

## Chapter 1

# Discovering the Paralegal Profession

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### *In This Chapter*

- ▶ Looking into what paralegals do
  - ▶ Familiarizing yourself with the kinds of workplaces paralegals encounter
  - ▶ Getting the proper training to work as a paralegal
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**W**ith so much media coverage for attorneys and so little for the equally important paralegals, you may not be entirely familiar with what a paralegal career entails. In this chapter, we tell you what paralegals do, where paralegals work, and what it takes to become a paralegal.

## *Almost a Lawyer: What a Paralegal Does*

Both paralegals and lawyers are legal professionals. The difference is that an attorney must supervise a paralegal's work, and a paralegal can't do certain things, like give legal advice and represent clients in court.

But there are many things paralegals *can* do. Because using a paralegal instead of an attorney can save a lot of money, law firms and corporations are increasingly relying on paralegals. As a paralegal, you'll likely be doing many of the tasks that in past decades were accomplished only by licensed attorneys. We cover some of these important tasks in the following sections.

### *Researching and analyzing the law*

Courts make decisions about current cases based on the decisions made in past cases. So, to effectively prepare a case, you have to know what the courts have decided in similar circumstances and evaluate them to figure out how they apply to the case you're working on. You find prior cases and relevant statutes through legal research.

Performing legal research can eat up gobs of time, so attorneys often count on competent paralegals to take up this duty. No matter which area of law you enter, you'll have to do legal research. If you work in areas that frequently require litigation, you'll do lots of research, but even other areas like domestic law, trusts and estates, corporate law, and entertainment law are going to require you to hit the books.

Of course, legal research has increasingly moved away from books and into computer technology. This doesn't mean that you'll be doing less research, just that you may be doing more of it from your desk rather than heading to a law library. (Chapter 13 shows you how to research the law in texts and on a computer.)

Your job doesn't stop with the accumulation of research. You also have to analyze the information by applying law to facts and probably draft memos that present your analysis for the lawyers in your firm. You may need to apply the information that you find to a corporate contract, will, or other legal document. In many cases, you may even be asked to do initial writing on motions that will actually be filed in court. So although *you* may not be speaking in court, your *work* will be.

## *Playing Sherlock: Interviewing and Investigating*

Cases aren't only about relevant statutes and case precedents; they're also about the facts. As we discuss in Chapters 11 and 12, you may interview witnesses and collect evidence in your paralegal career. Evidence gathering is especially important in any kind of litigation. Litigation results in many areas of law. For example, corporate law may involve litigation stemming from contract disputes or product liability; patent and trademark law may lead to trials over intellectual property rights; and family law features frequent litigation, especially stemming from divorce and child custody issues.

For each of these kinds of lawsuits, there are witnesses to interview and evidence to gather. For example, if your supervising attorney were working for a plaintiff in a product liability suit, you would need to gather information on the harm caused by the product, interview other people who may have been adversely affected by the product, work to determine what the company knew of the danger and when, and collect information from any additional witnesses.



Even if you aren't working in litigation, you may still need your interview and investigation skills. For example, when you help prepare a prenuptial agreement for a family law practice, you need to determine the client's assets and investigate the background of the future spouse. If you're working for attorneys

in entertainment law who are reviewing a record deal for one of their clients, you may have to investigate the details of the deal or the record company. Whatever the area of law you become involved in, you'll use your interview and investigation skills.

## *Convening with clients*

Without clients, the practice of law wouldn't exist. Tasks like legal research and document preparation may seem to be the main duties of legal professionals. But, you only engage in these and other legal tasks because you're working on behalf of a client. Establishing good relationships with clients is essential to open communication and good legal practice — and it's also important to strengthening your career.

During your paralegal career you may find that you're often the liaison between the client and the attorneys you work for, which may be one of the most important duties you have. As the liaison, you keep the client informed of how the case is progressing and work with the client to get all the relevant case information. Then you accurately relay what the client tells you to the attorney who represents the client.



As a paralegal, you aren't allowed to have your own clients. If you tell clients that you're representing them in a legal matter, you're probably guilty of the unauthorized practice of law. So, in every case, clearly communicate to the client your status as a paralegal. All your duties are supervised by a licensed attorney, which means that you communicate everything the client tells you to your supervising attorney. Attorney-client privilege doesn't require or even allow you to keep any secrets from your client's lawyer. (You can find more on these and other ethical concerns for paralegals in Chapter 15.)

