Hiring a Legal Assistant

Certain preliminaries are important in hiring a legal assistant. You must know just what you want in the new employee. The quest for an employee must uncover someone capable of filling the specific needs of the office, and the first step is to uncover just what those needs are. In management terminology, this is called job description. Once you have a good description, it is possible to analyze it and determine the skills and experience needed.

The final step before the employment process is begun is to set a value on the position to be filled. Value is generally set in terms of a range, say between $350 per week and $400 per week. A less experienced or less desirable individual might be hired at the lower end, while an exceptional applicant might start near or at the top of the pay range.

Locating Applicants: The next consideration is where to locate applicants. Though there are a number of different sources, some are much better than others. The list includes associations, personnel agencies, newspaper advertising, state employment services, local high schools, business schools, and colleges.

[a]-Associations. The first place to look might be the Association of Legal Secretaries. This Association has a placement service for its members. If there is a local chapter in the area, you should find it very helpful.

[b]-Personnel Agencies. Although a private personnel agency charges a fee for its services, it is one more avenue for locating an experienced legal secretary. A reputable agency will screen the applicants through interviews, tests, and reference checking. Most agencies will place the accepted applicant on a trial basis and, should the employee not perform up to expectation, they will replace that employee without further charges to the employer. Great care must be taken in the selection of agencies, since not all of them are qualified to do a good job.

[c]-Newspaper Advertisements. Ads placed in the help-wanted columns of local newspapers will announce a position opening to the greatest number of possible applicants. If the law office has the facilities to do the raw screening which such ads require, a saving of an agency placement fee is possible. The composition and content of an ad will have much to do with its success, as will the selection of the right newspaper. Most
communities have one paper which carries most of the help-wanted ads. That is the right one to use. Sunday editions generally bring the best results.

There are three types of help-wanted ads. Closed ads are those in which the applicant is asked to apply to an anonymous box number. This is the least effective type because of the effort involved and because it requires the applicant to divulge personal information to an unknown reader. There is also a fear that the applicant’s name will somehow reach the present employer. Finally, a closed ad conveys the message that the employer is trying to replace an individual who is still working, and for this reason the ad requires secrecy.

The second alternative is to state boldly the identity and address of the employer and to invite interested parties to visit or telephone. This is a useful avenue for a firm to use if it has the staff resources and space to handle a large number of applicants.

An intermediate step is an advertisement which lists the type of business, general location, the name of a contact person, and a telephone number. When such ads are used, it is possible to carry out preliminary screening of applicants as they telephone, and to set up an orderly schedule of interviews for those who pass screening.

When jobs are plentiful an advertisement must do more than announce that there is an opening—it must sell. Care must be taken in composing the advertisement. In order to be noticeable in a metropolitan newspaper, an advertisement cannot be limited to two or three lines. It must have some size. All ads are divided into three parts: (1) the job and its requirements, (2) the employer, and (3) how to apply. The following is possible copy for the job:

**TYPIST-LEGAL**

Mrs. Smith, our senior labor counsel, needs an expert word processor to assist in preparing for union negotiations, arbitrations, and hearings.

Excellent word processing skills and a good vocabulary and grammar are important. There are many promotional opportunities in our law department and company. IBM personal computer experience useful.

Location in downtown area, in modern, pleasant surroundings, near RR and bus. All benefits, excellent salary.

Apply by phone or in person to Mr. Rouzer, Personnel Department.

**THATAWAY COMPANY**

123 Parkway 567-9001

An advertisement must motivate the psychological as well as the economic needs of potential employees. Consider the following three alternatives for the same position with a private law firm and then decide which one you would answer if you were a secretary seeking a job:

**LEGAL SECRETARY**

Fully experienced secretary for busy office. Box 356, YOURTOWN NEWS.

**SECRETARY, LEGAL**

Medium size, downtown firm seeks an experienced secretary to a senior partner. Prior experience required. Write Box 356, YOURTOWN NEWS.

**SECRETARY, LEGAL**

Busy but congenial downtown firm seeking experienced secretary to replace employee who is moving. Work for senior partner involves paralegal assignments. For information, telephone 456-0713; ask for Mrs. Manger.

