
§ 2.4**Career Options***Choice = Power*

LAW FIRM SIZE

Firms with One to Five Attorneys

A paralegal who works in a firm of this size will most likely work as the sole paralegal, or with just one or two other paralegals.

Advantages:

Many experienced paralegals at small law firms are given considerable responsibility. Some become office managers. Once an attorney at a small firm becomes dependent on a paralegal, it is possible for the paralegal to command a higher salary, more flexible hours, and better vacation time than paralegals in larger firms.

Disadvantages:

The small firm typically starts paralegals out at a lower salary with fewer benefits than larger firms. Many small firms pay hourly wages as opposed to annual salaries. Some firms use employees as a cross between a paralegal and a legal secretary. This may be acceptable for an entry-level employee but is usually not a position that a paralegal with desire for the long term.

Firms with Six to Twenty-five Attorneys

A paralegal who works in a firm of this size will most likely work as one of several paralegals, on average from four to eight.

Advantages:

These firms tend to offer higher starting salaries, usually have good benefit packages and are likely to practice in several areas of law. This means that the paralegal may be able to move from one area of practice to another, gaining experience in several areas of law and becoming more marketable.

Disadvantages:

Some firms of this size will start a paralegal out at a low salary, or even hourly, until a three- or six-month review. Some firms also have a waiting period before benefits begin.

Firms with Twenty-six or More Attorneys

Large firms average one paralegal for every four attorneys.

Advantages:

Firms of this size usually provide employees with excellent benefit packages, including retirement plans. Starting salaries for large firms tend to be higher than those offered by smaller private law firms. Jobs are more secure, since the larger firms tend to be well-established and less likely to split apart. As attorneys come and go from large firms, they often ask favorite paralegals to move with them and offer them significant financial incentives.

Disadvantages:

As a rule of thumb, the larger the firm is, the less weight an individual paralegal carries. A great paralegal is more indispensable to a five- or ten-attorney firm than to a firm with 50 or 60 lawyers. Larger firms are more likely to have set salaries and benefits that are non-negotiable. Some firms discourage movement from one area of practice to another within the same firm. Finally, a paralegal working for a firm of more than 50 attorneys is more likely to feel like a cog in a machine than a paralegal working at a smaller firm.

PRIVATE LAW FIRMS**Litigation**

Litigation is by far the largest area of practice for paralegal employment. Tasks include drafting discovery documents and pleadings, conducting law office investigation, arranging for service of process, setting trial dates, setting depositions, drafting deposition questions for the attorney, interviewing witnesses, conducting legal research, drafting legal memoranda based on research results, drafting motions and briefs, interviewing witnesses, interviewing clients, filing documents with the court, and various duties related to court and administrative procedures.

Construction Defect

A fast-growing area of paralegal employment is in construction defect, where they usually coordinate discovery documents. Due to the large amount of documentation involved, the paralegal will often coordinate document banks (or depositories), companies that hold all discovery in a centralized location. Paralegals also arrange for depositions and arrange for (and often attend) destructive testing of buildings to determine the techniques and materials used in construction.

Personal Injury

Duties in personal injury are similar to those found in standard litigation positions, but are also likely to include obtaining medical records, arranging for expert medical testimony, and possibly performing some initial accident scene photography. Any medical experience is helpful in this area.

Bankruptcy

Paralegals commonly sit in on the initial client meeting after which the attorney may ask the paralegal to prepare the bankruptcy documents, including schedules of assets and debts. During this process, the paralegal may meet with the client several times to ensure the accuracy of the documents. The attorney will review the finished documents before they are filed with the court. After filing (depending on the chapter that the bankruptcy is filed under), a meeting is set with the trustee, during which creditors are allowed to ask questions of the debtor. Bankruptcy paralegals may also conduct a significant amount of legal research.