## *Administering the legal environment*

In some offices, you may work as a case administrator. An administrator handles the case details for a client and the attorney. For example, law firms have special accounts where they keep money that belongs to clients rather than to the firm. If a client wins a judgment or if money included in a will is being dispersed, that money passes through the accounts of a law firm. Or, you may keep track of the money bequeathed through a will if you work for a probate attorney.

In a small law office, your paralegal duties may also include administering the entire operation, including the filing system, the calendar, and the billings. (For more on how to manage these tasks, turn to Chapter 18.)

## Why it pays to be a paralegal

Many people with dreams of working in the legal profession think first about becoming an attorney. The reality is that becoming a paralegal may make more sense than becoming an attorney. In general, paralegals don't make as much money as the licensed attorneys they work for. However, some experienced paralegals, such as those working in large corporate firms, may make considerably more money than young attorneys in other areas like criminal and family law. For the sake of comparison, consider two imaginary college students who graduate from the same college in the same year and end up working at the same midsize corporate law firm three years later.

Ann decides to attend law school after graduation. Because of her good grades and LSAT scores, she's accepted at a competitive law school, one that doesn't offer many scholarships. So Ann has to finance her education with loans. The average cost of tuition, living expenses, and books at a competitive law school is more than \$30,000 per year. Federally guaranteed loans only cover about half of this, so Ann has to take the rest in private loans with higher interest rates. At the end of her three years of study and her six months of preparing for the bar exam, Ann is in debt for \$90,000. To pay off her loans within 20 years, Ann makes monthly payments of as much as \$1,500 per month. Ann also had to forgo three and a half years of wages while she was in law school and studying for the exam.

John decided after graduation to become a paralegal. He chose a course of paralegal training that took about a year, but the classes fit his schedule so that he could also work full-time as an administrative assistant at a law firm. His tuition was much lower than Ann's, and because he was working, John didn't have to take out any loans at all. After completion of his course, John stayed with the firm as a paralegal instead of an administrative assistant.

By the time Ann is hired by the firm, John has already worked there for three and half years, the last three as a paralegal. He has earned raises each year and is making \$45,000 per year. Ann joins the firm at a salary of \$65,000 (a good starting salary for an attorney). Ann's loan payments of \$1,500 per month add up to \$18,000 per year. So, when taxes are taken into account, John actually has more disposable income than Ann! In addition, John has saved \$20,000 from his three and a half years of working, while Ann still has to pay off \$90,000 in debt. In terms of wealth, John is starting out \$110,000 ahead of Ann! Even if Ann's salary rises faster than John's, it will probably take about 20 years for Ann to catch up with John in terms of wealth.

As this example illustrates, for many people, becoming a paralegal is a better way to get involved in a law career.

## *On the Job: Where Paralegals Work*

Paralegals work in many different areas of the law. (For a sampling of some them, read Chapter 9.) Some paralegals choose to earn high salaries in corporate law or complex litigation. Other paralegals work for low-income clients or for public interest or environmental law firms. Some paralegals like the personal atmosphere of a small firm and others take control of their futures

by starting their own paralegal businesses. There are as many different choices for paralegals as there are types of law!

## *The six-figure paralegal: Working for the big firm*

If you think that attorneys are the only legal professionals capable of making six-figure salaries, you're wrong! In bigger cities, experienced paralegals working for large firms can make more than \$100,000 per year. Two factors have a big influence on the salary you can earn as a paralegal:

- ✓ **Your level of experience:** The longer you work as a paralegal, the more valuable you become. (That's why it's important to get started on your career as soon as possible.) As you develop your skills, you'll be given more complex tasks and get paid accordingly.
- ✓ **Your area of specialization and the responsibilities of your job:** If you choose to specialize in corporate law or litigation, you have a high earning potential. Increased salaries usually mean more responsibility. The highest paid paralegals often supervise other paralegals or have particularly important duties within the firm.

