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Lisa Zimmer Hatch, MA
Scott A. Hatch, JD

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3rd Edition

**by Lisa Zimmer Hatch, MA, and
Scott A. Hatch, JD**

Authors of LSAT For Dummies

**for
dummies®**
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Paralegal Career For Dummies®, 3rd Edition

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Introduction

America has a fascination with courtroom dramas. Hundreds of movies and series have been based on the legal profession. Hollywood has even made musicals with courtroom scenes! Real courtroom dramas receive nearly constant attention on the news networks, and if CNN's coverage of every detail in a trial isn't enough, there's always continuous access to *Law & Order* reruns on numerous channels and streaming devices.

You may not have noticed, but one thing's missing from most of these legal dramas: the behind-the-scenes work of the paralegals (or legal assistants as they're sometimes called). In the media, lawyers give flawless and impassioned pleas to the jury, and the force of their arguments turns the case, or, under relentless cross-examination, the defendant suddenly admits to the crime. In reality, these events rarely happen — cases are won and lost based on what takes place outside of the courtroom even before the trial.

The vast majority of the work for a civil or criminal trial is done before the trial begins, and after a trial starts there are usually very few surprises. But just as the networks choose to broadcast the Olympics but not the four years of training in between, so the focus of dramas is on the action in the courtroom and not all the investigation, interviewing, writing, and research that builds the case. So, when you're watching TV dramas, you'll usually see the lawyers in the courtroom but not the paralegals whose research allows the trial to take place.

Whether you're researching the paralegal profession to see if it piques your interest or you've worked as a paralegal since Clinton was in office, you can find a wealth of pertinent information in this book. This book is a fun and informative resource for anyone who loves the law and wants to find out more about it. You'll want it within easy reach as a reference to consult throughout your paralegal career or to explain the nuances of what you're watching on television. This book offers something for everyone.

About This Book

If being a paralegal appeals to you, you've come to the right place. Since 1980, we've instructed people from all walks of life and with a variety of goals on how to work as paralegals. This experience has shown us what information you absolutely need to know before you apply for a paralegal position and what information is best learned on the job. So, *Paralegal Career For Dummies*, Third Edition, doesn't cover things you don't need to know — we want to focus on what's *most* important.

This third edition incorporates updated information about the role of technology in legal practice. It explains how paralegals can use developments in artificial intelligence technology to save time and increase efficiency.

And as if the amazing information in this text wasn't enough, in this third edition we include accompanying online resources at www.dummies.com/go/paralegal-career3e. You can access useful forms, sample resumes and cover letters, and other references.

Finally, this book is a reference book, which means that you can keep it at your desk and reach for it whenever you need some more information. You don't have to read it from beginning to end — you can just dip into whatever chapter or section is most interesting to you today and come back to the book later as your needs and interests change. Of course, if you want to read the book from cover to cover, we won't stop you!

Foolish Assumptions

We make a few assumptions about who you are, as the reader of this book.

Maybe you've always had an interest in law, but you don't want to spend the time and expense on law school. (Besides, who wants to be the brunt of all those lawyer jokes!) Or, if you don't mind the jokes, you could be considering law school, but you want to be sure that law's a good match for you before you invest in three or four more years of education. Because paralegals do almost everything an attorney does, working as a paralegal will let you know right away whether you love the law as much as we do. Plus, a job as a paralegal would be a perfect way to make money while you're in your last two years of law school. You may even decide you'd rather stick with a paralegal career, especially considering that the Department of Labor consistently projects the paralegal career to grow much faster than the average for other professions.

Maybe you're working as a legal secretary and thinking that you could do a lot more of the legal work in the office. Wouldn't it impress your supervising attorney if you could come up with a vital piece of legal research discovered as a result of your newly honed legal research skills? Or it could be that you worked on one of your own legal nightmares either as a pro se litigant or as an assistant to your attorney. You may have had an epiphany that you could do as good a job as (or a better one than) the attorney who worked on your case and that you could actually get *paid* for your efforts!

Whatever level of interest or experience you bring to the table, this book is for you.

Icons Used in This Book

One helpful feature of this book is the icons that highlight especially significant portions of the text. These little pictures in the margins alert you to certain kinds of information:



TIP

Throughout the book, we give you insights into how you can enhance your performance as a paralegal and your knowledge of how the law works. When we highlight something especially helpful, we flag the paragraph with a Tip icon.