Transactional or Contract

Paralegals may be involved in drafting contracts and other agreements. In some cases, paralegals may be expected to track the performances of one or more parties who have entered into an agreement. For instance, there is a paralegal who monitors reports from various television stations to determine whether advertisements have been run at the proper time and in the agreed-upon frequencies. If there are discrepancies, he or she contacts the stations to arrange for compensatory runs of the advertisements. Another paralegal then drafts contracts for a Romanian cable company. The attorney she works for is in Europe (but licensed in the United States). When a cable company on the west coast agrees to offer the channel, the paralegal sends the contract to the attorney for review, then monitors the performance and ad revenue.

Incorporation

Incorporation is a document-intensive specialty that can be a rich source of employment for paralegals. Once a paralegal is familiar with the intricacies of preparing articles of incorporation and preparing annual reports and lists of officers, he or she becomes a valuable resource. An incorporation paralegal must have excellent long-term calendaring skills so that corporations do not fall dormant.

Immigration

Paralegals are especially valued in immigration positions if they speak more than one language. Common tasks include interviewing clients, legal research, assisting clients with form completion, and sometimes even acting as translator between the client and the attorney. Immigration paralegals should not engage in freelance form assistance. Some of the decisions made in filling out immigration forms call for legal judgments only an attorney should make.

Real Estate

Real estate attorneys employ paralegals to conduct title searches, file titles with courts, and draft leases or other documents for the attorney.

Probate and Estate

Probate and estate paralegals are in great demand. Paralegals are used to conduct legal research, draft wills and trusts, meet with clients, contact family members, conduct skip-traces (looking for missing relatives), monitor and maintain trusts, and open probate in the appropriate court.

Criminal Law

For many years, attorneys were reluctant to use paralegals in criminal representation where a client's personal freedom was at risk, but paralegals are now being used extensively in this area to handle communication with detained clients and with the prosecutor's office, as well as to obtain police and other law enforcement records. Being a strong legal researcher is a real advantage in this work.

Administrative Agency Representation

A new and dynamic area of employment for paralegals involves assisting clients who need to present a claim, defense, or proposal to an administrative agency, who need help with that presentation, but who do not want to, or can't afford to, hire a lawyer. This practice presents a bit of a gap in the unauthorized practice of law rules that typically prevent paralegals from representing clients in legal matters or giving legal advice. However, administrative agencies are not courts and thus most do not require that a representative in those proceedings be an attorney. Some examples of administrative agencies that typically allow for non-attorney representation include the Social Security Administration, Veteran's Administration, most state welfare agencies, as well as local and state zoning boards. (Note that the big exception to the acceptance of administrative paralegal representation is anything involving taxes, in which case any representative is required to be an attorney.)

Law Office Manager or Administrator

While not technically a paralegal position, a person with a paralegal background can make an excellent law office manager. Duties may include hiring and firing, ordering supplies, acting as arbiter for personnel conflicts, distributing work assignments, and conducting annual reviews. In some smaller firms, the office manager may be responsible for distributing paychecks and maintaining the firm's bank account, as well as handling overflow work as needed.

GOVERNMENT POSITIONS

Courts

Some paralegals are hired as law clerks for judges. In this role, the paralegal conducts legal research, drafts orders, checks citations, and helps to set hearings and trials.

Office of the Mayor or Governor

Working as a paralegal for a person who holds a political position can mean that the position lasts only as long as the individual remains in office. Specialized duties include tracking legislative activity, drafting proposed legislation, coordinating travel and meeting schedules, arranging for special recognition of citizens, and monitoring the press.

The Federal Bureau of Investigation (F.B.I.)

The Federal Bureau of Investigation hires paralegals to work at its headquarters in Washington, D.C. and in its many field offices throughout the United States and within its special divisions. The FBI employs its own attorneys as legal counsel, and paralegals are employed to assist these attorneys. Most asset-forfeiture divisions throughout the country employ paralegals to assist in title searches, property seizure documentation, and preparation of court documents.

Prosecutors

State prosecutors, such as district attorneys, hire paralegals to prepare correspondence, draft pleadings and motions, research legal matters, and communicate with other government agencies. Examples of federal employees include paralegals working for the United States Attorney General in Washington, D.C., as well as in all offices of United States Attorneys throughout the country.

