Partnering with Paralegals

There have been hundreds of times over my eighteen-year career when paralegals have significantly assisted me in representing a client. While it’s difficult to single out a specific example, it’s clear that the most notable ones involve a real sense of “partnering” with the paralegal. When I say “partnering,” I mean a working relationship in which both the lawyer and paralegal know the facts, players, and issues backward and forward. They communicate and share information completely so they are in sync with each other’s thinking. More often than not, their work habits and personalities harmonize and complement each other so they can anticipate problems and resolve issues quickly, without client involvement or major disruption in game plan. And while the paralegal is ultimately supervised by the lawyer, the two truly work together as a team in providing answers and support to the client.

To develop this kind of partnering relationship, paralegals need to become fully familiar with all facts relevant to the matter. They need to have reviewed the relevant documents, met with all significant friendly witnesses, and attended all depositions or reviewed all deposition transcripts. Their understanding of the factual underpinnings of a dispute must be as complete as the lawyer’s, and they need to understand how the facts apply to the legal issues. In addition, paralegals must be familiar with the legal arguments so they can identify and present significant facts to the lawyers. When paralegals and lawyers develop this partnering relationship, they create synergies that both serve the best interests of the client and create an interesting and enjoyable professional experience.

One such example happened during my work with a paralegal on a large toxic tort suit involving numerous plaintiffs and complex legal and factual issues. Discovery in the case included the depositions of roughly a dozen retired members of the client’s senior management team. The preparation for and defense of the depositions was a critical component of the case that required multiple meetings with the witnesses, identifying and organizing hundreds of exhibits, and developing the defense theme. My paralegal played a central role in each of these activities. She prepared all of the materials for the witness preparation sessions and attended all of the meetings with the witnesses and their depositions. She also interacted directly with the witnesses — scheduling meetings, answering their questions, providing them with transcripts and exhibits, and generally informing and reassuring them about the process. She developed such good relationships with many of the witnesses that she became the primary contact within our firm when the witnesses called with questions.

Although intensive paralegal involvement with witnesses is not unusual, the noteworthy aspect of this case was the fact that these witnesses were primarily former senior executives of our client, including two former presidents and three for-

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As most program directors probably know, the new Guidelines for the Approval of Paralegal Education Programs go into effect in September 2003. The revised Guidelines will not, for the most part, significantly affect your daily activities or reporting requirements, but there are a few changes that will require some advance planning. So, plan to add a few new items to your tickler system to be sure you routinely gather the information you need. That way when you actually sit down to write your report, you’ll have all the data you need. Here’s a short list to keep handy:

• Faculty meeting requirements. Hold and keep detailed minutes for at least two faculty meetings per year. Whenever possible, set aside a portion of the time for faculty professional development.

• Attendance requirements. As evidenced in the minutes, double-check to make sure that advisory board members from each representative group are regularly attending and participating in board meetings. If they are not, solicit new members, always with an eye to ensuring that a majority of the board membership includes people who work outside of your institution.

• Regular class assessments. On an ongoing basis, take the time to re-evaluate all legal specialty classes. Make sure that each course contains appropriate practical assignments. Also, check your curriculum as a whole to ensure that you will be able to show that your students can demonstrate college level oral competency.

• Reporting system. Have a system in place so you can track and report your graduates’ employment or education status within six months of their graduation. For graduates who are employed, you’ll need to report on their job title, employer name, city, and state. For those graduates who continue their education, you need to collect information on the degree or certificate they’re seeking and the name of the educational institution.

• ABA notification. Remind yourself to always notify the American Bar Association before initiating any major change. This would include the first offering of any legal specialty course in an accelerated, compressed, or totally online format.

