

Chapter 1

Today's Professional Paralegal

Chapter Overview

1. Introduction
2. What Is a Paralegal?
3. What Do Paralegals Do?
4. Paralegal Education
5. Paralegal Skills and Attributes
6. The Future of the Profession

Chapter Objectives

After completing this chapter, you will know:

- What a paralegal is.
- What kinds of tasks paralegals perform.
- What are some of the professional associations of paralegals.
- The education and training available to paralegals.
- Whether paralegals must be certified or licensed.
- Some skills and attributes of the professional paralegal.

Chapter 1 Today's Professional Paralegal

Chapter Outline

- I. INTRODUCTION
 - A. The paralegal profession is an exciting and growing profession.
 - B. The paralegal profession offers a wide variety of opportunities for personal and professional development.
 - C. The paralegal profession is one of the fastest-growing occupations in the United States.

- II. WHAT IS A PARALEGAL?
 - A. The terms "paralegal" and "legal assistant" are interchangeable.
 - B. The ABA, NALA, NFPA, and AAFPE each have developed a definition of a paralegal, or legal assistant, but only the ABA and NALA use the same definition.
 - C. All four definitions of a paralegal indicate that paralegals perform "substantive" legal work, meaning that paralegals, although they are not attorneys, often perform work that was traditionally undertaken only by attorneys.

- III. WHAT DO PARALEGALS DO?
 - A. Paralegals perform many of the tasks involved in legal representation that have traditionally been handled by attorneys.
 - B. Today an increasing number of paralegals find work in nontraditional (non-law-office) settings, including corporations and government agencies.
 - C. Although paralegal tasks can be extremely varied, depending on where they work, typical paralegal tasks include:
 - i. Conducting client interviews
 - ii. Locating and interviewing witnesses
 - iii. Calendaring and tracking important deadlines
 - iv. Conducting legal research
 - v. Attending legal proceedings.
 - D. Paralegals are increasingly becoming the technology experts at law firms, using computer software packages such as:
 - i. Specialized legal software
 - ii. Online databases
 - iii. Internal case management software
 - iv. Imaging software
 - v. Time and billing software
 - vi. Legal research software
 - vii. Litigation support software.

- IV. PARALEGAL EDUCATION
 - A. Formal paralegal education programs began in the late 1960s.

- B. There are now over 1,000 paralegal programs nationwide, but the types of programs offered and the quality of the education provided vary greatly.

Educational Awareness

There are several educational options available to paralegals. These options have many common courses: torts, legal research, real estate, family law, and administrative law. Study vehemently and find something interesting in each. Your legal career has not yet been charted. Who knows in what area you may find yourself practicing. Pursue that dream of being a perfect paralegal.

- C. Educational options:
- i. Two-year community college programs
 - 1. Such programs award either an associate degree or a paralegal certificate.
 - 2. These programs usually require 60 semester hours that includes general education requirements.
 - ii. Four-year college or university programs
 - 1. These programs award a bachelor's degree with a minor or minor in paralegal studies.
 - 2. The degree requires about 120 semester hours, with 50 to 60 hours spent on general education.
 - iii. Certificate programs
 - 1. Offered by private institutions
 - 2. Usually 3 to 18 months in length
 - 3. Typically only a high-school degree is required for admission.
 - iv. Postgraduate certificate programs
 - 1. Require a previous degree to be admitted.
 - 2. Usually 3 to 12 months in length.
- D. Curriculum—Substantive and Procedural Law
- i. Substantive law includes all laws that define, describe, regulate, and create legal rights and obligations.
 - ii. Procedural law establishes the methods of enforcing the rights established by substantive law.
 - iii. Paralegal education includes the study of both substantive and procedural law.
- E. Role of AAFPE and ABA in Paralegal Education
- i. The American Association for Paralegal Education (AAFPE) was formed in 1981 to promote high standards for paralegal education.
 - ii. The American Bar Association (ABA) established the first educational standards for paralegal training programs in 1974.

- iii. Programs that meet the ABA's quality standards and are approved the ABA are referred to as "ABA-approved programs."

F. Certification

- i. Certification involves formal recognition by a professional group or state agency, indicating that an individual has met certain standards of proficiency.
- ii. "Certification" is not the same as receiving a paralegal certificate.
- iii. No state currently *requires* paralegal certification.
- iv. NALA, NFPA and some states (Texas, California, Florida, and Louisiana) offer voluntary certification programs.

G. Continuing Legal Education (CLE)

- i. Paralegals, like attorneys, often supplement their formal education by attending CLE programs.
- ii. Some paralegal organizations require members to complete a certain number of CLE hours per year through seminars, workshops, or coursework.

Orderly Organization

As a paralegal, one of the most important assets you can bring to an employer is your organizational skills. This skill is necessary for case management, prioritizing responsibilities, and communicating effectively. Start now, as a student, to develop an organizational methodology that works for you. Then, carry that into your professional life.

Organization Rules!

V. PARALEGAL SKILLS AND ATTRIBUTES

- A. Analytical Skills - Paralegals must be able to take complex theories and fact patterns and break them down into smaller, more easily understandable concepts.
- B. Communication Skills - Paralegals must have excellent reading, speaking, listening and writing skills to help with cases and clients.
- C. Compute Skills - Computer experience is essential for today's paralegal, especially word-processing skills.
- D. Organizational Skills - Paralegals must be able to organize files, create procedures and checklists, and keep things running smoothly.
- E. Interpersonal Skills - Communicating and interacting effectively with clients, witnesses, support staff, and attorneys is an important asset for paralegals.
- F. Ability to Keep Confidences - Paralegals share in the attorney's ethical and legal duty to keep all client information strictly confidential.

G. Professionalism - Paralegals must be responsible and reliable in order to earn the respect and trust of the attorneys and clients.

VI. THE FUTURE OF THE PROFESSION

A. The U.S. Department of Labor's Bureau of Labor Statistics predicts that the paralegal profession will be one of the fastest growing professions through the year 2010.

B. The Bureau of Labor Statistics projects the number of paralegal positions will increase by 62 percent by 2008.