Introduction to the Paralegal Profession

Since the late sixties, the legal community has seen the growth of a new professional within its midst—the paralegal.

The paralegal, also referred to as a legal assistant or a lawyer’s assistant, is a specially trained individual who works alongside a lawyer in virtually all aspects of the practice of law. Since the paralegal profession is such a new and growing field, there are questions concerning where a paralegal fits in within the framework of a law office or a legal department.

A paralegal is not a lawyer although he/she spends much of his/her time performing many of the same tasks as a lawyer.

A paralegal is also not a legal secretary, although in some smaller offices he/she may be required to type his/her own work.

Paralegalism is a profession separate from that of an attorney or a legal secretary. Some legal secretaries become paralegals, just as some paralegals may go on to law school and become lawyers.

Paralegals are trained legal personnel not admitted to a bar who must work under the direction and supervision of a lawyer. Although the paralegal is always supervised by an attorney, cannot give legal advice to clients, or represent himself/herself as an attorney, he/she is very much a part of the legal team.

Lawyers have always used some type of support personnel. The first assistants to lawyers, not including those training to become lawyers and scribes, were legal secretaries. As the legal secretary began to perform tasks in the law office beyond the scope of secretarial duties, such as legal research, drafting papers, analyzing facts, and summarizing data, the concept of the paralegal, someone to assist the attorney, crystallized.

The use of paralegals enabled lawyers to improve the delivery of legal services to their clients, and the cost of the lawyer’s services was a major factor in this development. An attorney’s time is billed out on an hourly rate or a fraction thereof. A paralegal’s time is billed out in a similar fashion, but at a much lower rate, resulting in a savings for the client.

Operating expenses and overhead also affect the cost of legal services. The cost of operating the average law office—including such items as rent, equipment, law library, supplies, professional and non-professional staff, insurance, and the like—is from 36 to 55 percent of the gross annual income derived from legal fees.

Fees and expenses can be kept down by the use of legal assistants. The lawyer’s expert skills in legal reasoning and theory can be directed to assisting the client, while the more routine activities can be delegated to the paralegal. This works to the advantage of both lawyer and client, since it frees the attorney to service more clients, thereby increasing the size of his/her practice, and saves the clients money.

A properly trained paralegal can assist the lawyer in many tasks that a legal secretary simply has no time for. Since the paralegal is trained to perform procedural tasks he/she can almost immediately be given routine legal assignments which were in the past reserved for highly paid recent graduates of law schools.

Under the supervision of an attorney, a paralegal can draft briefs, cite-check, digest depositions, and shepardize cases (determining whether a case is still valid authority for the proposition for which the case is cited).

A paralegal can act as a law librarian, keeping and monitoring legal volumes, and making sure that they are up to date. A paralegal trained in using computerized research tools can assist the attorneys with legal research. Paralegals can assist at real estate closings, and on occasion perform simple closings. A paralegal can draft closing statements, supervise the preparation of real estate documents, and monitor the costs relating to a closing.

A paralegal can assist in the preparation of legal documents used in real estate planning. A paralegal can help administer estates, draft wills and trusts, complete federal and state tax returns, and maintain estate and trust records. A paralegal can help prepare initial and amended articles of incorporation, stock certificates, and other securities, buy-sell agreements, closing papers, and binders.

A paralegal can help draft pension and profit-sharing plans, summary plan descriptions, and prepare and file annual reports. A paralegal can help prepare petitions, complaints, and other court-related forms, act as
an arbitrator, and act as a liaison between disputing parties. A paralegal can be used as an office manager and administrator in law offices. In reporting directly to the managing partners of the firm, he/she can set office policies, prepare budgets and reports, hire non-legal personnel, supervise secretaries and non-lawyers, and supervise the installation of office equipment.

Paralegals are employed in large and small law firms, legal departments of corporations, insurance companies, pension consulting firms, banks, consulting firms, government, courthouses, legal aid societies, and legal corporations. And new opportunities are continually opening for paralegals in industry as companies learn how this new profession can be of assistance to them.

Initially the paralegal was trained in-house, that is, directly by the lawyer. This proved to be too time-consuming for the lawyer and also failed to provide the paralegal with thorough training, so eventually paralegal training institutions were founded, and today, there are several different types of paralegal training facilities available.