[d]-State Employment Services. In some towns and in some states, the free employment agencies provided jointly by the federal and state governments can do a good job for employers. This requires the establishment of a careful working relationship with one interviewer who will handle your “account.” Unfortunately, in many areas these agencies do not perform a good job of placing employees in the special
job classifications required by law offices or legal departments.

**Fair Employment Considerations**

There are many do’s and don’ts in the hiring process because of the several federal and many state laws dealing with fair employment practices. Discrimination is prohibited under various laws, because of race, religion, or national origin, or because of sex, or because of age. Age is generally defined to be over 40, so that there is, in most states, no prohibition against discriminatory practices aimed at the young.

The federal law (Title VII of the Civil Rights Act of 1964, as amended) is administered by the Equal Employment Opportunity Commission. The federal law against Age Discrimination in Employment is administered by the Wage & Hour Division of the U.S. Department of Labor.

**The Employment Application Form**

A very important part of the hiring procedure is the application form. It serves as a standard checklist for reviewing the qualifications of applicants while it also provides a permanent record of the interview.

Some business firms use a short form of pre-application which merely contains the applicant’s address, telephone number, and the position sought.

The use of such a preliminary form eliminates the tedious completion of basic information. It leaves the flow of conversation during the interview open for the skilled interviewer and also relieves those applicants who do not pass the initial interview screening of the need to furnish a complete history.

Some firms bypass this preliminary form and ask applicants to complete a full application before the interview starts. There are many sources for commercially printed applications and other personnel forms and it is hardly worthwhile for an office to print its own.

Many local printers and stationers can also furnish personnel application forms, some of which may serve a law firm very well. Care must be taken to use a form which does not violate the provisions of federal and state equal opportunity rights legislation.

**The Interview**

The interview is the basic tool of hiring. Either a completed application form or an interviewer’s checklist can be used by the interviewer to guide the process.

Every applicant is nervous during an interview. It is the interviewer’s responsibility to make the process as relaxed and painless as possible. The first rule is to concentrate on the interview, to shut the door, and turn off the telephone. Seat the applicant comfortably and make sure that she or he is not facing a bright window. A conversation begun with a casual topic, such as yesterday’s parade or today’s weather, will do much to get things off to a relaxed start.

Using the guide or application form as a checklist, the interviewer should then first determine if the applicant has the required skills, background, and personality for the vacant position. The first questions should, therefore, be directed toward the basic requirements of the job. Has he worked in an office previously? In a law office?

When the basics are out of the way, there are a number of other considerations. The questions directed to the applicant should not be leading questions. They should encourage the applicant to talk and to divulge information. For example, ”How did your previous employer treat you?” Not: ”Were you treated well by your last employer?” Or: ”Did you ever receive a bonus for the work you did?” Not: ”Do you do good work?”

**There are certain characteristics of potential employees which should be carefully explored. The interview should ascertain the following:**

Job Hopping-Does the applicant move frequently from job to job? If so, why? Caveat-Better a good employee for a short time than a bad one forever.

Distance from Home-Some people accept a job first and find out the commuting problems later. Transportation facilities and distance should be carefully explored.
Health—Is there a medical record? Have there been illnesses in the family? Many applicants candidly admit past illnesses. Things to watch for and to weigh carefully are, among others, ulcers, rheumatic fever, heart conditions, chronic headaches, and other ailments which may cause frequent absences. However, some individuals with disabilities are exceptional workers. A reference check with a prior employer will shed light on this.

Finances—Will the job pay enough to fill the financial needs of the applicant? Will financial pressure cause him or her to look for a better paying job?

Notice—The applicant who can leave a present job and come to work tomorrow may treat you the same way next month. Any applicant who does not propose to give proper notice will be a poor choice.

The interviewer should look for some other factors in the application. These include periods of time not accounted for. Many applicants exaggerate the pay at their last position in the hope of obtaining a higher starting salary. This can, of course, be verified with the former employer. Reason for change is an important factor. Why is the applicant seeking work? Why has she or he sought work previously? Is this the kind of person who will always become disillusioned and dissatisfied after a brief period of time?

