

PARALEGALS – DEFINING THE PROFESSION

Definition of a Paralegal

The National Federation of Paralegal Associations (“NFPA”), of which the Dallas Area Paralegal Association (“DAPA”) is a member, provides the following definition:

As defined by the National Federation of Paralegal Associations, a Paralegal is a person, qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work. Substantive shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts.¹

The term preferred by both NFPA and DAPA is “Paralegal”; however, some members of the legal profession use the term “Legal Assistant.”

Becoming a Paralegal

Individuals with diverse backgrounds are employed as paralegals. Education and training requirements differ widely but are generally related to the responsibilities of the position. Specific training can prepare a paralegal for a specialized area of law; for example, an individual with medical training may work as a paralegal on personal injury or medical malpractice cases.

Education Options

DAPA believes that education is paramount to the development of the paralegal profession. DAPA recommends that individuals complete a four-year program that includes a minimum of 24 semester hours of legal specialty courses. DAPA also recognizes that two-year degree programs with an emphasis in paralegal studies are acceptable to many employers, as are

¹ NFPA – National Federation of Paralegal Associations: About NFPA: Paralegal Definition, <http://www.paralegals.org/displaycommon.cfm?an=1&subarticlenbr=788> (last visited March 8, 2011).

paralegal certificate programs that consist of at least 24 semester hours of legal courses. While DAPA has not formally taken a position regarding on-line or correspondence programs, it strongly encourages students to carefully evaluate these programs to ensure the courses will adequately prepare them for a paralegal position.

Students should be aware that “[the] American Bar Association does not approve correspondence or home study [including exclusively on-line] programs and does not provide information on home study programs. The American Bar Association Guidelines for the Approval of Paralegal Education Programs do allow approved programs to offer some paralegal coursework through web-based electronic delivery and other means of distance delivery.”²

ABA-Approved Schools

Formal paralegal training programs are offered by an estimated 1000 colleges and universities law schools, and proprietary schools, of which approximately 260 (26%) paralegal programs are approved by the American Bar Association.³

When choosing an educational program, the prospective paralegal may keep in mind that “[s]eeking approval from the American Bar Association is a voluntary process initiated by the institution offering the program. Therefore, the lack of approval does not necessarily mean a paralegal program is not of good quality and reputable.”⁴

Educational Background

Individuals currently working as paralegals attend a variety of educational programs. Results from the *State Bar of Texas 2014 Paralegal Division Compensation Survey Report* are summarized in the following tables.⁵

Highest Level of Education			
	2010	2014	2010 to 2014
	Percentage	Percentage	Difference
	All Districts	All Districts	
	(N = 1,415)	(N = 1,090)	
High School-GED	4.1%	5.2%	1.1%
Paralegal certificate	7.8%	7.0%	-0.8%
Less than 1 year of college	4.5%	5.0%	0.5%
Less than 2 years of college	14.0%	12.5%	-1.5%
Associate's Degree	25.2%	24.0%	-1.2%
Bachelor's Degree	38.3%	38.7%	0.4%
Master's Degree	6.0%	7.0%	1.0%
PhD	0.2%	0.6%	0.4%

² American Bar Association: ABA Standing Committee on Paralegals Career Information, <http://apps.americanbar.org/legalservices/paralegals/career.html> (last visited March 10, 2011).

³ Cf. United States Department of Labor: Paralegals and Legal Assistants: Occupational Outlook Handbook 2010-11 Edition, <http://www.bls.gov/oco/ocos114.htm#training> (last visited March 10, 2011).

⁴ American Bar Association: ABA Standing Committee on Paralegals Career Information, <http://apps.americanbar.org/legalservices/paralegals/career.html> (last visited March 10, 2011).