TECHNICAL
STUFF

The language of law can be puzzling. Whenever you see one of these icons, you know that we're providing (sometimes excruciating) details on a complex legal concept. If you're not as into the minutiae as we are, you can safely skip these paragraphs and get to the main point.



WARNING

Working as a paralegal isn't all fun and games. As a paralegal, you can do — or fail to do — things that have devastating consequences. Heed these cautionary timebombs to avoid pitfalls that can cost you your dignity and maybe even your job.



REMEMBER

This book gives you gobs of information, and some of it's so important we may just have to say it again. When we talk about something especially important for you to remember, this icon will be nearby.

In addition to the fountain of information contained in this book, you'll find floods of handy forms and sample documents online. When we mention something that's available online at www.dummies.com/go/paralegalcareer3e, we also flag it with this icon.

Beyond the Book

In addition to the abundance of information and guidance related to the paralegal profession that we provide in this book, you get access to even more help and information online at Dummies.com. Check out this book's online Cheat Sheet. Just go to www.dummies.com and search for "Paralegal Career For Dummies Cheat Sheet."

Where to Go from Here

If you're new to the paralegal profession and want to see what it's all about, start with Chapter 1, which gives you a great introduction to a paralegal career. Then read the chapters in Part 2 to gain a general understanding of the field of law. From there, choose chapters that sound interesting to you to better determine if this exciting career is up your alley.

If you've worked as a paralegal or other legal staff, use this book to find out more about what you do on a daily basis. For example, if your supervising attorney wants you to take on more responsibility, such as legal research (Chapter 13), document drafting (Chapters 10 and 16), and interviewing (Chapter 12), read the specific chapters that pertain to your new duties. Or if you've always wanted to know about the legal system to get a better understanding of why you do what you do, read Chapter 4.

Although we're pretty confident about the comprehensiveness of this book, you'll probably need more education if you've never worked in a law office before or if you have but don't feel confident about the depth of your skills. Enroll in a quality program through a recognized university or college and impress your instructors with the expertise you've gained from reading this book!

You may want to join a state and local paralegal association to find out more about your chosen career and gain valuable networking resources. Above all, don't be timid. Get out there and apply your newly found knowledge to a real live job. If you think you need a little experience first, volunteer your services to a local nonprofit law office, such as the Sierra Club, Legal Aid Foundation, or the public defender's office in your area. You'll be surprised about how much you know with this book as your guide!

1

**A Snapshot of
the Exciting and
Lucrative
Paralegal
Profession**

IN THIS PART . . .

Explore the wide variety of jobs in the paralegal profession and sample those jobs where paralegals are most in demand.

Discover the skills and education necessary to succeed in a paralegal career.

Amplify your networking success by joining paralegal associations and decide whether certification makes sense for your path.

Prepare killer cover letters and effective resumes for securing a paralegal position.

Set up your freelance paralegal business and advertise your skills to law firms and other potential legal employers.

- » Looking into what paralegals do
- » Familiarizing yourself with the kinds of workplaces paralegals encounter
- » Getting the proper training to work as a paralegal

Chapter **1**

Discovering the Paralegal Profession

With so much media coverage for attorneys and so little for the equally important paralegals, you may not be entirely familiar with what a paralegal career entails. In this chapter, we tell you what paralegals do, where paralegals work, and what it takes to become a paralegal.

Almost a Lawyer: What a Paralegal Does

Both paralegals and lawyers are legal professionals. The difference is that an attorney must supervise a paralegal's work, and a paralegal can't do certain things, like give legal advice and represent clients in court.

But there are many things paralegals *can* do. Because using a paralegal instead of an attorney can save a lot of money, many law firms and corporations include paralegals in their staff. As a paralegal, you'll likely be doing many of the tasks that in past decades were accomplished primarily by licensed attorneys. We cover some of these important tasks in the following sections.

Researching and analyzing the law

Courts make decisions about current cases based on the decisions made in past cases. So, to effectively prepare a case, you have to know what the courts have decided in similar circumstances and evaluate them to figure out how they apply to the case you're working on. You find prior cases and relevant statutes through legal research.

