

Chapter 1

The Paralegal Profession

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INTRODUCTION: DEFINING THE PROFESSION

This commentary assumes that readers have a sincere interest in a career as a paralegal. Whether you become a full-time paralegal or practice part-time, you are embarking on an innovative, creative, and dynamic career path. The American workforce has been influenced by the substantial undercurrents of professional assistants in the fields of law, dentistry, medicine, and business. Professional assistants and, in particular, paralegals offer valuable services to the American legal and justice system on both the public and private fronts.

What is a paralegal or legal assistant? The American Bar Association appears to have promulgated an accurate 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 who performs specifically delegated substantive legal work for which a lawyer is responsible.¹

States may define *paralegal* for the purposes of regulation and discipline. The Indiana Supreme Court has exclusive jurisdiction relative to paralegals and defines the profession in its rules as follows:

*“Paralegal” means a person who is qualified through education, training, or work experience and is employed by a lawyer, law office, governmental agency, or other entity to work under the direction of an attorney in a capacity that involves the performance of legal work that usually requires a sufficient knowledge of legal concepts and that would be performed by an attorney in the absence of the paralegal.*²

Although this definition is customary, it is not uniformly agreed upon.

Not only does the definition of *paralegal* vary by jurisdiction—the occupational title changes as well. Some say *paralegal*, whereas others say *legal assistant*. In a few places the term *legal technician* applies. Legal technicians are witnessed in few American jurisdictions and deliver lawful services in select areas such as Social Security, real estate, ADR, divorce mediation, and administrative processes. Paralegals are sometimes designated either *freelance* or *independent*. In the case of a freelance paralegal, the paralegal always works under an attorney who serves as a supervisor. Independent paralegals provide services that do not impinge upon unauthorized practice rules. The lines frequently blur regarding the practice of law and these occupational designations.³ At other times, paralegals are labeled *self-help legal service providers*, a reference to nonlawyers who offer self-help legal services to the public for compensation. It is agreed that the profession defines itself in differing ways. Connie Kretchmer, former President of the National Association of Legal Assistants, appreciates this confusion:

*The terms being used interchangeably to identify these individuals are legal assistant, paralegal, free-lance legal assistant, independent paralegal, and legal technician. Each refers to nonlawyers engaged in a career related to legal services. The important distinction among these terms is how those legal services are delivered.*⁴

This occupational confusion is compounded by a historic resistance to regulation, a wariness of academic and research approaches, and the existence of competing philosophical approaches to the paralegal profession. The *Journal of Paralegal Education and Practice* calls this preliminary occupational analysis a time of *diffusion*. In diffusion, the profession evolves—from legal secretary to administrator, from file clerk to functionary. Exactly when the status of *paralegal* emerges is difficult to pin down.⁵ Eventually diffusion gives way to clarity in the occupational definition realized by education, self-regulation, and defined goals. This is a path recently begun for the field. A more widely accepted standard of exactly what a paralegal is will evolve as the profession defines itself.

The paralegal/legal assistant career track has been subject to enormous pressure regarding its occupational roles. The paralegal profession, like any other, goes through periods of occupational growth and stagnation. At present it is developing “independent” dimensions. The independent paralegal works, operates, and acts still in concert with an attorney but runs his or her own paralegal enterprise. Legal only in a few jurisdictions, the independent paralegal’s practice borders on the unauthorized practice of law. The independent paralegal is also called *freelance*. For a discussion of what constitutes unauthorized practice of law, see Chapter 2. Another example of the profession’s maturation is in the paralegal’s direct delivery of legal services. Contracting with clients to provide direct legal services is done by a legal technician. The organized bar sees the legal technician’s activities as the unauthorized practice of law. The nonprofit group HALT (Help Abolish Legal Tyranny) has been the legal technician’s most outspoken advocate. From HALT’s vantage point, the exorbitant costs of legal representation and the locked-up market that lawyers dominate combine to make the occupation of legal technician long overdue. Promoters of the concept say that an administrative proceeding, a bureaucratic filing, and small claims court representation is mundane work that any private citizen can do. If so, why not permit legal technician providers to do the same?⁶ See HALT’s Web site at www.halt.org.

Even the entry-level paralegal position offers great opportunity. As the paralegal career steadily advances, so do the roles and responsibilities attached to it. It is certainly not static. According to Ann Bailus,

*Recent graduates, both those with and without legal training, will start in semiclerical positions. As they gain experience, those with good organizational skills will have the advantage and will get additional responsibilities. Different paralegal levels or grades have been emerging over the past few years.*⁷

Even state legislatures throughout the nation have allocated a day out of the legislative calendar for paralegal recognition. New Jersey, Maryland, Ohio, and North Carolina, to name a few, set aside time to recognize this remarkable profession.⁸

The Inevitable Comparison with Attorneys

Like it or not, paralegals are inevitably compared with attorneys. The functions of lawyer and paralegal consistently overlap. In some states either a lawyer or a paralegal can perform a closing at a real estate settlement. A lawyer can research legal questions in the local library; so can the paralegal. The American Bar Association's definition of a paralegal (or legal assistant) refers to this natural alliance or symbiotic relationship between lawyers and paralegals. This inevitable alliance is summed up in the ABA Model Guidelines for the Utilization of Paralegals:

Under the principles of agency law and the rules of professional conduct, lawyers are responsible for the actions and the work product of the nonlawyers they employ. Rule 5.3 of the Model Rules of Professional Conduct requires that supervising lawyers ensure that the conduct of nonlawyer assistants is compatible with the lawyer's professional obligations.⁹

By way of analogy, if the law is a learned profession (and, of course, most believe, propose, or hope that it is), it follows that paralegalism must have some semblance of *learnedness*. Robert Stevens, president of Haverford College, urges,

To be a competent lawyer over any extended period of time, one must have learned to learn. Injecting the notions of learning, by learning the job of ordering one's life and work labels, one is able to become a better craftsman, a better technician, as well as a more broadly gauged lawyer. These skills or qualities, in the long run, develop the sense of responsibility to client, to court, and to society as a whole.¹⁰

Characterizing lawyers as *learned* requires that paralegals strive for educational excellence. Anyone preparing to enter the paralegal profession must take the task of intellectual and educational development seriously. Amanda Flatten, editor of *Legal Assistant Today*, sums it up well:

Education is the way to stay competitive in the paralegal field. Seeking out the best program for higher education, getting a graduate-level degree, educating others in important issues facing the legal industry . . . and attending classes in continuing legal education on ever-changing issues such as corporate compliance—these are all examples of the important role education plays in the paralegals' lives.¹¹

The crossover between the functions of the lawyer and the paralegal does not detract from the unique occupational role that paralegals play. The challenge is in determining how involved paralegals will be in function, practice, and theory.

No paralegal can successfully function in the workplace without having some fundamental understanding of the content and process of lawyering. Because lawyering is heavily geared toward the theoretical and procedural, it follows that a paralegal must possess synonymous capacities. Certain theoretical content areas and technical insights that are applicable in both settings must be mastered.¹² Paralegals need to understand the law, its basis, and its applications.

As lawyers come to more extensively depend on these services, and paralegals lawfully assume a larger range of legal functions, the future of the paralegal profession will be very fruitful. The codependency between lawyers and paralegals may not be as pronounced in the future as it is now. The emergence of legal technicians and independent paralegals may foretell less reliance on one another in the future.

A Professional/Vocational Mix

Paralegalism is a blend of technical action dependent on an understanding of theoretical law. At one end of the spectrum, the paralegal should never be characterized as an errand person, paper pusher, or drone for a firm or agency. At the other extreme, the paralegal cannot be expected to engage in the legal decision making, analysis, and policy making that require specialized law school training. However, these two ends eventually converge, requiring an almost dual persona—the ability to accomplish technical tasks while simultaneously being aware of the reasoning

behind the application. Edward Wheat correlates the role of education in paralegal practice and theory because the profession so deeply needs systematic, lifelong learning.¹³

As in any profession, long-range career satisfaction is guided by internal and external growth opportunities. Given the dynamic nature of American law and jurisprudence, there are few reasons why paralegal functions and responsibilities cannot become more challenging in the future. Robert Ulrich, a member of the ABA's Standing Committee and a long-time advocate and scholar of paralegalism, insists that law firms, agencies, and other paralegal employers must take the initiative to ensure substantial personal and professional growth opportunities. He cites the following specific recommendations:

1. Have legal assistants participate in designing law practice systems and procedures.
2. Have attorneys learn to delegate more efficiently.
3. Hire temporary or part-time employees for routine clerical functions.
4. Assign jobs that require legal research and writing.
5. Use paralegals in law office management.
6. Provide opportunities for continuing educational opportunities and new work experience.
7. Use a team approach to meet objectives and make the paralegal a part of the team.
8. Encourage each legal assistant to form his or her own plan for growth and development.¹⁴

Solid educational programs, a professorate, and accredited institutional operations also help to forge a professional image. Before that image is solidified, however, the academic discipline of paralegal studies has a long way to go. Rod Hughes understands the need for educational evolution:

If there has been a profession in which educational standards vary, it's the legal assistant field. Depending on your region or locality, the criteria for experience and education—not to mention the title variations for paralegal positions—run the gamut. In a profession lacking solid enforcement of educational standards, those who have taken it upon themselves to pursue graduate-level education are understandably unique.¹⁵

Few could argue that national standards for educational preparation, let alone licensure and certification, are sorely missing in the field. Education is the key to future professionalism. The role of the AAFPE in standardizing education programs and insisting on measurable academic quality has been undeniable. The American Alliance of Paralegals Inc. has been just as zealous in its advocacy of educational preparedness. Education is fully integrated into the AAPI's Code of Ethics:

7. *A paralegal shall attain a high degree of competency through education, training, and experience.*
8. *A paralegal shall maintain a high degree of competency by engaging in continuing paralegal education on an annual basis.¹⁶*

In sum, how the profession develops largely depends on its members' sense of self-worth, their drive to evolve both intellectually and occupationally, and their ability to make the profession indispensable to those they serve.

CHARACTERISTICS OF PARALEGALS

Generic Traits

Successful paralegals possess varied personal and professional characteristics. Character traits, education, experience, geographic residency, and area of general knowledge or legal specialization all combine to create the paralegal persona. In small and midsize law firms, the skills that office supervisors have cited as most important for the paralegal to possess are these:

1. Organizational skills.
2. Communications skills.
3. Ability to evaluate and analyze.¹⁷

Clearly a paralegal must be first a human engineer, an individual who is able to track circumstances, events, conditions, people, and personalities. Also important are the abilities to handle personal interactions and to collect data and information. The National Association of Legal Assistants' (NALA) *Model Standards and Guidelines for the Utilization of Legal Assistants*¹⁸ cites the following functions as essential to paralegalism:

- Conduct client interviews and maintain general contact with the client, so long as the client is aware of the status and function of the legal assistant, and the legal assistant works under the supervision of the attorney.
- Locate and interview witnesses.
- Conduct investigations and statistical and documentary research.
- Conduct legal research.
- Draft legal documents, correspondence, and pleadings.
- Summarize depositions, interrogatories, and testimony.
- Attend executions of wills, real estate closings, depositions, court or administrative hearings, and trials with the attorney.
- Author and sign correspondence provided the legal assistant status is clearly indicated and the correspondence does not contain independent legal opinions or legal advice.

Professionally, a paralegal's time for substantive legal work (as opposed to clerical or administrative work) is billed to clients much like an attorney's time but at a lower hourly rate.¹⁹

Occupational Requirements

In the 2004 *Legal Assistant Profession: National Utilization and Compensation Survey Report*,²⁰ NALA surveyed a reliable sample of paralegal practitioners. The results illustrate a paralegal's functions during a typical career experience (see Figure 1.1).