Smaller law offices should delegate a preliminary screening to more mature secretaries who can eliminate the applicants obviously not possessing the necessary skills or personality traits for the position. In larger firms, professional administrators will generally screen and preselect applicants. It is customary for secretaries to be interviewed also by the individuals for whom they will eventually work.

The best way to end an interview is by repeating the firm’s objectives and summing things up. The applicant should be thanked for his or her cooperation, and further arrangements should be made as to the announcement of the firm’s decision.

Testing

Most law firms use some kind of testing for applicants. A sample test letter follows. Certain words are misspelled on purpose and errors in punctuation are included. If this letter were dictated for direct transcription, the applicant would have to know how to spell and punctuate it. Any applicant should have a dictionary placed near the testing station. The letter should take three to five minutes of a good legal secretary’s time. An applicant for a job will take longer. The applicant will be typing on a strange typewriter and will be unfamiliar with the style used in the test letter. The applicant should, however, not require more than ten minutes to complete the test letter.

August 5,
Sergeant John McGreggor Central Air Force Base UFO Command Planeville, Md. 19967

Dear Sergeant McGreggor:

We have contacted Acme Piano Storage Company, which recently threatened action against your wife for an unpaid storage bill. They have checked their records and have found that you did in fact pay their invoice on December 13th as you stated. We pointed out to their management that the methods used by the collection agent were quite illegal under § 137.4 of the State Code, as annotated and that you were contemplating prosecution. They were most apologetic. However, I did discover from the District Attorney's office that there have been other complaints filed against them.

If you will be in the city in the next few weeks we should get together to discuss the course of action you wish to take.

Sincerely Yours,

SIGNATURE

The applicant should be instructed to strike over typing errors so the interviewer can see them easily. If the applicant stops typing and begins again from the beginning the interviewer should receive both copies.

Checking References

Although a skilled interviewer may gather much information during the interview and testing process, references should be checked in every case. Often, if the proper questions are asked, the former employer will mention some trait of character or skill deficiency which had not come to light previously.
Here is a situation where the law firm involved felt, without proof that a bookkeeper, who had been with them for eighteen months, might be dipping into the office till. They did not want to make accusations without some evidence; but, at the same time, they did not want to call in an auditor for a full audit, without more evidence. Our first advice was to call her former employer to see whether he had experienced similar doubts. The former employer was a treasurer of a small business corporation and a personal friend of one of the partners in the law firm. He was called and asked specifically whether he had ever suspected the bookkeeper of diverting company funds to her own use. Immediately he stated that she had done so--she had proof--and she had been fired for just that reason. The lawyer was aghast. "Why didn't you tell us that when you knew that we had hired her?" he asked. The answer was simple, "You didn't ask." An auditor was then called and a shortage discovered.

The following is a possible list of pertinent questions:

- Did Miss So-and-so work for you? Between what dates?
- What was her salary at the time she left you?
- Did you work with her directly? If not, could you refer us to someone who did?
- Why did she leave your place of business?
- What kind of duties did she have when she was with you?
- Was she prompt?
- Was she neat and accurate?
- Was she friendly with those with whom she worked? With clients and visitors?
- Was she honest?
- Was she cooperative with others on her employment level, and with supervisors?
- How many absences did she have during the period she was with you?
- Would you rehire her again if you had an opening?

This last question is an especially good one which should be asked during every reference check. If the applicant has recently graduated from school, a reference check should be held with her principal, counselor or teacher. When asking former employers for references, the inquirer must be aware that many former employers today will not respond, or will respond only in complimentary terms. Lawsuits against former employers by former employees have made personnel managers wary.

Secretarial Training

Training a new secretary is a time-consuming process but most rewarding when done properly.

The first step is to introduce a new employee to the entire office, attorneys as well as clerical staff. Everyone should be as careful as possible to make the introduction to the office personnel cheerful and pleasant. If the size of the firm makes a personal introduction with all other employees impractical, a few key employees should meet the new secretary, and other employees should be instructed to make every effort to introduce themselves as time permits.