I also would like to take a moment to bid a very fond farewell to two Commissioners, Nancy Heller and Pam Bailey. Nancy and Pam will be leaving the Commission after finishing two three-year terms. During that time Nancy ably represented NFPA and Pam, NALA. Pam, Nancy, and I joined the Commission at the same time back in the fall of 1997. We went through the “boot camp” of Commissioner training and site visits together, and over the years I developed an abiding respect for their dedication to this volunteer position. Their commitment and hard work attest to the tremendous value of having such dedicated paralegal professionals serving on the Commission and assisting in the approval process. While Nancy and Pam may no longer be serving on the Commission, I know we can count on them to continue working with us to ensure quality in paralegal education.
A Veteran’s View of On-Site Inspections: Be Proud of Your Program
by Jay D. Johnson, J.D.

Because the approval process can sometimes be daunting, SCOLA Update asked Jay D. Johnson, a member of the ABA’s Approval Commission, to provide his perspectives about on-site inspections.

For starters, we are always pleased when schools apply for and seek ABA approval for their paralegal programs. Meeting the ABA’s approval standards is one way schools can demonstrate to prospective students, graduates, employers, and attorneys that their program offers a sound paralegal education. We recognize that applying for ABA approval is voluntary and requires considerable preparation and dedication, and we take that commitment seriously when we make our site visits. And while we make certain that programs meet our Guidelines, we also happily recommend approval to the Approval Commission when the requirements are met. Site team members also will provide expert advice and suggest ways your program can be enhanced and strengthened. If a program does not meet certain Guideline requirements, site team members provide constructive advice so leadership can correct or remedy any deficiencies.

How can programs prepare themselves for a site visit? A successful site visit begins with an informative and well-written Self Study. Be candid and open in discussing your program. Many times our site teams encounter Self Studies that are short, vague, and undistinguished — as if they are directed to the Internal Revenue Service. Self Studies written in this fashion do not provide a clear picture to the site team about a program’s accomplishments, goals, or strategies. Imagine if you were conducting a job interview and the candidate answered all your questions in a lackluster fashion with “yes,” “no,” or few-word answers. Not a very appealing scenario, and not very enjoyable for anyone. Be clear in describing your program so it is apparent and easy for site team members to recognize what you are doing. While teams expect to do some fact-finding, don’t bury your accomplishments so they are impossible to unearth and recognize. Remember, if site team members can’t discover whether you’re meeting the Guidelines, they can’t make a recommendation for approval to the Approval Commission.

A powerful Self Study begins with program leaders who are proud of their program and want to communicate the positive aspects of their work. This is an opportunity to brag about the students, graduates, faculty, advisory commit-

Approval Tips

Can the library provide the required materials by electronic means?

Currently, only legal encyclopedias and Shepard’s Citations can be available electronically. All other required materials must be available in hard copy.

Let’s look at ways Self-Study descriptions can more effectively communicate your accomplishments in the following key areas:

• **Overall evaluation of their program.** Often, program leadership write that the program surveys its graduates and the employers of paralegals and will describe that process. They will also describe how courses are evaluated. That’s all well and good, especially since the Guidelines require these surveys and course evaluations. However, if program leadership described their programs with a healthy dose of pride, they would include a discussion of all the ways the program leadership receives and synthesizes information from its graduates and employers, and whether the process led to any real change in the program. For example, most program leadership receive
information formally through survey forms, evaluation forms, meetings, and even through institutional evaluation processes. Program leadership should describe this information gathering procedure thoroughly. They can identify questions on the survey forms that have been most helpful, or describe how the survey forms are carefully reviewed for relevancy and effectiveness, and by whom. They also may wish to describe what steps they are taking to ensure or increase survey response rates. Anecdotal feedback from phone conversations, hallway conversations, and e-mail with faculty members, graduates, employers, students, and advisory committee members can, and should be, included as valuable information sources. The key is to thoroughly show how program leadership use a complete range of information in the evaluation process, and whether the information has prompted worthwhile changes.

- **Adjunct faculty professional development:** The Guidelines require that program faculty meet together regularly and that all program faculty, including adjunct faculty members, engage in professional development. This includes development as teachers. Many programs will combine some professional development with the faculty meetings. This can be an extremely efficient use of time. It is surprising how often the

**Approval Tips**

Is an employer survey intended to survey only those employers that have hired our program’s graduates?

