Beginning in Fall 2003, undergraduate and graduate students beginning their paralegal studies at Marymount University are required to complete 24 hours of pro bono service as part of their course requirements. Part 1 of this two-part article provides background about the program, and explains how it is organized. Part 2 will discuss practical issues in implementing the program.

Located across the Potomac River from Washington, D.C., Marymount (www.marymount.edu) was founded in 1950 by the Religious of the Sacred Heart of Mary, and its approximately 3,700 students have a long tradition of community service. Marymount’s ABA-approved paralegal program includes four-year degrees in business law (B.B.A.) and paralegal studies (B.A.), an undergraduate paralegal certificate, a graduate paralegal certificate, and a graduate degree in legal administration (M.A.).

How and why the pro bono component became a Program requirement
Paralegal students at Marymount have participated in general community service projects for many years. For example, they’ve supported such legal community service projects as the annual D.C. “Lawyers Have a Heart” 10K, 5K, and 1K fund raising activity for the American Heart Association. Paralegal studies students also can complete their six credit hour internship requirement through pro bono service. A 2001 program graduate completed her paralegal internship at the Northern Virginia Legal Aid Society; still another paralegal graduate received a service award from the National Capital Area Paralegal Association for her pro bono activities. What the paralegal program lacked, however, was an organized, university-supported effort to provide pro bono service opportunities for its students.

Partnering with The Florian Foundation
That situation changed when Ms. Sandie Doptis, a Marymount alumna, working paralegal, and member of Marymount’s Paralegal Advisory Committee, contacted the Program Director with just such an opportunity. In February 2001, Ms.

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The effective and increased use of paralegals yields numerous benefits, including improved professional satisfaction for both lawyers and paralegals and lower overall costs to clients. Realizing these advantages, however, is not always easy, so the Standing Committee is preparing a series of continuing education seminars that outline the hows and whys of greater paralegal utilization.

In development is a one and a half hour seminar on “The Economic Benefits of Paralegal Utilization.” Once lawyers see the economic benefits of using paralegals, the faster they will seek out ways to use paralegals more extensively. This seminar will discuss the economic advantages of paralegal utilization, how to quantify profits through paralegal utilization, ways to improve client satisfaction and retention and lawyer quality of life, and how to sidestep the dangers of turnover.

Also in the works are additional seminars, including one focusing on ethics. If attorneys are uncertain of their ethical obligations, they are unlikely to embrace paralegal utilization. Therefore, the second seminar will focus on “The Ethical Implications of Paralegal Utilization,” providing basic information on the need to employ and use paralegals in full compliance with ethical standards.

Other seminars will focus on substantive areas of practice including real estate, bankruptcy, family law, civil litigation, intellectual property, and corporate law. These seminars will be prepared by experts in the field who use paralegals extensively in their practice. Our experts will provide practical tips on what and how lawyers can delegate to paralegals, with real life examples of procedures and benefits.

**Format of the seminars.** We’ll offer the seminars in different formats, depending on the needs of the law firm. For example, the seminars could be presented in a series, combined for a half or full day seminar, or presented individually as stand alone segments. Included in all seminars will be written course materials with outlines of all presentations along with a bibliography of relevant reading materials and a glossary of pertinent terms. We anticipate the seminars will be presented by local members of the bar with experience in and a commitment to paralegal utilization. Our promotion plans include marketing to local and state bar associations as well as to large law firms and corporate legal departments. While the seminars will be primarily geared to lawyers, they will also be suitable for audiences of paralegals. As such, the Standing Committee anticipates they will be presented to local paralegal organizations as well as to paralegal certificate candidates.

The Standing Committee believes these seminars will help facilitate the increased use of paralegals, ultimately producing multiple benefits for clients, lawyers, and paralegals. We welcome your feedback and interest!
Pro Bono & Paralegals: The Basics
by Cheryl Zalenski of the ABA Center for Pro Bono

Paralegal participation in pro bono is a valuable and essential contribution in providing legal services to the poor. The skills and knowledge a paralegal employs in everyday work are equally valuable in a pro bono setting and complement the services offered by pro bono attorneys. This article discusses how paralegals can participate in pro bono; the benefits of pro bono participation; and various resources for paralegals and their employers.

