The Evolution of the Paralegal Profession

What Is Defined by What It Is Not?

The Paralegal Profession: Heightened and Accelerated Evolution

Did you know that just a few years ago, the term "paralegal" did not even exist? The evolution of the paralegal profession is marked by speed. From the late 1960s through the 2000s, legal work exploded in terms of size, dimension, and complexity. Think of the changes in American culture that have taken place since 1970: politics, law making, social change, case law, technology, philosophy, faxes, cellular phones, computers. The whole fabric of American culture has led to a tremendous growth in legal activity, and through it, the entire paralegal profession experienced a heightened and accelerated evolution. Paralegal utilization has now spread rapidly up and down the traditional legal profession and into all kinds of nontraditional or "alternative" settings. We won’t go into all of the factors that caused the tremendous growth of legal activity, but it is necessary for the trained paralegal to understand the world that he or she is entering and have the right tools to get there, stay there, and grow there.

The paralegal was "invented" or "created" in the 1970s, and today, the concept of trained paraprofessionals performing all kinds of legal work in a wide variety of legal settings has emerged. There are paralegals in law firms doing the work that we normally associate with law firms: Bankruptcy (Creditor and Debtor), Corporate, Real Estate, Litigation, Workers’ Comp, Insurance Defense, Medical Malpractice, Intellectual Properties, Entertainment Law, and Personal Injury. In addition, there are paralegals working in departments of companies with vendors and contractors and franchisees, paralegals in Human Resource Departments, and paralegals employed by in-house corporate counsel for virtually any corporate entity that exists. To get a picture of where paralegals could find themselves, ask yourself, where are the lawyers? Where is the legal activity? The answer is, in American business, corporate, legal, private, and public activity. In short, "all over."

What Is a Paralegal?

A paralegal is a non-lawyer who by virtue of training and experience provides legal support functions in law firms, governments, and other settings, subject to restrictions on the unauthorized practice of law. Many different labels identify individuals who lack membership in the bar but nevertheless carry out important legal functions. Paralegals usually undertake, for attorneys, such tasks as gathering and analyzing legal facts, performing legal research, drafting documents, and preparing witnesses and evidence for trial. However, what an individual paralegal actually does can vary widely. It depends on the employer, the kind of work involved, and the structure and philosophy of the organization.
The combined title of Paralegal Administrator, Paralegal Contract Supervisor, Paralegal Manager, Investigator Paralegal, Human Resource Paralegal—will continue to grow in number as backgrounds, skills, and particular pasts are married with the paralegal education and the paralegal experience. One reason for the rapid evolution in the paralegal profession is the way it takes almost any kind of past background, couples it with skills and experience and goals, and then emerges in some spot where formerly it had not been. (And then two to three more spring up in the first pioneer’s place!)

Of the jobs that have been created in the last part of the twentieth century, most have highly defined parameters. Many are technical, and most have arisen from new technologies. The paralegal profession, however, is fundamentally different. It has arisen from an older profession, and its boundaries are defined more generally. What a paralegal does is often defined by what a paralegal must not do: sign pleadings, represent a client in court, or give "legal advice." Within ethical boundaries, you may do what a lawyer requests you to do. In fact, please anticipate what a lawyer will tell you to do, so that it can be finished when the lawyer asks for it.

By defining the paralegal profession by what it is not, we can see the infinite variety and scope of the field. In essence, the paralegal profession has experienced a tremendous horizontal growth pattern. Like a vigorous vine, the paralegal profession has grown from the law firm into corporations, government offices, state and local agencies, court systems, foundations, government contractors, manufacturing settings, and high tech companies. The reasons for this growth all go back to that definition of what a paralegal is not. The unavoidable implication in the definition—the Rosetta Stone of paralegal growth and development—Do the work. Do not be a lawyer, but get trained and develop the skills that will enable you to do legal work. If it is helping set up corporations, do the work. If a lawyer needs help organizing and computerizing data for over 50,000-document case, do the work. If a sole practitioner needs help with a growing case load of domestic cases, roll up your sleeves and do the work. If a lawyer has run an ad in the Yellow Pages that is bringing in 20 bankruptcy cases a week, get hired, learn fast, and do the work. If a company needs help structuring settlements for insurance companies and law firms, get hired, and do the work.

"I’d Like to Get One of Those!"—The Lawyer-Paralegal Relationship

As one attorney said to another upon meeting a third attorney buying lunch for her paralegal: "I’d like to get one of those." The initial job order for this first theoretical paralegal situation probably went something like this: "Do you know somebody else like you?"