While this type of survey is important, a program may occasionally survey the entire legal community on paralegal utilization, knowledge of programs in the area, and whether they would consider hiring graduates from the program conducting the survey.

Self Study will describe opportunities for professional development available to program faculty, including adjunct faculty, at the institution, but will not mention whether any program adjunct faculty, in fact, took advantage of them. Program leadership often assume that adjunct faculty members do not have the time to take advantage of these opportunities. But, more often than not, site teams find that adjunct faculty members are more than willing to participate in such activities, but either were not informed of them or were not encouraged to play a part. Site teams sometimes find that adjunct faculty members are engaged in formal development of teaching skills, but that program leadership are unaware of this fact, often because the faculty was engaged in this activity at another institution. Program leadership will want to reach out to adjunct faculty to represent their work and accomplishments accurately to the site team. They will want to fully describe how the teaching effectiveness of all their program faculty members is increased term after term. Once again, make sure to discuss these efforts in a positive and complete way.

- **Alternative means of delivery of coursework.** Programs often offer coursework through alternative means of delivery such as a compressed time-frame (e.g., weekend college classes) or distance education. Program leadership must describe how the effectiveness of instruction is maintained with the difference in “seat time” between compressed time-frame or distance education courses and courses offered in a traditional classroom setting. It is not enough for the program leadership to state that more outside assignments are given in the courses delivered through alternative means. Fully describe the differences and similarities taking into consideration the following questions: How are students screened? How are faculty trained and supported to teach in this format? How is the effectiveness of the format assessed? How have the program leadership and faculty designed the course to address any format constraints or limitations? The new Guidelines have been made more explicit at G-302 J to help program leadership evaluate the courses they offer through alternative delivery (see http://www.abanet.org/legalservices/legalassistants/resource.html).

Yes, the paralegal approval process can be demanding, but it’s also a chance to tell a compelling story about your program to site teams. If you let your pride show by communicating all aspects of your program, the approval process can be more enjoyable, rewarding, and beneficial for all participants.

**Letter from the Chair of the Standing Committee on Legal Assistants, D. Jeffrey Campbell**

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Jay D. Johnson directed and taught in the paralegal education program at the College of Mount St. Joseph in Cincinnati, OH for 13 years, after having practiced law in Illinois for 7 years. Jay has been a Commission member for six years and is a veteran of nearly 50 site visits.

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Placement Perspectives
Q&A with Jean A. Hellman, Director of the Institute for Paralegal Studies at Loyola University Chicago, and member of the Standing Committee on Legal Assistants

Brief overview of Loyola's paralegal program: Loyola's Institute for Paralegal Studies offers a post-baccalaureate certificate in paralegal studies. Our students must complete 21 hours (7 courses) of paralegal courses to earn the certificate. They can do so in a minimum of two semesters, though most students take three or four semesters.

The program currently has about 120 students. This is a high point, as enrollment has been increasing since early 2002. Our students fall into three groups: (1) recent college graduates, (2) persons already employed in the legal field, and (3) career changers. The slow economy is a prime motivator for all three groups.

Our students range in age from 22 to the mid-50s, and the median age is 32. About 80% are female, and about 35% are minorities.

I have been the director of the program for 12 years now, and was a director at another post-baccalaureate program for eight years previously. I am the only full-time employee, supported by an administrative assistant and about 22 adjunct faculty members. The faculty includes lawyers, judges, law librarians, and paralegals.

From the perspective of prospective employers, who is the ideal candidate? Do the desired qualities differ depending on sector (law firm vs. corporate vs. government)? If so, how? I don’t think there is an ideal candidate, nor do I see any general differences between law firms and other employers. Students with some experience in law firms, even just an internship, have an advantage, but often just a slight one. Most employers who contact schools are seeking entry-level candidates.