What Can Paralegals Do?
There are several caveats to paralegal participation in pro bono: 1) an attorney must supervise all legal services performed, 2) paralegals must clearly inform clients that they are not attorneys and cannot give legal advice, and 3) paralegals must insure that their volunteer work does not present a conflict with the paralegal’s employer.

With these provisions, however, paralegals may perform pro bono any task that they perform in the course of daily responsibilities.

Pro bono opportunities for paralegals span a range of activities. Paralegals can support the firm’s attorneys in pro bono matters as they would for private clients. Or, in a widespread practice, they can perform intake interviews at legal clinics, either sponsored and staffed by the firm or through a legal services provider. Many government agencies also permit paralegals to represent clients at administrative hearings.

Law firms should ensure that the firm’s pro bono policy encompasses paralegal participation as well as attorney participation. The policy should address issues such as performing pro bono during working hours, credit for pro bono work, and use of firm resources not only for attorneys but also for paralegals.

Benefits Of Pro Bono to Law Firms and Paralegals
Paralegal participation in pro bono legal work generates a multitude of benefits. Involving paralegals in the firm’s pro bono work more efficiently utilizes a law firm’s resources, just as in work done for private clients. By permitting both paralegals and attorneys to focus on the work best addressed by their particular skills and education, a firm can increase the efficiency and effectiveness of all employees’ pro bono contribution.

Pro bono work also enhances a paralegal’s skills and knowledge. A paralegal can choose to perform pro bono work in a new area of law in order to obtain training and experience in that area. Alternatively, a paralegal may choose to hone existing skills by volunteering in a familiar area. Either way, pro bono offers the opportunity to work with and learn from attorneys.

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Marymount’s pro bono requirement
(continued from page 1)

Doptis and her business partner, Andrea Buchanan (a retired police officer and currently a deputy fire marshal), started The Florian Foundation (www.florianfoundation.org), a charitable organization devoted to preparing wills, powers of attorney, and advance medical directives for public safety officers (police, firefighters, EMS, EMT, USAR). Just months after the Foundation began its work, the tragedy of September 11 occurred, and we clearly appreciated the importance of having such estate planning documents for public service employees.

At a March 2002 meeting of the Program’s Paralegal Advisory Committee, the Program Director outlined the need for more coordinated pro bono service opportunities for Marymount’s paralegal students. Having a pro bono service – on-campus – would provide tremendous advantages to students. It would be more convenient for students without cars. It would be accessible, making it easy for students to log pro bono work hours between classes. The on-campus pro bono service could be more effectively supervised by the Program Director, and it would make more service opportunities available for graduate paralegal students.

Ms. Doptis proposed a program through which Marymount’s paralegal students could help the attorneys who donate their time to The Florian Foundation. “I had a commitment to Marymount as an alum. I also have had great experiences working with Marymount students throughout my 20-year career as a paralegal,” she said.

“I’ve trained a number of paralegal interns, and one Marymount graduate who was a former intern, replaced me when I left my law firm to devote more time to The Florian Foundation,” she added. Finally, as a reserve police officer with the D.C. Metropolitan Police, Ms. Doptis knows first hand of the need for the services Marymount students could provide.

Pro bono service is required – not voluntary
The Advisory Committee reacted quite favorably to the concept of adding a pro bono service component to the Program. After reviewing the proposal submitted by the Program Director, the Committee approved the addition of a pro bono service requirement to the Program.