FIGURE 1.1
Functions and Duties/
Frequencies

Source: NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 2004 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT, Table 2.16 (2004). Reprinted with permission of the National Association of Legal Assistants, www.nala.org, 1516 S. Boston, #200, Tulsa, OK 74119.

	Functions and Duties/Frequencies				Total Responses
	Number of Responses and % of Responses Shown				
	Rarely	Monthly	Weekly	Daily	
Assist at trial	79%	19%	2%	1%	743
Assist with client contact	15%	17%	25%	44%	1,096
Assist/attend mediations	67%	27%	6%	1%	528
Automation systems/computers	17%	12%	16%	56%	936
Calendar deadlines	10%	6%	21%	63%	1,079
Case management	4%	6%	18%	72%	1,036
Client/witness interviews	36%	24%	26%	14%	871
Court filings	21%	13%	33%	33%	950
Deposition summaries	60%	28%	10%	2%	730
Document analysis/summary	13%	19%	32%	36%	993
Draft correspondence	4%	5%	18%	74%	1,214
Draft pleadings, etc.	13%	11%	30%	46%	994
General factual research	7%	17%	37%	40%	1,134
Investigation	21%	23%	31%	26%	882
Law library maintenance	74%	16%	7%	4%	528
Legal research	33%	31%	25%	12%	996
Office matters	21%	14%	21%	44%	991
Personnel management	53%	13%	13%	22%	606
Prepare/attend depositions	50%	32%	16%	2%	672
Prepare/attend closings	65%	18%	9%	8%	509
Train employees	50%	25%	0%	13%	708
Other	29%	13%	13%	46%	320

FIGURE 1.2 Characteristics Desired of Prospective Law School Students, According to Law School Admissions Service

Source: LAW SCHOOL ADMISSIONS COUNCIL, LAW SCHOOL ADMISSION SERVICE, THE OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS PREPARING FOR LAW SCHOOLCORE SKILLS AND VALUES (2005) at <http://officialguide.lsac.org/docs/cgi-bin/home.asp>.

- | | |
|---|---|
| <ul style="list-style-type: none"> • Analytic/problem-solving skills • Critical reading abilities • Writing skills • Oral communication and listening abilities | <ul style="list-style-type: none"> • General research skills • Task organization and management skills • The values of serving others and promoting justice • General knowledge |
|---|---|

These results concur with the findings of previous studies. They indicate a pronounced dedication to

- Document analysis and preparation.
- Research.
- Pleadings and litigation.
- Client contact.
- Law office management.
- Office matters.
- Depositions.
- Real estate.
- Personal injury actions.
- Factual and legal investigations.²¹

Not surprisingly, the Law School Admissions Service, in its own independent studies of skills necessary for prospective law students, insists on similar characteristics, traits, and subject matter mastery (see Figure 1.2).

Paralegals are more than technocrats, and they need substantive preparation in critical thinking, critical reasoning, and wording. As noted earlier, educational preparation must mirror the demands of the occupation itself. The U.S. Government's 2006–2007 *Occupational Outlook Handbook* states,

One of a paralegal's most important tasks is helping lawyers prepare for closings, hearings, trials, and corporate meetings. Paralegals investigate the facts of cases and ensure that all relevant information is considered. They also identify appropriate laws, judicial decisions, legal articles, and other materials that are relevant to assigned cases. After they analyze and organize the information, paralegals may prepare written reports that attorneys use in determining how cases should be handled. Should attorneys decide to file lawsuits on behalf of clients, paralegals may help prepare the legal arguments, draft pleadings and motions to be filed with the court, obtain affidavits, and assist attorneys during trials. Paralegals also organize and track files of all important case documents and make them available and easily accessible to attorneys.

In addition to this preparatory work, paralegals perform a number of other vital functions. For example, they help draft contracts, mortgages, separation agreements, and instruments of trust. They also may assist in preparing tax returns and planning estates. Some paralegals coordinate the activities of other law office employees and maintain financial office records. Various additional tasks may differ, depending on the employer.²²

NALA further dissects work product and subject matter according to percentages of time. Paralegal duties, based on time spent on a given category of task, can be categorized as shown in Figure 1.3.

With this occupational responsibility and task range, paralegals have almost unlimited opportunities to grow professionally. An individual's perception of his or her occupational role will be gauged by the performance of certain tasks and duties. Paralegals are fortunate that the selection process affords varied opportunities. Indeed, the professionalization of paralegals is producing intelligent, skillful people who can find value, utility, and functional relevance in their professional experience.²³

FIGURE 1.3
Duties and Responsibilities in Order of Popularity
Average Ranking

Source: NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 2004 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT, Table 2.18 (2004). Reprinted with permission of the National Association of Legal Assistants, www.nala.org, 1516 S. Boston, #200, Tulsa, OK 74119.

Rank 2002 Survey	Duty and 2004 Rank	Average Estimate of Time
1	1. Draft correspondence	3.7
4	2. General factual research	3.1
2	3. Assist with client conference/client contact	3
5	4. Calendar deadlines	3.4
6	5. Case management	3.6
8	6. Legal research	2.2
5	7. Draft pleadings/document responses/discovery	3.1
7	8. Document analysis/summary	2.9
10	9. Office matters	2.9
9	10. Court filings	2.8
13	11. Automation systems/computerized support	3.1
12	12. Investigation	2.6
11	13. Client/witness interviews	2.2
14	14. Assist at trial	1.3
15	15. Deposition summaries	1.6
16	16. Training employees	1.5
17	17. Prepare for/attend depositions	1.7
18	18. Personnel management	2
20	19. Law library maintenance	1.4
21	20. Assist/attend mediations	1.4
19	21. Prepare for/attend closings	1.6
22	22. Other	2.8

Generalization or Specialization: An Ongoing Debate

A paralegal generalist engages in all aspects of paralegal practice—from real estate to labor law, and from mortgage foreclosure to pension law. A specialist refines and hones a single legal area. The issue of whether one method is better than another has caused much debate. Conceptually, the American Bar Association classifies certain practice areas as generalist—namely criminal law, litigation, and real estate.

In Figure 1.4, the following areas achieve the greatest occupational concentration: civil litigation, 45 percent; corporate, 29 percent; personal injury, 26 percent; and real estate, 23 percent. By inference, we can conclude that many generalize. NALA confirms that occupational specialization is uncommon, noting, “The data from this survey show that legal assistants do not specialize as many believe. We found that, as a group, few spend 100 percent of their time on litigation, probate, etc.”²⁴ Its 1990–1991 report confirmed this resistance to specialization on the part of paralegals: “In comparison with the 1988 study, we find consistent results and in many cases, the responses are identical. We are again finding a median value of three specialty areas.”²⁵ Those fields were litigation, personal injury, and real estate, with a secondary but less significant participation in corporate law and probate law. By 2004 the trend to generalized practice appeared entrenched. The most significant level of specialty occurs in litigation. See the NALA survey results in Figure 1.4.

The National Federation of Paralegal Associations (NFPA) has also weighed in on the specialist–generalist debate. According to the responses of more than 7,700 paralegals, the NFPA categorized specialty areas for paralegals (see Figure 1.5). The NFPA also determined that areas of specialization are often connected to levels of experience (see Figure 1.6).

In the International Paralegal Management Association’s 2004 *National Compensation Survey and Report of Findings*, fields of specialization for paralegals were identified (see Figure 1.7).

The generalist paralegal can help with real estate closings, prepare criminal defense pleadings, review and assess probate matters, and complete most other tasks delegated by an attorney. It is too early to tell whether the generalist paralegal will go the way of the generalist attorney. The complexities of legal practice will surely cause pressure to do so. The American Bar Association, in its report titled *Legal Assistant Programs: A Guide to Effective*

FIGURE 1.4 Specialty Area of Practice

Source: NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 2004 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT, Table 2.20 (2004). Reprinted with permission of the National Association of Legal Assistants, www.nala.org, 1516 S. Boston, #200, Tulsa, OK 74119.

Specialty Area	Number of Respondents	Percentage of Respondents				
	2004	2004	2002	2000	1997	1995
Civil litigation	648	45%	50%	51%	54%	51%
Corporate	421	29%	35%	33%	33%	22%
Personal injury	372	26%	32%	34%	37%	30%
Real estate	337	23%	29%	30%	32%	25%
Contracts	351	24%	28%	26%	27%	n/a
Probate/estates	263	18%	26%	26%	28%	20%
Trusts and estates	259	18%	24%	23%	n/a	n/a
Administrative/ government/public	273	19%	23%	25%	24%	9%
Family law	183	13%	21%	21%	24%	19%
Medical malpractice	232	16%	21%	21%	22%	13%
Bankruptcy	216	15%	20%	19%	20%	12%
Employment/labor law	239	17%	20%	20%	20%	n/a
Collections	188	13%	20%	n/a	n/a	n/a
Insurance	241	17%	19%	21%	24%	8%
Office management	245	17%	19%	21%	22%	15%
Product liability	185	13%	18%	n/a	n/a	n/a
Workers' compensation	166	12%	17%	17%	18%	11%
Banking/finance	152	11%	17%	14%	16%	6%
Intellectual property	170	12%	16%	15%	14%	n/a
Criminal	137	10%	16%	17%	17%	10%
Mergers and acquisitions	134	9%	14%	n/a	n/a	n/a
Tax	108	8%	13%	13%	14%	4%

FIGURE 1.5 Percentage of Paralegals with at Least 40 Percent of Their Time in a Specialty Area

Source: Lu Hangle, *National Survey Provides Insight into Specialty Areas*, 16 NATIONAL PARALEGAL REPORTER 16 (Summer 1992). Reprinted with permission from the National Federation of Paralegal Associations, Inc., P.O. Box 33108, Kansas City, MO 64114.

Administrative	4.8%
Asbestos	2.2%
Banking	1.6%
Bankruptcy	4.0%
Collections-foreclosure	3.2%
Contracts	1.8%
Corporate	8.3%
Criminal	1.4%
Environmental	2.1%
Employee benefits	1.5%
Insurance	4.2%
Labor	1.6%
Litigation (not elsewhere)	20.1%
Matrimonial	2.9%
Medical malpractice	2.3%
Patent/trademark	1.4%
Personal injury	8.5%
Product liability	2.2%
Real estate	8.2%
Securities	2.1%
Trusts, estate, probate	7.9%
Workers' compensation	2.1%

FIGURE 1.6 Specialty Area Breakdown

Sources: NFPA, A GUIDE TO QUALITY PARALEGAL EDUCATION <http://www.paralegals.org/displaycommon.cfm?an=1&subarticlenbr=116>. See also Lu Hangle, *National Survey Provides Insight into Specialty Areas*, 16 NATIONAL PARALEGAL REPORTER 16 (Summer 1992). Reprinted with permission from the National Federation of Paralegal Associations, Inc., P.O. Box 33108, Kansas City, MO 64114.