⁵ 2014 Paralegal Division Compensation Survey – prepared by the State Bar of Texas Department of Research and Analysis, <https://txpd.org/files/file/SalarySurvey/2014%20Salary%20Survey%20Results%20Final.pdf>

public sector are available in community legal services programs, consumer organizations, offices of public defenders, prosecutors and attorneys general, city attorneys, a wide array of state and federal government agencies, and the judicial system.⁶

Paralegal Roles and Responsibilities

Traditional paralegals constitute the majority of paralegals in the profession. Many paralegals have expanded their practice into broad and diverse specialties. The demand for expertise has led many paralegals to develop knowledge and skills in highly technical or specialized subject areas. Paralegals place great importance on service, flexibility, openness to new approaches of handling client needs and diverse job definitions. These attributes have allowed the paralegal profession to maintain a client and public interest focus, to demonstrate a willingness to grow, and to change in response to the demands of society.

Only statutory or court authority or a supervising attorney's determination of a paralegal's competency limits the type of tasks a paralegal may perform. Paralegals, under the *supervision* of an attorney, perform the same functions as an attorney except those generally prohibited by unauthorized practice of law statutes, i.e., accepting clients, setting legal fees, giving legal advice or representing others in court. Because the law is complex and often ambiguous, paralegals must be intelligent with an analytical and logical mind. They must be able to recognize and evaluate relevant facts and legal concepts. Paralegals have the ability to organize, analyze, communicate and administer. Other interpersonal skills that serve paralegals are conflict resolution, negotiation, and relating well with various types of persons.

As paralegals became more integrated into the legal team and the work delegated to paralegals became more substantive in nature, attorneys began to include time for paralegal services in fee petitions permitted by state or federal statutes. In the early 1980s, courts began to recognize that paralegals were separate from support staff and encouraged attorneys to provide legal services in the most efficient manner possible. Courts awarding fees for paralegal services consistently point out that if the work had not been done by paralegals, charging fees based upon attorneys' rates would have been necessary.

⁶ American Bar Association: Career Information: Division of Legal Services, http://www.americanbar.org/groups/paralegals/resources/career_information.html (last visited April 12, 2016).

Paralegal Compensation and Benefits

Results from the previously cited *State Bar of Texas 2014 Paralegal Division Compensation Survey Report* are summarized in the following table.⁷

TABLE 2
Annual Base Salary

2014 Gross Annual Base Salary by Employer Type: All Districts			
Full-Time Employees Only			
Gross Annual Salary	Percentage Responding		
	Corporation/Leg (N = 151)	Law Firm (N = 720)	Government (N = 78)
\$20,000 or less	0.0%	0.7%	0.0%
\$20,001 to \$25,000	0.0%	2.6%	1.3%
\$25,001 to \$30,000	0.0%	3.3%	2.6%
\$30,001 to \$35,000	0.0%	5.7%	5.1%
\$35,001 to \$40,000	0.7%	8.9%	7.7%
\$40,001 to \$45,000	2.6%	11.8%	15.4%
\$45,001 to \$50,000	3.3%	12.6%	20.5%
\$50,001 to \$55,000	7.3%	11.9%	11.5%
\$55,001 to \$60,000	11.9%	10.3%	12.8%
\$60,001 to \$65,000	9.9%	10.1%	11.5%
\$65,001 to \$70,000	8.6%	6.5%	6.4%
\$70,001 to \$75,000	15.9%	4.3%	0.0%
\$75,001 to \$80,000	13.9%	2.6%	2.6%
\$80,001 to \$85,000	7.3%	3.1%	2.6%
\$85,001 to \$90,000	2.6%	1.0%	0.0%
\$90,001 to \$95,000	4.6%	1.7%	0.0%
More than \$95,000	11.3%	2.8%	0.0%
2014 Median Gross Annual Salary	\$71,771	\$51,803	\$49,375
2010 Median Gross Annual Salary	\$66,852	\$48,641	\$45,751
2010 to 2014 Difference	\$4,919	\$3,162	\$3,624

Job Outlook

The United States Department of Labor provides the following job outlook for paralegals:

"Employment of paralegals and legal assistants is projected to grow 8 percent from 2014 to 2024, about as fast as the average for all occupations. This occupation attracts many applicants, and competition for jobs will be strong."