Here are some areas of the law where paralegals often make the highest salaries:

- ✓ **Litigation:** Paralegals working in the field of litigation have some of the most interesting, and challenging, duties available to legal professionals. Litigation can be fast-paced and complex with dozens of potential witnesses and mountains of evidence. It takes qualified and talented lawyers and paralegals to deal with complicated litigation. If you aren't afraid of intense work that often extends beyond the normal workweek, you may have what it takes to make a big salary in litigation.
- ✓ **Corporate law:** Corporate law involves important and lucrative deals. Contracts, mergers, takeovers, and issuing of stock constitute just some of the activities of a corporate legal team. If you have an eye for detail and you're interested in business, corporate law could mean a big deal for you.
- ✓ **Other special areas of law:** Another way to make a high salary is to specialize. Paralegals are always in demand in certain specialties. These specialties require knowledge of more than just the law. For example if you have a degree in chemistry, you could specialize as a paralegal working with the pharmaceutical industry. Nurses find highly paid positions as consultants in firms that specialize in medical malpractice.

Examples of areas where your interests can turn into a high paying paralegal position include patent and trademark law, environmental protection and other areas involving science, and medical malpractice and product liability.

## *Jack or Jill of all trades: Working for the small firm*

Working in corporate law, complex litigation or an unusual specialty might not be for you. Paralegals do tend to earn the most in these areas, but salary isn't everything. Working in a small firm offers many advantages, and if you don't want to live in one of the big cities in the United States, a small firm may be your best option.

As a paralegal in a small firm, you may find yourself performing diverse tasks while working on a wide variety of cases. You might be compiling asset information for a bankruptcy filing, interviewing witnesses for a child custody issue, helping a client draft a will, and assisting a small business with incorporation. Talk about multitasking!

If you like to constantly confront new challenges, if you like seeing your efforts have immediate results for real people, and if you're flexible enough to do your best with any assignment you're given, the small firm might be the choice for you. Plus, small firms often offer opportunities for fledgling paralegals to get their feet in the door.

## *Spreading the love: The pro bono paralegal*

If you're willing to sacrifice salary for public assistance, you could become a paralegal at one of the pro bono firms that work for justice rather than profit. These firms work to help disadvantaged clients, save the environment, uphold civil rights, and protect constitutionally guaranteed liberties. By working for one of these firms, you'll pull in a modest salary but make a big difference!

## *Working for the government*

A growing area of employment for paralegals is with the public sector. All levels of government and court systems employ paralegals. The biggest federal employer of paralegals is the Department of Justice, followed by the Social Security Administration and the Treasury Department, but nearly every cabinet department employs paralegals. State governments have been hiring new paralegals at increasing rates. Paralegals have been replacing licensed attorneys in bureaucracies because using paralegals saves governments lots of money.

If you choose to become a paralegal in the public sector, you'll be a member of a bureaucracy. The public sector has more defined rules and procedures and more definite job descriptions and roles than the private sector does. Working

for a small firm, you might be asked to perform just about any task required for a client. Working for the government, you'll likely have a strictly defined job description and a firm knowledge of exactly what you'll be doing each day.

The public sector pays less than large firms but generally more than small firms. Government employment also tends to be less risky than employment in the private sector. Government employees have more rights, including the protection of certain personnel procedures that don't allow government employees to be fired on a whim. Government jobs also tend to provide excellent benefits packages. If you favor stability, a public sector job may be right for you.

### ***Doing it your way: The paralegal as independent contractor***

On the other end of the spectrum from stable government employment is the paralegal entrepreneur. If you don't want to be tied down to a single firm, if you want the opportunity to work for different firms on different projects, or if you're comfortable taking risks and reaping the rewards that come with being your own boss, you may choose to strike out on your own as an independent contractor.

Independent contractors are paralegals for hire. If a small law firm suddenly gets involved in big litigation, it needs lots of help. Instead of hiring a bunch of employees and paying them benefits, the firm may be better off contracting with a freelance paralegal. Of course, freelance paralegals still have to be supervised by an attorney. But, by creating your own paralegal contracting service, you can take more control of your professional life than you usually can working for one particular firm. (For more information about setting up a freelance paralegal business, see Chapter 3.)

## ***What It Takes: The Skills, Knowledge, and Training You Need***

Gaining the skills you need to become a legal professional takes more than reading every John Grisham novel. Paralegals are skilled professionals. When you work as a paralegal, you won't have your own clients, give legal advice, or argue a case in court (except in specific administrative law hearings), but you can do any of the other tasks that can only be performed by a skilled legal professional. Of course, you have to become a skilled legal professional first! To succeed as a paralegal, you need the right combination of personality and education.

## *The paralegal personality*

The legal profession is a demanding one for attorneys and paralegals. The hours can be long, deadlines tight, and stakes high. The legal profession also has a strict code of ethics — just missing a deadline can be an ethics violation.