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|---|---|
| <ul style="list-style-type: none"> • Alternate dispute resolution (ADR) • Appellate practice • Asbestos litigation • Bankruptcy and debt collection • Business/corporate • Collections • Computer litigation • Construction • Contract administration • Criminal law • Domestic relations/family law • Employment benefits • Environmental law | <ul style="list-style-type: none"> • Foreclosure • Immigration • Intellectual property • Labor/employment • Litigation • Paralegal management/administration (related career) • Personal injury/medical malpractice/product liability • Probate and estate administration • Public benefits • Real property • Securities/municipal bonds • Tax • Workers' compensation |
|---|---|

Program Implementation and Maintenance, urges educational programs to foster a generalized approach:

*The generalist legal assistant is one who is trained in several (usually four or five) areas of the law. The generalist is better equipped to work for the small and medium-size firms whose members practice in many different legal areas.*²⁶

Other professional organizations have urged a similar philosophy. The American Association for Paralegal Education (AAFPE), the ABA Standing Committee on Legal Assistants, the Association of Legal Administrators (ALA), the International Paralegal Management Association (IPMA), the National Association of Legal Assistants (NALA), and the National Federation of Paralegal Associations Inc. (NFPA) have resolved this in part as follows:

In recognizing the accomplishments in the education of legal assistants and the utilization of legal assistants' services and acknowledging the commitment necessary to continue the development of

FIGURE 1.7 Fields of Paralegal Specialization

Sources: IPMA 2005 UTILIZATION SURVEY, available at http://www.zoomerang.com/reports/public_report.gi?ID=L229M2HH5D87. See also INTERNATIONAL LEGAL ASSISTANT MANAGEMENT ASSOCIATION, 1993 NATIONAL COMPENSATION SURVEY AND REPORT OF FINDINGS 10 (1993). Copyright 1993. Used with permission of the International Legal Assistant Management Association.

Please Indicate the Practice Areas in Your Organization in Which Paralegals Are Utilized. Check All That Apply.	Number of Responses	Response Ratio
Antitrust	31	46%
Bankruptcy	44	65%
Blue sky/securities	36	53%
Communications	13	19%
Corporate	54	79%
Criminal	12	18%
E-commerce	10	15%
Environmental	38	56%
Family law	6	9%
Immigration	22	32%
Insurance law	25	37%
Intellectual property	48	71%
International	25	37%
Labor/employment	34	50%
Litigation (i.e., product liability, mass tort, toxic tort, and general personal injury)	55	81%
Medical malpractice	13	19%
Real estate	47	69%
Regulatory practices	27	40%
Tax	25	37%
Trusts and estates	28	41%
Other—please specify	18	26%

FIGURE 1.8 National Average Salaries for Paralegals in the United States

Source: Data are from Salary.com (retrieved January 19, 2007).

Job Description	10th Percentile	25th Percentile	75th Percentile	90th Percentile
Paralegal I Associate's degree or its equivalent and 0–2 years of experience	\$30,863	\$36,337	\$49,343	\$55,710
Paralegal II Associate's degree or its equivalent and 2–5 years of experience	\$39,013	\$45,069	\$55,404	\$64,488
Paralegal III Bachelor's degree and 5–8 years of experience	\$42,742	\$48,660	\$62,486	\$69,157
Paralegal IV Bachelor's degree and at least 8 years of experience	\$49,942	\$57,454	\$76,183	\$85,722

the legal assistant profession as well as the well-educated, qualified integral part of the legal assistant's delivery team, we discussed the following:

II A. We agree the general education requirements in paralegal training serve to eliminate disparity in background that students bring to their training.

III A. We recognize that in the field of paralegal education, good general education is essential.²⁷

Critics of specialization emphasize that a generally educated person will perform more ably over the long haul. Although a specialist may feel comfortable in the short term, a specialist's opportunities to grow professionally are limited.

Compensation Levels

Although information about paralegal compensation varies significantly, paralegal salaries can extend anywhere from \$8,000 per year to as high as \$75,000 per year. NALA's 2006 survey on salaries can only be labeled positive. The results for 2005–2006 are charted in Figure 1.8. The U.S. Department of Labor paints a fairly positive picture of potential earnings in Figure 1.9.

Earnings of paralegals and legal assistants vary greatly. Salaries depend on education, training, experience, the type and size of employer, and geographic location. In general, paralegals who work for large law firms or in large metropolitan areas earn more than those who work for smaller firms or in less populated regions. In addition to earning a salary, many paralegals receive bonuses. In May 2004, full-time wage and salary paralegals and legal assistants had median annual earnings, including bonuses, of \$39,130. The middle 50 percent earned between \$31,040 and \$49,950. The top 10 percent earned more than \$61,390, while the bottom 10 percent earned less than \$25,360. Median annual earnings in the industries employing the largest numbers of paralegals in May 2004 were as shown.

It can reasonably be assumed that the predominant starting salary for paralegals ranges from the teens to the low thirties, depending on geographic location, education, and personal skills. Of critical importance in determining salary scale and structure is the size of the law firm. Predictably, larger firms pay higher salaries than smaller ones.

FIGURE 1.9 Potential Earnings of Paralegals

Source: BUREAU OF LABOR STATISTICS, U.S. DEPARTMENT OF LABOR, OCCUPATIONAL OUTLOOK HANDBOOK, 2006–2007 EDITION, *Paralegals and Legal Assistants*, on the Internet at <http://www.bls.gov/oco/ocos114.htm> (visited April 3, 2006).

Federal government	\$59,370
Local government	\$38,260
Legal services	\$37,870
State government	\$34,910

FIGURE 1.10 Paralegal Income Tracking

Sources: 2003 PARALEGAL COMPENSATION AND BENEFITS REPORT, EXECUTIVE SUMMARY, available at <http://www.paralegals.org/displaycommon.cfm?an=1&subarticlenbr=111>. See also Lu Hangle, *National Survey Provides Insight into Specialty Areas*, 16 NATIONAL PARALEGAL REPORTER 16 (Summer 1992). Reprinted by permission from the National Federation of Paralegal Associations, Inc. www.paralegals.org

		Percentage or Average of Population with Characteristic					
Characteristic	Average Response	2003	2001	1999	1997	1995	1993
Gender	Female	90.64%	91%	91%	92%	94%	93%
Race	Caucasian	78.57%	88%	88%	91%	95%	94%
Age	Average	40	39	38	38	38	37
Education—college	Bachelor	54.47%	49%	53%	53%	54%	55%
Education—paralegal	Paralegal studies	69.59%	84%	83%	67%	85%	n/a
	ABA-approved			64%	85%	64%	n/a
Employer type	Law firm	69.10%	74%	70%	71%	71%	71%
Time employed	Average	7–10	7–10	7–10	7–10	7–10	3–10
Billing rate	\$81–90/hour	46%	41%	53%	66%	74%	75%
Salary	Average	\$44,337	\$41,742	\$38,085	\$34,514	\$32,875	\$31,021
Bonus	Average bonus	\$2,165	\$2,468	\$2,225	\$2,094	\$1,869	\$1,620
Benefits	Percent receiving a bonus	60%	65%	64%	64%	63%	68%
	Vacation	84%	87%	85%	90%		
	Paid sick leave	68%	73%	74%	78%		
	Life insurance	65%	68%	65%	68%		
	Fully paid medical insurance	40%	43%	50%	52%		
	Pension or retirement plan	40%	39%	40%	45%		
	Savings plan (401(k) type)	67%	71%	65%	65%		

The NFPA study weighed paralegal income longitudinally, and the results show a continuing climb for the better (see Figure 1.10).

Once beyond entry-level positions, paralegal salaries tend to rise. The results of a salary survey conducted by the International Paralegal Assistant Management Association (IPAMA) corroborate this finding.²⁸

Naturally, paralegals with greater responsibility—in terms of both task expectations and the management of people—command higher salaries. In addition, compensation levels for paralegals frequently are measured by region or locale, firm size, or degree of experience in the field. Identifiable distinctions between salary levels exist in various parts of the country and different metropolitan areas (see the NALA findings in Figure 1.11). Compensation rates will vary based on the size of firm and existing employees. Like other support staff, paralegals have a pecking order—see the NALA data in Figure 1.12.

FIGURE 1.11 Annual Salary and Compensation by Region

Source: NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 2004 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT, Table 4.11 (2004). Reprinted with permission of the National Association of Legal Assistants, www.nala.org, 1516 S. Boston, #200, Tulsa, OK 74119.

Region	2004 Average Salary	2004 Average Compensation	2004 Responses	2002 Average Salary	2002 Average Compensation
Region 1: New England/East	\$49,305	\$51,479	44	\$43,045	\$46,268
Region 2: Great Lakes	\$42,266	\$44,415	89	\$39,365	\$41,500
Region 3: Plains States	\$40,565	\$42,694	128	\$36,344	\$38,333
Region 4: Southeast	\$43,168	\$45,460	527	\$39,644	\$42,429
Region 5: Southwest	\$45,194	\$47,709	274	\$40,803	\$44,306
Region 6: Rocky Mountains	\$40,558	\$43,609	72	\$34,863	\$37,667
Region 7: Far West	\$51,993	\$55,760	150	\$50,379	\$55,068

FIGURE 1.12
Annual Salary and Compensation by Number of Attorneys

Source: NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 2004 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT, Table 4.13 (2004). Reprinted with permission of the National Association of Legal Assistants, www.nala.org, 1516 S. Boston, #200, Tulsa, OK 74119.

	2004	2004 Average	2004	2002	2002 Average
Number of Attorneys	Average Salary	Compensation	Responses	Average Salary	Compensation
Sole	\$42,452	\$45,569	189	\$36,401	\$38,818
2–5	\$43,378	\$45,893	396	\$38,200	\$40,749
6–10	\$43,168	\$45,092	220	\$39,988	\$42,858
11–15	\$43,631	\$45,366	132	\$41,441	\$44,906
16–20	\$45,202	\$47,088	56	\$42,178	\$44,267
21–25	\$47,044	\$48,713	51	\$42,119	\$45,398
25–30	\$51,724	\$54,247	40		
31–35	\$42,015	\$44,941	30	\$43,426	\$46,065
36–40	\$42,133	\$44,013	20	\$42,787	\$45,901
41–45	\$59,250	\$61,684	13	\$40,936	\$43,472
46–50	\$43,907	\$45,632	15	\$44,255	\$47,433
51–55	\$44,723	\$46,071	8	\$41,752	\$45,149
56–60	\$48,743	\$52,914	7	\$46,071	\$49,975
61–65	\$48,833	\$50,167	3	\$42,920	\$44,418

Educational Levels

On-the-Job Training

Before proprietary and collegiate programs, paralegals were informally educated or trained through experience by performing various legal functions. The American Bar Association (ABA) definition of a legal assistant supports this by stating, “A legal assistant is a person, qualified through education, training, or *work experience* [emphasis added].”²⁹ The ABA’s 1978 report, *Legal Assistant Education and Utilization*, acknowledged,

*A great deal of the training of legal assistants is conducted in nonformal settings such as inhouse educational programs, clinics, or continuing education programs sponsored by bar associations, legal assistant associations, or CLE units of educational institutions.*³⁰

NALA’s 2004 survey reported on the level of educational opportunity provided by industries, law firms, and corporate entities, revealing the provisions generally made for formal in-house training. The results are illustrated in Figure 1.13. These statistics indicate that law firms and corporations need to become more involved in the education of paralegals.

Continuing education plays an undeniable role in paralegal development and growth. John Reinard’s article “Paralegal Career Advancement” advocates the in-house approach by urging

FIGURE 1.13
Participation in Continuing Education

Source: NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 2004 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT, Table 2.27 (2004). Reprinted with permission of the National Association of Legal Assistants, www.nala.org, 1516 S. Boston, #200, Tulsa, OK 74119.