While it was possible to encourage more voluntary pro bono service by the students, the Program Director and the Committee believed that adding a pro bono service requirement was a better idea for a number of reasons:

1. In the past, learning about voluntary pro bono service by students has been haphazard, and service has been overlooked and not recognized by the Program. Formalizing pro bono service fixes this problem.
2. Students are more successful incorporating a “requirement” into their busy schedules; voluntary service hours often fall victim to work, study, exam, and social obligations.
3. Marymount administrative support, especially access to classrooms, is easier to arrange for required/structured, as opposed to voluntary/ad hoc, school activities.
4. Requiring pro bono service supports Marymount’s community service mission.
5. A true “win-win” aspect: pro bono service looks great on a student’s resume. Plus, having the program on campus differentiates Marymount’s from other paralegal programs in the D.C. area.

Giving back
Notably, Marymount’s Paralegal Advisory Committee did not overlook the most important reason for completing pro bono service – students can and should use their paralegal expertise to give back to their community. Marymount, the Program, the Foundation, and the students take seriously the Virginia State Bar’s exhortation to be involved in “pro bono publico service” as explained in Rule 6.1 of Virginia’s Rules of Professional Conduct (2002). By incorporating a service component into the students’ on campus lives, the Committee hopes that students will continue their pro bono service activities as working paralegals or, for some students, as practicing attorneys.

Pro bono service performed by Marymount students

Marymount students have the opportunity to perform a range of activities under the supervision of a licensed Virginia attorney and under the auspices of The Florian Foundation.

- Meeting clients. The Foundation schedules training sessions at police and fire stations and at other public safety officer work locations. At these sessions, the purpose of estate planning and each estate planning document is discussed (short presentation and Q&A
format). The students attend these training sessions to learn about the subsequent work they will do. Worksheets are distributed and the public safety officers are encouraged to set up individual appointments during which wills, powers of attorney, and advance medical directives will be drafted for them and their spouses.

- **Client interviewing.** At the initial appointment held in a Marymount seminar classroom, the students, a Foundation representative, and a supervising attorney meet the clients, review the clients’ worksheets, take notes about the clients’ wishes, and monitor issues that need follow-up.

- **Document drafting.** Students proofread documents prepared by supervising attorneys to make sure the documents are error-free and reflect the clients’ interview information. The drafts are then given to the clients for their review. Edits are handled by telephone or e-mail (students are not yet involved in this step). Over time, the Program Director expects that the drafts and subsequent edits will be completed by more experienced students and reviewed by supervising attorneys.

- **Document review and execution.** When the drafts are acceptable to the clients, an appointment is set up and the clients return to Marymount to complete their final review of and to execute their wills, powers of attorney, and advance medical directives. These activities also are completed under the supervision of a licensed Virginia attorney.

Usually the husband and wife (either one or both of whom are public safety officers) come together to this appointment, but separate appointments often are required in this troubled public safety time in the D.C. metropolitan area. Appointments that must be canceled/rescheduled because of unexpected work problems underscore to the students how important the job is that our public safety clients are doing.

- **Document witnessing.** The students act as witnesses to the execution of the documents. They listen to the important pre-execution questions asked by either the supervising attorneys or experienced paralegals. Eventually the students will conduct the execution ceremony formalities under the supervision of an attorney.

Occasionally, a client asks an unusual question and the students are given the chance to “earn their hours” by researching the issue. For example, a client asked if she could donate her eyes if she had laser surgery to correct her nearsightedness. A freshman paralegal student took on this project, and we were able to tell the client that her donation would not be rejected simply because of the laser surgery. We also are working on two charts/diagrams that will help us better explain (1) the meaning of per capita and per stirpes under Virginia law and (2) intestate succession in Virginia.

### Ethics issues

Ethics is an important component of all classes at Marymount. In our pro bono service program, the supervising attorneys explain the relevant ethical issues to the clients and to the students. These issues include competence, scope of representation, attorney-client confidentiality, conflict of interest, and nonlawyer assistant supervision pursuant to Rules 1.1, 1.2, 1.6, 1.7, and 5.3, respectively, of Virginia’s *Rules of Professional Conduct* (2002).