Do you see any shifts in the kinds of skills employers are seeking right now (more fluent computer literacy, analytical skills, foreign language skills, etc.)? All employers want people with strong communication skills. Unfortunately, a bachelor’s degree does not seem to guarantee a mastery of these skills, so more employers are placing a greater emphasis on high grades in both the students’ undergraduate records and their paralegal courses. True computer literacy cannot be presumed either. Despite the ubiquity of computers, many students have only a superficial knowledge of word processing and Internet research. And, even though we are in one of the largest cities in the United States, we see very little demand for language skills. The employers who do want language skills are most frequently small firms with a large proportion of Spanish- or Polish-speaking clients. International trade may be a growing field, but we only occasionally become aware of opportunities for persons fluent in Asian languages or those of central or eastern European countries.

How has your curriculum changed to meet employer expectations and demands? What trends do you see, if any? What courses or requirements have you added in response to business expectations? In my 20 years as a paralegal educator, I have seen the paralegal curriculum become increasingly oriented toward the development of practical skills. Once upon a time, employers were satisfied if students were familiar with legal terminology, but now they want students who know how legal theory is translated into their specific work assignments. As a result, we teach litigation students how to draft pleadings and investigate cases. We teach corporate students how to conduct due diligence. We teach real estate students how to handle closings, and estates students how to probate an estate. Paralegal education is not “law school lite.”

Also, I would say that the resources now available on the Internet have changed the paralegal’s responsibilities tremendously. Factual research used to be conducted by telephone and visiting public offices, but now this information—and an immense amount of additional material—can be found online. We are therefore incorporating Internet resources throughout our curriculum, in substantive classes as well as in legal research and writing.

Do you have many second career students, or individuals who are making major career changes? Do you have different enrollment and placement options for them? We have always had a large number of career changers in this program. Most have been interested in legal careers but for various reasons did not pursue law school immediately after college. Many of them work in positions that involve legal matters (e.g., banking, regulated industries, social welfare, real estate, or insurance). Others find their careers insufficiently challenging, or are “burnt out,” especially social workers and teachers. I make a point of emphasizing to career changers that starting a new career usually means starting with a lower salary, and I particularly encourage these students to complete an internship so they know what they’re getting into.

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Montclair State University Paralegal Studies’ Pro Bono Project began in 1998 as an outgrowth of its already existing Paralegal Public Interest Law Clinic. The Paralegal Public Interest Law Clinic, created in 1994, is a joint effort of Montclair State University’s ABA-approved paralegal studies program and the Community Health Law Project, a community-based, not-for-profit advocacy and legal services provider for the elderly and disabled. The Clinic’s objectives are to expand the education and training of future paralegals and to enhance the access to justice for vulnerable individuals. Both the Clinic and its related Pro Bono Project have been funded since inception mainly through a grant from the New Jersey State Bar Foundation.

Clinical students are trained and supervised by a staff attorney of the Community Health Law Project. Their educational experience includes class seminars, client interviews, fact investigations, and legal research. Clinic work is performed on the Montclair State University campus, in the field, and at nearby offices of the Community Health Law Project. Specific projects include administrative appeals on behalf of clients seeking Medicare/Medicaid, Social Security Disability, and Supplemental Security Income. In addition, students engage in a variety of projects in the subject areas of wills and estates, landlord/tenant, family, immigration, consumer, and administrative law. In addition, a bilingual component was recently initiated where students serve as legal interpreters/translators for Spanish-speaking clients of the Community Health Law Project. Five clinical students are accepted each academic year, two in the Fall semester and three in the Spring semester. The student receives course credit for participation in the Clinic as either an internship or cooperative education experience, a required component for completion of the Paralegal Studies Program at Montclair State.

While the Clinic program continues to be successful and thriving, due to practical constraints only a limited number of paralegal students could become involved in this worthwhile project. Moreover, because of the structure of the program students were not permitted to participate until they were near the completion of their paralegal studies. Therefore, in order to increase student participation and expose students to this initiative earlier in their paralegal education the Clinic was expanded by a grant from the New Jersey State Bar Foundation. Pro Bono students most often perform their legal research on campus in the University library or on Westlaw. Completed student projects are then submitted directly to the attorney or staff advocate requesting the work. Consultation and feedback is encouraged throughout the process. On occasion, a student may be asked to help out at the Community Health Law Project’s local office.