Tools and Techniques for Professional Growth General Findings		
Which Tools and Techniques Have You Utilized for Professional Growth?		
Responses	Frequency	Percentage
Attend continuing legal education seminars	1,152	89%
Ask/seek more complex work in your practice area	797	62%
Seek the CLA, CLA specialist, or state certification	708	55%
Become involved in your professional association	663	51%
Change practice areas	492	38%
Switch work environments (such as move from large to small firm)	416	32%
Attend work-related courses at community colleges or online	386	30%
Serve as a speaker at continuing legal education seminars	254	20%
Develop freelance opportunities	133	10%
Write educational article for a law-related publication	100	8%

firms and agencies to deliver education and training. Targets should include skills and competencies that benefit the paralegal and the firm, and seminars should be created to use job experiences as learning resources so that relevance of content is enhanced.³¹ In-house training is the obligation of the firm and the supervising attorney. According to Thomas J. Calvocoressi and Ronald A. Villanova, a continuing education program for the midsize to large firm or corporate law department “should prepare paralegals to render competent service” and “be an integrated part of the firm’s operations.”³²

Certification and Licensure

The question of certification is continuously contested. Having a *certificate* in paralegal studies is not the same thing as being *certified*. Certification implies not only a level of educational preparedness but also successful absorption of content areas relevant in the life of a paralegal. The professional associations, namely NALA, NALS, AAFPE, and the NFPA, administer certification programs. Independently, or with the support of the employer, paralegals should seek all relevant certifications. If the paralegal profession has accomplished anything, it is diversity of certifications and exams. A summary of each follows.

1. PACE: PACE (Paralegal Advanced Competency Exam), offered by the National Federation of Paralegal Associations (NFPA), tests general and specialized practice areas. As noted by NFPA,

The Paralegal Advanced Competency Exam (PACE) is offered by the National Federation of Paralegal Associations Inc. (NFPA) to test the competency level of experienced paralegals.

Exam for experienced paralegals—PACE is offered to paralegals who have a minimum of two years’ experience and meet specific educational requirements. PACE is designed for professional paralegals who want to pioneer the expansion of paralegal roles for the future of the profession, not to restrict entry into the profession.

Two-tier exam—Each tier addresses different areas. Tier I addresses general legal issues and ethics. As the need arises, a section for state-specific laws may also be developed. Tier II addresses specialty sections.

Fair and independent—PACE has been developed by a professional testing firm, assisted by an independent task force including paralegals, lawyers, paralegal educators, and content specialists from the general public who are legal advocates. Ongoing administration will be handled by PES.

Voluntary—Paralegals will have the option to sit for the exam at more than 200 Sylvan Technology Centers. As activities and proposals for regulation of the profession increase, all paralegals will be encouraged to take the exam.

Credential maintenance—To maintain the PACE RP credential, paralegals are required to obtain 12 hours of continuing legal education, including at least one hour in ethics, every two years.

2. CLA: NALA offers the Certified Legal Assistant (CLA) examination. Long in the forefront of educational certification, NALA delivers a meaningful measure of paralegal competency.

To be eligible for the CLA examination, a legal assistant must meet one of the following alternate requirements:

- a. *Graduation from a legal assistant program that is one of the following:*
 - *Approved by the American Bar Association.*
 - *An associate degree program.*
 - *A postbaccalaureate certificate program in legal assistant studies.*
 - *A bachelor’s degree program in legal assistant studies.*
 - *A legal assistant program that consists of a minimum of 60 semester hours (900 clock hours or 90 quarter hours) of which at least 15 semester hours (225 clock hours or 22.5 quarter hours) are substantive legal courses.*
- b. *A bachelor’s degree in any field plus one year’s experience as a legal assistant. Successful completion of at least 15 semester hours (or 22.5 quarter hours or 225 clock hours) of substantive legal assistant courses will be considered equivalent to one year’s experience as a legal assistant.*

- c. *A high school diploma or equivalent plus seven (7) years' experience as a legal assistant under the supervision of a member of the bar, plus evidence of a minimum of twenty (20) hours of continuing legal education credit to have been completed within a two (2) year period prior to the examination date.*

3. ALS, PLS, and PP: Three certifications are offered by the National Association of Legal Specialists (NALS). The certifications differ based on subject matter, education, and experience. NALS highlights the certifications in this way:

NALS offers members and nonmembers the opportunity to sit for three unique certifications dedicated to the legal services profession. The exams are of varying levels and are developed by professionals in the industry. ALS . . . the basic certification for legal professionals and PLS . . . the advanced certification for legal professionals are two certifications dedicated to legal professionals of all types. The third certification is dedicated to those professionals performing paralegal duties. The Professional Paralegal (PP) certification was developed by paralegals for paralegals. Each of the three certifications is developed by NALS and takes advantage of the more than 75 years of experience and dedication to the legal services industry only NALS has to offer.

As for licensure, the regulatory process has been slow to come on board. Some states are silent on the profession, whereas others are increasingly getting involved. Review the chart in Figure 1.14 for a summary.

Proprietary/Vocational/Technical Education

For some time, proprietary institutions of higher education provided the force behind academic development in the paralegal profession. Four-year colleges and universities are now becoming involved in the growth of the profession, although such support has been slow. Institutions like the American Institute for Paralegal Studies (AIPS),³³ founded in 1977, have given nontraditional students throughout the United States an opportunity to pursue this career track. The Institute for Paralegal Training (IPT) also has been an active participant in the development of the profession.

Currently over 500 institutions of higher learning in the proprietary sector provide paralegal study opportunities. Lists of institutions providing paralegal education are available from the American Association for Paralegal Education (AAFPE), Legal Assistant Today Inc., and the American Bar Association.³⁴

Proprietary institutions may take a generalist or specialist approach; but because their programs are shorter than traditional education programs, less attention tends to be paid to liberal arts curricula and more attention given to a vocational orientation. Preparation for life and its occupational challenges is not an insignificant task.³⁵ An enormous debt is owed to the proprietary sector for its aggressive involvement in the development of the paralegal profession.

Colleges and Universities

In its 1978 status report on legal assistant education and utilization, the American Bar Association cited 150 colleges and universities that have received their approval.³⁶ Today most recent estimates hold that there are over 700 paralegal schools.³⁷ To assure high-quality education programs, the ABA's Approval Commission offers on-site visitation and team analysis and approval of paralegal training programs. The ABA solicits participation of practicing paralegals to be part of on-site team reviews.

The American Association of Paralegal Education has established four broad classifications of college and university membership:

1. Public community or junior colleges.
2. Public colleges or universities offering baccalaureate degrees or higher.
3. Nonprofit colleges or universities.
4. Proprietary schools.

However, some organizations (such as nonprofit institutes, vocational schools, and comprehensive technical institutes) do not fit neatly into these categories.³⁸ In general, paralegals are a

FIGURE 1.14 Summary of State Licensure Requirements

Source: As seen in the March/April 2006 issue of Legal Assistant Today. Copyright 2007 James Publishing, Inc. Reprinted courtesy of Legal Assistant Today magazine. For subscription information call (800) 394-2626, or visit www.legalassistanttoday.com.

Alabama	Alabama Code Section 6-5-572 includes legal assistants and paralegals in its definition of a <i>legal service provider</i> , which is anyone “engaged in the practice of law.” (www.legislature.state.al.us/codeofalabama/1975/coatoc.htm)
Alaska	Alaska Rule of Professional Conduct 5.3 doesn’t define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (www.state.ak.us/courts/prof.htm#5.3)
Arizona	Effective July 1, 2003, anyone preparing legal paperwork without an attorney’s supervision must be certified as a legal document preparer pursuant to the Arizona Code of Judicial Administration Section 7-208. Legal document preparers can provide general legal information but can’t give legal advice. Paralegals can receive a legal document preparer’s certification if they already have earned a paralegal certificate from an ABA-approved program or a non-ABA-approved, accredited institution with a minimum of 24 completed semester units in legal specialization courses. (www.supreme.state.az.us/orders/admcode/pdfcurrentcode/7-208%20section2.pdf)
Arkansas	Arkansas Rule of Professional Conduct 5.3 doesn’t define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (http://courts.state.ar.us/rules/profcond5.html)
California	Signed into law in 2000 and effective in 2001, the California Business and Professions Code Section 6450–6456 defines a <i>paralegal</i> as someone who is qualified by education, training, or work experience and performs substantial legal work under the supervision of an active member of the state bar. The code also defines a paralegal’s duties, states minimum educational standards and continuing legal education requirements, and sets fines and jail time for anyone who violates the law. For more information, go to www.leginfo.ca.gov . Also, the voluntary California Advanced Specialty certification program was created in 1994 through an agreement between the National Association of Legal Assistants and the California Alliance of Paralegal Associations. It’s suspended until late 2006, when it will return as a Web-based program.
Colorado	Colorado Rule of Professional Conduct 5.3 doesn’t define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (www.coloradosupremecourt.com/regulation/Rules/appendix20/statdspp0b99.html)
Connecticut	Connecticut Rule of Professional Conduct 5.3 doesn’t define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (www.jud.ct.gov/Publications/PracticeBook/PB1.pdf)
Delaware	Although the state doesn’t regulate paralegals, the Delaware Paralegal Association in 2005 approved voluntary certification, which establishes minimum educational standards. Certified members must follow the DPA’s ethics code and renew certification status every two years. (www.deparalegals.org/dcpp.php)
Florida	At press time, the Florida Bar Board of Governors opposed two bills to license paralegals, saying more study is needed. Rep. Juan Zapata, R-Miami, filed House Bill 395 after his previous legislation died in committee in 2005. The bill aims to establish the Paralegal Professional Act, which would set educational requirements, an ethics code, and other rules. It and a companion senate bill will be discussed during legislative sessions in March. A state bar special committee also will meet in March to discuss regulation options. In 1980, the Paralegal Association of Florida Inc. established the voluntary Certified Florida Legal Assistant program and began administering the CFLA exam in 1983.
Georgia	There are no regulation activities reported.
Hawaii	In 2001 the Hawaii State Bar Association rejected a mandatory paralegal certification proposal by its Task Force on Paralegal Certification. The proposal attempted to impose a degree of regulation on paralegal use and would have required certification of legal assistants in the state. The next year, the state supreme court also declined to approve paralegal certification. There are no new regulation activities reported.
Idaho	Idaho Rule of Professional Conduct 5.3 doesn’t define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (http://www2.state.id.us/isb/pdf/irpc.pdf)

FIGURE 1.14 (continued)