It is important to understand the principles of training before beginning to teach the new secretary the workings of the office. It is up to the trainer to help the new employee absorb the essential office procedures in the fastest, best way possible.

All people learn better by doing or by watching things being done than by being told how to do them. A secretary faced with new situations should be allowed to form opinions as to how certain problems should be solved. The employee may or may not come up with the right answer, but this thought process will teach how to arrive at solutions to future problems when new situations arise in the employer's absence. When it is necessary that the secretary be told how to do something (for example, in explaining how to set up books when she or he has no bookkeeping background), (s)he should be told to take notes during the instruction and to type them for future reference. In time, these notes may form part of an office manual.

The best training is "do and review." The new employee is asked to perform a task. It is then checked by an experienced person. The trainee is shown any errors and is given another new task. In the training situation it is important to create an atmosphere in which questions and interruptions are invited. The new secretary who seeks help only to get a "busy signal" from the lawyer, may not ask again. The "busy signal" may be a harried tone, a frown, discourtesy, or some other mannerism which conveys a disinclination to answer patiently.

In the larger office, a "buddy system" for training new employees may work well. In this type of system an experienced employee is teamed with the trainee and provides continual support and instruction during the first months of the job, or even beyond.
It must be remembered during the training process, that oral instructions will never be remembered completely. Repetition is necessary! Studies indicate that less than half the information we receive orally is retained for any length of time. If a trainee will take notes of instruction, the information will be better remembered and the notes will act as a source of reference. Firms which have developed instructional manuals may require new secretaries to type a personal copy, since in the typing process the trainee will be forced to read the material carefully.

The reward-incentive plan works for all people. Office administration should be structured so that the secretary who pays attention to instruction and becomes a competent legal secretary will receive a reward for good work. This reward need not necessarily be an immediate raise in salary. The recognition of having completed a probationary training period, increased vacation, bonuses, or a simple kind word of appreciation are also incentives.

The True Paralegal

The distinction between the true paralegal and the highly skilled legal secretary is essentially that the legal secretary generally continues to perform the secretarial functions commonly associated with the title of secretary, while the paralegal, or legal assistant, does not. The paralegal employee may type his or her own interrogatories or federal tax forms, but does not type them for others. In many larger firms the paralegal employees are assigned secretaries or may call on the stenographic reserve for clerical assistance.

Even within the category of true paralegal assistant, there are two approaches. An analogy to making a suit will illustrate the difference. The tailor in a little establishment, cutting the cloth, basting, lining, and sewing the finished garment represents one concept. The garment factory, where each step is separated and given to different individuals, illustrates the other concept. The office with a sufficient volume of cases of one type can utilize the “factory” concept of many semi-skilled workers and piece-out the various steps in the matters to employees trained in that particular step. On the other hand, the firm which has few but complicated matters, such as S.E.C. registrations, can more profitably use the “mini lawyer” who can perform most of the steps through an entire matter unaided, but who may not be trained in other areas of law. Just as the apprentice tailor would consult the master tailor when a difficult fitting or alteration was required, so the mini lawyer will consult and be lead by the master lawyer. The legal product in either the production line approach or the mini lawyer approach is the responsibility of the lawyer himself.

One advantage to the production line approach, where work permits, is that one limited operation may be learned more quickly than can all the steps which go into a finished product. Twenty trained paralegal employees, each handling one step of a matter under supervision, can handle the entire case more quickly than can twenty mini-lawyers each handling one case.

Mini-lawyers can be trained in some of the more common fields of practice in smaller firms, such as real estate, probate, tax, and incorporations. In some firms one person can assist in two or three of these fields.

Status Problems

The introduction of paralegal employees into an established law firm (or corporate law department) poses a number of difficult employee relations problems, which must be carefully considered before the first such employee reports to work.

The first consideration is the status to be allocated to the position. The status will be lower than associate lawyer, but how will it relate to the business manager? The bookkeeper? Senior legal secretaries? How great a status distinction will be made?