People with many different backgrounds and personalities can and have succeeded as paralegals. However, there are certain things that nearly all successful paralegals have in common. So when we talk about the right personality for the paralegal profession, we mean the group of characteristics that successful legal professionals — both lawyers and paralegals — tend to share.



Here are some of the main characteristics you need to survive in the legal profession:

- ✔ **You need the ability to reason.** You don't need to have aced the I.Q. test or earned a 4.0 GPA throughout your educational career to be a good paralegal. But you do need to be able to understand and analyze complex legal issues to interview witnesses, conduct legal research, or draft contracts.
- ✔ **You need to be reliable.** The legal profession lives and breathes deadlines. In litigation, there are specific deadlines you have to meet for filing documents with the court. And you must meet these deadlines or suffer sanctions that adversely affect the client. In law, if you miss a deadline, your client may lose the case or lose the right to begin a case.
- ✔ **Your work should be thorough.** Imagine that you provide research for the contents of a contract for a corporate client, and the contract contains a penalty if your client defaults. You think that you've found the cases that show how a court will interpret the default clause. So you decide to stop researching and submit what you have to the attorney. It turns out that another, more applicable, case gives a completely different interpretation of the default clause, and your client loses millions of dollars. The client could sue your firm, and the attorney supervising you could be disbarred because you cut corners in your research.
- ✔ **You must be trustworthy and discrete.** Legal professionals hold a position of trust with their clients. You have access to clients' private information, like financial information and private secrets that they may not have revealed even to family members. So, the most important rules of legal ethics center on maintaining integrity in dealing with clients. As a paralegal, you must respect attorney-client confidentiality and refrain from talking with anyone about a client. And if the people you work with lack integrity, you must be willing to report their behavior to your supervising attorney.

- ✔ **You've got to be tough.** No matter how intelligent, reliable, and thorough you are, you'll probably experience a setback at some time in your paralegal career. Maybe, despite your very best efforts, you'll make a mistake that's damaging to a client. Even when you do your job perfectly, factors beyond your control may produce an adverse outcome for a client whom you've gotten to know well, like losing custody of a child in a divorce proceeding. You need fortitude to go beyond these disappointments and move on to the next case.



You won't always be perfect and outcomes won't always seem fair. Think about your own resilience not only when considering whether you have the right personality for the paralegal profession but also in choosing the area of law to work in. Most paralegals work in civil, rather than criminal law, so a person's life or freedom is not usually at stake, but setbacks in areas such as family law and litigation can really test your toughness.

## *Paralegal know-how*

You need to have special skills to work as a paralegal. In the paralegal profession, there are big differences in salary based on levels of experience. Even if you don't already have the specific legal education and experience that you need to work as a paralegal, certain skills contribute to your overall ability to thrive in the paralegal profession.



Here are some of the life skills that contribute to making someone a successful paralegal:



- ✔ **Writing skills:** One of the most important skills for a paralegal is good writing ability, including a strong command of grammar and sentence structure. (If writing presents challenges for you, check out Chapter 16 to find ways to improve your writing.)  
  
Your legal writing ability doesn't need to be perfect when you begin your career. You'll have lots of opportunity to practice your legal writing skills on the job.
- ✔ **Research skills:** Basic research skills are essential to a successful paralegal career. In today's world, this means not only being able to skim through a mountain of academic texts in the library but also using technology. If you're already familiar with conducting online searches, legal research will come more easily to you. (Chapter 17 explains how technology fits into legal research.)
- ✔ **Communication skills:** Most paralegal positions require lots of contact with other people. You deal with attorneys, other members of the law office, clients, witnesses, county clerks, and sometimes the media. So, being comfortable around a variety of personalities is an important career skill.

## ***Education and experience: Two ways to train***

You can learn the profession of paralegalism two ways: through formal education or on-the-job experience. Most paralegals incorporate a little of both.

### ***Academia: Kinds of paralegal training***

Currently, only the state of California mandates education requirements for paralegals. In all other states, there are no specific requirements to work as a paralegal. They leave that determination up to the attorney who hires and supervises a paralegal.

Most attorneys require some type of prior paralegal training when they hire, so most paralegals begin their careers with some sort of specialized training. Formal training is popular with employers because it gives their employees the basic paralegal skills that the employers don't have time to train them on. Formal education is attractive to future paralegals because it gives them confidence to enter the job market and a hiring advantage over someone without training or experience. You may get hired without some sort of formal paralegal training, but you probably won't be paid as much as you would if you had specialized education.