Illinois	In 2005 two state initiatives to monitor nonattorney legal service providers failed. Illinois statutes define a <i>paralegal</i> as “a person who is qualified through education, training, or work experience, and is employed by a lawyer, law office, governmental agency, or other entity to work under the direction of an attorney in a capacity that involves the performance of substantive legal work that usually requires a sufficient knowledge of legal concepts and would be performed by the attorney in the absence of the paralegal.” (www.ilga.gov/legislation/ilcs/ilcs2.asp?chapterid=2 under “Statute on Statutes”)
Indiana	After more than two years, an Indiana supreme court committee will accept comments through April 3 on its planned voluntary paralegal registration before submitting the proposal to the supreme court. The proposal defines <i>paralegals</i> , establishes educational requirements, and bans disbarred attorneys, felons, and those convicted of UPL from registering.
Iowa	Iowa Rule of Professional Conduct 32:5.3 doesn’t define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (www.legis.state.ia.us/rules/current/court/courtrules.pdf)
Kansas	Kansas Supreme Court Rule 5.3 doesn’t define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (http://www.kscourts.org/ctruls/rule5.htm#5.3)
Kentucky	Reportedly the first to address paralegal utilization, the Kentucky supreme court in 1979 established Rule 3.700, which defines a paralegal, prohibits UPL, and includes other rules such as allowing a paralegal’s name on attorney letterhead as long as the “paralegal’s status is clearly indicated.” Also, the Kentucky Paralegal Association currently is developing a statewide voluntary paralegal certification exam and study guide. (http://kybar.org/documents/scr/scr3/scr_3.700.pdf)
Louisiana	The Louisiana State Paralegal Association established a voluntary certification exam in 1996 to set professional standards and promote recognition of the profession. (www.la-paralegals.org)
Maine	In 1999 the governor signed into law a bill that includes a definition of a <i>legal assistant</i> and <i>paralegal</i> , based on the ABA definition. Violators of this law are subject to a fine of up to \$1,000. (http://janus.state.me.us/legis/statutes/4/title4sec921.html)
Maryland	In 2005 the state’s Rules Committee submitted to the Maryland Court of Appeals amendments to Rule 5.3 to allow disbarred, suspended, or inactive attorneys to work as paralegals under certain circumstances, such as working in an office under the supervision of a full-time lawyer who has been in good standing with the state bar for at least five years. (www.courts.state.md.us/rules/ruleschanges.html#rule16760)
Massachusetts	Amended in 2002, Massachusetts Rule of Professional Conduct 5.3 doesn’t define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (www.mass.gov/obcbbbo/rpc5.htm)
Michigan	Michigan Rule of Professional Conduct 5.3 doesn’t define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (www.michbar.org/generalinfo/pdfs/mrpc.pdf)
Minnesota	In 1994 the Minnesota legislature appointed a special committee to consider paralegal licensure procedures, but the regulation movement never progressed. There are no new regulation activities reported.
Mississippi	Effective in 1987, Mississippi Rule of Professional Conduct 5.3 doesn’t define <i>paralegals</i> but states that lawyers must directly supervise their assistants and are responsible for their assistants’ conduct. (www.mslawyer.com/mssc/profcond.html)
Missouri	Adopted in 1993 and effective in 1995, Missouri Supreme Court Rule 4-5.3 includes <i>paraprofessionals</i> in its definition of <i>nonlawyer assistants</i> . Attorneys must directly supervise their assistants and are responsible for their assistants’ conduct, according to the rule. (www.courts.mo.gov/courts/clerkhandbooksp2rulesonly.nsf/supreme%20court%20rules?openview)
Montana	Amended in 2001, Montana Code Section 37-60-101 defines a <i>paralegal</i> or <i>legal assistant</i> as a person, qualified through education, training, or work experience, who performs

FIGURE 1.14 (continued)

	substantive legal work while employed or retained by a lawyer, firm, or other entities. (http://data.opi.state.mt.us/bills/mca/37/60/37-60-101.htm)
Nebraska	Effective September 2005, the Nebraska Rules of Professional Conduct Rule 5.3 defines <i>support person</i> and <i>paraprofessionals</i> in its definition of <i>nonlawyer assistants</i> . The rule states attorneys must supervise their assistants and are responsible for their assistants' conduct. (http://court.nol.org/rules/RulesProfConduct.34.pdf)
Nevada	Effective in 1986, Nevada Supreme Court Rule 187 doesn't define <i>paralegals</i> but states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (http://www.leg.state.nv.us/courtrules/scr.html)
New Hampshire	The New Hampshire Supreme Court Administrative Rule 35 defines a <i>paralegal</i> as a person not admitted to the practice of law in the state who is under the direct supervision of an active member of the New Hampshire State Bar. (www.courts.state.nh.us/rules/scr/scr-35.htm)
New Jersey	In 1999 the New Jersey supreme court denied a proposal from its special committee calling for the mandatory licensing of paralegals, but encouraged the local associations to look into the development of a credentialing system. The New Jersey State Bar Association Committee on Paralegals currently is working on a registration system for paralegals. Previous attempts to register paralegals have stalled.
New Mexico	The state supreme court in January 2004 amended its rules to include a new definition stating that paralegals are highly trained support staff who engage in substantive legal work. The amendments also establish minimum standards for calling oneself a <i>paralegal</i> and discourage using the title <i>paralegal</i> by those not qualified and by attorneys disbarred or suspended from practicing law. (www.nmlaws.org)
New York	No regulation activities are reported.
North Carolina	The supreme court of North Carolina approved the voluntary certification of paralegals in October 2004. The North Carolina State Bar Board of Paralegal Certification began accepting applications on July 1, 2005. To qualify, paralegals must fulfill educational and work experience requirements. (www.nccertifiedparalegal.org)
North Dakota	Both the North Dakota Century Code and the North Dakota Rules of Professional Conduct have rules defining a <i>legal assistant</i> as someone who works under the direct supervision of a licensed lawyer and whose work product is the complete responsibility of the attorney. (www.ndcourts.com/court/rules/conduct/rule5.3.htm)
Ohio	The state's five paralegal associations are helping the Ohio State Bar Association's Paralegal Committee formulate a proposal for a voluntary certification program, according to the Paralegal Association of Northwest Ohio. No timetable has been set.
Oklahoma	In the 1994 <i>Taylor v. Chubb</i> case, the Oklahoma supreme court ruled that charges for legal assistants should be included by courts in attorney fee award decisions. The court's paralegal definition is based on the one established by the ABA and lists paralegal duties such as interviewing clients, drafting pleadings, and performing legal research.
Oregon	No regulation activities are reported.
Pennsylvania	Pennsylvania Consolidated Statutes Section 2524(a) of Title 42 states that paralegals and legal assistants can't deliver legal services without attorney supervision and can't present themselves as people entitled to practice law. The law was passed in 1996 in response to widespread concern that it was misleading to potential clients for people using the terms <i>paralegal</i> and <i>legal assistant</i> in ads.
Rhode Island	Rhode Island Supreme Court Provisional Order No. 18 was established in 1983 and defines a <i>legal assistant</i> as "one who under the supervision of a lawyer, shall apply knowledge of the law and legal procedures in rendering direct assistance to lawyers, clients and courts; design, develop, and modify procedures, techniques, services, and processes; prepare and interpret legal documents; detail procedures for practicing in certain fields of law; research, select, access, and compile information from the law library and other references; and analyze and handle procedural problems that involve independent decisions." For more information, call the supreme court clerk's office at (401) 222-3272.
South Carolina	Rule 5.3 of the Supreme Court of South Carolina Rules of Conduct doesn't define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (www.judicial.state.sc.us/courtreg/listapprules.cfm)

FIGURE 1.14 (concluded)

South Dakota	The Legal Assistants Committee of the State Bar of South Dakota is lobbying to replace the term <i>legal assistant</i> with <i>paralegal</i> in state statutes and to tighten the qualifications on who can be called a paralegal. South Dakota Supreme Court Rule 97-25 defines <i>legal assistants</i> as a distinguishable group that assists attorneys and has expertise regarding the legal system, substantive and procedural law, the ethical considerations of the legal profession, and state rules, which qualify them to do work of a legal nature under the direct supervision of a licensed attorney. (http://legis.state.sd.us/statutes/displaystatute.aspx?type=statute&statute=16-18-34)
Tennessee	According to Tennessee Supreme Court Rule 5.3, effective in 1981, a lawyer should give <i>nonlawyer assistants</i> and <i>paraprofessionals</i> appropriate instruction and supervision "concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product." (www.tsc.state.tn.us/opinions/tsc/rules/tnrulesofcourt/06supct1_9.htm)
Texas	Established in 1974 by the state supreme court, the Texas Board of Legal Specialization offers voluntary specialty certification for attorneys and legal assistants. Legal assistants can become certified in six different specialty areas of law, each requiring an exam and a minimum amount of experience, education, and CLE. (www.tbls.org)
Utah	Amended in March 2005, the Utah Supreme Court Rule of Professional Conduct 5.3 states that paralegals work under the ultimate supervision of attorneys, who are responsible for their paralegals' work product and must give appropriate instruction concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client. (www.utcourts.gov/resources/rules/ucja/13_proco/5_3.htm)
Vermont	Vermont Rule of Professional Conduct 5.3 doesn't define <i>paralegals</i> but states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (www.vermontjudiciary.org/committees/prbrules/vtpcfhomepage.htm)
Virginia	Amended in 2004, Virginia Supreme Court Rule 5.3 doesn't define <i>paralegals</i> but states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (www.courts.state.va.us/scv/amendments/rule3_5_rule5_3_092603.pdf)
Washington	In December 2005 the Washington State Practice of Law Board drafted a regulation proposal, which the bar's board of governors will consider in early 2006. If the board approves the draft, it will be submitted to the state supreme court for consideration. The proposal includes a definition, certification, and educational requirements. (www.wsba.org/lawyers/groups/practiceoflaw/default.htm)
West Virginia	West Virginia Professional Conduct Rule 5.3 states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (www.wvbar.org/barinfo/rulesprofconduct/rules5.htm)
Wisconsin	The Wisconsin State Bar's Paralegal Practice Task Force petitioned the state supreme court in 2004 to regulate paralegals and is awaiting a decision or additional hearing. The proposal includes a definition of a <i>paralegal</i> , educational requirements, and an ethics policy. (www.wisbar.org/committees/ptf/definitions.html)
Wyoming	Wyoming Rule of Professional Conduct 5.3 doesn't define <i>paralegals</i> but considers <i>paraprofessionals</i> as nonlawyer assistants. The rule states that lawyers must directly supervise their assistants and are responsible for their assistants' conduct. (http://courts.state.wy.us/rules/professional conduct for attorneys.html)

well-educated population. Figure 1.15 is a graphic composition of educational backgrounds of practicing paralegals who responded to the 2004 NALA survey.

Given the high achievement level of paralegals, education will be critical during the job search. Nancy Murphy, a Detroit paralegal, views education as the key to success:

Because of today's economic climate, employers should be extremely selective. A bachelor's or associate's degree shows a prospective employer that you are both disciplined and dedicated. More often than not a candidate with a degree will be given first consideration in the selection process.³⁹

FIGURE 1.15 General Educational Degree Attained 1988 through 2004 (Percentages of the population)

Source: NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 2004 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT, Table 1.6 (2004). Reprinted with permission of the National Association of Legal Assistants, www.nala.org, 1516 S. Boston, #200, Tulsa, OK 74119.

Response	2004	2002	2000	1997	1995	1993	1991	1988
High school diploma	18%	21%	27%	29%	31%	33%	32%	30%
Associate's degree	33%	33%	28%	26%	26%	22%	27%	36%
Bachelor's degree	44%	41%	40%	41%	40%	40%	38%	31%
Master's degree	5%	4%	4%	4%	4%	3%	3%	3%
Doctorate	1%	1%	—	—	—	—	—	—

OCCUPATIONAL OPPORTUNITIES

Opportunities in the paralegal sector are ample. The 2006–2007 data indicate a profession that will grow faster than average. Jobs at the federal level, such as the posting at Figure 1.16, are quite common.

To find a professional position, a paralegal should take some of the following steps:

1. Establish contact with the right people.
2. Scrutinize job advertisements.
3. Locate appropriate professional associations and groups.
4. Consider private employment agencies.
5. Consult reference book listings of law firms and corporations.
6. Review government civil service bulletins.
7. Make telephone inquiries.⁴⁰

Paralegal job opportunities exist on both public and private fronts. Career opportunities are not exclusive to the law firm. Paralegals work in almost every institution, including prisons,

FIGURE 1.16 Paralegal Specialist Job Listing

Source: Please visit www.usajobs.com for current listings of government employment opportunities.