Will paralegal employees have individual offices like the business manager and associates? Should they be in secretarial space? Or would it be appropriate to create an intermediate type of working area in which two or three paralegal employees share a private office?

Are paralegal employees given typewriters? (It should be noted that some lawyers themselves use typewriters.)

Are paralegal employees permitted to sign correspondence?

What form of address shall be used? If everyone in an office is on a first name basis, then of course, no problem exists. But if a distinction is made between lawyers and secretaries, in that the former are addressed as Mister or Ms and the latter are called by their first names, then a decision is called for. And that decision particularly will have a strong impact on status.

Associate Lawyers and Paralegals
One problem which has not received much attention, but which is a very real one, is the attitude of new associate lawyers to the paralegals in a law office. The job market for some graduates from law schools has been fairly tight in the past decade and some resentment appears when the young lawyer whose friends have not secured employment sees a paralegal employee doing work which formerly was done by lawyers. New associates must realize that paralegals are here to stay and to work with, not against them.

Another problem being created because of the increasing number of paralegals is that the basic training problems which used to be given to associates in their first months or years of practice are being done by non-lawyers. This means that associates have to take on more complicated tasks earlier. For some this presents a positive challenge, but for others it may be a source of failure.

Motivating Employees and Improving Human Relations

Good employee relations within the working team of a law office are essential to a pleasant, productive atmosphere and to the achievement of goals. Administering toward achieving good human relations and toward presenting proper motivations to employees is an art which some lawyers instinctively possess, which some can learn, and which some never fully appreciate. Hundreds of articles have been written on the subject. The purpose of this section is to highlight some of the main points in the techniques which have been developed and to illustrate their application in the legal group situation.

Reward Good Performance

A basic principle of human relations is that good performance must be rewarded. It follows that poor performance should not be rewarded.

Rewards may take many forms ranging from a simple “thank you” to a bonus or a salary increase. A reward for excellent service has prospective value, in that it gives the employee pride in a job well done, a necessary and important motivator for future performance.

In order to allocate rewards or non-rewards on a proper basis, it is necessary that any organization set and maintain standards of accountability. Employees must understand that their employer expects the highest degree of performance possible.

Supply Leadership

Another principle of good human relations is that management must supply leadership. Many law firms with poor morale situations can trace the development of their turnover or other employee problems to mediocre or nonexistent leadership. Employees who sense a lack of leadership react to it by producing poor work and allowing minor irritations to become overriding considerations, which infect the whole work force.

Motivation Maintenance

One of the best known authorities on employee motivation is Professor Frederick Herzberg, who first enunciated the "motivation maintenance theory." As a result of studies and surveys which he and his management group performed, Professor Herzberg lists various positive and negative motivators in order of their importance. His theory deals with the fact that basic security, in terms of filling needs for food and shelter, have become less important than they once were, and other motivators have become prime factors. Herzberg states that employees are motivated positively by achievement, recognition, the work itself, responsibility, advancement, and growth on the job; while they may be adversely affected by negative factors such as company policy and administration, supervision, working conditions, salary, status, and security.

Professor Herzberg's theory continues with the proposition that workers will ignore the negative factors when the positive factors are present; but when positive factors are not there, they will find the negative factors extremely dissatisfying.

Several years ago the administrator of a large law firm in an Eastern city was presenting a talk to a group of managing partners and law firm administrators. In the course of her talk, she mentioned the starting and top salaries paid to secretaries by her firm. Many lawyers in the audience were aghast, since the salaries were approximately 20 percent under those usually paid to secretaries in firms of similar size in similar metropolitan areas. They questioned how she could manage to maintain a work force with that salary scale, to which she replied that her turnover rate was less than 20 percent per year. As it developed during further discussion, her firm had an excellent training program for secretaries in which constant attention was given.
to growth on the job, the introduction of new and challenging assignments, and verbal recognition of achievement. In her case, the prime positive motivators were presented by the law firm to its secretaries, and the negative factors were therefore not called into play by the secretarial staff.