Performing legal research can eat up gobs of time, so attorneys often count on competent paralegals to take up this duty. No matter which area of law you enter, you'll have to do legal research. If you work in areas that frequently require litigation, you'll do lots of research, but even other areas like domestic law, trusts and estates, corporate law, and entertainment law are going to require you to hit the books.

Of course, legal research has moved away from books and into computer technology. This doesn't mean that you'll be doing less research, just that you may be doing it from your desk rather than heading to a law library. (Chapter 13 shows you how to research the law in texts and on a computer.)

Your job doesn't stop with the accumulation of research. You also have to analyze the information by applying the law to facts and probably draft memos that present your analysis for the lawyers in your firm. You may need to apply the information that you find to a corporate contract, will, or other legal document. In many cases, you may even be asked to do initial writing on motions that will be filed in court. So although *you* may not be speaking in court, your *work* will be.

Playing Sherlock: Interviewing and investigating

Cases aren't only about relevant statutes and case precedents; they're also about the facts. As we discuss in Chapters 11 and 12, you may interview witnesses and collect evidence in your paralegal career. Evidence gathering is especially important in any kind of litigation. Litigation occurs in many areas of law. For example, corporate law may involve litigation stemming from contract disputes or product liability; patent and trademark law may lead to trials over intellectual property rights; and family law features frequent litigation, especially stemming from divorce and child custody issues.

For each of these kinds of lawsuits, there are witnesses to interview and evidence to gather. For example, if your supervising attorney were working for a plaintiff in a product liability suit, you might need to gather information on the harm caused by the product, interview other people who may have been adversely affected by

the product, work to determine what the company knew of the danger and when, and collect information from any additional witnesses.



TIP

Even if you aren't working in litigation, you may still need your interview and investigation skills. For example, when you help prepare a prenuptial agreement for a family law practice, you need to determine the client's assets and investigate the background of the future spouse. Whatever area of law you become involved in, you'll use interview and investigation skills.

Convening with clients

Without clients, the practice of law wouldn't exist. Tasks like legal research and document preparation may seem to be the main duties of legal professionals. But, you only engage in these and other legal tasks because you're working on behalf of a client. Establishing good relationships with clients is essential to open communication and good legal practice — and it's also important to strengthening your career.

During your paralegal career you may find that you're often the liaison between the client and the attorneys you work for, which may be one of the most important duties you have. As the liaison, you keep the client informed of how the case is progressing and work with the client to get all the relevant case information. Then you accurately relay what the client tells you to the attorney who represents the client.



REMEMBER

As a paralegal, you generally aren't allowed to have your own clients. If you tell clients that you're representing them in a legal matter, you're probably guilty of the unauthorized practice of law. So, in every case, clearly communicate to the client your status as a paralegal. All your duties are supervised by a licensed attorney, which means that you communicate everything the client tells you to your supervising attorney. Attorney-client privilege doesn't require or even allow you to keep any secrets from your client's lawyer. (You can find more on these and other ethical concerns for paralegals in Chapter 15.)

Administering the legal environment

In some offices, you may work as a case administrator. An administrator handles the case details for a client and the attorney. For example, law firms may have special accounts where they keep money that belongs to clients rather than to the firm. If a client wins a judgment or if money included in a will is being dispersed, that money passes through the accounts of a law firm. Or, you may keep track of the money bequeathed through a will if you work for a probate attorney.

WHY IT PAYS TO BE A PARALEGAL

Many people with dreams of working in the legal profession think first about becoming an attorney. The reality is that becoming a paralegal may make more sense than becoming an attorney. In general, paralegals don't make as much money as the licensed attorneys they work for. However, some experienced paralegals, such as those working in large corporate firms, may make considerably more money than young attorneys in other areas like criminal and family law. For the sake of comparison, consider two imaginary college students who graduate from the same college in the same year and end up working at the same midsize corporate law firm three years later.