Paralegal Specialist	
SALARY RANGE: 40,190.00–99,111.00 USD per year	OPEN PERIOD: Monday, March 27, 2006 to Monday, April 3, 2006
SERIES & GRADE: CU-0950-09/12	POSITION INFORMATION: Career/Career–Conditional Permanent
PROMOTION POTENTIAL: 12	DUTY LOCATIONS: 1 vacancy—Alexandria, VA
WHO MAY BE CONSIDERED: All U.S. Citizens	
JOB SUMMARY:	
The National Credit Union Administration (NCUA) is the federal agency that charters and supervises federal credit unions and insures savings in federal and most state-chartered credit unions across the country through the National Credit Union Share Insurance Fund (NCUSIF), a federal fund backed by the full faith and credit of the United States government.	
The position is located in the Office of the General Counsel (OGC) at the National Credit Union Administration (NCUA). The incumbent provides paralegal and technical support to the general counsel, associate general counsel, and staff of OGC.	
KEY REQUIREMENTS:	
<ul style="list-style-type: none"> • You must be a U.S. citizen. • All federal payments must be directly deposited to a financial institution. • You must successfully complete a background/security investigation. • Relocation costs will not be authorized. • A one-year probationary period is required. 	

FIGURE 1.17 Qualification Chart for Federal Service Positions

Source: U.S. Office of Personnel Management, "Qualification Standards for General Schedule Provisions." On the Internet at: <http://www.opm.gov/qualifications/SEC-IV/A/gs-admin.asp> (retrieved January 19, 2007).

Grade	Education or Experience	General	Specialized
GS-5	4-year course of study above high school leading to a bachelor's degree	3 years, 1 year of which was at least equivalent to GS-4	None
GS-7	1 full academic year of graduate-level education or law school or superior academic achievement	None	1 year at least equivalent to GS-5
GS-9	2 full academic years of graduate-level education or a master's or equivalent graduate degree or LL.B. or J.D.	None	1 year at least equivalent to GS-7
GS-11	3 full academic years of graduate-level education or a Ph.D. or equivalent doctoral degree	None	1 year at least equivalent to GS-9
GS-12 and above	None	None	1 year at least equivalent to next lower grade level

Equivalent combinations of education and experience are qualifying for all grade levels for which both education and experience are acceptable.

hospitals, neighborhood centers, nursing homes, real estate development companies, title companies, legal aid and legal service offices, state governments, the federal government, the military, accounting firms, banks, construction companies, entertainment facilities, high-technology companies, publishing companies, professional associations, oil and gas companies, recruiting agencies, and numerous other organizations. Government agencies and paralegal associations can help the job-hunting paralegal.

Government Employment Opportunities

Paralegals are employed at all levels of government. On the local, state, and federal levels there are numerous opportunities for paralegals. Federally, positions are graded by specialty and are classified according to a general schedule, abbreviated as GS-1 through GS-15. Shelley Widoff, a paralegal, has developed a qualification chart for federal service positions (see Figure 1.17).

A greater variety of positions and higher salaries have encouraged more paralegals to work in government service. General information about paralegal careers in federal service can be obtained from the U.S. Office of Personnel Management, Room 5245, 1600 E. Street NW, Washington, DC 20415.

State Civil Service Opportunities

State civil service opportunities are equally extensive. Most states have official definitions of paralegal/legal assistant job descriptions. Government agencies that have positions within their bureaucratic structures include some of those outlined in Figure 1.18.

Civil service opportunities exist within all areas of state and local government. The secretaries of state, divisions of business and corporations, offices of the attorneys general, offices of district attorneys and public defenders, and offices of taxation, estates, and trusts all provide related occupational opportunities. However, because of the newness of the profession, career opportunities may not use the term *paralegal*. Melanie Baker and Thomas Eimermann conducted a study suggesting that the difficulty in breaking into the state civil service network is related to (a) the fact that many positions have not been properly identified, (b) the recent budget crisis, and (c) the bureaucratic process itself, which has prevented the funding of positions for which needs have been recognized.⁴¹

FIGURE 1.18 State Government Agencies

<p>ALABAMA Personnel Dept. Montgomery, AL 36130</p> <p>ALASKA Dept. of Administration Div. of Personnel Pouch C-0201 Juneau, AK 99811</p> <p>ARIZONA Dept. of Administration Personnel Division 1831 West Jefferson Phoenix, AZ 85007</p> <p>ARKANSAS Dept. of Finance & Admin. Office of Personnel Mgmt. P.O. Box 3278 Little Rock, AR 72203</p> <p>CALIFORNIA State Personnel Bldg. 801 Capital Mall Sacramento, CA 95814</p> <p>COLORADO Dept. of Personnel State Continental Bldg. 1313 Sherman St. Denver, CO 80203</p> <p>CONNECTICUT Personnel Div. Dept. of Admin. Services P.O. Box 806 Hartford, CT 06115</p> <p>DELAWARE State Personnel Office Townsend Bldg. P.O. Box 1401 Dover, DE 19901</p> <p>DISTRICT OF COLUMBIA D.C. Personnel Office 613 C. St. NW Washington, DC 20001</p> <p>FLORIDA Dept. of Administration Carlton Bldg., Rm 530 Tallahassee, FL 32301</p> <p>GEORGIA State Merit System of Personnel Administration 200 Piedmont Ave. Atlanta, GA 30334</p>	<p>GUAM Office of Attorney General Pacific News Bldg. 7th floor 238 O'Hara St. Agana, GU 96910</p> <p>HAWAII Dept. of Personnel Services 830 Punchbowl St. Honolulu, HI 96813</p> <p>IDAHO Personnel Commission 700 West State St. Boise, ID 83720</p> <p>ILLINOIS State Civil Service Comm. 425 ½ S. Fourth St. Springfield, IL 62701</p> <p>INDIANA State Personnel Dept. State Office Bldg., Fm 513 100 N. Senate Ave. Indianapolis, IN 40204</p> <p>IOWA Merit Employment Dept. Grimes State Office Bldg. E. 14th & Grand Des Moines, IA 50319</p> <p>KANSAS Dept. of Administration Div. of Personnel Services State Office Bldg. Topeka, KS 66612</p> <p>KENTUCKY Dept. of Personnel Capitol Annex Frankfort, KY 40601</p> <p>LOUISIANA Dept. of Civil Service P.O. Box 44111 Capitol Station Baton Rouge, LA 70804</p> <p>MAINE Dept. of Personnel State Office Bldg. State House Station 4 Augusta, ME 04333</p> <p>MARYLAND Dept. of Personnel 301 W. Preston St. Baltimore, MD 21201</p>	<p>MICHIGAN Dept. of Civil Service Lewis Cass Bldg. 320 S. Walnut St. Box 30002 Lansing, MI 48909</p> <p>MINNESOTA Dept. of Employee Relations Space Center, 3rd Floor 444 LaFayette Rd. St. Paul, MN 55101</p> <p>MONTANA Dept. of Administration Personnel Division Mitchell Bldg. Rm 130 Helena, MT 59601</p> <p>NEBRASKA Dept. of Personnel Box 94905 Lincoln, NE 68509</p> <p>NEW HAMPSHIRE Dept. of Personnel State House Annex Room 1 Concord, NH 03301</p> <p>NEW JERSEY Dept. of Civil Service Div. of Classification E. State & Montgomery Sts. CN 310 Trenton, NJ 08625</p> <p>NEW MEXICO State Personnel Office 130 So. Capitol Sante Fe, NM 87501</p> <p>NEW YORK Dept. of Civil Service State Office Bldg. Campus Albany, NY 12239</p> <p>NORTH CAROLINA Office of State Personnel 116 West Jones St. Raleigh, NC 27611</p> <p>NORTH DAKOTA Personnel Office 1000 E. Divide Ave. Box 1537 Bismarck, ND 58502</p> <p>OHIO Dept. of Admin. Services Div. of Personnel 30 E. Broad St. Columbus, OH 43215</p>	<p>OREGON Executive Dept. Personnel Div. 155 Cottage St., NE Salem, OR 97310</p> <p>PENNSYLVANIA Office of Administration Bureau of Personnel 517 Finance Bldg. Harrisburg, PA 17120</p> <p>SOUTH CAROLINA Budget & Control Board Div. of Human Resource Mgmt. 1205 Pendleton St. P.O. Box 12547 Columbia, SC 29211</p> <p>TENNESSEE Dept. of Personnel J.K. Polk Bldg., 1st Fl. 505 Deaderick St. Nashville, TN 37219</p> <p>TEXAS Atty. Gen. of Texas Supreme Court Bldg. Austin, TX 78711</p> <p>VERMONT Agency of Administration Dept. of Personnel 110 State St. Montpelier, VT 05602</p> <p>WASHINGTON State Dept. of Personnel P.O. Box 1789 Olympia, WA 98504</p> <p>WEST VIRGINIA Civil Service System 1900 Washington St. East Room B-456 Charleston, WV 25305</p> <p>WISCONSIN Dept. of Employee Relations 149 E. Wilson St. P.O. Box 7855 Madison, WI 53707</p>
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FIGURE 1.19 Type of Employer: 1993–2004

Source: NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 2004 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT, Table 2.2 (2004). Reprinted with permission of the National Association of Legal Assistants, www.nala.org, 1516 S. Boston, #200, Tulsa, OK 74119.

Employer	2004 Response	2004 Percentage	2002 Percentage	2000 Percentage	1997 Percentage	1995 Percentage	1993 Percentage
Private law firm	928	69%	71%	74%	75%	75%	77%
Insurance company	26	2%	2%	2%	2%	1%	2%
Public sector/ government	101	8%	7%	8%	8%	7%	7%
Self-employed	21	2%	2%	2%	2%	2%	2%
Health/medical	8	1%	1%	1%	1%	n/a	n/a
Bank	16	1%	1%	1%	1%	1%	1%
Corporation	182	14%	12%	10%	11%	9%	8%
Court system	15	1%	1%	n/a	n/a	n/a	n/a
Nonprofit corporation, foundation, or association	17	1%	1%	n/a	n/a	n/a	n/a
Other	0	—	1%	n/a	n/a	n/a	n/a
Student	0	—	—	—	0	n/a	n/a
Unemployed	4	0	—	—	0	n/a	n/a

Law Firm Employment

According to the *National Utilization and Compensation Survey Report, 2004*, more than half of all occupational opportunities in the paralegal profession remain in the law office environment (see Figure 1.19). The utilization rate for paralegals depends on firm or agency size. Not surprisingly, larger firms employ more paralegals (see Figure 1.20).

When engaged in a job search, a useful resource is the *Martindale-Hubbell Law Directory*, the premier compendium of practicing lawyers, which gives access to

- An areas of practice index for locating lawyers by specialty.
- A single-volume corporate law department section with information about in-house counsel.
- A services and suppliers consultants section listing companies that serve the legal profession.
- Comprehensive digests of the laws of the United States, Canada, and 60 other countries, prepared by preeminent practitioners in each jurisdiction.
- Three international volumes containing information about lawyers in over 130 countries worldwide.
- Practice profiles of virtually every attorney in the United States and Canada.

The *National Law Journal* performed an extensive analysis of the employment of paralegals in 250 of the largest law firms in the country. The study focused on large, urban law firms but failed to account for the employment influence of small to midsize law firms.⁴²

Nontraditional Positions

Paralegals, like lawyers, find their skills welcome in a series of nontraditional paralegal careers. Marsha A. Rattermann characterizes paralegalism as “adaptable to so many different areas of law, business, and society.” It is likely that the skills and competencies of paralegals will continue to find new niches.⁴³ In *Where Do I Go From Here?* Chere Estrin and Andrea Wagner emphasize how experienced paralegals have enormous opportunities in nontraditional fields. They list the following career directions:

Accounting services	Arbitration and mediation
Actuarial planners	Architecture/interior design
Advertising companies	Artist or literary agent
Air pollution control	Automotive industry
Appraisal services	Bank management

FIGURE 1.20
Ratio of Attorneys to
Legal Assistants

Source: NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 2004 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT, Table 2.11 (2004). Reprinted with permission of the National Association of Legal Assistants, www.nala.org, 1516 S. Boston, #200, Tulsa, OK 74119.

