

# What If There Were No Paralegals?

By Shawn Olley and Dana Huck

Following the theme of George Bailey's thinking in "It's a Wonderful Life," what if there had been no paralegals? The legal profession has seen some hard times recently and many firms have had to make difficult decisions, sometimes downsizing staff, putting off hiring, and/or changing fee structures to retain or grow their business. While it's a no-brainer that law firms need lawyers, paralegals also play an important role in the effective, efficient and ethical provision of legal services. What if there had been no paralegals?

I work with hundreds of attorneys and dozens of firms that run the gamut of paralegal usage. In my unique position as a contract paralegal and an employer of paralegals, I have witnessed and participated in the process of choosing trained (through education or experience) paralegals for both short-term and permanent assignments. I have also seen the quality of work that is produced by firms that have professional paralegals, as opposed to those anointed with magic dust and little else. I have also worked with firms that had no paralegals at all.

Firms without paralegals are at a disadvantage. Attorneys who choose not to invest in this resource don't do their clients any favors either. The absence of a paralegal doesn't mean that paralegal duties don't exist; it just means that they are being done at the wrong pay grade. A trained paralegal is the ideal

"project manager." Although the size of a project may dictate the scope and formality of its management, smaller matters may benefit even more from the cost-effective services of a skilled paralegal. Without a paralegal, the lawyer who handles many cases at a time has the added stressors of managing the minutiae, which can't help but lower the overall quality of legal services provided. It even reduces the number of cases the lawyer can handle effectively. Without the paralegal/project manager, lawyers are forced to choose between charging the client at an unnecessarily high rate or passing the tasks off to someone who hasn't been given the tools to efficiently accomplish them.

Without the paralegal, who gathers, reviews, organizes and summarizes volumes of evidence? The lawyer. Without the paralegal, who learns and implements new technology that increases productivity and improves results? The lawyer. And while the lawyer is doing all of those things, when is the lawyer providing *legal* services to clients?

Undoubtedly, the more complicated the case, the more moving parts, the more significant the need for paralegals. As we all recognize, no two projects/cases/assignments are the same. The temperament of the client, the willingness to communicate, the budget available and the attorney assigned all play a significant role in the choices that are made in managing any matter.

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However, life without paralegals would be life without:

- Additional time in an attorney's schedule to devote to the complexity of cases and improve communications with clients. Keeping the client abreast of case activities will eliminate problems in the future with case focus or cost surprises.
- Additional time to increase the volume of cases that an attorney is able to manage, which increases the revenues to the practice. When the attorney is not bogged down with details below his/her pay grade, there is more time for the ever-important rainmaking.
- Providing clients with better service due to a multi-level billing system that matches the task with an appropriate price. Clients love the idea of a reduction in legal costs for tasks that common sense dictates can be done for a lesser charge.
- The ability to market to clients that your practice is keeping up with innovations available in the marketplace. The investments to automate previously manual processes will provide an edge when clients compare the value of each legal dollar spent among competing firms.
- An additional level of communication with clients, providing updates and answering questions that do not require attorney time.

The communication can oftentimes be more candid with the paralegal on the file when gathering information from a variety of sources. The client also understands the cost efficiency of using the paralegal and welcomes the increased availability that connection with the paralegal offers.

- Additional time to participate in continuing legal education opportunities and create marketing opportunities by volunteer work through pro bono or professional organizations. The practice of law is a business venture that is only as healthy as the strength of its client base. Exposure through venues that provide face time can contribute to the relationships that provide opportunity.
- A well-informed paralegal can play a key role as a sounding board for theories of a case. The paralegals' unique knowledge base makes them a great resource for fine-

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tuning strategies both during discovery and trial phases.

- An attorney that has worked as an associate will ultimately want to move up the ranks with recognition in pay increases and partnership status. Satisfied paralegals are long-term employees with a cumulative knowledge base specific to the lawyer's practice. Using associates in place of paralegals is generally a short-term answer since lawyers of any merit will move on to better opportunities leaving the employer to re-invent the wheel again. These soft costs are hard to evaluate since the impact can be subtle and long term.

Paralegals tend to be profit producers for their entire career.

- An experienced, trained paralegal has more practical knowledge than a law clerk or beginning associate. He or she understands the realities of a given law practice and can apply the real-world practicalities derived from years of real-life experience that save time and money for all involved.

- A paralegal can advocate for the lawyer and identify the technology advancements that will work for the practice. A resource that will take the time to learn the product and be formally trained on the full range of value the product will provide. The investment in time by a trained paralegal to track the updates and keep the software current provides savings in a real sense. The product works the way it is supposed to because someone is managing it and setting up shortcuts and templates that can be used to provide value billing to the clients.

- Paralegals stop doing things manually quicker because they are motivated and trained to look for process improvements. It's part of the DNA of the paralegal profession. Since paralegals are the ones assigned to manually organize or manually Bates label documents, they experience the wasted time firsthand. That very motivation gets them looking for better ways of doing things. The mantra that something has always been done a certain way can make way for "I've found a better way."

- Attorneys' work schedules are hectic and they multi-task, concentrating on the big picture. Paralegals are all about the detail. They have the ability to multi-task a million little things that make the practice run smoothly, anticipating the attorney's need and the logical progression of the case based on intelli-



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gence and experience. Paralegals can train a coworker, email a client, interview a witness, manage a database, cite check a brief and update pleadings all within the same hour.

Time is money. Lawyers that feel the cost of a paralegal hire cannot be balanced against the advantages have a low value assessment of their own time. The Bureau of Labor Statistics quotes the 2010 median wage of paralegals at \$46,680 per year and an hourly wage of \$22.44. Even when adding the benefit package expected, the cost of a paralegal is much lower than the average billable rates.

The National Association of Legal Assistants survey listed billing rates commonly between the \$111.00-\$122.00 ranges. Setting a price to recoup the investment is based on the region of the country, specialty, education and most importantly, level of experience of the candidate. A more aggressive billing model was identified in the National Association for Legal Professionals survey. The results posted for 2011 identified billing rates ranging from \$135 for a Paralegal Clerk up to a median of \$245 for the Paralegal Manager position. Since the paralegal resource can provide an added professional service source AND has the potential of being a revenue source, the decision to go without is even harder to understand.

Luckily the trend is in favor of the paralegal profession. The lawyers that continue to hold out will find themselves in an ever-shrinking minority. The paralegal profession is predicted to increase by 18 percent between 2010 and 2020. The same report shows the attorney profession advancing percent. As the competition for clients becomes even more aggressive, those able to outline what they have done to keep pace with advancements are going to have the competitive advantage. Perhaps that will be the trigger to get the final group of attorneys on the paralegal bandwagon.

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