All of the initial paralegal jobs were networked. They went out and found "someone like them." Who were they? "New Paralegals" told "Experienced Legal Secretaries" that there were jobs to be had that carried a new professional status. Both attorneys and new paralegals filled the ranks with existing associates and friends. They were from the world of law. They were coffee-break friends, coworkers, and past associates from other law firms. They were already qualified by experience, confidence, and professionalism in the law. They were known quantities. They came from existing legal and professional networks. Trust and confidence are of paramount importance in the world of law. Clients place complete trust in their attorneys and that relationship. In a similar fashion, lawyers place tremendous confidence in their paralegals.

As time passes the paralegal is relied upon more and more completely. This is why salaries and benefits are sometimes low in the beginning, but build quickly after a short time. When a lawyer’s confidence and trust in you builds, and you become a valuable member of the team, your pay will reflect that trust. I’d Like to Get One of Those - The Lawyer-Paralegal Relationship Let us marvel a moment on the evolution of the paralegal profession—the profession for which you have been trained. As more and more paralegals have arrived on the scene, it has become very clear what a good paralegal is. Lawyers can use generalists. Even though many careers demand specialization, the new paralegal can be a declared generalist and not suffer for it. A liberal arts education can be very desirable! What has been called the "fastest growing profession" is today a profession that invites broad experience and a diverse background. In addition, lawyers benefit from paralegals with some professional experience. It is fine to be an ex-teacher or an ex-cop or restaurant manager or small business person.

When a lawyer calls my office and asks for someone with common sense, what he or she is asking for is a little life experience, that is, someone who has a practicality about them. Lawyers do not simply require a "near lawyer" as a paralegal. Lawyers want professionals with a broad array of skills who are flexible, adaptable, and willing to work hard (and sometimes long) hours to get the job done. Special educational backgrounds are relished in specific practice areas, as long as you have a flexible professional approach. In fact, as I sit behind my career development desk a single message comes through all the job orders. They may all want lots of different things, but they also all want one thing: professionalism. They say, "I want someone who will double- and triple-check their work-put out a professional work product," or "I want someone who doesn’t ‘punch the clock.’" If it takes 30 minutes or an hour extra to get a job done, I need a
professional who will make sure the work is perfect and gets out the door in time.”

Therefore, a profession was born that required practical, skilled, well-trained support professionals who could use judgment and discrimination on a daily basis and apply all the tried and true work values and ethical standards that were needed to represent the law.

**The Law Firm: Where Paralegals Originated**

Let us go back and consider the structure in which the paralegal profession was born—the firm. The law firm will always have an impact on how you function in the paralegal world. Its original structure carried the paralegal in a staff relationship, not a line function. From the beginning, it was clear that paralegals would be self-directed professionals providing support work. They would not be giving orders to subordinates, but rather be entrusted with projects over which they would be responsible.

Since paralegals are by definition not lawyers, the work divides itself quite easily. Attorneys are the planners, strategists, directors; paralegals are the technicians, organizers, fact experts, custodians of details. The paralegal plays a distinctly different role than the lawyer, and you must recognize your value as an individual with unique skills within the structure of the law firm.

But I managed 25 people in my old job!

As you seek a paralegal position, the lesson to be learned from the law firm structure is: You must bring your skills, not your titles. Many people have uttered variations on the phrase, “But I managed 25 people in my old job!” with complete conviction and wonder, after I told them to “sell your skills, not your titles.” We will address the issue of transferability of skills in later chapters, but you must keep in mind that the paralegal profession was created for the practical reasons of workload—to get the job done as efficiently as possible. Your rank and title in a previous job are irrelevant in the search for a paralegal position. What you can do, not who you were, is what matters. Likewise, the profession is not organized hierarchically. You will not find five levels of paralegal. You do not get battlefield commissions or suddenly have “vice president” placed after your name. You are what you are by virtue of the work you do, your reputation, and your achievements.