Another reason that formal education is increasingly becoming the standard for new paralegals is the availability and diversity of education programs. Paralegal programs come in a variety of shapes and sizes designed to fit the needs of future paralegals.

### ***Certificate programs***

If you're interested in a paralegal career and have an associate's or bachelor's degree in any field or if you have legal experience as a legal secretary or law office administrator, a certificate program is perfect for you. Most certificate programs focus on the practical skills you need to work as a paralegal, so you won't waste a lot of time learning legal theory. These programs can be completed in as little as six months or as long as two years. Because you learn specific law office procedures on the job, you don't need a program that offers you more than a foundation in legal terminology, legal research, legal documents, legal process, and ethics.

Classes often accommodate the schedules of working adults, with night, weekend, and online offerings. And some attorneys may hire you with a reputable certificate of completion even if you don't already have a college degree or prior law office experience.



## Attempts at regulating paralegals

Because paralegals work under the supervision of a bar-certified attorney, they're regulated under that attorney. In other words, states have regulated paralegals indirectly by regulating the attorneys who employ them. Therefore, most states don't mandate specific education and experience requirements for paralegals, but several states are in the process of considering ways to regulate or license the paralegal profession.

Currently, the exception is California. The state of California says that to call yourself a paralegal, you must have a certain level of paralegal training or job experience. The state leaves it up to the supervising attorney who hires the paralegal to make sure the paralegal meets the qualifications.



We offer paralegal certificate programs through colleges and universities nationwide. You can find out more about our programs at [www.legalstudies.com](http://www.legalstudies.com). For most future paralegals, a certificate fills the bill.

### ***Associate's degree programs***

The job market in your community may dictate that you have a degree before you work as a paralegal. Community colleges and some state and private four-year institutions offer two-year programs in paralegal studies. Many of the classes are geared towards the paralegal profession, as they are in a certificate program, but you also take the core courses required to earn your associate's degree.



If you don't have a college degree or law office experience, associate's degree programs may be the quickest way to enter the profession.

### ***Bachelor's degree programs***

A few colleges and universities offer a major or a minor in paralegal studies, but these programs are still pretty rare. These programs are designed around a four-year bachelor's degree and include 30 credit hours of paralegal courses. The advantage of these programs is that you earn a four-year degree and get trained as a paralegal at the same time.



If you're planning on going to college and thinking of becoming a paralegal, a bachelor's degree is a good option to explore. However, if you want to enter the paralegal profession sooner rather than later, certificate programs and two-year degrees get you into the job market faster with less education debt.

***On-the-job training: Experience***

Some of the most successful paralegals earned their positions by working their way up in law firms. You may start as a legal secretary, filing clerk, or mail clerk, and with time and proven ability gradually take on paralegal duties until you move into a position of performing primarily paralegal tasks. This method of entry into the paralegal profession has some obvious advantages: You don't have to pay tuition, and you start earning a salary right away.



The downside to relying completely on working your way to a paralegal position may outweigh the advantages, however:

- ✓ **Securing an entry-level position without prior training may be difficult.** Some attorneys require that their legal secretaries have specialized training, so you may need to go to school to work in any position in a law office. Attorneys don't have a lot of time to train staff. You'll be competing for jobs with people who have legal education or experience, so they already have the specific skills you're hoping to learn on the job.
- ✓ **Entry-level work in a law office may not interest you.** Legal secretaries, file clerks, and mail clerks offer invaluable services to attorneys, but their duties are primarily clerical. If this type of work doesn't interest you, you may be disappointed with the amount of time it takes you to acquire paralegal duties.
- ✓ **Working your way to a paralegal position could take years.** There are no guarantees that experience will lead to a paralegal position in your law office. You may be passed up by new hires who have more education than you do and end up having to complete a certificate course to show your employer that you have what it takes to work as a paralegal.

Unless you're already working in a law office, planning to get a paralegal job without special training is probably impractical.

If you already work as a legal secretary and feel you're ready for additional responsibility, you may want to approach your employer for paralegal duties or seek a position in another firm that allows you to do paralegal work.



If you're just starting out, we recommend that you complete paralegal training. It'll make you more competent, confident, and attractive to future employers.