Ann decides to attend law school after graduation. Because of her good grades and LSAT scores, she's accepted at a competitive law school, one that doesn't offer many scholarships. So Ann has to finance her education with loans. The average cost of tuition, living expenses, and books at a competitive law school is more than \$55,000 per year. Federally guaranteed loans only cover about half of this, so Ann has to take the rest in private loans with higher interest rates. At the end of her three years of study and her six months of preparing for the bar exam, Ann is in debt for more than \$100,000. To pay off her loans within 20 years, Ann makes monthly payments of as much as \$2,200 per month. Ann also had to forgo three and a half years of wages while she was in law school and studying for the exam.

John decided after graduation to become a paralegal. He chose a course of paralegal training that took about a year, but the classes fit his schedule so that he could also work full-time as an administrative assistant at a law firm. His tuition was much lower than Ann's, and because he was working, John didn't have to take out any loans at all. After completion of his course, John stayed with the firm as a paralegal instead of an administrative assistant.

By the time Ann is hired by the firm, John has already worked there for three and half years, the last three as a paralegal. He has earned raises each year and is making \$60,000 per year. Ann joins the firm at a salary of \$85,000 (a good starting salary for an attorney). Ann's loan payments of \$2,200 per month add up to about \$26,000 per year. So, when taxes are taken into account, John actually has more disposable income than Ann! In addition, John has saved \$20,000 from his three and a half years of working, while Ann still has to pay off \$100,000 in debt. In terms of wealth, John is starting out \$120,000 ahead of Ann! Even if Ann's salary rises faster than John's, it will probably take about 20 years for Ann to catch up with John in terms of wealth.

As this example illustrates, for many people, becoming a paralegal is a better way to get involved in a law career.

In a small law office, your paralegal duties may also include administrating the entire operation, including the filing system, the calendar, and the billings. (For more on how to manage these tasks, turn to Chapter 18.)

On the Job: Where Paralegals Work

Paralegals work in many different areas of the law. (For a sampling of some of them, read Chapter 9.) Some paralegals choose to earn higher salaries in corporate law or complex litigation. Other paralegals work for low-income clients or for public interest or environmental law firms. Some paralegals like the personal atmosphere of a small firm and others take control of their futures by starting their own paralegal businesses. There are as many different choices for paralegals as there are types of law!

The six-figure paralegal: Working for the big firm

If you think that attorneys are the only legal professionals capable of making six-figure salaries, you're wrong! In bigger cities, experienced paralegals working for large firms can make more than \$100,000 per year. Two factors have a big influence on the salary you can earn as a paralegal:

- » **Your level of experience:** The longer you work as a paralegal, the more valuable you become. (That's why it's important to get started on your career as soon as possible.) As you develop your skills, you'll be given more complex tasks and get paid accordingly.
- » **Your area of specialization and the responsibilities of your job:** If you choose to specialize in corporate law or litigation, you have a high earning potential. Increased salaries usually mean more responsibility. The highest-paid paralegals often supervise other paralegals or have particularly important duties within the firm.

Here are some areas of the law where paralegals often make the highest salaries:

- » **Litigation:** Paralegals working in the field of litigation have some of the most interesting, and challenging, duties available to legal professionals. Litigation can be fast-paced and complex with dozens of potential witnesses and mountains of evidence. It takes qualified and talented lawyers and paralegals to deal with complicated litigation. If you aren't afraid of intense work that

often extends beyond the normal workweek, you may have what it takes to make a big salary in litigation.

- » **Corporate law:** Corporate law involves important and lucrative deals. Contracts, mergers, takeovers, and issuing of stock constitute just some of the activities of a corporate legal team. If you have an eye for detail and you're interested in business, corporate law could mean a big deal for you.
- » **Other special areas of law:** Another way to make a high salary is to specialize. Paralegals are always in demand in certain specialties. These specialties require knowledge of more than just the law. For example if you have a degree in chemistry, you could specialize as a paralegal working with the pharmaceutical industry. Nurses find highly paid positions as consultants in firms that specialize in medical malpractice.

Examples of areas where your interests can turn into a high paying paralegal position include patent and trademark law, environmental protection and other areas involving science, and medical malpractice and product liability.

Jack- or Jill-of-all-trades: Working for the small firm

Working in corporate law, complex litigation or an unusual specialty might not be for you. Paralegals do tend to earn the most in these areas, but salary isn't everything. Working in a small firm offers many advantages, and if you don't want to live in one of the big cities in the United States, a small firm may be your best option.

