founded in 1984
* 400 members in 16 metropolitan chapters in the U.S. and Canada
* Membership comprised of law office managers
* Members employ more that 5,000 paralegals

# Qualifications of a Paralegal

While presently there are no mandated qualification requirements applicable for entry into the paralegal profession, the profession itself essentially has determined the minimum qualifications necessary to be a member of the paralegal profession.

The minimum qualifications as established by the educational guidelines of the American Bar Association’s (ABA) Standing Committee on Legal Assistants and the American Association for Paralegal Education (AAfPE), are as follows:

1. Certificate of completion from a paralegal program approved by the ABA.
2. Certificate of completion from a paralegal program at an institution that requires a minimum of 24 semester, or equivalent, units in law-related courses, accredited by a national or regional accreditation organization.
3. A baccalaureate or other advanced degree and at least one year of law-related experience under the supervision of an attorney.
4. A high school diploma or G.E.D. and at least three years of law-related experience under the supervision of an attorney.

# Paralegal Education in the United States

Certificate programs

Recognizes completion of a course of study that is less than that required for a college degree.

Some certificate programs carry college credit, others do not.

Some colleges offer paralegal certificate programs as an adjunct to an underlying college degree.

Associate degree programs

A two-year degree program offered by many community colleges, junior colleges, and proprietary (for profit) colleges.

May be denominated as an Associate of Arts (AA), Associate of Science (AS), or Associate of Applied Science (AAS).

Baccalaureate programs

A four-year degree leading to either a Bachelor of Arts (BA) or Bachelor of Science (BS).

LAMA has recommended a Bachelor’s degree as a minimum educational qualification for the paralegal profession. A growing number of colleges are beginning to offer a Bachelor’s degree in paralegal studies.

Graduate programs

A handful of colleges offer a Master’s degree in Legal Studies. An example is Webster University in Missouri.

Specialty certificates

These programs of study often adapted specialized expertise for application in a law office setting, e.g. Legal Nurse Consultant.

# D. Internet Resources

[www.nala.org](http://www.nala.org)

[www.paralegals.org](http://www.paralegals.org)

[www.alanet.org](http://www.alanet.org)

[www.lamanet.org](http://www.lamanet.org)

[www.aafpe.org](http://www.aafpe.org)

[www.abanet.org/legalservices/legalassitants/home](http://www.abanet.org/legalservices/legalassitants/home)

# E. Suggested Answers

**Questions for Critical Thinking and Writing**

1. Given that the law is so vast, so expansive, and pervades virtually every aspect of our society, efficient legal service of high quality demands that those in the legal profession be adequately educated and well versed in the necessary skills required of a professional.
2. Communication skills inasmuch as the legal environment lives and dies by the spoken and written word. Critical thinking skills in order to appropriately analyze factual and legal issues. Computer skills so as to keep proficient in the wake of technological advancement. Organizational skills in order to maintain order and efficiency in the fast-paced environment of a law office. Due to exposure to a wide array of diverse people, cultural sensitivity skills are very important.
3. Legal secretaries engage in activities that are largely clerical in nature. Legal administrators and managers often deal solely with the business end of the law office. While a paralegal may perform the duties of both, they also engage in substantive legal work that would otherwise have to be performed by an attorney. As such, substantive legal work is billable to clientele, while clerical and administrative work is not.
4. Education or experience or both.
5. By the performance of substantive legal work.
6. Case briefing demonstrates both critical thinking and written communication skills. One would also expect legal research assignments, mock interview assignments, and ethical analysis problems.

Cases for Briefing

1. Market rate refers to the reasonable value of attorney work product within a given market, as opposed to the cost to the attorney for obtaining the work product.
2. If the standard market practice is to bill separately at different rates for the substantive legal work of paralegals and attorneys, then this does not create a windfall, but rather maintains economically competitive rates.
3. On the basis of the prevailing rates and practices prevailing in the relevant market.
4. It promotes cost-efficient delivery of legal services.
5. Yes.

F. Feedback

**Multiple Choice—Circle the letter immediately to the left of the best answer.**

1. Which of the following is an example of a legal skill?

a. how to interview a client.

b. how to do factual case investigation.

c. how to perform legal research.

d.\* all of the above

e. both a and c

2. Paralegal salaries are influenced by:

a. experience and training.

b. the economy of a particular region of the country.

c. the local job market for paralegals.

d.\* all of the above

e. both a and c

3. The major reasons for the growth of the paralegal field include all of the following, **except**:

a. the economic impact the profession has had on the practice of law.

b. active promotion by professional associations.

c.\* because the public loves paralegals and hates lawyers.

d. restructuring of our societies’ professions generally, due to technological advances, and economic and social reasons.

e. increased need in the legal profession for efficiency.

4. The manner in which one may become a paralegal include:

a. by experience.

b. by education.

c. by inheritance.

d. all of the above

e.\* both a and b only

f. both b and c only

5. When an experienced member of a legal clerical staff, who has not had any formal paralegal education, begins performing paralegal responsibilities and is given the title of paralegal, they are said to have entered the profession by:

a.\* experience.

b. the unethical practice of an attorney who simply wishes to bill more time.

c. inheritance.

d. education.

e. a well-placed bribe.

6. An inexperienced graduate of a paralegal program who has become employed as a paralegal has entered the profession by:

a. experience.

b. the unethical practice an attorney who simply wishes to bill more time.

c. inheritance.

d.\* education.

e. a well-placed bribe.

7. Many definitions used for a paralegal have at least three major components. Which of the following is **not** one of those components?

a. the paralegal has substantive legal knowledge and skills

b.\* the paralegal is an expert in all areas of the law

c. the paralegal works under the supervision of an attorney

d. the paralegal does not engage in the unauthorized practice of law

8. Which of the following generalizations regarding paralegal salaries is **incorrect**?

a. paralegals who work in large private law firms tend to make more than those who work in small private law firms

b. paralegals who work in less populous rural areas tend to make less than those who work in more populous urban areas

c.\* less educated paralegals tend to make more than those with more education

d. more experienced paralegals tend to make more than those with no experience

**True/False—If the entire statement is true, circle T. If any part of the statement is false, circle F.**

1. \*T F Legal education continues even after one has left school.

2. \*T F Legal education includes learning both the content of the law and the practical techniques for using that knowledge.

3. \*T F Grammar, punctuation, and composition are extremely

important skills in the paralegal profession.

4. T F\* It is not necessary to have a thorough understanding of the vocabulary used in the legal profession to be successful as a paralegal.

5. \*T F The ABA has a Standing Committee on Legal Assistants that has had a significant impact on the promotion and growth of the paralegal profession.

6. \*T F Paralegal and Legal Assistant are used by many as interchangeable terms.

7. T F\* A person engaging in paralegal work must always work under the direct supervision of an attorney.

8. \*T F A paralegal’s salary tends to increase in proportion to the paralegal’s experience and responsibilities.

9. \*T F One skill required of all successful paralegals regardless of what type of legal setting in which they work is strong written and oral communication skills.

10. \*T F Even though the paralegal profession is one of the fastest growing occupation areas, competition for paralegal jobs is stiff.

11. \*T F The best time to commence career development is now.

12. \*T F A paralegal employed in a metropolitan environment tends to earn more in salary than those employed in a rural environment.