The competence issue is particularly relevant. Marymount limits its pro bono service to clients with small estates as documented by the clients’ worksheets. Students who want tax planning experience are encouraged to work with other, very experienced estate planning attorneys who volunteer with The Florian Foundation.

Cynthia Hathaway (cynthia.hathaway@marymount.edu) is the Paralegal Studies/Legal Administration Program Director at Marymount University.
As a backdrop to this piece, please briefly describe your law firm, its practice, headcount, and practice specialties.

Cunningham, Meyer & Vedrine is a litigation firm. Since its inception, we have placed a tremendous emphasis on the representation of various medical providers in medical negligence cases. We have represented not only doctors, but a variety of institutional defendants including hospitals, standing ambulatory centers, health care clinics and a variety of health care-related associations. However, the firm’s expertise is not limited solely to personal injury litigation of medical negligence cases. In addition to our representation of health care providers, we have previously represented a variety of other professionals, including accountants, lawyers and engineers, and small businesses, just to name a few. Our representation has included everything from coroners’ inquests to licensing proceedings before regulatory boards.

Our firm is small. We have three partners, one junior partner and three associates in our Wheaton, Illinois office and two partners, one junior partner, and three associates in our Chicago, Illinois office, yet we have three paralegals on staff (two in the Wheaton office and one in Chicago). This is an impressive number of paralegals for such a relatively small practice but we remain very busy and our client representation is strengthened by our staff.

From your perspective as an employer, who is the ideal candidate? An ideal candidate is one who is inquisitive, intelligent, and doesn’t come into the position with a set idea of what he or she will or will not do on the job. We like interest and flexibility. Since we are a smaller firm every person handles overlapping tasks at some point. If the phone needs to be answered and no one else is available, an attorney will do it. If something needs to be filed at court and we need the paralegal to handle it, then we would like a paralegal who is happy to do it.

How do you find, recruit, interview candidates? I am involved with the Loyola paralegal program so we found one of our paralegals after she interned with the firm. Our two senior paralegals were found through networking and school contact. Our paralegals go through a series of two interviews, one with a partner, and another with associates. We check references and consider background.

How are lawyers involved in the hiring process? We check the resumes and share responsibility in the interview process. Again, since the office is small, it is important that all agree on a candidate we like.

Do you always seek candidates from ABA-approved schools? No. Currently we have two paralegals from ABA-approved schools and one who was not. All have received a degree in paralegal studies.

Do you see any shifts in the kinds of skills you are seeking right now (more fluent computer literacy, analytical skills, foreign language skills, etc.) The most important skill is a basic understanding of the litigation process and the analysis involved in a paralegal’s role. Whether it’s summarizing medical records or creating trial notebooks, there is a major amount of analysis and organization involved. Detail orientation and deductive reasoning are crucial in efficiently working a file.

Do you have many second career paralegals? One of our paralegals was formerly a legal secretary for 12 years, and one was a clerk at her family’s law firm in India for three years before coming to the U.S. and attending Loyola.

What kinds of internship programs do you have, if any? We have participated in an internship program with Loyola University Chicago Institute for Paralegal Studies for a litigation paralegal.

How has the economy affected your hiring or billing requirements for paralegals? Currently we have no “set” billing requirement for our paralegals, but we do have goals or billing obligations that we expect them to meet. I believe over the last five years the economy has encouraged hiring of
paralegals in our field of law since the insurance companies are requiring that paralegals perform certain tasks associated with the litigation process instead of paying an attorney to do certain things.

Are there “hot” areas of practice (IP, bankruptcy, etc.) right now? Since we are a litigation firm, I am partial but I have found that when the economy waivers, areas such as bankruptcy, real estate, and corporate law will ebb and flow creating uncertainty and instability where the area of litigation remains relatively steady. If job stability is what you consider “hot” (as I do) then litigation is the “hot” area of law.