Ratio of Attorneys to Legal Assistants			
Number of Attorneys	Number of Attorneys per Legal Assistant	Number of Responses	Summary
Sole	.7	172	
2–5 attorneys	1.4	369	
6–10	1.8	197	1.3 attorneys to paralegals (2–10 size)
11–15	2.4	112	
16–20	3	52	
21–25	2.9	48	
26–30	3.4	36	2.7 attorneys to paralegals (11–30 size)
31–35	2.9	28	
36–40	2.8	18	
41–45	1.4	8	
46–50	3	15	
51–55	3.5	9	
56–60	2.8	8	2.8 attorneys to paralegals (31–60 size)
61–65	4.4	3	
66–70	3.3	4	
71–75	4.3	5	
76–80	3.7	13	
81–85	3.5	9	
86–90	4.3	7	
91–95	4.8	1	
96–100	2.1	12	
More than 100	5	45	4.2 attorneys to paralegals (61–100 size)

Better Business Bureaus	Gerontology-related services
Bookkeeping services	Graphic arts
Broadcasting	Health care industry
Brokerage houses	Home furnishings manufacturers
Building construction	Industrial relations
Business agents	Information processing
Chambers of Commerce	Insurance industry
Circulation and distribution	Investments, securities
Communication companies	Journalism
Computer hardware/software manufacturers	Labor unions
Consumer affairs directors	Lecturers
Conventions and exhibiting services	Libraries
Counseling and vocational guidance	Linguistics (translation, interpretation)
Data processing	Landscaping services
Escrow officers	Law enforcement
Examiners (title, banking)	Mailing and delivery services
Export–import businesses	Market research
Finance and credit companies	Marketing
Food industry	Mental health
Foundations (charitable and research)	Merchandising
Fundraising	Motion picture industry

Museums	Recreation services (hotel/motel, vacation planning, health resorts)
Music industry	Research
Newspapers and news/wire services	Retail business
Office equipment and products	Sales
Packaging design and manufacture	School and education
Paper and paper pulp industry	Security services
Personnel agencies	Shipping industry
Petroleum industry	Social work
Photography	Statistics testing services
Planning (urban, city, financial)	Textile industry
Politics (government service, elections, polling services)	Trademarks and patents
Printing services (legal and financial)	Transportation
Public health	Travel industry
Public relations	Trucking industry
Publishing	Utility companies
Purchasing	Warehouse/storage services
Radio and TV	Welfare services
Real estate (brokers, agents)	Wholesalers
Records management	Writer (author/press) ⁴⁴

Future Employment Projections

Career opportunities will develop at a rapid pace in the profession. The U.S. Department of Labor continues to paint an extremely positive picture of growth in the profession.

Employment for paralegals and legal assistants is projected to grow much faster than average for all occupations through 2014. Employers are trying to reduce costs and increase the availability and efficiency of legal services by hiring paralegals to perform tasks formerly carried out by lawyers. Besides new jobs created by employment growth, additional job openings will arise as people leave the occupation. Despite projections of rapid employment growth, competition for jobs should continue as many people seek to go into this profession; however, experienced, formally trained paralegals should have the best employment opportunities.

Private law firms will continue to be the largest employers of paralegals, but a growing array of other organizations, such as corporate legal departments, insurance companies, real estate and title insurance firms, and banks, hire paralegals. Corporations in particular are boosting their in-house legal departments to cut costs. Demand for paralegals also is expected to grow as an expanding population increasingly requires legal services, especially in areas such as intellectual property, health care, international law, elder issues, criminal law, and environmental law. Paralegals who specialize in areas such as real estate, bankruptcy, medical malpractice, and product liability should have ample employment opportunities. The growth of prepaid legal plans also should contribute to the demand for legal services. Paralegal employment is expected to increase as organizations presently employing paralegals assign them a growing range of tasks and as paralegals are increasingly employed in small and medium-size establishments. A growing number of experienced paralegals are expected to establish their own businesses.

Job opportunities for paralegals will expand in the public sector as well. Community legal service programs, which provide assistance to the poor, elderly, minorities, and middle-income families, will employ additional paralegals to minimize expenses and serve the most people. Federal, state, and local government agencies, consumer organizations, and the courts also should continue to hire paralegals in increasing numbers.

To a limited extent, paralegal jobs are affected by the business cycle. During recessions, demand declines for some discretionary legal services, such as planning estates, drafting wills, and handling real estate transactions. Corporations are less inclined to initiate certain types of litigation when falling sales and profits lead to fiscal belt tightening. As a result, full-time paralegals employed in offices adversely affected by a recession may be laid off or have their work hours

*reduced. However, during recessions, corporations and individuals are more likely to face other problems that require legal assistance, such as bankruptcies, foreclosures, and divorces. Paralegals, who provide many of the same legal services as lawyers at a lower cost, tend to fare relatively better in difficult economic conditions.*⁴⁵

For example, paralegals are discovering the enormous opportunities for work as independent contractors. Hal Cornelius, in *Career Guide for Paralegals*, portrays the freelance career option as follows:

*To be sure, freelance paralegals need control of their wits, need to be skilled in sales and human persuasion, and need to appreciate the incredible ethical dilemmas that might be present in this activity. Mostly, the freelancer is the risk taker, ready and willing to sacrifice initial security for long-term intellectual and personal freedom.*⁴⁶

Even legal representation at select state and federal agencies by paralegal practitioners is now permissible under certain regulatory frameworks. Some examples, as compiled by the National Federation of Paralegal Associations, include these:

Board of Immigration Appeals	Federal Maritime Administration ⁴⁹
Immigration and Naturalization Service	Federal Mine Safety and Health Review Commission ⁵⁰
Bureau of Indian Affairs	General Accounting Office ⁵¹
Civil Aeronautics Board	Internal Revenue Service ⁵²
Consumer Product Safety Commission	Interstate Commerce Commission ⁵³
Department of Agriculture	National Credit Union Administration
Department of Commerce	National Mediation Board
Patent and Trademark Office ⁴⁷ —Office of the Secretary	National Transportation Safety Board ⁵⁴
Food and Drug Administration	Occupational Safety and Health Review Commission
Department of Justice	Small Business Administration
Department of Labor	Social Security Administration
Department of Transportation	U.S. Customs Service
Veterans Administration	U.S. Environmental Protection Agency
Federal Deposit Insurance Corporation ⁴⁸	
Federal Energy Regulatory Commission	

In addition to nonlawyer representation at federal agencies, also compiled was a list of state and local agencies that allow nonlawyer representation. Here is a partial listing:

Alaska—Human Rights Commission

California—Workers Compensation, Labor, Unemployment

Illinois—Department of Unemployment Security, Workers Compensation

Michigan—Unemployment Compensation

Minnesota—Workers Compensation

New York—70 percent of state agencies and 63 percent of New York City agencies allow some form of nonlawyer representation.

Ohio—Workers Compensation

Washington—Seattle (King County) Courts, King County Bar Association Opinion:

Nonlawyers are allowed to present ex parte orders that have been agreed on. Tacoma (Pierce County) Courts, Pierce County Bar Association Opinion: Nonlawyers are allowed to present ex parte orders that have been agreed on.

Wisconsin—Workers Compensation⁵⁵

In direct competition with the traditional bar are an emerging lot of paraprofessionals delivering legal services to the general public. Is such a movement justified by soaring legal costs and the need to provide the poor with legal services?⁵⁶

Aside from this altruistic purpose, a new class of paralegal known as the *legal technician* is beginning to deliver direct legal services in permissible fields. “Some legal technicians are computerized form-filing services. Others have *practiced* legally and successfully before federal agencies for years. Some are former legal assistants and paralegals pushing out from under the supervision of lawyers to market their services directly to the public. And some may be rip-off artists.”⁵⁷ The line between unauthorized practice of law and paralegal delivery becomes more muddled by the day. It is clear that paraprofessional delivery is here to stay, and lawyers have come to depend on it.⁵⁸

Prospects for increased delegation of administrative responsibilities in the law firm and further developed senior legal assistant career tracks are excellent. That paralegals will continue to evolve to higher levels of sophistication is now undeniable. Carol Milano speaks to paralegals about these expansive opportunities:

Did you know your colleagues are now making corporate business decisions, representing clients at administrative hearings without an attorney, and conducting arbitration sessions?

*As a member of America's fastest-growing profession, you're in a very dynamic situation. Today's legal assistants are far more familiar and accepted staff members than they were five or ten years ago. In law firms, corporate departments, governmental agencies, and nonprofit organizations, they are taking on a wide array of new responsibilities.*⁵⁹

The picture is almost rosy. The legal assistant profession is projected to grow by 33 percent during the first 10 years of 2000, according to the Bureau of Labor Statistics, Office of Employment Projections. Compared with other occupations, this is an above-average growth rate. Private law firms are the largest employers of paralegals, but a growing number of other organizations are hiring them too. These organizations include corporate legal departments, insurance companies, real estate and title insurance firms, and banks.⁶⁰

Summary

The paralegal profession is a dynamic and viable occupation. A competent paralegal needs certain traits—such as human relations, organizational, and administrative skills. Paralegals must also have some general understanding of both the theoretical and procedural applications of the law. Eventually a path of legal generalization or specialization must be chosen. Educational opportunities range from in-house training to college coursework, and compensation levels vary significantly.

This chapter has considered occupational opportunities in the private and public sectors. The growth of nontraditional career opportunities and independent paralegalism was also discussed.

In sum, the growing, multifaceted paralegal profession offers its participants wide-ranging opportunities for personal and professional growth. Educational levels are high, compensation rates are climbing, and traditional higher education is becoming more involved.

Discussion Questions

1. What changes can you envision for the paralegal profession in the next 50 years?
2. Why might paralegals take offense when unenlightened parties characterize them as legal secretaries?
3. What schools and educational institutions exist in your area to prepare people for practice as paralegals?
4. What are the addresses and phone numbers of local paralegal associations that you are eligible to join?
5. What do you think the average compensation of paralegals in your jurisdiction is?
6. Do you think it will ever be possible or permissible for paralegals to participate in profit-sharing in a law firm?
7. What type of education do you think is most helpful in preparation for a career as a paralegal?
8. Do you think practical tasks are all that is required by a functional and competent paralegal? Do you think some attention to theory and substantive knowledge is necessary?

9. What do you find most attractive about paralegal practice and procedure? What do you find least attractive about it?
10. Name 10 tasks that could be performed by a paralegal.
11. Identify five major skills a paralegal should have.

Research Exercises

1. Locate statutes in your state relevant to paralegal practice, duties, certification, and regulation.
2. Locate a paralegal journal or law review article that discusses future employment and income projections in your home state.

Practical Exercises

1. Civil service employment opportunities—contact your state’s civil service office and answer the following questions:
 - Does the office publish either a print or e-newsletter that lists job opportunities?
 - Does the civil service office have a job definition/description for paralegals or legal assistants? If so, include the description number/job category.
 - Search the office’s job listings and find four recent listings that are relevant to a paralegal background.
 - List contact information for your state civil service office, including mailing and e-mail address, phone and fax numbers, and Web site.
2. Locate at least three academic programs in your area that provide paralegal training. Are these programs ABA approved? Are they offered by a proprietary institution, junior college, college/university, or other type of establishment? Do they offer online courses or programs?
3. Using a local newspaper, online job resource center, or paralegal publication, find job advertisements for the following positions: paralegal; legal secretary/law office assistant; law clerk; attorney; litigation support personnel; paralegal manager; law librarian; legal administrator; legal assistant manager.