**Diplomacy 101: The law firm environment**

Diplomacy 101 is not a course suggestion for a paralegal program, though it might be a good idea for a seminar. Because paralegals are not part of a managerial/administrative structure, they must stand on their own. Paralegals should have the diplomatic skill to negotiate themselves through the perils of law firm gossip, relationships, who’s in, who’s out, and all the problems that arise in a stressful, tense, and sometimes seething subsurface political environment. The paralegal who fails to recognize the importance of secretaries is sometimes in as much danger as one who disappoints a senior partner. The need for diplomacy is made obvious not only by the nature of the work being done, but also where it is being done. What more can be added to this basic description of the paralegal’s role? The first paralegals had skill and adaptability. These two elements are further reinforced by the firm’s structure itself. In the firm, since you are standing on your own, you should have as many technical skills as you can possibly develop. Diplomacy is also an important skill, for you will need friends. You will have to be adaptable, especially in the beginning, for it is adaptability that gets careers going. Many specialists were once volunteers who decided to take on a special case for which they had no experience. Their willingness to pitch in and help allowed them to gain valuable knowledge. Adaptability is an asset that will help you work with the one entity that stands responsible for everything that a paralegal touches—the lawyer. The lawyer/paralegal partnership is one of complimentary opposites: Strategy vs. Technicality, Overview vs. Detail Analysis, Plan vs.

**Execution**

The challenge of dealing with a lawyer comes from the fact that the paralegal must adapt to the style of the attorney. While paralegals are adapting, they must also keep intact their self-esteem and enthusiasm. The paralegal, as adaptor and professional, must be able to rise above the immediate hectic dramas of the law office.

Working with lawyers is what paralegals do. The excitement and challenge of working in the traditional law firm has to do with the high stakes of legal activity, the well-developed egos that populate the world of law, the tense deadline-orientation that pushes everything forward and then occasionally leaves you becalmed on a quiet sea of inactivity. When a case settles and the firm throws a big party, you suddenly have nothing to do—when the hour before you were being driven to distraction by a score of unfinished assignments. You pop the champagne instead of the aspirin bottle and smile to yourself because you are working in a pretty exciting world. Lawyers are a part of this world, and so are you. You are in a law firm, that sometimes sedate
and serene place of thick carpet and serious looks that can in a given situation turn into a place of high drama, hilarity, confusion, or pure adrenalin-driven fun.

**Here to Stay: Paralegals in Law Firms and Nontraditional Settings**

Even though there are still firms that say, "We do not use paralegals," in cities large and small the paralegal is now a permanent part of the traditional law firm. Some firms have stylized their practice around paralegals. One particular estate planning and probate practice instituted a well-organized system of small teams of attorneys matched with a cadre of paralegals and sophisticated computers. Their ratio is one attorney to three paralegals. In other firms the ratio is three or four lawyers to one paralegal. In some firms it is ten to one. Places where paralegal use is minimal or nonexistent await that one experimental day when a stubborn old attitude gives way to a begrudging mumbled statement: "Well, I guess we'll hire you, just to see; now this is an experiment, mind you…we'll have a 90-day probation period…then we'll sit down and talk again."

Within this quiet acceptance lies the key to paralegal success. Well-trained, skillful, enthusiastic professional paralegals have found themselves in this scenario tens of thousands of times. More often than not, after 90 days the paralegal became a "part of the woodwork." When paralegals get a chance to prove their usefulness they not only carve out a job for themselves, they change workloads and expand practice areas. They increase profits. Though not carrying the prestige of the lawyer’s status, you, as a paralegal, can have rightful pride and self-respect in knowing that you are a member of a new profession that is influencing the American legal system in many ways. The status of paralegals in the law firm is fixed.

The "alternative" career or the nontraditional paralegal is a recent phenomenon in the United States. Today, paralegals work in foundations, factories, courthouses, state legislative agencies, city governments, racing and gambling commissions, software companies, research laboratories, and federal bureaucracies. They can be found working everywhere. From manufacturing to service, from transportation to construction, from industry to the professions there is a potential legal fact directly or indirectly involved every time the sun rises. As the department head of a major corporation confided to me over the phone, "I'm not sure what I'm looking for, but I think it's a paralegal."

There are no job openings in this profession, like there are openings for a spot on a production line. Paralegal employment situations are probably better described as opportunities, or better yet, windows of opportunity. This is a prime concept in your overall professional development. Networking is a word that you will continue to hear over and over as years go on. It is one of the main ways your professional development will continue after you obtain your entry level paralegal employment.

**Importance of Job Search Skills**

Academic achievement and successful job searching are separate skills. The most brilliant paralegal in the world who cannot employ basic job search skills will most probably be unemployed. The most average academic achiever in your class could be the most effective job search professional and thus the most happily employed paralegal in your class. This book will outline and instruct you on the elements you need to obtain and maintain professional paralegal employment at the entry level and beyond.

**Excellent academic skills**

Demonstrate themselves in the Report Card. Many attributes show themselves in Social Approval, Peer Recognition and Popularity. However, alas, well-developed professional job search skills only show themselves in Employment.