Social Services

State social service departments employ legal assistants to appear at administrative hearings, prepare documents related to child welfare, conduct research, and monitor children in foster-care settings.

Government Agencies

Federal and state administrative agencies use paralegals for many standard duties. In some cases, paralegals represent the agency and the agency's position. In many administrative settings, attorneys may not need to be present.

BUSINESS AND CORPORATE POSITIONS

Corporations

Most large corporations have legal counsel and employ paralegals. Corporate salaries are usually higher than those in law firms or government positions and benefits are usually excellent. Duties vary according to the corporation.

Real Estate Offices

Real estate offices sometimes employ paralegals to conduct title searches, file titles with courts, and communicate with outside counsel.

Hospital Administrative Offices

Hospitals sometimes have their own legal departments. In such cases, paralegals are used for standard duties, as well as for tasks such as sanitizing hospital records, responding to discovery requests, and communicating with insurance companies. Some hospitals without legal departments hire paralegals to perform within the hospital (but under the supervision of outside counsel) the tasks mentioned above.

Insurance Companies

These document-intensive companies use paralegals to review policies, request documentation of damages, and fulfill many standard paralegal duties.

NONTRADITIONAL POSITIONS

Political Action Committees and Campaigns Most federal political campaigns, and many state campaigns, hire paralegals to help monitor the press and opposition campaigns, conduct opposition research, and track donations to ensure compliance with federal election laws. State and federal political parties also employ paralegals at headquarters.

Investigative Positions

In many states, investigators must be licensed. Paralegal education can benefit these individuals. In addition, some larger investigative agencies hire paralegals to conduct research, communicate with client attorneys, assist in skip searches, monitor jury panels, and interview witnesses.

Small Business Owners Who Represent Their Own Interests

Many individuals who own their own businesses obtain a paralegal education so they can conduct simple legal tasks. For instance, some landlords want to draft leases for their own properties or evict tenants without hiring a lawyer. As long as the individual is creating such documents for his or her own business, this conduct is permissible.

Freelance Paralegals

Many paralegal service businesses have arisen throughout the country, some working as storefront operations, others from private residences, relying on online marketing, such as Facebook, Twitter, or other social media, and even sometimes still use newspaper or Yellow Pages advertising. Such paralegals specialize in document preparation and assist clients in filling out forms. Providing such services to the general public without attorney supervision presents a serious dilemma. Determining the appropriate form and completing it often requires legal judgment. Although document preparers insist that they simply fill in the information provided by the client, it is very difficult not to express opinions in response to client questions. In other words, freelance paralegals are very likely engaging in the unauthorized practice of law.

However, there is a variety of freelance paralegal practice that is perfectly ethical and legal. These freelance paralegals, usually experienced legal assistants, work for lawyers and law firms instead of the public-at-large. Since the paralegal has a supervising attorney, no ethical standards are compromised. In addition, paralegals working as freelancers for law firms are compensated at a much higher rate than those offering services to the public. Paralegals working for several firms, on a contract basis, are often referred to as *independent paralegals*.

Paralegal Firms

The paralegal firm is a small and relatively new development. Typically, several paralegals form a company, hiring an attorney to review their work. These businesses commonly prepare wills, draft contracts and leases, and appear at administrative hearings and in small claims courts where paralegal representation is allowed. It is critical that an attorney review virtually all work under such an arrangement. There may be additional ethical issues, such as fees, which are usually set by an attorney.

CHAPTER 2

Wrap-Up

WHAT YOU SHOULD KNOW

After reading this chapter you should know the following:

- The basic concept of being a paralegal
- A general idea of duties a paralegal is allowed to perform
- Those duties a paralegal is not allowed to perform
- Understand the differences between paralegals and legal secretaries
- The ABA's role (or lack thereof) in regulating the profession
- The four most common forms of paralegal education
- The advantages and disadvantages in working for various size law firms
- Have an idea of the vast opportunities and different areas of law that utilize paralegals

ASSIGNMENTS

There are no assignments for this chapter.