Internet Resources

National Association of Legal Assistants—www.nala.org
 National Federation of Paralegal Associations—www.paralegals.org
 American Association for Paralegal Education—www.aafpe.org
 National Paralegal Association—www.nationalparalegal.org
 California Alliance of Paralegal Association—www.caparalegal.org
 Paralegal Jobs—www.paralegaljobs.com
 ABA Standing Committee on Paralegals—www.abanet.org/legalservices/paralegals

Endnotes

1. At the August 1997 ABA Annual Meeting, the ABA House of Delegates adopted this current definition of *legal assistant/paralegal* as recommended by the standing Committee on Legal Assistants.
2. Rule 2.2, Section 1 (2) (a), Indiana Rules for Admission to the Bar and the Discipline of Attorneys (2005).
3. Jacqueline M. Nolan-Haley, *Lawyers, Nonlawyers, and Mediation: Rethinking the Professional Monopoly from a Problem-Solving Perspective*, 7 HARV. NEGOTIATION L. REV. 235 (Spring 2002).
4. Connie Kretchmer, National Association of Legal Assistants Inc., *The Issues: What Are They? Who Are They Talking About?* 1 (1991).
5. Donald Green, Joel Snell, Raylene Corgiat, & Tony Paramanith, *The Professionalism of the Legal Assistant: Identity, Maturation States, and Goal Attainment*, 7 J. PARALEGAL ED. & PRACTICE 35, 36 (1990).
6. See the organization’s Web site at http://www.halt.org/about_halt/press_room/pdf/Full_Media_Kit.pdf#Quick_Facts.
7. Ann Bailus, *A More Professional Future*, LEGAL ASSISTANT TODAY, Nov.–Dec. 1992, at 87, 90.
8. Patrick Yuong, *Proclaiming Paralegal Celebrations*, LEGAL ASSISTANT TODAY, Jan.–Feb. 2006, at 30.

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15. Rod Hughes, *Master Plan*, LEGAL ASSISTANT TODAY, Jan.–Feb. 2006 at 60.
16. American Alliance of Paralegals Inc., Code of Ethics, at 7–8.
17. Deborah A. Howard, *Using Paralegals in Small and Mid-Size Law Firms*, 5 J. PARALEGAL EDUC. & PRAC. 67, 68 (1988); *see also* Nancy L. Helmich & Roger A. Larson, *Legal Assistants in Public Law: Their Role in Attorney Generals’ Offices*, 5 LEGAL ASSISTANT UPDATE 118 (1986). What is obvious is that marketability depends on skills. *See Dale Smith Thomas: Keynote Speaker, NALS 2006*, @LAW, Winter 2005–2006, at 22.
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20. H. Archibald Kaiser, *Educating Students about Transition from School to Work*, 3 J. PARALEGAL EDUC. & PRAC. 13, 19 (1986).
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22. BUREAU OF LABOR STATISTICS, U.S. DEPARTMENT OF LABOR, OCCUPATIONAL OUTLOOK HANDBOOK, 2006–2007 Edition, *Paralegals and Legal Assistants*, on the Internet at <http://www.bls.gov/ocos114.htm> (visited April 3, 2006).
23. *See* Patrick Yuong, *Are You Happy as a Paralegal?* LEGAL ASSISTANT TODAY, Jan.–Feb. 2005, at 16.
24. NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, 1988 NATIONAL UTILIZATION AND COMPENSATION SURVEY REPORT 38 (1987).
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27. Report from the American Association for Paralegal Education, Association of Legal Administrators, Legal Assistant Management Association, National Association of Legal Assistants, and National Federation of Paralegal Associations Inc. (March 11–12, 1988).
28. *See set forth in* IPMA, ANNUAL COMPENSATION SURVEY FOR PARALEGALS/LEGAL ASSISTANTS AND MANAGERS (2005); *see also* LEGAL ASSISTANT MANAGEMENT ASSOCIATION, 1993 NATIONAL COMPENSATION SURVEY REPORT OF FINDINGS 5 (1993).
29. ABA MEMORANDUM, ABA STANDING COMMITTEE ON LEGAL ASSISTANTS, POSITION PAPER ON LICENSURE, CERTIFICATION, AND DEFINITION OF LEGAL ASSISTANTS (1986).
30. AMERICAN BAR ASSOCIATION, ABA STANDING COMMITTEE ON LEGAL ASSISTANTS, POSITION PAPER ON LICENSURE, CERTIFICATION, AND DEFINITION OF LEGAL ASSISTANTS (1986); *see also* AMERICAN BAR ASSOCIATION, REPORT ON A SURVEY OF NONDEGREE LEGAL ASSISTANT TRAINING IN THE UNITED STATES (1972); *see also* Patricia Lyons, *I Don’t Need Paralegal Education . . . or Do I?*, NAT’L PARALEGAL REP., Dec.–Jan. 2006, at 26.
31. John R. Reinard, *Paralegal Career Advancement*, 6 J. PARALEGAL EDUC. & PRAC., Oct. 1989, at 1, 4.
32. Thomas J. Calvocoressi & Ronald A. Villanova, *Approaches for Continuing Legal Education of Paralegals*, 7 J. PARALEGAL EDUC. & PRAC., Oct. 1990, at 43, 45–46.
33. The American Institute for Paralegal Studies administrative offices are located at Honeywell Center, Suite 225, 17515 West Nine Mile Road, Southfield, MI 48075.
34. For more information, contact the American Association for Paralegal Education (AAFPE), P.O. Box 40244, Overland Park, KS 66204; Legal Assistant Today Inc., 3520 Cadillac Avenue, Suite E, Costa Mesa, CA 92626; American Bar Association (ABA), 750 North Lake Shore Drive, Chicago, IL 60611. For an excellent update of case law decision impacting paralegal practice, *see* Georgette Lovelace, *Case Law Update*, NAT’L PARALEGAL REP., Oct.–Nov. 2005, at 20.
35. *See* H. Archibald Kaiser, *Educating Students about Transition from School to Work*, 3 J. PARALEGAL EDUC. & PRAC. 13 (1986).
36. American Bar Association, *supra* note 26; *see also* AMERICAN BAR ASSOCIATION, REPORT ON A SURVEY OF NONDEGREE LEGAL ASSISTANT TRAINING IN THE UNITED STATES (1972); *see also* CHARLES P. NEMETH, DIRECTORY OF CRIMINAL JUSTICE EDUCATION INCLUDING CRIMINOLOGY AND JUSTICE-RELATED PROGRAMS (1991).
37. Carole A. Bruno, *Measuring Progress: How Far Have We Come?* LEGAL ASSISTANT TODAY, Nov.–Dec. 1992, at 38, 42; *see also* CHARLES P. NEMETH, DIRECTORY OF CRIMINAL JUSTICE EDUCATION INCLUDING CRIMINOLOGY AND JUSTICE-RELATED PROGRAMS (1997).

38. George D. Schrader, *The Core Curriculum: An Idea for Today*, 5 J. PARALEGAL EDUC. & PRAC. 48 (1988).
39. Nancy Murphy, *The Road to Legal Assistant Success: Education Is the First Leg of Your Journey*, 70 MICH. B. J. 1172, 1173 (Nov. 1991). See also Ann F. Dunkin, *Being a Life Long Learner*, @LAW, Spring 2005, at 44.
40. CAROLE A. BRUNO, PARALEGAL'S LITIGATION HANDBOOK (1977).
41. Melanie Baker & Thomas Eimmermann, *Paralegal Employment Opportunities in State Government*, 6 J. PARALEGAL EDUC. & PRAC. 9, 21 (Oct. 1989).
42. See D. Howard, *supra* note 17; see also Nancy L. Helmich & Roger A. Larson, *Legal Assistants in Public Law: Their Role in Attorney Generals' Offices*, 5 LEGAL ASSISTANT UPDATE 67 (1986). See also Ronald J. Daniels, *Growing Pains: The Why and How of Law Firm Expansion*, 43 UNIV. TORONTO L. J. 147–206 (1993).
43. Marsha A. Ratterman, *Nontraditional Paralegal Careers: Finding Your Niche*, 8 LEGAL ASSISTANT TODAY 75, 80 (Jan.–Feb. 1991).
44. CHERE B. ESTRIN & ANDREA WAGNER, WHERE DO I GO FROM HERE? CAREER CHOICES FOR THE EXPERIENCED LEGAL ASSISTANT, 106–108 (1992). Reprinted with permission of the publisher. Copyright 1992 by Estrin Publishing, Los Angeles, CA.
45. BUREAU OF LABOR STATISTICS, U.S. DEPARTMENT OF LABOR, OCCUPATIONAL OUTLOOK HANDBOOK, 2006–2007 Edition, *Paralegals and Legal Assistants*, on the Internet at <http://www.bls.gov/oco/ocos114.htm> (visited April 3, 2006).
46. HAL CORNELIUS, CAREER GUIDE FOR PARALEGALS 127 (1983).
47. Only registered practitioners are permitted to practice. Nonlawyers become registered by passing a character and fitness review and an examination. Nonlawyers who have served four years in the examining corps of the Patent and Trademark Office may waive the exam. See 57 CFR 1.341.
48. Only qualified nonlawyers are permitted to represent.
49. Only registered nonlawyers are permitted to appear. Certificates of registration are issued on payment of processing fee and completion of application form indicating sufficient educational qualifications and recommendations. There is no testing or formal licensing.
50. Appearances are made at trial hearings before administrative law judges and at appellate reviews before commissioners. A nonlawyer may practice only if the nonlawyer is a party, a representative of minors as described in 30 CFR § 10.1(b), or the owner, partner, full time [sic] officer or employee of the party–business entity; otherwise a nonlawyer is permitted to appear for limited purpose in special proceedings.
51. Permitted in adverse actions, grievance proceedings, and discrimination complaints.
52. Nonlawyers must become enrolled agents by passing a character and fitness review and successfully completing a special enrollment examination testing on federal taxation and related matters. A nonlawyer may also qualify based on former employment with the IRS, provided such duties qualify the individual.
53. Only registered nonlawyers are permitted to practice. To register, an applicant must (1) meet educational and experience requirements, (2) undergo a character and fitness review, (3) pass an exam administered by the agency testing knowledge in the field of transportation, and (4) take an oath. See 49 CFR § 1103.3.
54. Nonlawyer appearances are infrequent except at investigatory levels. Nonlawyer participation is discouraged because technical expertise is required.
55. National Federation of Paralegal Associations Inc. P.O. Box 2016, Edmonds, Washington 98020.
56. See HERBERT M. KRITZER, RETHINKING BARRIERS TO LEGAL PRACTICE JUDICATURE 100–103 (1997), where the author states that instead of being prohibited from providing legal services, nonlawyers should be regulated and controlled, just like lawyers.
57. Geoffrey S. Yuda, *A Piece of Your Business: Competition from Nonlawyer "Technicians": Cause for Alarm?* 15 PENN. LAW. 6 (May 1993).
58. See RACHEL L. BERKEY, NEW CAREER OPPORTUNITIES IN THE PARALEGAL PROFESSION 113 (1983).
59. Carol Milano, *New Responsibilities Being Given to Paralegals*, 8 LEGAL ASSISTANT TODAY 27 (Nov.–Dec. 1990).
60. See <http://www.nala.org/whatis.htm#Occupational>. Carole Bruno concurs: "Progress has been monumental. In 1983, the paralegal profession was the fastest-growing occupation. At that time there were 32,000 paralegals. The United States Department of Labor projected that by the year 1990, there would be an employment increase of 109 percent. Today there are over 115,000 paralegals according to the DOL, at a 359 percent increase, far surpassing its 1983 predictions." Carole A. Bruno, *Measuring Progress: How Far Have We Come?* LEGAL ASSISTANT TODAY 38, 45 (Nov.–Dec. 1992).