The average employee will probably overlook wage deficiencies, working conditions, lack of fringe benefits, or another employee who is not liked, if he or she knows that there is a chance for advancement, if contribution is recognized, if skills are improving, and if the employee is growing as a person and in the job.

An excellent article on Mr. Herzberg’s theory of motivation may be found in the January/February, 1968, issue of Harvard Business Review at page 53. It should be emphasized that the so-called negative motivators such as pay, vacations, retirement, and other fringe benefits, although they do not motivate anyone to do anything, may cause trouble if they are taken away. Giving these benefits may influence someone to stay on the job, but it will not motivate someone to do a better job.

Esprit de corps is a major motivating factor. An employee’s sense of belonging to the team is important. Several years ago at the opening of a training session, one of the authors introduced the concept that the legal secretaries present were part of the administration of justice and part of the whole legal team, consisting of courts, lawyers, legislatures and the like. The audience had come, on instructions from their employers, to listen to a lecture. Suddenly they became part of the discussion. They belonged to something more than a desk and a typewriter. They felt a sense of value in the whole process of justice. This sense of belonging can be very valuable to a law firm both in terms of receiving better cooperation and in the production of higher quality work.

When Motivation Fails

If a firm has done a good job in human relations, motivation and goal setting, and in providing an atmosphere for productive time management, and an employee is still not performing, he or she should be removed from the job. Maintaining a person in a position in which he or she cannot, or will not, operate well will undermine the efficiency of an entire office. It is, in effect, violating the rule regarding the rewarding of nonperformance. It is also unfair to the individual to keep him in a job for which he is not suited. While it may be more pleasant for the moment to overlook the nonperformance of an individual, the effects of such an error in management will eventually emerge, perhaps, in a serious form.

Evaluation of Staff

Business organizations and the government have developed highly refined techniques of personnel evaluation and rating. These ratings are generally coupled with appraisal interviews designed to let each employee know how he or she is doing in the eyes of superiors. Terms such as service rating, merit rating, and efficiency rating are applied to the process. Employees are rated because they may have characteristics which the firm needs to evaluate, but for which there are no objective measures. Since it is possible to maintain records on days absent, hours worked (or for lawyers, billable time, clients obtained) etc., these factors need not be subjectively evaluated.

Rating, however, seeks to secure a quantitative measurement of qualities that are not objectively measurable. In order to structure the rating process, a rating form must be used which separates the various qualities to be measured. It should be sufficiently detailed to insure a uniform understanding. For example, for the factor “quality of work,” the person evaluating should rate the individual worker as poor, fair, generally good, or excellent. Common factors found on evaluation forms are:

1. Quality of work.
2. Quantity of work and frequency of volunteering for extra work.
3. Flexibility and adaptability to new situations.
4. Job knowledge and initiative.
5. Responsibility and dependability, closeness of supervision required.
6. Housekeeping.
7. Attitude toward firm and superiors.
8. Attitude toward peers and subordinates.

Those persons rating others must be instructed to disregard personal prejudices and to view the employee as objectively as possible. The rater may wish to add personal comments to the form when the general rating is completed.

Ratings should be done by more than one person. In some firms, the lawyer to whom the secretary is
assigned, the office manager, and one other person for whom the secretary has performed work, will be instructed to rate an individual. One secretary should never be asked to rate another secretary.

**Personnel Policies and the Office Manual**

A basic tool of good personnel management is a set of written personnel policies. Office manuals range from a few sheets of paper, in the small office with one or two employees, to a several-hundred-page office manual in the large firm or corporate legal department. As new personnel situations arise, their solution and the policy which the solution establishes should be noted and entered into the manual for future reference. As an absolute minimum, an office manual should include statements on the following:

1. General Statement of Office Policy on work quality, promptness, confidentiality and client relations
2. Office Systems
   - Filing
   - Time recording
   - Billing
   - Ticklers and dockets
   - Bookkeeping
3. Personal Policies
   - Office hours
   - Telephone answering
   - Lateness and absence
   - Vacations
   - Holidays
   - Insurance benefits
   - Overtime and pay days
   - Dress, decorum, and housekeeping
   - Sick pay
   - Maternity / Paternity leave