

What is a Paralegal

Background and Definition

Legal assistants and paralegals are individuals who assist lawyers in the delivery of legal services. Legal assistants and paralegals cannot give legal advice to consumers of legal services. Legal advice may only be relied upon if given by an attorney. All states require attorneys to be licensed and most have statutes imposing penalties for the unauthorized practice of law. The following definition was adopted by the NALA membership in 1986.

Definition: Legal assistants, also known as paralegals, are a distinguishable group of persons who assist attorneys in the delivery of legal services. Through formal education, training and experience, legal assistants have knowledge and expertise regarding the legal system and substantive and procedural law which qualify them to do work of a legal nature under the supervision of an attorney.

In recognition of the similarity of the definitions and the need for one clear definition, in July 2001, the NALA membership approved a resolution to adopt the definition of the American Bar Association as well. The ABA definition reads as follows:

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. (Adopted by the ABA in 1997)

The legal assistant profession is projected to grow by 33% 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.

What do legal assistants do?

The legal assistant concept began to develop in the late 1960's when law firms and individual practitioners sought ways to improve the efficient and cost effective delivery of legal services. Other factors entered into the development of the legal assistant field including the growing volume of work due to increased public awareness of legal remedies.

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terms legal assistant and paralegal are used interchangeably, much like the terms attorney and lawyer. The practice of law is regulated by each of the 50 states. In all states, legal assistants/paralegals are prohibited from practicing law without a license. For a detailed description of these terms, refer to the article: "Summary of Definitions of Terms 'Paralegal' and 'Legal Assistant.'

A legal assistant/paralegal cannot give legal advice, represent a client in court, set a fee, or accept a case, which functions are generally considered the practice of law. Working under the supervision of an attorney, the legal assistant's work product is merged with and becomes part of the attorney work product. In communications with clients and the public, the legal assistant's non-lawyer status must be clear. A legal assistant may perform any function delegated by an attorney, including but not limited to the following:

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 the same way as an attorney's time, but at a lower hourly rate.

Professional Standards

NALA's study of the professional responsibility and ethical considerations of legal assistants is ongoing. This research led to the development of the NALA Model Standards and Guidelines for Utilization of Legal Assistants. This guide summarizes case law, guidelines and ethical opinions of the various states affecting legal assistants. It provides an outline of minimum qualifications and standards necessary for legal assistant professionals to assure the public and the legal profession that they are, indeed, qualified. The following is a listing of the standards and guidelines.

A legal assistant should meet certain minimum qualifications. The following standards may be used to determine an individual's qualifications as a legal assistant:

- Successful completion of the Certified Legal Assistant certifying (CLA) examination of the National Association of Legal Assistants;
- Graduation from an ABA approved program of study for legal assistants;

- Graduation from a course of study for legal assistants which is institutionally accredited but not ABA approved, and which requires not less than the equivalent of 60 semester hours of classroom study;
- Graduation from a course of study for legal assistants, other than those set forth in (2) and (3) above, plus not less than six months of in-house training as a legal assistant.
- A baccalaureate degree in any field, plus not less than six months in-house training as a legal assistant;
- A minimum of three years of law-related experience under the supervision of an attorney, including at least six months of in-house training as a legal assistant; or
- Two years of in-house training as a legal assistant.

For purposes of these Standards, "in-house training as a legal assistant" means attorney education of the employee concerning legal assistant duties and these Guidelines. In addition to review and analysis of assignments the legal assistant should receive a reasonable amount of instruction directly related to the duties and obligations of the legal assistant. In addition, NALA members and Certified Legal Assistants * Paralegals (CLA * CP) are bound by the NALA Code of Ethics and Professional Responsibility. Violation of this Code may result in suspension of NALA membership, or suspension of the certification credential.

Educational Programs

Today, there is an estimate of 600 paralegal education programs in the United States. Paralegal education programs are offered in many formats and lengths. Various kinds of public and private institutions offer paralegal education, including community colleges, four-year colleges and universities, business colleges and proprietary institutions. These various institutions make it possible for persons with diverse backgrounds to enter the profession.

The most common types of programs are:

- Associate Degree Programs. These programs are offered by two-year community colleges, some four-year colleges and universities, and some business schools. Upon successful completion of 60-70 semester units, a student earns an associate degree. The curriculum usually consists of approximately 1/2 paralegal courses and a 1/2 courses in general education and related areas. In selecting a program, prospective student should consider whether they might continue their education to earn a four-year degree at another college and, if so, should investigate the transferability of courses in the programs they are considering.

- Bachelor Degree Programs. Paralegal education is also offered by four-year colleges and universities which have a paralegal studies major, minor, or concentration within a major. These programs are usually about 120 - 130 semester units, including 30-60 semester units in paralegal and related courses. Upon successful completion of the program, the student is awarded a baccalaureate degree.

Certificate Programs. Various kinds of educational institutions offer paralegal certificate programs ranging from 18-60 semester units. Longer programs usually include both general education and paralegal courses, similar to associate degree programs. Certificate programs are usually designed for students who already hold an associate or baccalaureate degree.

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Master's Degree Programs. A few colleges and universities that offer undergraduate paralegal degree programs are now offering an advanced degree in paralegal studies. Other universities offer advanced degree programs and law-related areas such as legal administration and legal studies.

The American Bar Association has a program of approving legal assistant training programs which meet their guidelines. Seeking ABA approval is voluntary on the part of the institution. There are some quality programs that have chosen not to seek approval. However, the ABA guidelines are useful in evaluating a program. For further information about the ABA guidelines, contact the American Bar Association, Standing Committee on Legal Assistants, 750 N. Lake Shore Drive, Chicago, IL 60611.

The web site of the American Association for Paralegal Education may also offer some helpful information for you including a roster of member institutions, and a Statement of Academic Quality which was adopted by the AAfPE membership in October of 1997.

Occupational Outlook

The legal assistant profession is projected to grow by 33% 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 beginning and continuing to hire them. These organizations include corporate legal departments, insurance companies, real estate and title insurance firms, and banks. See the link in the left sidebar to an article from the Bureau of Labor Statistics, Occupational Outlook Handbook for more details.

Source National Association of Legal Assistance