What kind of training does your firm offer to paralegals? We will assign a more seasoned paralegal to mentor new paralegals and to assist them with billing and other responsibilities. Most of the duties and responsibilities are learned with a “hands on” approach.

How do paralegals interact with clients? We encourage our paralegals to interact with clients. Paralegals will speak to the clients by phone and correspond by e-mail and letters as easily as attorneys. Often if an attorney is out of the office and unavailable, a paralegal will speak to the client and provide a status report on the case. Our paralegals are not hidden in the back room. They are on our letterhead and take an active role in the success of the firm.

How do paralegals interact with firm attorneys? We have an open office atmosphere. Questions are encouraged. Most attorneys will give assignments or make requests face to face. Some prefer drafting a written memorandum. Either way, we keep the lines of communication open. Paralegals are vital assistants in working up a case.

Michele M. Welz (Michele@cmvlaw.com) is a litigation attorney with the law firm of Cunningham, Meyer & Vedrine. She has been involved with the Loyola University Chicago Institute for Paralegal Studies since 2000, and has been a member of the Institute’s Advisory Board since 2001.

Paralegal Survey Indicates Salaries Up in 2003

A recently released survey from the legal consulting firm Altman & Weil indicates that the average salary for legal assistant managers is $83,609 in 2003, up 3% from 2002, according to an article in Law Firm Inc. Altman & Weil’s 2003 Annual Compensation Survey for Legal Assistants/Paralegals and Managers also reports increases in non-supervising LAs/paralegals, as well as legal assistant clerks. For more information, go to https://store.altmanweil.com

Service to ABA Approved Programs

Expand your Web site listing

Here’s a chance to enhance and expand visibility about your program on the ABA’s Web site.

For example, you can indicate the type of institution (public, private, two-year, four-year); what types of degrees your institution offers; length of time to complete the program; and whether internships are mandatory or elective.

Plus, you can expand your content listing with a 100 word description about your program.

To revise your listing, just request a form by sending an e-mail to: Peggy Wallace, Staff Counsel at the ABA’s Standing Committee on Paralegals at: wallacep@staff.abanet.org.
neys and paralegals experienced in a particular area of law, which yields tremendous benefits in daily work.

Additionally, pro bono work by paralegals raises the firm’s stature within the legal community. Pro bono participation offers an opportunity to network outside of the firm with other paralegals, attorneys, and even judges. The paralegal’s volunteer work and contacts developed through pro bono raise the visibility of the firm within the community.

Finally, pro bono work provides a way for paralegals to give back to the community, both as a representative of the law firm and as an individual. Volunteering offers the chance to contribute to a specific population or cause – the elderly, children, and survivors of domestic violence – that is meaningful to the paralegal. Engaging in such volunteer activity can lead to increased career and personal satisfaction.

**Opportunities and Resources**

Law firms and paralegals can locate pro bono opportunities by contacting the local bar association, the state bar association, or legal services providers in their community. Bar associations and legal services providers may be able to assist law firms in developing projects, such as clinics, in which all firm employees can participate.

Alternatively, legal services providers may refer pro bono cases to the law firm to distribute among its attorneys and paralegals. Local and statewide paralegal associations may also be able to provide information about local volunteer opportunities for paralegals. To find organizations providing pro bono volunteer opportunities, visit the ABA Center for Pro Bono’s online directory at: www.abaprobono.org/directory.html.

Cheryl Zalenski is Assistant Staff Counsel at the ABA Center for Pro Bono. For more information about involving paralegals in pro bono, contact Cheryl at (312) 988-5770, or by e-mail at zalenskc@staff.abanet.org.

**Article Ideas?**

*Update* wants to hear from you! If you’ve started a new program, have an interesting approach to a paralegal program requirement, or know someone whose work would inspire other educators or paralegals, let us know. Contact Peggy Wallace, at the ABA’s Standing Committee on Paralegals at: wallaceP@staff.abanet.org, or Paula Tsurutani, editor of *Update*, at: tsurutanip@msn.com to suggest article topics or profiles.