As a paralegal in a small firm, you may find yourself performing diverse tasks while working on a wide variety of cases. You might be compiling asset information for a bankruptcy filing, interviewing witnesses for a child custody issue, helping a client draft a will, and assisting a small business with incorporation. Talk about multitasking!

If you like to constantly confront new challenges, if you like seeing your efforts have immediate results for real people, and if you're flexible enough to do your best with any assignment you're given, the small firm might be the choice for you. Plus, small firms often offer opportunities for fledgling paralegals to get their feet in the door.

Spreading the love: The pro bono paralegal

If you're willing to sacrifice salary for public assistance, you could become a paralegal working for a nonprofit organization, legal aid society, or government

agency, or at one of the pro bono firms that work for justice rather than profit. These firms work to help disadvantaged clients, save the environment, uphold civil rights, and protect constitutionally guaranteed liberties. By working for one of these firms, you'll pull in a modest salary but make a big difference!

Working for the government

A significant area of employment for paralegals is in the public sector. All levels of government and court systems employ paralegals. The biggest federal employer of paralegals is the Department of Justice, followed by the Social Security Administration and the Treasury Department, but nearly every cabinet department employs paralegals. State governments have been hiring new paralegals at increasing rates. Paralegals have been replacing licensed attorneys in bureaucracies because using paralegals saves governments lots of money.

If you choose to become a paralegal in the public sector, you'll be a member of a bureaucracy. The public sector has more defined rules and procedures and more definite job descriptions and roles than the private sector does. Working for a small firm, you might be asked to perform just about any task required for a client. Working for the government, you'll likely have a strictly defined job description and a firm knowledge of exactly what you'll be doing each day.

The public sector pays less than large firms but generally more than small firms. Government employment also tends to be less risky than employment in the private sector. Government employees have more rights, including the protection of certain personnel procedures that don't allow government employees to be fired on a whim. Government jobs also tend to provide excellent benefits packages. If you favor stability, a public sector job may be right for you.

Doing it your way: The paralegal as independent contractor

On the other end of the spectrum from stable government employment is the paralegal entrepreneur. If you don't want to be tied down to a single firm, if you want the opportunity to work for different firms on different projects, or if you're comfortable taking risks and reaping the rewards that come with being your own boss, you may choose to strike out on your own as an independent contractor.

Independent contractors are paralegals for hire. If a small law firm suddenly gets involved in big litigation, it needs lots of help. Instead of hiring a bunch of employees and paying them benefits, the firm may be better off contracting with a freelance paralegal. Of course, in most cases, freelance paralegals still have to be supervised by an attorney. But some states allow paralegals to work directly with

clients in document preparation and limited practice areas such as family law, wills and trust, and landlord-tenant law.

By creating your own paralegal contracting service, you can take more control of your professional life than you usually can working for one particular firm. (For more information about setting up a freelance paralegal business, see Chapter 3.)

What It Takes: The Skills, Knowledge, and Training You Need

Gaining the skills you need to become a legal professional takes more than reading every John Grisham novel. Paralegals are skilled professionals. When you work as a paralegal, you won't have your own clients, give legal advice, or argue a case in court (except in specific administrative law hearings), but you can do any of the other tasks that can only be performed by a skilled legal professional. Of course, you have to become a skilled legal professional first! To succeed as a paralegal, you need the right combination of personality and education.

The paralegal personality

The legal profession is a demanding one for attorneys and paralegals. The hours can be long, deadlines tight, and stakes high. The legal profession also has a strict code of ethics — just missing a deadline can be an ethics violation.

People with many different backgrounds and personalities can and have succeeded as paralegals. However, there are certain things that nearly all successful paralegals have in common. So when we talk about the right personality for the paralegal profession, we mean the group of characteristics that successful legal professionals — both lawyers and paralegals — tend to share.



TIP

Here are some of the main characteristics you need to survive in the legal profession:

- » **You need the ability to reason.** You don't need to have aced the I.Q. test or earned a 4.0 GPA throughout your educational career to be a good paralegal. But you do need to be able to understand and analyze complex legal issues to interview witnesses, conduct legal research, or draft contracts.
- » **You need to be reliable.** The legal profession lives and breathes deadlines. In litigation, there are specific deadlines you have to meet for filing documents