As the faculty coordinator of the Clinic and Pro Bono Project, I am available to provide guidance and answer student questions. I also actively recruit Clinic and Pro Bono students, seeking out students who already have completed the Paralegal Public Interest Law Clinic and who are interested in being involved in a Pro Bono Project. As the faculty coordinator of the Clinic and Pro Bono Project, I believe, is a good working relationship with an outside partner. Montclair State is fortunate to have the Community Health Law Project as a partner. Having just one community partner also helps coordinate the project, and of course, external grant funding always helps facilitate program administration.

Limiting the number of students also enhances proper supervision and coordination. In my experience, ten students is the most manageable number. It also helps if these students have taken legal research and writing prior to volunteering for the Pro Bono Project since most of the assignments require these skills. Finally, be sure to distribute and require completion of all Pro Bono assignments.
Arthur G. Greene and Therese A. Cannon have written a short but very thought-provoking book that challenges lawyers, regardless of setting and firm size, to consider whether they should use paralegals in their firms. As anyone who has practiced for some time knows, the practice of law has changed considerably over the last 25 years. One of the changes in that time period, the authors suggest, is the need for firms to be flexible in providing services in a client-responsive and profitable way. While acknowledging that paralegals today are used more in a litigation context and where substantive areas of law are narrow (like probate, immigration, and bankruptcy), the authors maintain that paralegals can be effective for any firm and for most practice areas with proper hiring, training, and supervision.

Co-author Arthur G. Greene, an attorney with more than 30 years of experience, a former partner of a New Hampshire firm that grew from 13 to 77 attorneys, and a member of his firm’s Management Committee, as well as Managing Partner for a number of years, now practices in a small firm he established in 2000. Mr. Greene also maintains a consulting practice with firms on practice management issues. He is a former Chair of the Law Practice Management Section of the American Bar Association. In addition, he is a former editor and contributing writer for the ABA’s book entitled “Leveraging with Legal Assistants,” published in 1993 and served as Chair of the ABA Standing Committee on Legal Assistants. His co-author, Therese A. Cannon, is the Educational Consultant to the ABA Standing Committee on Legal Assistants and Dean of the John F. Kennedy University School of Law in Orinda/Walnut Creek, California. Ms. Cannon has written a number of books focused on paralegals in the past, with a particular focus on ethics issues, her major area of teaching for many years.

The authors look at trends in the profession that reflect more competition between firms for clients, increasing law firm costs, clients wanting more services for less, and hourly rates that will need to be capped because the value of the work performed is not related to the time required to produce the work. They suggest that client loyalty has eroded and that clients, particularly small and middle sized business clients, shop prices when selecting an attorney. Therefore, they believe that the billable hour basis for billing will give rise to flat fees and other alternative billing methods that dictate ever more efficient methods of practicing.

The solution to the trends, the authors suggest, is to use intelligent, well trained individuals to provide substantive legal work in areas that do not require lawyers to perform. The book recognizes that lawyers are conservative and that it is not easy to change the structure of law practices, however, the needs of today differ from the past and only flexible thinking will allow firms to survive. The authors posit that the use of paralegals should allow lawyers more satisfaction as they will be able to perform higher levels of work at higher billing rates and allow clients to have legal work performed for lower costs. The authors’ case studies, which show the use of paralegals in small, medium, large, governmental, and in-house corporate settings, support their conclusion that for the right practice, the use of paralegals can indeed produce increased lawyer satisfaction, as attorneys will be able to provide strategy level work while others provide more basic legal services. Work that could be performed by paralegals would include drafting correspondence, legal forms and documents, organizing and managing documents, conducting legal research, and communicating with clients.

