



FUNDAMENTAL DO AND DON'TS OF PARALEGAL UTILIZATION

By Joanne Wolforth

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Believe it or not, paralegals have now existed for over 30 years and by some lawyers' accounts have become a valuable asset to their practice. What makes one lawyer think so highly of paralegals, while another lawyer may not share that opinion? The answer to this question lies in proper utilization of paralegals. Simply put, lawyers who rely on paralegals are those who know how to use them.

If you're struggling with proper paralegal utilization and want to develop a strong relationship with a good paralegal, here are a few tips to follow.

A Few Simple Rules

By following a few simple rules of paralegal utilization you'll understand what some of your colleagues are raving about when it comes to their paralegals.

The American Bar Association defines a paralegal as "a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible."

First rule of proper paralegal utilization: Know that all paralegals are not equal.

Paralegals, like lawyers, develop and broaden skill sets and expertise over time. You can't expect an entry paralegal to produce the same work product or be able to perform the same tasks as a paralegal with several years experience.

Paralegals, like lawyers, have different specialty areas and work experience. You can't expect a high-level corporate paralegal to manage your litigation docket as effectively as a litigation specialist would; and a litigation specialist isn't going to handle your merger with the expertise of a seasoned corporate paralegal.

Second rule of proper paralegal utilization: Know the difference between paralegal work and secretarial work.

A true paralegal has education, training and work experience that is designed to be interchangeable with a second or third year lawyer. While some clerical work goes with the paralegal territory, to properly utilize a paralegal, clerical assignments should be kept to a minimum and assigned to a legal secretary whenever it's appropriate.

Third rule of proper paralegal utilization: Know the difference between procedural legal work and substantive legal work.

The substantive legal work of practicing law by analyzing and applying facts and circumstances is not work that paralegals are licensed to do. Let's take a simple corporate example: a client wants to start a



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business and consults a lawyer to determine the type and structure of the new business entity. After much discussion of all the purposes and plans of, and tax strategies for the business, the lawyer makes a legal decision as to the most appropriate structure.

Let's say the legal decision is to incorporate as a Delaware corporation with two classes of stock, common and blank check preferred, \$.01 par value, and qualified in Massachusetts and California. The results of these decisions are the procedural legal work that would be most efficiently and cost-effectively delegated to a paralegal. An experienced paralegal will draft the incorporation documents, initial bylaws, organizational consents, stock subscription agreement(s), stock certificates, IRS Form SS-4 and state qualification documents.

An experienced paralegal knows the most efficient and cost-effective procedures to get the documents executed and filed and completes the project with a complete company minute book containing all the pieces of a solid corporate structure.

Fourth Rule of proper paralegal utilization: A paralegal, regardless of his or her level of experience or particular expertise, always works under the supervision of a licensed attorney.

A highly trained and experienced paralegal can be a great asset to a lawyer by executing procedures, drafting initial documents and discussing particular fact patterns. But regardless of the level of experience a paralegal may have, paralegals should never discuss matters with the client without a lawyer's specific instructions. Ethical canons require lawyers to maintain adequate supervision of and control over the paralegal's work at all times. A good paralegal will always take this into account as well every good lawyer.

What Proper Utilization Does For Your Practice

With 1.1 million lawyers in the United States, competition in the legal marketplace can obviously be fierce. Having access to a great paralegal and utilizing that paralegal properly can result in:

- Spending less time re-inventing the wheel when it comes to procedural legal work;
- Increasing your bandwidth so you have more time for your clients or time for more clients;
- Increasing your billable rate because your time is spent on the higher level attorney work;
- Ultimately sharpening your competitive edge by delivering the highest level of client service at the lowest cost.

Fundamental Dos and Don'ts

To follow is a list of fundamental do's and don'ts of paralegal utilization to help you properly utilize paralegals to the best benefit of your practice:



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- Do build a relationship of mutual respect and trust with a paralegal enabling you to feel comfortable delegating legal work that you would otherwise be doing yourself;
- Do take advantage of that time to perform the high level lawyering you prefer and grow your practice;
- Don't limit your own professional growth by continually getting bogged down in lower level legal and procedural tasks that a paralegal could be doing for you;

Conclusion

Now that you are ready to properly utilize a paralegal, the question becomes where you can find one that fits your practice with the specialty and experience you need. For lawyers and legal departments without large budgets, or whose workloads ebb and flow, a virtual on-demand paralegal may be just the resource you need to allow you to leverage the benefits without incurring the expensive overhead.

On-demand paralegal services offered by [Virtual Paralegal Services, LLC](http://www.virtualparalegalservices.com), offer lawyers quick research, help on a specific project or on-going assistance as you need it. VPS strengthens your legal team and secures your competitive edge as an experienced, affordable and fast-responding team member without expensive overhead. By using on-demand paralegal services you can build an effective work team to serve clients in the best possible manner and generate profits without incurring overhead. To learn more about Virtual Paralegal Services and how it may strengthen your practice, contact Denise Annunciata at denise@virtualparalegalservices.com or phone her at 781-891-8808.

About Joanne Wolforth

Joanne Wolforth has been a paralegal for nearly 20 years working in law firms and in-house legal departments with specialty in business law, real estate and health care law. Joanne is a Senior Corporate Paralegal for Virtual Paralegal Services, LLC (www.virtualparalegalservices.com), which offers on-demand paralegal services™ to in-house legal departments and solo or small firm practitioners. Just prior to joining Virtual Paralegal Services, Joanne was a Senior Corporate Paralegal at Ropes & Gray LLP, Boston, Massachusetts.