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Maryland Bar Bulletin

Publications : Bar Bulletin : January 2007

Bar Bulletin Focus



Paralegal

Paralegal Utilization: Improving Efficiency and Profitability

By Dorothe J. Howell

The effective use of paralegals can significantly boost a firm's profitability. Proper utilization of paralegals leads to greater efficiency, larger profits and higher billable hours, less turnover and a much more focused staff. Law offices that add paralegals to their staff enable the associates and partners within the firm to focus on substantive legal work and client development.

Definition

The role of a paralegal has been drastically redefined during the past two decades. Many entities such as the American Bar Association and state and local bar associations have published a wide range of definitions. Nevertheless, all focus on the fact that a paralegal is a person qualified not only through education and training but also by work experience and, more importantly, that under the supervision of an attorney, a paralegal can perform a wide range of tasks including specifically delegated substantive tasks, direct contact with clients, and of course legal drafting and research.

Organization

During the past few decades, as the profession evolved, paralegals have organized themselves in local and national associations and have created professional guidelines, much like attorneys have. In 1974, the National Federation of Paralegal Associations, Inc. (NFPA) was established, followed in 1975 by the National Association of Legal Assistants, Inc. (NALA). Both organizations focus on promoting the paralegal profession. Paralegals should join these national organizations and, more importantly, their local organizations in order to gain the benefit of being on the forefront of the profession with respect to new legislation, networking with their peers and being able to call on their peers for knowledge. Paralegals in Maryland have local organizations such as the Maryland Association of Paralegals (MAP) and the Baltimore City Paralegal Association (BCPA). In order for the profession to continue to grow, every paralegal needs to have a voice.

Supervision

A paralegal should work under the direct supervision of an attorney who must, of course, make reasonable efforts to ensure that the paralegal's conduct is compatible with the professional obligations of the attorney. Rules vary by state, but essentially, the attorney is subject to disciplinary procedures for ethical violations committed by his/her paralegal. The unauthorized practice of law will always be a huge issue. Paralegals, as well as attorneys, should make sure they have a clear understanding of the Do's and Don'ts, bearing in mind that, although the attorneys are responsible for the work product of their paralegals, *the paralegals are likewise subject to disciplinary procedures*. It is the responsibility of the paralegal to know the rules on important issues such as ethics, confidentiality and privilege.

Regulation

National paralegal associations and many state courts are enacting or considering the enactment of regulation of the paralegal profession, much like attorneys. This type of regulation would require paralegals to take certifications exams and, after attaining accreditation, commitment to a certain number of hours of continued legal education each year.

Maximized Profitability

To ensure that they are getting the maximum profitability from their paralegals, attorneys should know and document the exact skill level of the paralegal; it does not increase profitability if a paralegal is consistently assigned tasks that are beyond the scope of his/her level of expertise. A paralegal should be given the opportunity to participate in continuing legal education opportunities as well as opportunities for professional development, such as the participation in local and national professional organizations. Most firms encourage (and some will even subsidize) continued legal education for their paralegals. A paralegal who is treated as a professional and is allowed participation in practice group meetings generally has greater job satisfaction, which in turn leads to greater productivity and less turnover. In short, the economic benefits of employing a paralegal far outweigh the additional ethical responsibility of the supervising attorney.

Absolute Don'ts

There are a few practice rules a paralegal may absolutely not engage in. A paralegal *cannot* give legal advice. A paralegal *may not* accept case matters directly from the client. A paralegal may also *not* set fees. A paralegal *cannot* sign pleadings or legal documents nor can he/she represent clients in court or formal legal proceedings including, but not limited to, formal legal proceedings such as depositions, unless statutorily or administratively authorized to do so.

Also the paralegal's non-lawyer status must *always* be perfectly clear in all oral and written communications. There are specific exceptions to the unauthorized practice of law set forth in the Federal and Administrative Procedures Act, U.S.C. 555(b). These exceptions pertain to the Social Security Administration, Internal Revenue Service, Department of Labor and the Environmental Protection Agency.

In closing, job satisfaction for a paralegal is directly tied in to how well the group of attorneys he/she is assigned to understands his/her skill level and how well they know how to utilize those skills. Moreover, paralegals desiring greater job satisfaction, and maybe in some cases even upward mobility, must continue to educate the attorneys with whom they work as to their precise level of expertise.

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