Proper planning and supervision are key to the success of any firm’s paralegal system. The authors guide firms through the process of recruiting and hiring paralegals, including creating job descriptions, sources for finding paralegals, and interviewing. Firm benefits, compensation, and retention are discussed, as well as ways to avoid the mistakes that firms most often make in using paralegals, notably, underutilization. Additionally, the authors walk the reader through the ethical restrictions that require sole lawyer involvement, i.e., court hearings, legal advice (the application of facts to the law), and establishing the client relationship.

After focusing attorneys on why they should use paralegals and how to institute a sound paralegal system in a firm, the authors give a view of what practicing law in the future could be like. The senior partner concentrates on managing clients, delegating responsibility and supervising the work of others. While a somewhat whimsical view of the future of lawyering the book is thought provoking and for this writer, with our firm just having brought in our first paralegal, a very important read.

To order a copy of Paralegals, Profitability, and the Future of Your Practice, contact the ABA Service Center at 800-285-2221 (PO Box 10892, Chicago, IL 60654). Price: $69.95 ($59.95 to members of the ABA’s Law Practice Management Section)

Joanne F. Hurley is a principal with the firm Hurley Stanners, Limited, a Chicago law firm that represents clients in business and real estate matters. Joanne’s clients range from manufacturing firms, Internet businesses, restaurants, service professionals, marketing, and arts and entertainment-related clients (jfhurley@hurleystanners.com).
Placement Perspectives

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What kinds of internship programs do you have? Please give an example of one or two such programs, and describe the students' experience. Our internship program is optional, but we strongly encourage it for students who have no experience in the legal field. The course awards three semester hours of credit for a total of 160 hours of (unpaid) work at the internship site over the course of a semester, usually the final semester before graduation. I locate the internship sites, looking for an internship supervisor who will see that the student is given appropriate paralegal assignments and is properly monitored. We have had students intern in all sizes of law firms, corporate law departments, and both state and federal government offices. I usually have more requests for interns than I can supply. Our students prepare resumes and interview at the potential internship site. Once they begin working, they keep a daily log of their activities, and they are evaluated formally at least twice during the internship. This semester I also had the students answer discussion questions posted periodically on the course web site (we do not have an in-class component for the internship). We asked for descriptions of the law offices' procedures (e.g., timekeeping and billing, file management, confidentiality policies) and the students' experiences. The students responded enthusiastically, becoming very observant and sharing their successes and setbacks with each other.

How has the economy affected placement and admissions? Do you get different kinds of inquiries from applicants and prospective employers? The slow economy is certainly responsible for our booming enrollment. We have been fortunate, too, in that placement has not slowed down too much. Litigation opportunities, however, far outnumber those for corporate work. Also, only two years ago most of my students were obtaining paralegal jobs while still in the program, but now most employers prefer graduates.

Are there “hot” areas of practice (IP, bankruptcy, etc.) right now? How does placement differ with students who want to pursue these areas? These areas are “hot” for experienced paralegals, but the entry-level areas are pretty much the same: document-intensive litigation of all types, insurance defense, corporate maintenance, and real estate transactions.

What opportunities are available in the public sector and nonprofit options? Few, in a word. The federal and state governments have frozen their hiring budgets for the most part, and nonprofits are struggling even more than usual.

For more information about the Loyola paralegal program, contact Jean at jhellma@luc.edu

Law Clinic Pro Bono Project

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ments well before the students' final examination period. If you extend assignment deadlines into final exam time, students are often too busy with their studies to devote themselves to a volunteer project no matter how worthwhile it may be.

While my involvement with the Paralegal Public Interest Law Clinic and the Pro Bono Project has been frustrating at times, it also has been extremely rewarding. Pro bono work has become more accepted, encouraged, and, sometimes, required by many law firms. As the paralegal profession continues to grow in influence within the legal arena, paralegals — like lawyers — will have more opportunities to become involved in Pro Bono work. This trend should help yield a more rewarding personal experience for paralegals, which also will further promote access to justice — an important goal for all legal professionals.

For more information about the Pro Bono Project, contact Lenore at moleel@mail.montclair.edu.