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Freelance Paralegals Do it for Themselves

By Anne O'Dell

As the practice of law evolves, many attorneys are finding that they have more work than they can handle; for the overburdened practitioner, freelance or contract paralegals present a convenient solution.



"There are quite a few hiring organizations seeking paralegals on a contract basis right now," said LawCrossing CEO Harrison Barnes.

"Firms and legal departments are always looking for extra help, and legal secretaries and paralegals

who are able to work independently are often the perfect fit for those organizations."

Freelancing can offer confident, business-minded paralegals the opportunity to escape stringent schedules and find more independence and autonomy in their careers.

"What does it take to be an independent or contract paralegal?" asks Dorothy Secol, a freelancer since 1982, on NJParalegal.com.

"A lot of tenacity, determination, a thick skin, business knowledge, and the means to sustain yourself through the start-up time."

Contracted paralegal services can take many forms—from a complete, full-service, paralegal-owned company to a part-time, home-based service comprising just one freelancing paralegal.

There are several examples of the former—companies managed and administrated by a paralegal who typically has more than a decade of legal experience. These businesses usually employ or retain many contract paralegals to conduct the day-to-day tasks outsourced from law firms and corporate law departments.

Oftentimes, several paralegals will form a partnership to present more areas of expertise to potential clients. Paralegals who are already employed full-time also occasionally work in a freelance capacity beyond the scope of their more traditional jobs.

According to the National Federation of Paralegal Associations, "A freelance paralegal, also known as a contract paralegal, is no different than a traditional paralegal except to the

extent that s/he is not employed by an attorney in a traditional setting such as a law firm, governmental entity, or corporation.

"Rather, a freelance paralegal is retained on an as-needed basis by many supervising attorneys in these settings. Freelance paralegals are educated and qualified to perform paralegal work just the same as traditionally employed paralegals."

The NFPA also identifies the independent paralegal, also called a forms practitioner or document preparer. These titles denote a paralegal who does not work under an attorney's supervision and whose work is more often clerical than "legally substantive."

Experienced freelance paralegals offer overtaxed attorneys many benefits; although a contracted paralegal will likely bill an attorney on an hourly basis, the attorney can save money on many other counts.

For example, the firm, corporation, or solo who hires a legal assistant on a contract basis is not required to pay taxes for social security, unemployment, or workers' compensation or general income taxes. Freelancers require no training, no paid leave for vacation or illness, no overtime, and no health or retirement benefit payments.

Economically speaking, the use of freelance paralegals in law offices has become a very appealing option. Outsourcing paralegal work allows many different kinds of practitioners to enjoy the benefits of having experienced legal staff without the expense and commitment of hiring a full-time paralegal.

Although these factors allow attorneys to focus more time and money on managing their own practices, they should also be taken into consideration by would-be freelance paralegals, who will need to make their own arrangements for healthcare and learn how to best manage and bill the hours they work.

Others noted that because attorneys can end up frustrated and disappointed when seeking help from temporary agencies,



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contracted paralegals present a better alternative when full-time employees are on medical leave or vacation.

As Katrina L. Bakke, a freelance/contract paralegal in Pierce County, wrote for the Washington State Bar Association's *De Novo*, "Temporary help...can be expensive, and more often than not, the attorney just gets a 'legal secretary' (if they are lucky) when what they really need is a 'paralegal.'"

"By contacting a contract or freelance paralegal, one can be more in control of getting someone who has experience, someone who knows how to get the job done, and someone who most likely has the skills that an attorney (who is otherwise shorthanded) needs."

Paralegal associations and contract paralegals agree that many years of experience in the field are needed to be sufficiently prepared for a career as a freelancer.

According to Bakke's report, one anonymous paralegal said, "Those of us who freelance have usually had years of experience within the legal profession. [We] understand there is far more to being a legal secretary than answering phones and transcription and that paralegals are capable of much more than reviewing files and documents."

"We did not become freelancers on a wing and a prayer; we have to do what any service business must do—present with credibility and experience. We also know the limits of our skills and what a job really entails."

Secol notes the lack of benefits available to contract paralegals. She also said that, at least at the beginning, a freelancer might end up working many more hours than a traditional legal staff member; and those hours spent working in isolation may seem more difficult to a paralegal accustomed to a dynamic office environment.

Additionally, Secol writes, freelancers need to have a solid financial and business plan in place before committing to this career option.

"You should consult with an accountant to determine how you want to set up your business, whether you will work as a sole proprietor, incorporate, have an LLC, or if you are going into business with someone else, perhaps a partnership or LLP."

The NFPA also notes several important factors for the future freelancer to consider.

Because contracted paralegals must abide by the same ethical standards as traditionally employed paralegals, "freelancers should take careful steps, not only to comply with those obligations, but also to be able to demonstrate how they complied."

"Extremely important in performing freelance work is maintaining a thorough conflict-of-interest searching mechanism. Traditionally employed paralegals rarely need to think of the process used by their employers to verify that no conflicts of interest exist. However, freelancers must assume this responsibility and be able to document that a search was conducted on each new matter should a question ever arise."

Proper identification of one's credentials is also vital to establish credibility and ensure ethical representation of one's business, according to the NFPA. The NFPA website strongly urges paralegals to use such terms as "certified" and "registered" honestly and judiciously.

Despite these considerations and requirements, Secol still feels that freelancing is a great option for the self-motivated, business-minded paralegal.

"You will grow as an individual, learning to master the business world," she writes.

"Dealing with vendors, suppliers, attorneys, their clients, employees, and other independent contractors will broaden your horizons, make you more self-reliant and self-confident, and give you a tremendous feeling of accomplishment."

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