⁷ 2014 Paralegal Division Compensation Survey – prepared by the State Bar of Texas Department of Research and Analysis, <https://txpd.org/files/file/SalarySurvey/2014%20Salary%20Survey%20Results%20Final.pdf>

Quick Facts: Paralegals and Legal Assistants	
<u>2015 Median Pay</u>	\$48,810 per year \$23.47 per hour
<u>Typical Entry-Level Education</u>	Associate's degree
<u>Work Experience in a Related Occupation</u>	None
<u>On-the-job Training</u>	None
<u>Number of Jobs, 2014</u>	279,500
<u>Job Outlook, 2014-24</u>	8% (As fast as average)
<u>Employment Change, 2014-24</u>	21,200

As law firms try to increase the efficiency of legal services and reduce their costs, they are expected to hire more paralegals and legal assistants. In these cases, paralegals and legal assistants can take on a “hybrid” role within the firm, performing not only traditional paralegal duties but also some of the tasks previously assigned to legal secretaries or other legal support workers.

Law firms also are attempting to reduce billing costs as clients push for less expensive legal services. Due to their lower billing rates to clients, paralegals can be a less costly alternative to lawyers despite performing a wide variety of tasks once done by entry-level lawyers. This should cause an increase in demand for paralegals and legal assistants.

Although law firms will continue to be the largest employers of paralegals, many large corporations are increasing their in-house legal departments to cut costs. For many companies, the high cost of outside counsel makes it more economical to have an in-house legal department. This will lead to an increase in the demand for legal workers in a variety of settings, such as finance and insurance firms, consulting firms, and healthcare providers.

However, demand for paralegals within certain practice areas is dependent upon the overall health of the economy. During periods of slow economic growth, law firms’ workloads may decrease as clients become less likely to engage in litigation, mergers, or other types of activity requiring legal expertise. When work

is slow, lawyers will have less work to delegate to paralegals. This may make a firm less likely to keep some paralegals on staff or to hire new ones until the workload increases.

Job prospects. " *This occupation attracts many applicants, and competition for jobs will be strong. Experienced, formally trained paralegals with strong computer and database management skills should have the best job prospects. In addition, many firms will prefer paralegals with experience and specialization in high-demand practice areas.*"⁸

Earning Your First Opportunity

Paralegal students should realize that acquiring one's first employment in a law firm, no matter the size, is not always easy. It can take months to find the right place. There are several things one can do to aid in this process. First, be active in your local paralegal association, such as DAPA. The connections you can make by simply showing up to meetings and activities can prove to be very beneficial. Also, research and participate in programs that your local association offers. For example, DAPA offers a very successful Mentor/Protégé program to assist student members. Second, assist whenever possible in *probono* activities. Not only is this a magnificent way to gain experience, you make connections and prove your abilities at the same time. *Pro bono* experience also enhances your resume. Finally, do not be afraid to accept a non-paralegal position to gain entry to a firm with potential for growth. Positions such as receptionist and file clerk can lead to future opportunities as a paralegal.

ABA Accredited Area Schools**

Arlington Career Institute

901 E. Avenue K

Grand Prairie, TX 75050

<http://arlingtoncareerinstitute.edu/paralegal-legal-assistant/>

Brightwood College (formerly Kaplan)

12005 Ford Road, Suite 100

Dallas, Texas 75234

General Practice Paralegal Certificate:

<https://www.brightwood.edu/diplomas-certificates/general-practice-paralegal/AASParalegalStudies>

Collin College (formerly Collin County Community College)

Spring Creek Campus

2800 E. Spring Creek Parkway

Plano, TX 75074

⁸ United States Department Of Labor Bureau Of Labor Statistics, <http://www.bls.gov/ooh/legal/paralegals-and-legal-assistants.htm>

